



**Nottingham City Council
Executive Board**

Date: Tuesday, 21 May 2024

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

Agenda	Pages
1 Apologies for Absence	
2 Declarations of Interests	
3 Minutes Minutes of the meeting held on 19 March 2024, for confirmation	3 - 10
4 Levelling Up Funding for Bulwell Town Centre Regeneration Report of the Portfolio Holder with responsibility for Strategic Regeneration	11 - 38
5 Use of ring-fenced public health grant allocation 2024/25 Report of the Portfolio Holder with responsibility for Public Health	39 - 52
6 Future High Streets Fund - Reallocation of Funding Report of the Portfolio Holder with responsibility for Strategic Regeneration	53 - 64
7 Dates of future meetings To agree to meet on the following Tuesdays at 2pm:	
<ul style="list-style-type: none">• 18 June 2024	

- 16 July 2024
- 17 September 2024
- 22 October 2024
- 19 November 2024
- 17 December 2024
- 21 January 2025
- 11 February 2025
- 18 March 2025
- 22 April 2025

8 Exclusion of the Public

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 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

9 Future High Streets Fund - Re-allocation of Funding - Exempt Appendices

65 - 80

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.

Citizens are advised that this meeting may be recorded, including by members of the public. Any recording or reporting on this meeting should take place in accordance with the council's policy on recording and reporting on public meetings, which is available at www.nottinghamcity.gov.uk. Individuals intending to record the meeting are asked to notify the Governance Officer shown above in advance.

Nottingham City Council

Executive Board

**Minutes of the meeting held at Loxley House, Nottingham on 19 March 2024
from 2.00 pm - 2.32 pm**

Membership

Present

Absent

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

Colleagues, partners and others in attendance:

Ailsa Barr	- Director of Children's Integrated Services
Mel Barrett	- Chief Executive
Ross Brown	- Corporate Director for Finance & Resources
Colin Parr	- Corporate Director for Community, Environment and Residents Services
Sajeeda Rose	- Corporate Director for Growth and City Development
Malcolm Townroe	- Director of Legal and Governance
Phil Wye	- Governance Officer

Call-in

Unless stated otherwise, all decisions are subject to call-in. The last date for call-in is 27 March 2024. Decisions cannot be implemented until the working day after this date.

101 Apologies for Absence

Catherine Underwood

102 Declarations of Interests

None.

103 Minutes

The Board confirmed the minutes of the meeting held on 13 February 2024 as a correct record and they were signed by the Chair.

104 Forest Recreation Ground Sports Zone Improvement Project

Councillor Corall Jenkins, Portfolio Holder for Energy, Environment and waste Services and Parks, presented the report providing details of the Forest Recreation Ground Sports Zone Improvement Project, highlighting the following:

- (a) the project seeks to transform the existing sand-based football pitch into a new 3rd Generation (3G) rubber crumb football pitch and construct a 90m² extension to the existing building, improve the fencing around the site and improve the access arrangements for both pitches;
- (b) since its construction in 2015, in partnership with Nottingham Forest Community Trust, (NFCT), the Forest Recreation Ground Sports Zone has become a premier community facility and provides a range of Football Development and other sports activities, for both the local community and teams from around the city. The facilities are highly utilised and are always busy delivering a range of sports activities. The lower pitch, contained within the Forest Recreation Ground Sports Zone is sand-based and was originally funded by Sport England. As a condition of the Sport England grant the council agreed to set up a Forest Multi Use Activity Pitch sinking fund to help pay for the replacement of the sand-based pitch. The sand-based pitch is now past its operational best and requires replacement in line with the Sport England conditions;
- (c) to enable NCC to further improve the facilities at the site, funding has been secured from Nottingham Trent University (NTU), who are keen to be involved at this site to help provide use for both the University and the local community. Additional funding is to be secured from the Football Foundation. Partnership funding from the Football Foundation, NFCT and NTU, will provide further match funding against the existing sinking fund contributions, which will fully fund the project. This equates to 93% partnership funding and 7% sinking funding contributions;
- (d) assurances have been sought from the Head of Green Space and Natural Environment that 3G pitches have been recognised by Sport England as durable, safe, year-round playing surfaces, which are able to withstand intensive use and all kinds of weather.

Resolved to

(1) approve the project as detailed in the Forest Sports Zone Improvement proposals (Appendix 1) subject to:

- a) Capital Board endorsement and agreement to treat the project as an in-year fully funded addition to the capital programme;**
- b) Director of Residential Services, Finance, Procurement, Spend Control Panel and Section 151 Officer approval;**
- c) confirmation of funding and conditions to be imposed being the same as those attached as appendices 2, 3 and 4;**

- d) acceptance of partnership funding from Nottingham Trent University, subject to a Management Agreement and Investment Agreement being in place before entering into a contract to deliver the project;**
- (2) approve the submission of the match funding application to the Football Foundation and approve the acceptance of the grant if the application is successful. The project will not progress into the delivery phase until all the external funding is secured;**
- (3) delegate the authority to the Director of Residential Services, to carry out the procurement process and enter into contracts (in accordance with the Public Contract Regulations 2015 and the Council's constitution) relating to the project, subject to review by Legal Services or external lawyers;**
- (4) delegate the authority to the Director of Residential Services to agree the refreshed Deed of Dedication, subject to review by Legal Services or external lawyers, this will be finalised once the Grant has been awarded and before entering into contract;**
- (5) delegate the authority to the Director of Residential Services to approve the refreshed Management Agreement with Nottingham Forest Community Trust and Nottingham Trent University, subject to review by Legal Services or external lawyers and to reflect the Concession Contract Regulations 2016;**
- (6) delegate the authority to the Director of Residential Services to enter into an Investment Agreement with Nottingham Trent University.**

Reasons for decisions:

- The initial Forest Recreation Ground Sports Zone (FSZ) project was completed in 2015 utilising Sport England funding. A condition and contractual obligation of the Sport England grant was that the Council should set aside monies in a Forest Multi Use Activity Pitch (FMAP) sinking fund to replace and upgrade the existing sand-based pitch when it came to its end of life.
- The FSZ provides a sporting hub for local people and encourages them to be active and improve their physical and mental wellbeing. Embracing the diversity, positivity and enthusiasm of its community, and offers a safe and professional environment for local people to engage in physical activity, skills training, organised sport and helps divert young people away from crime and anti-social behaviour.
- The existing community building is no longer adequate to address the needs of those using the facility. Additional meeting rooms are required along with improved access facilities. These improvements can be delivered within the funding available.
- Partnership funding from the Football Foundation and Nottingham Trent University (NTU) will provide 93% of the total funding requirement to deliver this

project, with the remaining funds taken from the Council's FMAP Sinking Fund.

- The delivery of the programmes will continue to be delivered under the existing management agreement with Nottingham Forest Community Trust (NFCT). This agreement will be amended to reflect any new or amended conditions, the Concession Contract Regulations 2016 and the investment from NTU.

Other options considered:

- Do Nothing: This is not an option and has been rejected. It is a condition of the existing Management Agreement and capital funding, that the existing FMAP must support the delivery of the site's Football Development Plan, and that the facility is maintained "Fit for Purpose". The existing FMAP carpet, fencing and floodlights are close to the end of life, and the pitch is no longer sustainable in its current state. There is also a risk of losing the capital investors if no action is taken.
- Deliver the original plan to realign the pitch and additional changing/ training and office building. This option was rejected as cost estimate were too high and it was not favoured at recent public consultation events.
- Reinstate the sand-based pitch. This option has been rejected as the sand-based pitch is considered outdated, and not a suitable playing surface needed to support the site's continued delivery and improvements to the football development programme.
- Deliver a new 3G and site improvement. This option has been approved, as it will deliver the required investment to the pitch, as per the original Sport England grant condition. The new facility will enhance the quality of the site and improve the delivery of the football development programme.

105 Period 9 2023/24 Budget Monitoring

Councillor Audra Wynter, Portfolio Holder for Finance and HR, introduced the report providing an assessment of the Council's 2023-24 forecast outturn position for the General Fund, Housing Revenue Account and the Capital Programme based on activity to the end of the Period 9 (31 December 2023) and including material changes known at Period 10.

Ross Brown, Section 151 Officer and Corporate Director for Finance and Resources, delivered the report and highlighted the following:

- (a) the 2023-24 net General Fund budget approved by Council was £261.832m. At the end of Period 9, the General Fund is forecasting a net gross budget overspend of c£48m (c£57m at Period 6) which is partly being off-set by in-year management and corrective actions, reducing the net forecasted overspend to £19.316m (7.38%). This is a net reduction of £3.766m since the last reported period (£23.351m net overspend at Period 6);
- (b) the People department is forecasting a net overspend of £20.789m (£18.752m net overspend at Period 6) largely driven by external care placement costs, demand

overspends relating to Children in Care placements, and Special Education Need and Disabilities transport costs;

- (c) the Communities Environment and Resident Services department is forecasting a net underspend of (£1.744m) (£1.936m net overspend at Period 6) mainly due to a combination of expenditure no longer qualifying for capitalisation and budget overspend in Community Safety and Logistics and Markets, offset by savings in utilities, staff vacancies and improved income levels across Sport & Leisure and Enviroenergy;
- (d) at Period 9 45.80% of Transformation Programme savings have been delivered (39.20% at Period 6) with £6.181m of non-delivered savings included within the 2023-24 net General Fund pressure of c£19.6m including some of £2.314m at risk;
- (e) due to the Council's systems and processes it is difficult to disaggregate from the financial forecast the financial impact of the spend control measures but through the forecasted reduction in gross expenditure between Period 6 and Period 9 a correlation can be made that the spend measures have impacted spend.

Members of the Board made the following points:

- (f) the Sports and Culture Service is predicting a net underspend due to better than expected income recovery following the pandemic and customer retention at leisure centres, higher than expected visitor numbers at museums, high ticket sales at the Theatre Royal Concert Hall, and underspend at libraries;
- (g) Adult Social Care is forecasting an overspend in line with other Councils around the country, with a £15.929m gross pressure relating to External Care Purchasing. This is due to high inflation and shortages of staff in the care sector. Some of this has been offset by freezing recruitment and through funding such as the Better Care Fund;
- (h) recruitment of foster carers internally has made positive progress, with an increase in recruitment compared to last year and further recruitment upcoming. This has been supported by regional working with other East Midlands Councils.

The Board thanked both Sara Storey, who left the Council recently as Head of Adult Social Care, and Malcolm Townroe, Head of Legal Services, who will be leaving the Council soon, for their work.

Resolved to

- (1) note the net forecast outturn of £281.416m. on the General Fund Revenue budget of £261.832m as set out in section 3 Table 1 which is a forecasted net overspend of £19.316m (7.38%);**
- (2) note progress on the Transformation Programme savings of £15.671m as set out in section 4, Table 3 with £7.176m (45.8%) delivered or on track and £8.495m (54.2%) at risk or non-delivery;**

- (3) note the forecast outturn underspend of £6.091m (5.1%), on the HRA against a gross budget of £119.924m as set out in section 5 Table 4 of the report;**
- (4) note the Capital Programme for the period 2023-24 to 2026-27 of £782.085m as approved at Full Council March 2024, alongside the forecasted 2023-24 outturn of 261.160m and capital spend at Period 9 of £131.784m;**
- (5) note that any capital slippage within the Capital Programme will be an addition to the 2024-25 approved Capital Budget and reported as part of the 2023-24 Capital Outturn report;**
- (6) approve net departmental General Fund budget changes of £21.518m as summarised in Appendix 1 and HRA budget change of £2.012m (paragraph 5.4) and to delegate authority to the Director of Finance in consultation with the Section 151 Officer to approve and process any further budget changes in 2023-24.**

Reason for decisions:

- These decisions form a key part of formal General Fund Revenue, Capital and HRA monitoring against the 2023/24 budget.

Other options considered:

- Not to provide Executive Board with an update on the Council's forecast outturn position: not considered as this forms a key part of formal General Fund Revenue, Capital and HRA monitoring against the 2023-24 budget.
- Not to approve the budget changes: not considered as Councils are required to deliver a balanced budget each year ensuring that the projected expenditure and commitments can be matched by the available resources in year.

106 Exclusion of the Public

Resolved to exclude the public from the meeting during consideration of the remaining item due to the information having been provided to the Council by a Government Department on terms which forbid the disclosure of the information to the public.

107 Supporting Families Grant Funding 2024/2025

Councillor Cheryl Barnard, Portfolio Holder for Children, Young people and Education presented the restricted report.

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

Reasons for decision:

- As set out in the exempt minutes.

Other Options Considered:

- As set out in the exempt minutes.

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Subject:	Levelling Up Funding for Bulwell Town Centre Regeneration
Corporate Director(s)/Director(s):	Sajeeda Rose – Corporate Director for Growth and City Development Paul Seddon, Director of Planning and Transport
Portfolio Holder(s):	Portfolio Holder with responsibility for Strategic Regeneration
Report author and contact details:	Kirstie Newell, Project Manager, Major Projects Kirstie.newell@nottinghamcity.gov.uk Tel: 0115 87 65291
Other colleagues who have provided input:	Steve Dickens, Programme Manager, Major Projects
Subject to call-in:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Key Decision:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criteria for Key Decision:	
(a) <input checked="" type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Income <input type="checkbox"/> Savings of £750,000 or more taking account of the overall impact of the decision	
and/or	
(b) Significant impact on communities living or working in two or more wards in the City <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Type of expenditure: <input type="checkbox"/> Revenue <input checked="" type="checkbox"/> Capital If Capital, provide the date considered by Capital Board Date: 10 th April 2024	
Total value of the decision: £19.867M	
Section 151 Officer expenditure approval Has the spend been approved by the Section 151 Officer? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/a Spend Control Board approval reference number: N/a	
Commissioner Consideration Has this report been shared with the Commissioners' Office? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Any comments the Commissioners wish to provide are listed below.	
Wards affected: Bulwell	
Date of consultation with Portfolio Holder(s): 19/02/2024	
Relevant Council Plan Key Outcome:	
Clean, Green and Connected Communities	<input checked="" type="checkbox"/>
Keeping Nottingham Working	<input checked="" type="checkbox"/>
Carbon Neutral by 2028	<input checked="" type="checkbox"/>
Safer Nottingham	<input type="checkbox"/>
Child-Friendly Nottingham	<input checked="" type="checkbox"/>
Living Well in Our Communities	<input checked="" 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"/>

Summary of issues (including benefits to citizens/service users):

The City Council has been awarded £19.867M of capital funding from the Department for Levelling Up, Housing and Communities (DLUHC) to deliver Bulwell Town Centre regeneration.

A bid was submitted to DLUHC in June 2022 seeking funding under Round 2 of the Levelling Up Fund (LUF2) for this scheme but was initially rejected. In November 2023 DLUHC announced that full funding would however be awarded under Levelling Up Fund 3 (LUF3).

The funding seeks to bring improvements to Bulwell Town Centre by:

1. Improving the central market and high street areas and connections to green space, strengthening the 'beating heart' of the town through a series of placemaking interventions including a new marketplace, green space enhancements and creation of a 'Bulwell Promenade'.
2. Improving the look and feel of hidden heritage helping to 'preserve the soul', restoring the rich heritage and culture of the market town, reinstating original features to dramatically improve historic buildings.
3. Reconnecting Bulwell through public realm improvements easing access for all and creating better connectivity between key leisure, retail, transport, and green space unlocking the Town Centre.

It is envisaged that this investment will create jobs, increase footfall, improve trade, increase access to high quality green space, restore heritage and unlock a programme of culture and creative events, helping Bulwell restore its pride and complement recent transport infrastructure investment in the area.

Does this report contain any information that is exempt from publication? No

Recommendation(s):

- 1 To accept the £19.867M of Levelling Up Funding secured from the Department for Levelling Up, Housing and Communities to deliver a town centre regeneration in Bulwell.**
- 2 Delegate acceptance of the Memorandum of Understanding, subject to the satisfactory review of the obligations contained therein, to the Corporate Director for Growth and City Development in consultation with the Corporate Director of Finance and Resources.**
- 3 To approve £19.867m of expenditure into the capital programme funded by Levelling Up Funding, subject to signing the funding Memorandum of Understanding and if further third-party matched funding is secured to enhance the scheme it is approved into the Capital Programme through the relevant governance route.**
- 4 Delegate final project approval, initiation of procurement activities and appointment of the contractor/s to deliver the project to the Corporate Director for Growth and City Development and through engagement with the Portfolio Holder for Strategic Regeneration and Communications, give final project approval.**
- 5 Delegate approval to enter into any licences or legal agreements, as required to deliver**

the project, to the Corporate Director for Growth and City Development.

6. Delegate approval to enter into any licences or legal agreements, as required to deliver the project, to the Corporate Director for Growth and City Development.

1. Reasons for recommendations

- 1.1 The Levelling Up Funding represents a significant opportunity to invest in Bulwell Town Centre.
- 1.2 Delegating acceptance of the Memorandum of Understanding, subject to the satisfactory review of the obligations on the Council it contains, will enable the project to progress to programme.
- 1.3 Delegating final project approval, initiation of procurement activities and appointment of the contractor/s to deliver the project will ensure that pre-contract work can progress to programme within the funding spend window.
- 1.4 Delegating approval to enter into third party land agreements, will ensure that if there should be the requirement for any works to be undertaken on third party land the appropriate agreements can be entered into. This will be determined by Land Registry Title Searches undertaken as pre contract work.
- 1.5 Delegating approval to enter into any licences or legal agreements required to deliver the project, will ensure that if these are required the appropriate licences/agreements can be entered into. Licences/legal agreements may be required in relation to the historical shop/building frontage works or for enhancements associated with the River Leen.

2. Background (including outcomes of consultation)

- 2.1 The Bulwell Town Regeneration Project has been developed in partnership with the people of Bulwell and the surrounding Nottingham North area, including businesses, community groups, members, and wider stakeholders including the local MP. Throughout the development of the bid, consultation has helped shaped the bid's vision, objectives and outputs.
- 2.2 Having been rejected for LUF 2 funding in June 2022 funding to full value of the bid (£19.867M) has now been offered under LUF 3. The funding window is to spend by March 2026. A Memorandum of Understanding confirming the funding and the associated conditions was anticipated to be received at the end of March and is awaited.
- 2.3 Bulwell is a historical market town that has had limited investment and reduced economic activity and is underperforming in comparison to the rest of the city area and significantly below national averages in the context of the indices of multiple deprivation measures.
- 2.4 The Bulwell Town Centre Regeneration Project will focus on the centre of Bulwell, with public realm improvements covering an area of approximately 20,100sqm.

- 2.5 It will capitalise on the strengths of the Market Town, improving pride in place, showcasing the unique local history and heritage, unlocking cultural and leisure experiences, connecting transport hubs, integrating key assets, and addressing spatial inequalities associated with prolonged underinvestment.
- 2.6 The scheme will deliver new market stall infrastructure, resurfacing of the marketplace and improved power supplies to enable flexibility of offer both for existing market days and to stimulate a programme of events including potential evening activation.
- 2.7 The Bulwell Bogs, a well-used and much-loved leisure area will be refreshed with improved activity areas (both wet and dry play), remodelled landscaping and improvements to the accessibility and connectivity in and to the area. This will also include working with the Environment Agency to consider how interfaces with the River Leen can be enhanced.
- 2.8 Historical shop / building frontages will be improved to restore heritage features in and around the areas of public realm improvements.
- 2.9 All the above will be linked together through public realm and surfacing improvements across the town centre, improving accessibility, connecting the Bulwell Bogs, Tram Station, Bus Station, Market Place, and retail high streets. This will also include refurbishment of the public toilets at the bus station which is a City Council asset.
- 2.10 It is recognised that expertise not available within the council will be required to deliver the scheme, including design services, legal support and main contractor. A procurement strategy has been developed with procurement colleagues to engage these services through framework providers as early as possible to ensure that the funding programme can be met. This approach has been endorsed by the Council's Commercial and Oversight Board.
- 2.11 The Council has engaged with Willmott Dixon via the SCAPE framework to enable pre-commencement assessment and test the deliverability of the scheme. This exercise has confirmed that the core scope of works remains deliverable within the funding envelope and within the programme window, providing that framework appointments can be progressed upon confirmation that funding has been accepted.
- 2.12 The scheme funded through the Levelling Up Fund will complement recent transport infrastructure investment that has already been undertaken using Transforming Cities Fund investment.
- 2.13 The spend profile based on the funding bid and feasibility work is set out below:

	Pre 2024/25 £m	2024/25 £m	2025/26 £m	Total £m
Levelling Up Funding	-	3.266	16.601	19.870
Matched Funding (Received and Spent)				
• Transforming Cities	0.900			0.900
• Nottingham City Transport New Bus Fleet	1.800			1.800
Matched Funding (Inc. in NCC				

Capital Programme)				
• Transforming Cities E-Mobility Scheme (TBC)		TBC	TBC	TBC
Total NCC Element of Bulwell Regeneration Scheme	2.700	3.266	16.601	22.567
Matched Funding (3 rd Party Potential)				
• Contributions from Shop Owners			0.266	0.266
• Environment Agency (TBC)		TBC	TBC	TBC
Total Bulwell Regeneration Scheme	2.700	3.266	16.867	22.833
<u>Notes:</u>				
1. Figures based on funding bid and feasibility work to date.				
2. To be confirmed on receipt of Memorandum of Understanding and appointment of contractors.				
3. Level and eligibility of e-mobility scheme and Environment Agency match funding to be confirmed. NCC has £370k allocated in its Approved Capital Programme, part of which may be allocated to Bulwell Regeneration to meet the matched funding criteria of the bid.				
4. Shop fronts. LUF allocation includes NCC grant contribution to shop front scheme. Contributions from shop owners based on estimated level of take up. See paragraph 4.6 below.				
5. Environment agency contribution, see paragraph 4.6 below.				

3. Other options considered in making recommendations

3.1 Not to accept Levelling Up funding. This was rejected as this would not provide regeneration of Bulwell Town Centre.

4. Consideration of Risk

4.1 Council officers have been working with DLUHC to verify whether the funding remains current (given the window of time between submission and award) and deliverable. Several risks and mitigations have been identified in that process as captured below.

4.2 The works are varied and across a wide area. There is a significant programme risk related to fixing the scope for each area of work to allow enough time for design and construction. This has been partly mitigated in establishing the procurement strategy outlined above. Early contractor engagement has allowed this to be programmed and early appointments can ensure that the programmed work progresses within the funding window. It is intended that responsibility for managing programme delivery is passed to the main contractor on appointment. All elements of the scheme are scalable and design work and construction planning will be coordinated to ensure that planned works remain aligned to programme window.

4.3 All works must be delivered within the LUF 3 funding. The feasibility work undertaken has identified that core elements can be delivered within this funding envelope, with allowances made for contingencies. It is also noted that all elements of the scheme are scalable should cost on certain elements need to be reduced thus ensuring that the delivered works remain within funding limits

- 4.4 A criteria of the LUF bid is to have secured match funding. Public and private match funding totalling £2,965,885 had been included in the original funding bid, of which £2.7m has already been delivered.
- 4.5 Delivered match funding includes Transforming Cities Funding (TCF) which has provided £900,000 from the redevelopment of the Bulwell Bus Station undertaken in 2023. These works included redesigning the layout, installing a new saw tooth design, and building new passenger waiting platforms. Nottingham City Transport have invested £1.8M of private sector funding into a new electric bus fleet that will operate solely from the new Bulwell Bus Station, with the new fleet designated to only serve Bulwell Bus Station and residents.
- 4.6 Within the LUF allocation an allocation for the Council's contribution for shop frontages has been included, the remaining element of match funding identified is to be sourced via heritage shop front grant scheme with private sector businesses contributing towards the overall cost of shop frontage improvements, this is estimated to be £266k. However, there is a risk to this matched source which could lead to a potential shortfall against the level expected within the LUF bid. To mitigate this risk alternative areas of match funding are being investigated. These include potential Environment Agency contributions and the inclusion of further TCF monies allocated to the e-mobility hub for cars, scooter and bikes which is currently in delivery. The use of TCF as matched funding would de-risk the matched funding requirement as this funding is already included in the Council's approved Capital Programme.
- 4.7 All the Council's costs will be met through the external funding, including management costs. All costs incurred will be eligible capital costs that will result in no revenue burden to the Council.
- 4.8 Given the Council's current financial position it is imperative that any new works delivered minimise the Council's maintenance burden. To facilitate this, personnel from relevant departments have been included in the project governance structure to ensure that all elements of the scheme are designed and specified in a manner which minimises costs.
- 4.9 The Council's internal resources are limited and can't provide the resource or expertise required to deliver all elements of this scheme. The procurement strategy to engage framework providers will ensure that correct expertise and the required level of resource is available to deliver the project within the overall grant funding envelope.
- 4.10 Extensive stakeholder engagement was undertaken in developing the bid. It is intended to maintain the same project personnel to continue this engagement to ensure that the scheme continues to meet the needs of project stakeholders and local communities as it progresses through design stages, mitigating the risk of objections to the scheme.
- 4.11 Heritage building frontage work will require support from owners and / or tenants of buildings identified. Early stakeholder engagement with these specific properties will be required to confirm support and facilitate agreement. There is a risk of underspend on this element if there is insufficient support from owners, and risk of programme overrun if agreements can't be established in line with the project programme.

- 4.12 Heritage work will require planning approvals. This risk is mitigated by the approach to procure via all works via a framework provider and ensure that sufficient timescales for these approvals are built into the programme.
- 4.13 Spend on market equipment must remain within limits to ensure that Partial Exemption is not breached, and this will be kept under review with Finance colleagues as the design and cost estimates are progressed. Initial review of the feasibility report has identified that the level of expenditure proposed on market equipment can be accommodated within the Partial Exemption position.
- 4.14 One of the requirements of LUF is that monies will be spent by 31 March 2026. The project is being planned and managed to complete by this deadline. However, as with all projects of this size and complexity there are risks that may materialise during the procurement and delivery phases. To mitigate these risks the procurement of a contractor is through a framework as outlined in Section 5 below, robust project management and governance is in place and regular reporting/monitoring of delivery will be undertaken in accordance with the Memorandum of Understanding.
- 4.15 One of the requirements of LUF is that monies will be spent by 31 March 2026. The project is being planned and managed to complete by this deadline. However, as with all projects of this size and complexity there are risks that may materialise during the procurement and delivery phases. To mitigate these risks the procurement of a contractor is through a framework as outlined in Section 5 below, robust project management and governance is in place and regular reporting/monitoring of delivery will be undertaken in accordance with the Memorandum of Understanding.

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

- 5.1 Internal resources do not have the capability or capacity to deliver these works. It is therefore proposed to procure relevant expertise to deliver the scheme.
- 5.2 It is proposed to direct award a fixed price Design and Build contract to Wilmot Dixon via Scape National Construction framework which is procurement compliant.
- 5.3 The Scape Framework provides access to an eight-week feasibility period which has proved valuable in testing the original bid designs and assumptions and verifying that the scheme remains deliverable. Willmott Dixon has carried out this feasibility work and they have experience of similar projects, a local track record of delivery and availability of resource and an appetite for the works.
- 5.4 Technical and cost management support, and legal support will be needed quickly to meet the delivery timescales. Scape's Consultancy Framework with Perfect Circle provides a direct route to secure the technical and cost management expertise that is required. Similarly, a direct award from an established framework will provide access to the legal support required for completing the construction contract, and other legal support required.
- 5.5 This approach gives the Council the best opportunity to engage with a delivery partner early to ensure that the right consultant team is selected and

managed, to ensure delivery of the scheme within the available budget, and within the funding timescales.

- 5.6 The above strategy has been considered at the Council's Commercial Oversight Board on 25th March 2024 and the approach was endorsed with the following observations: Scape's Single Supplier Frameworks, EM Lawshare and Crown Commercial Legal Frameworks are all fully compliant with Public Contract Regulations and therefore pose no procurement issues, however care should be taken to ensure compliance with the terms set out within the relevant Framework Agreements.
- 5.7 As this scheme is 100% grant funded and the biggest risks to delivery lie around meeting the funding programme and managing the works to budget it is considered that the approach outlined above offers the most efficient route and therefore best value.

6. **Commissioner comments**

The Commissioners support the proposals. It will be important that the project is managed and delivered within the grant allocation, as there are no funds within the Council's budget for an over-run'

7. **Finance colleague comments (including implications and value for money/VAT) (draft)**

- 7.1 This project is an addition to the Capital Budget approved at Full Council March 2024 and therefore following the approval of this decision the Capital Budget and associated grant funding will be increased by **£19.867m**. The expenditure within this project will require close monitoring due to the projects being delivered, due spend on Council assets requires different technical accounting compared to non-council assets such as shop frontage as these will be categorised as REFCUS.
- 7.2 The Memorandum of Understanding is required to be signed and secured prior to funding being committed to ensure the project is in accordance with the Council's approved Capital Strategy.
- 7.3 The current plans have been considered alongside the Council's Partial Exemption position and the activity from this project can be contained within the Council's limit. Any amendments to the current project will require the Project Manager to consult with the Council's Technical Finance section to ensure no pressure is created.
- 7.4 As considered in section 4, the Project Manager is required to work with colleagues to manage the revenue maintenance costs following the projects completion with a view to mitigating any ongoing revenue maintenance pressures.
- 7.5 The potential contributions from the Environment Agency and Shop Owners is currently excluded from this capital decision and will remain outside of the Capital Programme. Should this funding be secured further formal approvals will be required to accept the funding and increase the Capital Programme.
- 7.6 The potential contributions from the Environment Agency and Shop Owners is currently excluded from this capital decision and will remain outside of the

Capital Programme. Should this funding be secured further formal approvals will be required to accept the funding and increase the Capital Programme.

7.7 This scheme was presented and endorsed by the Capital Board in April 2024.

Tom Straw, Senior Accountant (Capital Programmes) 17th April 2024

8. **Legal colleague comments**

8.1 This report seeks approval to accept £19.867M of Levelling Up Funding and various delegations linked to that acceptance.

8.2 The Memorandum of Understanding that sets out the terms and conditions of the Levelling Up Funding has not yet been received or considered. It is assumed, therefore, that the acceptance of this funding (Recommendation 1) is subject to a review of the Memorandum of Understanding (Recommendation 2) however this should be made explicitly clear in the decision that is made.

8.3 In subsequently making use of the Levelling Up Funding, the Council must ensure it complies with the Memorandum of Understanding and any other conditions that may be imposed, and accepted, on this funding. Further, in using the funding, the Council must continue to comply with the requirements as may be applicable to the various aspects of the proposed project.

8.4 As the report notes, it is likely that external legal support will be required to support this project, in particular around construction-related agreement. Whilst unable to provide legal support directly, Legal Services is happy to continue to be involved as appropriate to support colleagues and ensure best value for the costs incurred.

8.5 As long as the above Comments are followed, this report presents no significant legal issues.

Anthony Heath, Senior Solicitor, Contracts and Commercial, 5th April 2024

9. **Procurement Comments**

9.1 Procurement will work with the client to ensure that all procurement activity is compliant with Public Contract Regulations, Funding Obligations and delivers best value for the Council.

Sue Oliver – Procurement Category Manager – Places. 27 March 2024

10. **Strategic Assets and Property Comments**

The recommendation outlined in this report is supported by the Corporate Landlord. The LUF funding will improve the Bulwell area of the city for citizens and visitors. We do not anticipate the project impacting on Council owned commercial assets but we understand there are operational assets that will be impacted and the Corporate Landlord will work with Major Projects to provide any required strategic property advice/transactional support to ensure the success of the project.

Advice provided by Beverley Gouveia – Head of Property, 27th March 2024.

11. Crime and Disorder Implications (If Applicable)

- 11.1 The scheme will greatly improve how the area is used and perceived. No changes are proposed to the street lighting as this is relatively new.
- 11.2 The scheme will enable a full refresh of CCTV in the area, bringing the offer up to current specifications.
- 11.3 Increased accessibility / less barriers / less hidden spaces will enhance feelings of safety.

12. Social value considerations (If Applicable)

- 12.1 Investment will enhance areas and uplift the quality of streets and places providing social value to the surrounding communities that will benefit from the improved facilities.
- 12.2 High level of stakeholder engagement which was captured in the bid will continue. Opportunities will be sought for community groups to engage with elements of design, the end product or both.

13. Regard to the NHS Constitution (If Applicable)

- 13.1 Not applicable

14. Equality Impact Assessment (EIA)

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

No

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

15. Data Protection Impact Assessment (DPIA)

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

No

A DPIA is not required because there are no DPIA implications associated with accepting funding. When public consultation takes place on the schemes the requirement for a DPIA will be assessed.

Yes

16. Carbon Impact Assessment (CIA)

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

No

A CIA is not required because Colleagues in the Carbon Neutral Team have identified key areas under which the design can consider improving its carbon footprint. It is intended that a Carbon Impact Assessment is undertaken as soon as design appointments can be made.

Yes

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

17.1 Bulwell Town Centre Levelling Up Fund Bid Documents

17.2 Bulwell Town Centre Feasibility Study

18. Published documents referred to in this report

18.1 None

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Equality Impact Assessment (EIA) Tool

Document Control

Control Details:	
Title of EIA/ Decision (DDM):	Levelling Up Funding for Bulwell Town Centre Regeneration
Budget booklet code (if applicable):	
If this is a budget EIA please ensure the title and budget booklet code is the same as the title used within the budget booklet	
Name of author (Assigned to Pentana):	Kirstie Newell
Department:	Growth and City Development
Director:	Sajeeda Rose
Division:	Major Projects
Contact details:	0115 87 65261
Strategic Budget EIA:	Yes/No
Exempt from publication:	Yes/No
Date decision due to be taken:	21 st May 2024

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Document Amendment Record

Version	Author	Date
V0.1	Kirstie Newell	19/03/2024
V0.2	Kirstie Newell	10/04/2024

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

Name	Title role	Date
Rosey Donovan	Equality and Employability Consultant	04/04/2024 / 11/04/2024

Glossary of Terms

Term	Description
DIG	Disability Involvement Group
EIA	Equality Impact Assessment
DHLUC	Department for Levelling Up, Housing and Communities
LUF	Levelling Up Fund

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 been awarded £19.867M of capital funding from the Department for Levelling Up, Housing and Communities (DHLUC) to deliver Bulwell Town Centre regeneration.

A bid was submitted to DHLUC in June 2022 seeking funding under Round 2 of the Levelling Up Fund (LUF2) for this scheme but was rejected. In December 2023 DHLUC advised that full funding would however be awarded under LUF Round 3. The funding seeks to bring improvements to Bulwell Town Centre by:

1. Improving the central market and high street areas and connections to green space, strengthening the ‘beating heart’ of the Town through a series of placemaking interventions including a new marketplace, green space enhancements and creation of a ‘Bulwell Promenade’.
2. Improving the look and feel of hidden heritage helping to ‘preserve the soul’, restoring the rich heritage and culture of the market town, reinstating original features to dramatically improve historic buildings
3. Reconnecting Bulwell through public realm improvements easing access for all and creating better connectivity between key leisure, retail, transport, and green space, unlocking the Town Centre

It is envisaged that this investment will create jobs, increase footfall, improve trade, increase access to high quality green space, restore heritage, unlock a programme of culture and creative events, helping Bulwell restore its pride.

1. b. Information used to analyse the equalities implications

Levelling Up Bid submission documents including Leonards Design Architects Design Strategy

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)
Citizens Page 26	People from different ethnic groups	X			Access to green space is beneficial to everyone's health and wellbeing. The scheme aims to create better connectivity and improve access between key leisure, retail, transport, and green spaces		Future monitoring of constructed works to ensure potential positive impacts have been achieved and negative impacts have not been created, will be undertaken and this EIA will be updated.
Citizens	Men	X			Access to green space is		

					<p>beneficial to everyone's health and wellbeing.</p> <p>The scheme aims to create better connectivity and improve access between key leisure, retail, transport, and green spaces</p>		
<p>Page 27</p> <p>Citizens</p>	Women	X			<p>Access to green space is beneficial to everyone's health and wellbeing.</p> <p>The scheme aims to create better connectivity and improve access between key leisure, retail,</p>		

					transport, and green spaces		
Citizens	Trans	X			<p>Access to green space is beneficial to everyone's health and wellbeing.</p> <p>The scheme aims to create better connectivity and improve access between key leisure, retail, transport, and green spaces</p>		
Citizens	Disabled people/ carers	X			<p>Access to green space is beneficial to everyone's health and wellbeing.</p> <p>The scheme aims to create better connectivity and improve access</p>		Local Disability Groups e.g. Nottingham City Council's Disability Involvement Group will be engaged with as the design is developed to understand their

<p>Page 29</p>				<p>between key leisure, retail, transport, and green spaces. This will be done by improving pedestrian crossings, as well as new and widened surfaces to footways.</p> <p>Provision of improved areas of play (both wet and dry) will be designed to include accessible play equipment.</p>		<p>concerns and accessibility issues. Initial engagement is targeting June 2024. The design will be developed during the remainder of 2024 and early 2025 with further engagement at appropriate times during the RIBA design stages. The EIA will be updated to incorporate any equality impacts or concerns that may be identified along with mitigation. The aim will be to incorporate as many improvements</p>
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<p>Page 30</p>							<p>as possible to solve these issues as part of the project.</p> <p>Constructed areas will be reviewed with the Council's Disability Involvement Group to ensure there are no negative equality impacts. If any are identified this EIA will be updated.</p>
<p>Citizens</p>	<p>Pregnancy and maternity</p>	<p>X</p>			<p>Access to green space is beneficial to everyone's health and wellbeing.</p> <p>The scheme aims to create better connectivity and improve access</p>		

					between key leisure, retail, transport, and green spaces.		
Page 31	Citizens	Marriage/Civil Partnership	X		<p>Access to green space is beneficial to everyone's health and wellbeing.</p> <p>The scheme aims to create better connectivity and improve access between key leisure, retail, transport, and green spaces.</p>		
	Citizens	People of different faiths/ beliefs and those with none	X		<p>Access to green space is beneficial to everyone's health and wellbeing.</p> <p>The scheme aims to create</p>		

					better connectivity and improve access between key leisure, retail, transport, and green spaces.		
Citizens	Lesbian/ Gay/ Bisexual people	X			<p>Access to green space is beneficial to everyone's health and wellbeing.</p> <p>The scheme aims to create better connectivity and improve access between key leisure, retail, transport, and green spaces.</p>		
Citizens	Older	X			Access to green space is beneficial to everyone's		

					<p>health and wellbeing.</p> <p>The scheme aims to create better connectivity and improve access between key leisure, retail, transport, and green spaces.</p>		
<p>Citizens</p> <p>Page 33</p>	<p>Younger</p>	<p>X</p>			<p>Access to green space is beneficial to everyone's health and wellbeing.</p> <p>The scheme aims to create better connectivity and improve access between key leisure, retail, transport, and green spaces.</p> <p>Provision of improved areas of play (both</p>		

					wet and dry) will provide facilities for children and young people to enjoy and promote an active lifestyle.		
Page 34	Citizens	Care Experience (Please refer to the guidance notes for further information)	X		<p>Access to green space is beneficial to everyone's health and wellbeing.</p> <p>The scheme aims to create better connectivity and improve access between key leisure, retail, transport, and green spaces.</p>		
	Citizens	Other (e.g. <u>cohesion/ good relations</u> , vulnerable children/ adults), <u>socio-economic background</u> . <i>Please underline the group(s) /issue more</i>	X		Access to green space is beneficial to everyone's		Community engagement events will be undertaken, targeting June 2024, to ensure all interested

Page 35	<i>adversely affected or which benefits.</i>				<p>health and wellbeing.</p> <p>The scheme aims to restore pride in the town centre which will improve community cohesion and positively impact on a deprived area.</p> <p>The scheme aims to create better connectivity and improve access between key leisure, retail, transport, and green spaces.</p>		<p>parties can feed into the development of the proposals and this EIA will be updated accordingly.</p>
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1. d. Summary of any other potential impact (including cumulative impact/ human rights implications):

N/A

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
Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010.				
Advance equality of opportunity between those who share a protected characteristic and those who don't				

Foster good relations between those who share a protected characteristic and those who don't				
Future monitoring of constructed works to ensure potential positive impacts for all groups have been achieved and no adverse impacts have been created.	Site observations will be made following the completion of the works. Monitoring of complaints or comments received will also be undertaken.	Steve Dickens	On completion of the construction works	

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

Section 3 – Approval and publishing

<p>The assessment must be approved by the manager responsible for the service /proposal.</p> <p>Approving Manager details (name, role, contact details):</p> <p>Steve Dickens, Programme Manager, 0115 876 4202</p>	<p>Date sent for advice:</p> <p>20/03/2024</p>
<p>Approving Manager Signature:</p> 	<p>Date of final approval:</p> <p>28/03/2024</p>

Nottingham City Council

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

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

Subject:	Use of ring-fenced public health grant allocation 2024/25
Corporate Director/Director:	Catherine Underwood – Corporate Director for People Lucy Hubber – Director of Public Health
Portfolio Holder:	The Portfolio Holder with responsibility for Public Health
Report author and contact details:	Nancy Cordy, Head of Strategy and Service Improvement, Public Health, Nancy.cordy@nottinghamcity.gov.uk
Other colleagues who have provided input:	
Subject to call-in:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Key Decision:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criteria for Key Decision:	
(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
and/or	
(b)	Significant impact on communities living or working in two or more wards in the City <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Type of expenditure:	<input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital If Capital, provide the date considered by Capital Board Date:
Total value of the decision:	£37,202,982 – This is the total ring-fenced public health grant (RFPHG) allocation for 2024/25. All RFPHG spend will be subject to relevant approvals being obtained.
Section 151 Officer expenditure approval	Has the spend been approved by the Section 151 Officer? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/a
	This report describes the use of the RFPHG in 2024/25 for assurance purposes and is not seeking spend approval for the RFPHG in its totality. The Section 151 Officer has approved all existing expenditure commitments that have arisen since the Section 114 Report was issued (29 November 2023). This report also describes funds that have been allocated but not yet committed. Spend approval by the Section 151 Officer will be sought for all RFPHG expenditure in line with Council processes and requirements.
Commissioner Consideration	Has this report been shared with the Commissioners' Office? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Any comments the Commissioners wish to provide are listed below.
Wards affected:	All
Date of consultation with Portfolio Holder:	
Relevant Council Plan Key Outcome:	
Clean, Green 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 checked="" 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"/>

Summary of issues:

Along with all other unitary and upper tier authorities, Nottingham City Council receive an annual public health grant allocation from the Department of Health and Social Care (DHSC). The public health grant allocation for 2024/25 has been confirmed as £37,202,982. The public health grant is ring-fenced and must only be used where the main and primary purpose is public health. The public health grant conditions set out a range of prescribed and non-prescribed public health activity against which public health grant expenditure must be reported.

On average, people in Nottingham are less healthy than those in other parts of the East Midlands region and when compared to the England average. Notably, 21.2% of adults in Nottingham are current smokers, which is the second highest rate in England. Nottingham's communities have wide ranging health and wellbeing needs and these can vary significantly between different groups.

The RFPHG must be invested eligibly, but also efficiently and effectively, to address identified health and wellbeing needs, ensuring the greatest possible positive impact on the health and wellbeing of Nottingham's people.

The purpose of this report is to set out the planned use of the totality of the RFPHG 2024/25 allocation for Executive Board's approval. This is an important part of the strengthened governance processes to provide assurance that all RFPHG expenditure is eligible, and has been recognised as best practice by the Office of Health Improvement and Disparities (OHID).

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

No

Recommendations:

- 1 To note and endorse:
 - the additionality of the 2024/25 Public Health Grant of £0.588m from £36.615m in 2023/24 to £37.203m in 2024/25,
 - the use of £32.574m of the ring-fenced public health grant for 2024/25 for activity commissioned and grant funded directly by public health (as set out in 2.6, Tables 1-4), in order to improve the health and wellbeing of Nottingham's population, in line with agreed relevant strategies and plans, and in line with the public health commissioning framework, and
 - the use of £4.629m of the ring-fenced public health grant for 2024/25 to wider Council services (as set out in 2.6, Table 5) to enable the delivery of additional activity which will contribute to improved health and wellbeing outcomes for Nottingham's residents.

1. Reasons for recommendations

1.1 Nottingham City's RFPHG allocation for 2024/25 has been confirmed as £37.203m. The grant is ring-fenced for use on public health functions, meaning that the main and primary purpose of all grant expenditure is public health. The local authority circular published alongside the grant allocation sets out the conditions that apply to the grant, as well as reporting requirements. Receipt of the RFPHG supports the local authority to meet its duty to improve the health and wellbeing of the local population.

1.2 The National Health Service Act (2006) includes a statutory duty to be informed by the health needs of the local population when deciding on the

most appropriate use of the RFPHG. The Joint Strategic Needs Assessment, published on Nottingham Insight, identifies the health and wellbeing needs of the local population. This has informed the Integrated Care Strategy (for Nottingham and Nottinghamshire), the Joint Local Health and Wellbeing Strategy for Nottingham, the Public Health Divisional Plan and the Strategic Council Plan. The public health commissioning framework set out the principles and processes through which these strategies and plans, alongside other relevant drivers are translated into commissioned (and grant-funded) services/activity. The planned use of the RFPHG allocation in 2024/25, as set out in this report, is assessed as being the most appropriate allocation of resource to ensure the delivery of activity required within the conditions of the grant, as well as address the health and wellbeing needs of the local population, in line with the aforementioned statutory duty, strategies and plans.

- 1.3 The conditions in which people are born, grow, live, work and age have a profound influence on health and health inequalities. Local authorities have a key role to play in shaping these conditions, and as a consequence also have a key role in terms of improving the health and wellbeing of their local population (in line with statutory duties). It is recommended that RFPHG continues to contribute to a range of wider Council services (as set out in 2.6, Table 5) in order to enable the delivery of additional activity which improves health and wellbeing. Arrangements are in place to ensure effective ongoing joint working and regular review of contributions to provider assurance that all RFPHG expenditure continues to be eligible.

2. **Background**

- 2.1 Local authorities (upper tier and unitary) are statutorily responsible for improving the health of their local population and reducing health inequalities, under the National Health Service Act 2006. Alongside this duty, a ring-fenced public health grant (RFPHG) is provided, for expenditure where the 'main and primary purpose...is public health'. The RFPHG 2024/25 allocation for Nottingham is £37,202,982.
- 2.2 Nottingham City Council is statutorily required to ensure the provision of public health services in line with the terms and conditions of the RFPHG. Local authorities must provide an annual Statement of Assurance confirming that the grant has been used for the purposes intended, and that all expenditure is eligible. This return must be certified by the authority's Chief Executive (or S151 Officer) and the Director of Public Health. The terms of the grant outline prescribed (services mandated in the NHS Act 2006) and non-prescribed services, all of which are required as part of the conditions of the grant. Local authorities must report forecasted and actual RFPHG expenditure against these categories.
- 2.3 The population of Nottingham have a lower life expectancy when compared to regional and national averages. They can also expect to live a shorter proportion of their lives in good health (healthy life expectancy measure). Nottingham has the second highest smoking rates amongst adults in England, with more than 1 in 5 (21.2%) of adults being current smokers. This demonstrates the importance of continued focussed investment in effective interventions that will have a positive impact on the health and wellbeing of the population.

2.4 The current Joint Local Health and Wellbeing Strategy (JLHWS) for Nottingham, agreed in March 2022, set out four priority areas for collective action in order to improve health and wellbeing, and reduce health inequalities in Nottingham;

- Smoking and tobacco control
- Eating and moving for good health
- Severe multiple disadvantage (SMD)
- Financial wellbeing

RFPHG will continue to be invested to support the delivery of the above priorities. Further detail about the progress to date, including onward delivery plans, can be found in the annual report to Health and Wellbeing Board (March 2024). The JLHWS will be updated during 2024/25, including a review of current and potential additional priorities, for agreement by the Health and Wellbeing Board in March 2025. The updated JLHWS will inform the use of the RFPHG in 2025/26 and beyond.

2.5 The planned use of the RFPHG allocation 2024/25 is assessed as being an effective and efficient use of the resource available, in order to ensure:

- That all RFPHG expenditure is eligible, as per grant conditions;
- The effective delivery of all required public health services;
- The delivery of activity identified as being required in order to address the four priorities set out within the JLHWS for Nottingham;
- The delivery of all activity within the Public Health Divisional Plan and Strategic Council Plan.

2.6 The Public Health Team commission a wide range of activity to address the health and wellbeing needs of Nottingham communities and improve outcomes for residents. The public health commissioning framework, agreed by CPEC (March 2023) shapes and guides the use of the RFPHG allocation, and sets out the processes through which ongoing eligibility and best value is assured.

Key commissioning activity undertaken during 2023/24 which has informed the use of the RFPHG allocation in 2024/25 includes:

- The conclusion of the commissioning review and procurement of substance use services, with new contracts implemented from the 1 October 2023. (Spend approval obtained from CPEC July 2022)
- The conclusion of the commissioning review and procurement of a new integrated wellbeing service for Nottingham (known as Thriving Nottingham) which launched on the 2 April 2024. This service provides a single point of entry to a broad offer of free to access support to help residents of all ages to live well and feel great (including but not limited to smoking cessation support, weight management and physical activity opportunities). (Spend approval obtained from CPEC May 2023)
- The procurement of a new oral health promotion service (live as of 1 January 2024). (Spend approval obtained via portfolio holder decision dated May 2023 (4927))

The public health commissioning pipeline for 2024/25 (agreed by Public Health Programme Board) includes the following activity:

- Mobilisation of the new contract for the delivery of Integrated Sexual Health Services (1 October 2024 start date) (Spend approval obtained from CPEC March 2023)
- New delivery model for distribution of condoms to priority groups to be agreed and implemented
- Complete procurement of new gambling related harm services and mobilisation of contracts (Spend approval obtained via portfolio holder decision dated December 2023 (5065))
- Commissioning review of asylum seeker and refugee health and financial wellbeing support to determine longer term model (grant funding arrangements currently in place until 31 March 2025).

The below tables provide an overview of RFPHG allocation 2024/25 for public health commissioned and grant funded services (by public health outcome) totalling £32.574m.

Health Improvement (Table 1):

Cost centre	Annual budget (£m)
Eating & Moving for Good Health	£0.279
Smoking & Tobacco Control	£0.257
NHS Health Checks	£0.215
Integrated Wellbeing Service	£2.375*
<i>Smoking (cessation)</i>	<i>£0.950</i>
<i>Eating & Moving for Good Health</i>	<i>£1.283</i>
<i>Mental Health and Wellbeing</i>	<i>£0.142</i>
Best Start in Life	£11.666
Oral Public Health	£0.150
Ageing Well	£0.040
TOTAL	£14.982

*This cost centre/budget line reflects the per annum contract value of Thriving Nottingham (Integrated Wellbeing Service). This service contributes to a range of public health outcomes, most specifically smoking, eating and moving for good health and mental health and wellbeing. It is necessary to attribute an appropriately proportionate sum from the overall contract value for the purposes of reporting RFPHG expenditure against the categories identified in the RFPHG conditions. These sums are shown for in italics for information but are indicative only due to the integrated nature of service provision.

Inclusion Health (Table 2):

Cost centre	Annual budget (£m)
Substance Use	£6.865**
Financial Wellbeing	£0.489
Refugee & Asylum Seeker Health	£0.062
Mental Health & Wellbeing	£0.350
TOTAL	£7.766

**This relates to the RFPHG allocation only – Nottingham City Council will receive three further ring-fenced grants for investment in increasing the capacity and quality of substance use services in 2024/25. There are also partnership contributions made to

these contracted services by the Integrated Care Board, Office of the Police Crime Commissioner and Probation.

Health Protection and Healthy Communities (Table 3):

Cost centre	Annual budget (£m)
Sexual Health	£5.217
Health Protection – Other***	£0.298
Healthy Communities	£0.453
TOTAL	£5.968

***Includes infectious disease prevention and control, vaccination/immunisations, and screening uptake

Cross-cutting (Table 4):

Cost centre	Annual budget (£m)
Staffing & Support****	£3.801
Public Health Intelligence	£0.057
TOTAL	£3.858

****This includes RFPHG contribution to corporate posts aligned to the public health team, as well as overheads (premises costs, contribution to support services)

In addition to the above activity, RFPHG is also used to enable the delivery of activity across the wider council which supports health and wellbeing outcomes. All contributions were comprehensively reviewed during 2021/22 and agreed as part of a public health transition plan. 2024/25 is the final year of the three-year transition plan, the delivery of which continues to be overseen by the Office of Health Improvement and Disparities and is the subject of twice-yearly assurance meetings.

Contributions are reviewed in conjunction with services on an annual basis, to ensure that the requirements of the associated service level agreement are still appropriate and being met. This is an iterative process which takes place alongside general fund discussions and decisions, to ensure that the RFPHG contribution continues to be at eligible proportions. Where budget related decisions have reduced or removed the general fund contribution to a service/activity, the ongoing public health need has been reviewed and suitable alternative arrangements put in place. This means that there are services/activity which RFPHG contributed to via the wider Council in 2023/24, but public health will be funding directly in 2024/25 in order to sustain services/activity that support the health and wellbeing of residents.

RFPHG allocation to wider Council Services (2024/25) totalling £4.629m (Table 5):

Finance & Resources	Comms & Marketing	£73,000
	Constitutional Services	£17,000
	Employee Wellbeing	£40,000
	Emergency Planning	£33,000
	Procurement & Payments	£118,468
Communities, Environment & Resident Services	Leisure Services	£500,000
	Sports Development	£59,000
	Parks & Open Spaces	£276,000

	Library Services	£377,000
	Domestic Violence Services	£652,496
	Resident Development	£50,000
	Community Safety Staffing	£106,516
	Trading Standards	£46,331
	Colwick Activity Centre (tbc)	£50,000
People	Healthy Schools	£138,210
	Early Years	£838,240
	Youth & Play	£322,000
	School Swimming	£50,000
	Adult Social Care Prevention	£150,000
	CAMHS	£222,517
	Contracts	£123,648
Growth & City Development	Planning (including GIS)	£105,000
	Nottingham Futures	£281,000

3. Other options considered in making recommendations

- 3.1 There are very clear terms and conditions relating to the use of the RFPHG. Alongside the implementation of the agreed transition plan (2022/23-2024/25) public health governance processes have been strengthened to provide confidence that commissioned services deliver best impact (in relation to health and wellbeing outcomes) within the total resource available. All decisions relating to RFPHG expenditure are considered by Public Health Programme Board (PHPB). PHPB must be assured that the recommended option is an eligible, effective and efficient use of the RFPHG prior to onward consideration and approval in line with Council processes. Consideration of alternative options is a key part of this process.

4. Consideration of Risk

- 4.1 The use of the RFPHG allocation 2024/25 as set out in this report is judged to be an eligible use of the grant, and fully in line with grant conditions. Forecasted and actual RFPHG expenditure will be submitted to the Department for Levelling Up, Housing and Communities and shared onwards with DHSC. This return must be accompanied by a statement signed by the Director of Public Health and Chief Executive / S151 officer confirming that the grant has been spent in accordance with grant conditions. In assessing whether the local authorities have complied with grant conditions DHSC will look at the primary purpose of the spend. If the Director of Public Health or Chief Executive / S151 officer are not able to provide the assurance statement or for some other reason it is considered by DHSC that ineligible expenditure may have been incurred the authorities use of RFPHG will be subject to additional scrutiny. If ineligible expenditure is identified, future RFPHG could be reduced and/or the local authority could be required to replay ineligibly used grant.
- 4.2 RFPHG allocations are confirmed on an annual basis (typically during Q4 of the preceding financial year) and no provisional or indicative allocation for 2025/26 has been provided. In line with the trajectory in recent years it is anticipated that the 2025/26 allocation will see a small increase (circa 1%) but that this will not be sufficient to meet inflationary pressures (including those associated with NHS agenda for change pay uplifts and estimated at 4%) which impact on contracts held by public health. Efficiencies are therefore

likely to be required to sustain the current levels of service/activity within the available RFPHG allocation.

4.3 In addition to the RFPHG public health receive and manage a number of other ring-fenced grants, particularly in relation to substance use. In 2024/25 additional grants are contributing a further £4.894m to the delivery of substance use services in Nottingham. It is not currently known if further grant funding will be made available beyond the current financial year. In addition, there are a number of other grant funded programmes operating within Nottingham that are due to end. It is anticipated that RFPHG may need to be utilised to sustain improvements that have been achieved.

4.4 System wide pressures (financial and otherwise) currently being managed have the potential to detrimentally impact on the health and wellbeing of the local population. Public health will support with understanding the ongoing and likely future need, as well as the health impacts. With this in mind current investment plans may need to be adjusted in order to meet the most critical needs in a changing landscape.

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

5.1 As described throughout the report, best value considerations are systematically built into all decisions relating to RFPHG expenditure. This includes reviews of existing services as part of continuous service improvement, as well as at the point of re/commissioning services. A full list of published decisions which relate to the approved use of RFPHG expenditure in 2024/25 is included at the end of this report.

- **Economy:** the review of the use of the RFPHG ensured eligible use of the grant and put in place strengthened governance processes to ensure that this was sustained. A revised JLHWS, based on population need, agreed by the Health and Wellbeing Board in March 2022 ensures that spend is directed towards activity that will most improve health and wellbeing outcomes.
- **Efficiency:** Investments in wider council services are articulated in service level agreements and subject to annual review. A commissioning pipeline has been developed for commissioned services and reviewed at monthly multi-divisional PHPB meetings.
- **Effectiveness:** Benchmarking for outcomes shows that Nottingham currently has significantly worse outcomes in all key domains. This is being addressed through focused investment in public health interventions directly improving outcomes.

5.2 Make or Buy options will be routinely considered and appraised by PHPB as part of the processes detailed in 3.1.

5.3 Public health contracts are managed with support from the contract management function within Peoples (with a proportionate RFPHG contribution made), This includes the submission of quarterly monitoring reports and quarterly contract review meetings for all contracted public health services. This is key to assessing whether best value is being achieved on an ongoing basis, and whether the contracted service is effectively meeting output/outcome related targets.

Performance is reported to PHPB on a quarterly basis for oversight and assurance, and a clear escalation process for responding to concerns is in place.

6. Commissioner comments

the report states that S151 approval for this report is n/a, but then it states that S151 approval must be sought for this grant 'in line with Council processes and requirements'. It further states that approval has been obtained 'for much of the activity outlined in this report'. Can this section be clarified please?. Para 1.1 states the grant is £37,203m. The use of the comma makes this £37 billion of grant. This needs to be corrected to £37.203m.

As a general point, I also note that smoking is mentioned several times in context of the City having one of the highest smokers population in the country, and 'smoking and tobacco control are listed as one of the top 4 priorities, yet the amount of grant attributed to this is just £257k – the 5th lowest amount across all the spending lines. It is not for me to comment on the amount itself, it just looks strange that this is the heading discussed most, and stats quoted for it.

Given the sums involved (by individual lines and also on total, I do wonder whether more can be said in terms of the outcomes delivered in previous years and what you expect the funding to deliver this year – i.e. what value for money is being achieved?

Subject to these clarifications being made the Commissioners are content with the proposals.

7. Finance colleague comments

This report seeks approval for the receipt and planned use of the Public Health grant for allocation for 2024/25.

Public Health Grant is ring-fenced to support the delivery of Council's statutory requirement to improve the health and wellbeing of the local population of Nottingham City.

The 2024/25 Public Health grant allocation/budget is £37.203m. The following table sets summarises the planned use of the grant funding in 2024/25 on eligible expenditure in line with Public Health grant conditions.

Proposed use of 2024/25 Public Health Grant Allocation	
Health Improvement	£14.982m
Inclusion Health	£7.766m
Health Protection & Healthy Communities	£5.968m
Public Health staffing & support	£3.858m
Wider Council services	£4.629m
TOTAL	£37.203m

As outlined within the body of the report, the Public Health Commissioning Strategy and Framework sets out the approach and key priorities (intentions) for the expenditure of the Public Health grant. The Framework outlines how the Council will assure itself that the Public Health grant is spent in support of strategic priority areas, maximising the positive impact on health and wellbeing outcomes for

the Nottingham population and reducing inequalities in accordance with ring-fenced grant conditions whilst supporting best value.

Actual expenditure associated with the above proposed allocation of the 2024/25 Public Health grant will be subject to approval via the appropriate approval mechanism.

If the Public Health grant increases/reduces in future years the service will need to realign services within the funding available ensuring no financial pressures arise.

The report gives a full and robust financial breakdown based on the specific requirements to inform affordability and that all costs can be contained within the existing budget provision. This will ensure no financial pressures should arise.

Once this decision is approved, a budget virement will be posted to realign the 2024/25 budgets with the final grant allocation and planned spend, supporting budget managers to robustly monitor the budget and spend.

The Public Health actual grant costs will need to be closely monitored by the service to ensure they do not exceed the decision value.

The Public Health grant is subject to a number of external grant reporting processes which are detailed by the report author. It is essential that any expenditure is in line with the grant conditions and that reporting requirements are met to ensure no risk arises in relation to this grant funding.

Any annual variation from public health budget must be contained within the overall ring-fenced Public Health Account through the use of a separate Public Health Reserve. The estimated balance on the Public Health Reserve at 1st April 2024 is £8.871m which is committed to support Public Health Programme spend in the medium term. In addition, £3.862m Containing Outbreak Management Fund (COMF) Grant has been carried forward to 2024/25. This is committed and needs to be spent by 30th September 2024.

Mark Astbury - Interim Strategic Finance Business Partner
Tracey Moore - Commercial Business Partner
29/04/2024

8. Legal colleague comments

The Public Health Grant is paid in accordance with Section 31 of the Local Government Act 2003. The grant can be used for both revenue and capital purposes.

The purpose of the grant is to provide local authorities in England with the funding required to discharge prescribed Public Health functions where the main and primary purpose is the improvement of Public Health.

Subject to paragraph 5 of the Public Health Ring Fenced Grant circular 2021 the grant can only be used for meeting eligible expenditure incurred by Local Authorities' as set out in s.73B(2) of the National Health Service Act 2006.

The grant can be used to contribute to other sources of funding (including other LA funding) so long as the fund is used for the purposes outlined above and the authority must be satisfied that the functions have a significant effect on public health or are carried out in connection with the public health functions prescribed.

The arrangements must represent best value.

It is the responsibility of the Chief Executive or the s.151 officer and the Director of Public Health to certify that, to the best of their knowledge, the amounts shown on the Return Outturn report that must be submitted to the Secretary of State that the Local Authority expenditure has been spent in accordance with the grant terms.

The Secretary of State may require a further external validation to be carried out by an appropriately qualified independent accountant or auditor of the use of the grant where the Revenue Outturn Report return fails to provide sufficient assurance to the Secretary of State that the grant has been used in accordance with these conditions. In addition if the Local Authority identify or suspect that there is any financial irregularity in the use of the grant it is under a duty to report the same to the Department, explain what steps are being taken and to investigate the suspicion and keep the department informed about the progress of the investigation. A failure to comply with the Grant conditions or provide the requisite level of assurance to the Secretary of State means that the Secretary of State may reduce, suspend or withhold grant payments or require the repayment of the whole or any part of the grant monies paid. Any such sum would be repayable to the Secretary of State or may be offset against any future amount due to the authority from central government.

Beth Brown – Director of Legal & Governance and Monitoring Officer
01/05/2024

9. Crime and Disorder Implications

9.1 Public health are a key member of the Nottingham Community Safety Partnership (NCSP), in recognition of the significant contribution public health and community safety have to make to the successful achievement of each other's outcomes, many of which are shared. The Director of Public Health is the Senior Responsible Officer for the Substance Use Strategic Partnership (reporting into NCSP), in line with responsibilities for the commissioning of alcohol and drug use services. RFPHG contributes to the delivery of non-statutory domestic violence services and community safety staffing as set out in 2.6 (table 5).

10. Social value considerations

10.1 In line with the Council's Procurement Strategy and as set out in the Public Health Commissioning Framework, opportunities to maximise social value will be considered and factored into all services commissioned and procured with RFPHG.

11. Regard to the NHS Constitution

11.1 Local authorities have a statutory duty to have regard to the NHS Constitution when exercising their public health functions under the NHS Act 2006. In making decisions relating to the use of RFPHG, we have properly considered

the NHS Constitution as well as shared plans and priorities, in order to commission services that improve the health of the local community.

12. Equality Impact Assessment (EIA)

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

No



An EIA is not required. Reducing (health) inequalities is a primary consideration in all decisions taken in relation to RFPHG expenditure. EIAs are routinely completed as part of commissioning reviews, informed by engagement with local communities. Demographic data is routinely collected by commissioned services, and this is reviewed as part of regular contract monitoring to identify issues that may need addressing so as not to exacerbate inequalities.

13. Data Protection Impact Assessment (DPIA)

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

No



A DPIA is not required because this report does not related to the collection or use of any personal or identifiable data.

14. Carbon Impact Assessment (CIA)

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

No



A CIA is not required because this will be considered (where applicable) as part of individual decisions taken in relation to RFPHG expenditure.

15. List of background papers relied upon in writing this report

15.1 None

16. Published documents referred to in this report

- Public health ring-fenced grant financial year 2024 to 2025: local authority circular – available at www.gov.uk/government/publications/public-health-grants-to-local-authorities-2024-to-2025
- Joint Strategic Needs Assessment (JSNA) – available at www.nottinghaminsight.org.uk
- Joint Local Health and Wellbeing Strategy for Nottingham (2022-2025) – available at www.healthynottingham.co.uk
- Integrated Care Strategy (2023-2027) -available at www.healthandcarenotts.co.uk/integrated-care-strategy
- Joint Health and Wellbeing Strategy Delivery Update – Year 2 delivery updated (Nottingham City Health and Wellbeing Board – 27 March 2024) – available at PBP_JHWS_Year_2_Delivery_Report_-_March_2024_FINAL.pdf (nottinghamcity.gov.uk)

- All decisions relating to RFPHG expenditure with a value of £100,000 or higher are published on www.nottinghamcity.gov.uk

Related Key Decisions (in chronological order):

- 0-5 Integrated Service Contract – Commissioning and Procurement Sub-Committee – 13 June 2017
- Commissioning of substance misuse treatment and recovery services for Nottingham – Commissioning and Procurement Executive Committee – 12 July 2022
- Commissioning of substance misuse treatment and recovery services for Nottingham – Commissioning and Procurement Executive Committee – 15 November 2022
- Adjustment of ‘Giving Nottingham Children the Best Start in Life’ contract value – Commissioning and Procurement Executive Committee – 15 November 2022
- Commissioning of Integrated Sexual Health Service for Nottingham – Commissioning and Procurement Executive Committee – 14 March 2023
- Integrated Wellbeing Service (IWS) – 2024 onwards – Commissioning and Procurement Executive Committee – 30 May 2023
- Integrated and online Sexual Health Service contracts extension – Commissioning and Procurement Executive Committee – 10 October 2023

Related Portfolio Holder and Operational Decisions with a value of £0.100m or above (in chronological order):

- Procurement of a Needle and Injecting Equipment Supply Contract (4657)
- NHS Health Checks Programme Delivery (4842)
- Oral Health Promotion (4927)
- Infection Prevention and Control Service (4991)
- Receive and spend Public Health and ICB Health Inequalities grant funding for routine childhood and adolescent vaccination in the City of Nottingham (5014)
- Approval to spend Public Health grant contribution via a Healthy Communities Small Grants Scheme (5062)
- Gambling related harm strategy 2023-2028 (5065)
- Agenda for Change (AfC) for Integrated Sexual Health Services (ISHS) (5081)
- Grant funding for the provision of advice and assistance for people in financial difficulty to improve health and wellbeing outcomes (5110)

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Subject:	Future High Streets Fund – Reallocation of funding
Corporate Director(s)/Director(s):	Sajeeda Rose, Corporate Director of Growth & City development
Portfolio Holder(s):	The Portfolio Holder with responsibility for Strategic Regeneration
Report author and contact details:	Laura Marsden/Mark Lowe, Head of Housing & Regeneration Telephone: 0115 8763532 Email: mark.lowe@nottinghamcity.gov.uk
Other colleagues who have provided input:	Anthony Heath, Team Leader, Legal Services Mick Suggett, Team Leader, Legal Services Sue Oliver, Category Manager, Procurement Jonathan Whitmarsh, Corporate Procurement Officer Beverley Gouveia, Head of Property Thomas Straw, Senior Accountant Geetha Blood, Interim Finance Business Partner
Subject to call-in:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Key Decision:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criteria for Key Decision:	
(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
and/or	
(b)	Significant impact on communities living or working in two or more wards in the City <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Type of expenditure:	<input type="checkbox"/> Revenue <input checked="" type="checkbox"/> Capital If Capital, provide the date considered by Capital Board Date: 7 th May 2024
Total value of the decision:	£3.865m
Section 151 Officer expenditure approval	Has the spend been approved by the Section 151 Officer? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/a Spend Control Board approval reference number:
Commissioner Consideration	Has this report been shared with the Commissioners' Office? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Any comments the Commissioners wish to provide are listed below.
Wards affected:	Castle
Date of consultation with Portfolio Holder(s):	
Relevant Council Plan Key Outcome:	
Clean, Green and Connected Communities	<input type="checkbox"/>
Keeping Nottingham Working	<input checked="" 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 checked="" type="checkbox"/>
Keeping Nottingham Moving	<input type="checkbox"/>
Improve the City Centre	<input checked="" type="checkbox"/>
Better Housing	<input type="checkbox"/>
Serving People Well	<input checked="" type="checkbox"/>
Summary of issues (including benefits to citizens/service users):	
In December 2020, the council was successful in securing £12,520,000 from Department for Levelling Up, Housing and Communities (DLUHC) 'Future High Street Fund' (FHSF), as part of the governments' Levelling Up' programme. This funding was granted to deliver two schemes that were intended to ' <i>renew and reshape the Nottingham high street in a way that improves experience, drives growth, and ensures future sustainability</i> '. The projects were: 1) Maid Marian Way Highway Infrastructure - £8.6 million, and 2) Angel Row Creative Cooperative - £3.9 million.	

Whilst the Highway Infrastructure project continues to make significant progress and is expected to be completed by Spring 2025, unfortunately the Angel Row scheme is undeliverable. The Angel Row project was dependent on the successful sale of Nottingham Central Library on Angel Row to a developer. However, due to the current ongoing economic conditions, the developer identified for the site did not complete on the purchase and this has resulted in the Angel Row project being undeliverable.

In this context, we have been in dialogue with DLUHC to request an extension to the current funding deadline of March 2024 to March 2025 and seek authorisation to reallocate the Angel Row Future Highstreets Fund (FHSF) grant to an alternative project at Broad Marsh, specifically the Community Diagnostics Centre (CDC) on Lister Gate in partnership with the Nottingham Universities Hospitals Trust (NUHT). DLUHC have approved this request and have requested that the Council sign a new memorandum of understanding (MOU) that includes the extended funding timescale and reallocation of funding to the CDC project. It is therefore proposed that the FHSF funding be transferred to the NUHT via a grant agreement under section 76 of the National Health Service Act 2006 to support delivery of the CDC. This will be on the condition of agreeing revised outputs with DLUHC.

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

- Appendix 1 - External legal advice
- Appendix 2 – Additional summary on legal implications and
- Appendix 3 – Legal and Property colleague comments

This appendix is exempt from publication under paragraph number 5 of Schedule 12A to the Local Government Act 1972 because it contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings relating to a proposed transaction and, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. It is not in the public interest to disclose this information because it contains confidential legal advice in respect of the proposed transaction and disclosure could prejudice the Council's position

Recommendation(s):

- 1** To agree to discontinue the Angel Row element of the FHSF project on the grounds that it is undeliverable
- 2** To approve the reallocation of FHSF grant funding from the Angel Row project to support the delivery of the Community Diagnostics Centre (CDC)
- 3** To delegate authority to the Corporate Director for Growth and City Development to sign the MOU once/if revisions are agreed with DLUHC
- 4** To delegate authority to the Corporate Director of Growth and City Development to agree any subsequent grant agreement and MOU with NUHT

1. Reasons for recommendations

- 1.1 The recommendations, if approved and implemented, will allow the FHSF Grant to be retained by the city rather than being returned to DLUHC and utilised within the funding conditions
- 1.2 The additional funding will enable an optimised and enhanced CDC development to be delivered which will bring increased health, social and environmental benefits to the city

2. Background (including outcomes of consultation)

- 2.1 We had previously secured £3.9 million of FHSF to convert the frontage of the Central Library on Angel Row into a 'Creative Cooperative, providing co-working/community events space. Unfortunately, due to the current economic climate the land sale required to facilitate the development fell through, resulting in this scheme being undeliverable within the funding timescale
- 2.2 Since the original FHSF bid was made, there has been a significant shift in city priorities regarding the regeneration of the Broad Marsh area and the impact it can have on its surrounding Highstreet environs. Through the work of the 'Big Conversation, which confirmed the Broad Marsh Area Vision and subsequent master planning work, this has identified the need for Broad Marsh to re-invent itself as a highly sustainable mixed area offering opportunities for housing, commercial and community activity
- 2.3 To support this approach at Broadmarsh, the Council has facilitated the investment of the Nottingham Universities Hospital Trust (NUHT), who will create a Community Diagnostics Centre (CDC) offering diagnostic procedures for 130,000 patients a year in the heart of the city at Lister Gate by re-purposing a part of the Broad Marsh shopping centre frame. This will have the combined benefit of providing an important community facility and revitalise Lister Gate by providing significant footfall which will support the city centre. This also aligns with the objectives of the Future High Street Fund and is consistent with the original agreed outcomes for the funding
- 2.4 The specific aim of the CDC is to create additional diagnostic capacity over and above NUHT's existing capacity and will deliver a broad range of diagnostic services including MRI, CT, X-ray, ultrasound scans. This facility will support the improvement of health outcomes across the city by providing convenient access to healthcare and appointments. The intention of this will be a reduction of the long-term impacts of disease through early diagnosis. By providing a facility that is centrally located and can be easily reached by public transport, compared to attending acute hospital sites, this will increase the number of patients from Nottingham's communities attending their health appointments
- 2.5 The CDC project will help to support the delivery of the Nottingham City Council's Council Plan 2023-27 key city outcomes:
- *Living Well in Our Communities:* The CDC will improve access to healthcare and diagnostic services inc. MRI, CT, x-ray, ultrasound scans
 - *Keeping Nottingham Working:* This proposal will not only provide construction jobs during the development of the site but ultimately provide high skilled employment opportunities once completed
 - *Improve the City Centre:* The successful and continued regeneration of the Broad Marsh site and use of the vacant units will bring renewed investor confidence to parts of the city that have suffered high vacancy rates
 - *Serving People Well:* Improving access to diagnostic services for Nottingham communities. The CDC will be easily reached by public transport and will replace the requirement of attending acute hospital sites which risk some patients from Nottingham's communities not attending their health appointments
- 2.6 It is therefore recommended that given the Council's priorities at Broadmarsh and the opportunity to optimise the investment from the NUHT, the delivery of the CDC is an appropriate recipient for the reallocated FHSF grant. This

approach has been fully discussed and endorsed by DLUHC through their approval of our proposal

- 2.7 The original funding conditions required all FHSF grant to be spent by March 2024. The new approved FHSF funding deadline now allows for contractual commitment by September 2024 and full funding defrayment by March 2025. This revised funding timeframe aligns with the CDC's delivery programme

Future Highstreets Fund (FHSF)

- 2.8 The proposed CDC project will support the refurbishment of six vacant retail units into an NHS Community Diagnostic Centre (CDC) as part of Nottingham City Council's wider Broadmarsh regeneration programme and will specifically:

- Invest and deliver improved physical infrastructure
- The enabling of land assembly for the delivery of the CDC facility and improvement of surrounding public realm
- Supporting change of use and densification by bringing back into use vacant retail units for public health use
- Supporting adaptation of the high street in response to changing technology by delivering a state-of-the-art public health facility with CT, MRI, Ultrasound scanning capabilities to the city centre
- Increase footfall
- Supporting the development of a new state of the art, sustainable building
- Driving economic growth on the high street through increased footfall and encouraging complimentary economic activity
- Driving multiplier effects by pulling in more footfall to the area, with subsequent local spending increases
- Fundamental transformation of the area
- Occupation of (vacant) premises, generating long-term sustainability

- 2.9 The project's change of scope will still directly meet the objective of the Future High Street Fund:

- Investment in physical infrastructure
- Acquisition and assembly of land including the support of new housing, workspaces and public realm
- Improvements to transport access, traffic flow and circulation in the area
- Supporting change of use including (where appropriate) housing delivery and densification
- Supporting adaptation of the high street in response to changing technology

- 2.10 A business case has been developed for our contribution to this wider CDC scheme and this has been shared with DLUHC who have approved the council's request to reallocate funding to this proposal along with an extended delivery timeframe

Nottingham Universities Hospitals Trust (NUHT)

- 2.11 The Nottingham Universities Hospital Trust (NUHT) have been successful in securing £25 million capital funding from the Department of Health and Social Care (DHSC) to deliver the CDC and they will be the lead organisation in the delivery of the CDC facility. Their role will include the leasing of land from the City Council, the enabling and refurbishment works of the building and will

also staff and operate the facility once completed. The lease agreement will be subject to a separate decision

2.12 The Council will contribute the FHSF's £3.9million to supplement the DHSC's £25million to contribute towards the delivery of the CDC as an operational entity intended to avoid admission to hospital as per section 76 of the National Health Service Act and ensure the outputs agreed within the MOU are delivered. Although the NUHT will deliver a CDC scheme without the FHSF funding, this funding will nevertheless allow the NHS to provide additionality that will be worked up with the Council utilising our role as planning and highways authority

Future Highstreets Fund MOU

2.13 The council signed the initial FHSF MOU in June 2021. Based on the successful outcome of a Project Adjustment Request (PAR) submitted to DLUHC in December 2023, a revised MOU has been issued that includes the revised funding deadlines (contractual commitment by September 2024 and full funding defrayment by March 2025) and the inclusion of the CDC project

2.14 The MOU commits the Council to delivery obligations including project scope, forecast spend profile, outputs, key milestones and delivery schedule. Together these project parameters set out the "ask" and "offer" expected by the Parties. However, DLUHC have confirmed that the MOU is not legally binding and within the section 31 grant conditions there is no risk of clawback

2.15 Following discussions with DLUHC, it has been agreed that an amended PAR will need to be submitted to DLUHC to align the programme outputs with the CDC delivery outputs. DLUHC will then determine whether this requires any changes to the MOU

2.16 This method will ensure that the council will be able to meet our delivery obligations under the MOU as they will be the principal result of the CDC being delivered by NUHT and enable the council to utilise the recommended grant agreement

2.17 If the PAR is unsuccessful, we will be unable to proceed and this proposal will be aborted. If it is successful, then we seek authority to enter into a MOU with DLUHC

2.18 Please see below table for outputs that are expected via the delivery of the CDC. They reflect the NUHT expected delivery outputs and will be included in the proposed PAR:

Outputs/Indicator	Unit	Target
£ co-funding committed (private and public) *	n/a	£25mil
# of temp full-time jobs supported during project implementation*	No. of jobs	71
# of full-time equivalent (FTE) permanent jobs created	No. of jobs	103
# of full-time equivalent (FTE) permanent jobs safeguarded	No. of jobs	0
Amount of floor space repurposed (residential, commercial, retail)	m2	2789
# of derelict buildings refurbished	No. units	6

Proposed Method to Transfer FHSF Grant Funding

2.19 It is proposed that the FHSF funding be transferred to the NUHT via a grant agreement under section 76 of the National Health Service Act 2006. This has been tested by external legal advice.

Section 76(1) of the National Health Service Act 2006 provides power for the Council to make payment to NHS England, an integrated care board or a local health board towards expenditure incurred or to be incurred by that body in connection with the performance of prescribed functions, including rehabilitation services and services intended to avoid admission to hospital. It would therefore be possible for the Council to use section 76(1) of the National Health Services Act 2006 to make payments to NUHT for the purposes of the project to establish the CDC

2.20 The grant agreement will include basic details of the arrangements between the parties, the payments to be made and other general provisions.

2.21 In order to ensure the grant agreement meets the requirements under the memorandum of understanding with DLUHC, the agreement would also need to include:

- Reference to the timescales within which funding will be made available and within which it must be used.
- A requirement for the funding to be used for capital purposes.
- A requirement to adhere to any branding constraints imposed by DLUHC on the Council.
- A requirement to provide reports to the Council on progress with the project.
- A requirement for the Council's officers and auditors to have access to the project.
- Provision for dispute resolution

2.22 The advantage of using an agreement with these provisions is that it would enable the Council to make the practical arrangements for the transfer of funding and it would be a relatively straightforward agreement to produce and monitor. It is also likely to avoid any risk of the agreement being interpreted as a contract for works or services and so potentially being subject to a requirement for procurement

2.23 The disadvantage of this type of agreement is that it gives limited control over the specific details of what is delivered with the funding, limited powers to enforce any funding conditions and would place risk with the council in regard to underperformance, under/overspend and standards of work. This is mitigated however by aligning the DLUHC MOU outputs with the NUHT CDC delivery outputs via the proposed PAR. The Council will also need to ensure that its agreement with NUHT gives the Council sufficient rights to suspend, withdraw or recover funding from NUHT if the CDC isn't delivered

2.24 The Council itself could be subject to DLUHC suspending, withholding or recovering funding if the Council fails to comply with the memorandum of understanding with DLUHC including funding commitment and spend deadlines. The risk of clawback of already paid grant is minimal due to the funding being a section 31 grant, however future funding could be withheld. The Council will therefore need to ensure that its agreement with NUHT gives the Council sufficient rights to suspend, withdraw or recover funding from NUHT if the Council is subject to this from DLUHC

2.25 However, these risks would be mitigated due to the Council not needing to specify any additional delivery requirements of the NUHT in its delivery of the CDC if the amended PAR is accepted by DLUHC and MOU is accepted by the Council

2.26 Additionally, under the FHSF programme, DLUHC allows authorities the freedom to make output, outcome and funding changes within individual programmes up to a threshold of 30% without needing to seek departmental approval. Also, any changes above this can be submitted via a Project Adjustment Request for further approval. This will provide some mitigation if outputs are not fully met by NUHT

2.27 We have established this method of grant transfer by instructing external legal advice from Geldards to ensure that this proposed strategy is a compliant under current legal and procurement parameters. This advice is attached in exempt Appendix 1

2.28 Please see exempt Appendix 2 for additional summary notes on the legal implications of grant agreements

2.29 This recommended method of delivery will enable:

- the funding to be utilised solely for the delivery of the CDC
- the city will be able to retain this allocation of the FHSF for the benefit of its citizens
- provisions to be made within the agreement for the Council to suspend, withdraw or recover funding from NUHT if the Council is subject to this from DLUHC or the CDC does not proceed
- through its role as landlord and planning/highways authority, the Council will continue to work with NUHT to ensure the successful development of the CDC as an operational entity on Lister Gate

Implications of the Grant Transfer on Agreement for lease

2.30 Geldards have also reviewed the agreement for lease to consider any implications the proposed funding arrangements may have on it. They have concluded that unless such grant agreement introduces requirements relating to the lease of the property, they do not envisage the arrangements for funding creating any greater risk of the land transaction becoming subject to public procurement legislation

2.31 However, the Council will need to ensure that any provision made in its agreement with NUHT which reflects provisions in any delivery plan such as the MOU do not impose binding development obligations on NUHT

2.32 The land agreements (comprising an Agreement for Lease, Lease and a Licence for Works) are separate to any transfer of grant funding. The land deal will be stand alone and is the subject of separate approvals and consideration

Considerations & Issues

2.33 The need to link the FHSF to the NUHT CDC project:

- The FHSF programme's ambition is to bring transformative change to the Highstreet, with successful funding bids needing to demonstrate a benefit cost

ratio (BCR) of how the investment will produce increased economic outputs. By helping deliver an 'enhanced' CDC scheme in partnership with the NUHT, this project is then able to deliver the FHSF objectives, as listed above in this report, as comprehensively as possible

2.34 Funding Timescales:

- All FHSF funding must be contractually committed by 30th September 2024 and must be fully spent by the 31st March 2025
- DLUHC have confirmed that contractually committed can mean the signing of contracts and commitment to spend in place. Full defrayment of the funding will mean the money will need to be out of the NCC accounts
- The transfer of the funding to NUHT before September 2024, will allow the condition of contractual commitment by September 2024 and spend by March 2025 to be met
- Department of Health and Social Care (DHSC) currently require the DHSC funding to be spent by March 2025

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

3.1 Alternative Schemes: Alternative schemes within the capital programme have been considered for the utilisation of this funding, however the recommended project needed to meet the FHSF funding criteria and conditions (as per 2.7 and 2.9). The alternative projects that have been investigated have ultimately been discounted due not fully meeting the funding criteria, timescales and budgetary requirements. It has therefore been determined that the NHS Community Diagnostics Centre (CDC), proposed for Lister Gate, is the most appropriate opportunity to deliver the outcomes required by the FHSF and would enable the grant to be utilised within the city and within the funding constraints

3.2 Detailed Grant Agreement to specify works: The advantage of this type of agreement is that it would give the Council greater certainty that NUHT will deliver specific outputs as the Council expects and within the expected timescale and budget. However, a potential disadvantage is that if the Council uses the agreement to impose substantial detailed obligations on NUHT, there is a risk that this could bring the agreement within the scope of a public works contract and so be subject to public procurement legislation. This is not possible within the timeframes and an open procurement exercise is not appropriate for this scheme delivery which is being led by the NUHT

3.3 Forfeit FHSF Grant: Without support for the CDC project, Officers would recommend forfeiting the FHSF grant associated with the Angel Row Creative Cooperative to DLUHC

4. **Consideration of Risk**

4.1 Delay to CDC Delivery: Operational risk - The CDC project is delayed, and the funding deadlines are missed/breach of funding agreement
Mitigation: FHSF grant will need to be contractually committed by Sept 2024 via a grant agreement if this approach is approved. If this is not possible then the funding will have to be returned/forfeit to DLUHC. Funding defrayment needs to take place by March 2025 however this includes the funding being transfer to

NUHT from the Council, we will therefore have met our funding obligation once this transfer takes place even in the event of wider project delivery slippages by NUHT. This will be mitigated through tight monitoring and monthly reporting of capital expenditure. The CDC business case has been approved by the NUHT board and the funding has been secured. Planning permission has also been approved. The NUHT CDC programme has a track record of delivering public health facilities

4.2 Inability to meet outputs: Operational/Financial risk – could result in a breach of funding conditions with DLUHC

Mitigation: Through the proposed revision of the outputs via the PAR, the funding requirements will reflect the NUHT project delivery outputs

Additionally, under the FHSF programme, DLUHC allows authorities to have the freedom to make output, outcome and funding changes within individual programmes up to a threshold of 30% without needing to seek departmental approval. Also, any changes above this can be submitted via a Project Adjustment Request for further approval. This will provide some mitigation if outputs are not fully met by NUHT. If NUHT fail to deliver then the council will need to ensure that its agreement with NUHT gives the Council sufficient rights to suspend, withdraw or recover funding from NUHT if the CDC is not delivered

4.3 Proposed Grant Agreement risks control over grant usage: Reputational/Operational

Mitigation: The proposed grant agreement will still ensure that the council are able to meet its requirements under a revised MOU with DLUHC and will also be able to ensure the funding is allocated solely for the delivery of the CDC. Work will continue with NUHT as a vested partner, landlord and planning and highways authority to feed into the development of the CDC as an operational entity

4.4 Funding unable to be committed/spent by DLUHC deadline: Reputational risk – the FHSF would have to be handed back to DLUHC

Mitigation: Ensure the CDC delivery team have a robust delivery plan and programme plan in place

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

5.1 The method of grant transfer identified within this report will enable the FHSF grant to be retained by the city and used to support the delivery a state-of-the-art community health facility for the use and benefit of its citizens. The alternative would be to return/forfeit this allocation of the FHSF back to DLUHC.

6. **Commissioner comments**

6.1 The Commissioners support the proposals

7. **Finance colleague comments (including implications and value for money/VAT) (draft)**

7.1 This report is seeking a recommendation to vary the grant allocation of £3.9m from Angel Row project to the Community Diagnostic Centre (CDC) as the original scheme was undeliverable within the funding timescales required. Whilst other schemes were considered and worked out, these were discounted as it could not be delivered within the project timeline.

- 7.2 A further recommendation is for the Corporate Director of Growth and City Development to agree any subsequent funding agreement which would include a grant agreement and the need to enter a MOU with NUHT. This would entail a wider lease agreement between the Council and NUHT as a separate matter involving its own approval. The grant funding cannot be linked to the lease agreement because to do so would place conditions on the Trust which would then entail a procurement exercise which is not possible to achieve within grant timescales. As the CDC will be delivered anyway, the lease agreement should not be burdened by conditions related to this funding.
- 7.3 The Capital Budget approved at Full Council March 2024 included forecasted spend of £3.865m in 2024/25 under the previous project heading of FHSF Angel Row. This project code will be closed to ensure no capital spend is inappropriately capitalised.
- 7.4 As detailed in the body of the report and its appendices the Council is awaiting an updated MoU and assuming that agreement can be made with DLUHC and a subsequent agreement established between the Council and NUHT. Assumed all the required agreements are signed the capital programme will be amended to recognise this decision as an external grant payment. This amendment will not affect the approved capital budget due to the budget being moved between an aborted project and the capital grant to NUHT
- 7.5 Should the agreements not be approved and signed between the relevant parties the grant will be required to be paid back to DLUHC and the Capital Budget reduced accordingly
- 7.6 The transfer of the grant to NUHT will not commit the Council to any future revenue / maintenance liabilities. It should also be emphasised that as the grant is passported to CDC, if the grant is not fully committed by Sept '24 (as required by the terms and conditions of the grant award), the Council is not responsible for any risks/costs arising from this delay.
- 7.7 For taxation purposes the grant funding agreements and the disposal need to be considered as a related transaction. The land has been opted to tax and the grant is outside the scope of VAT therefore there is no partial exemption issue and the Council incur no exempt income.
- 7.8 There are no direct revenue implications on the General Fund budget arising from this report.

Tom Straw, Senior Accountant (Capital Programmes) – 24th April 2024
Geetha Blood, Finance Business Partner – 30th April 2024

8. Legal colleague comments

- 8.1 Please see exempt *Appendix 3 – 3.1 Legal comments*

9. Other relevant comments

Strategic Assets & Property comments

- 9.1 Please see exempt *Appendix 3 – 3.2 Property comments*

Procurement comments

- 9.2 Recommendation 2 of this report is solely concerned with reallocation of FHSF funding to support the CDC scheme, and as such has no direct procurement implications.
- 9.3 Recommendation 3 concerns updating the terms of the MoU between the Council and DLUHC, however it appears that these amendments have yet to be agreed and so it is not possible to comment on the potential implications this may have for the scheme, however agreeing the terms of the MoU in itself does not carry any direct procurement implications.
- 9.4 Regarding Recommendation 4, the terms of the agreement to be signed between the Council and NUHT are critical. As it stands the proposal appears to be that we enter into a non-binding grant agreement which does not impose enforceable obligations on NUHT, with the trade-off that we lose the ability to exercise control over delivery of the outcomes. In the event that the final agreement either imposes immediately enforceable obligations on NUHT, or commits them to future obligations, in such a way that it would constitute a public works contract then a procurement exercise may need to be undertaken in compliance with the Public Contracts Regulations 2015 (or its successor), and in this event further advice must be sought from the Procurement Team.

Sue Oliver & Jonathan Whitmarsh, Procurement Team, 23rd April 2024.

10. **Social value considerations (If Applicable)**

- 11.1 The transfer of grant to the NUHT via the method as described in this report will support the delivery of the CDC in Nottingham City Centre which will work to increase diagnostic capacity across the city, shorten waiting times address, improve health inequalities and improve access to healthcare as the CDC is within a 15 minute walk of Nottingham's most deprived communities and has excellent public transport links

11. **Equality Impact Assessment (EIA)**

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

No



An EIA is not required because this is a transfer of grant for the delivery of a project led by an external organisation

12. **Data Protection Impact Assessment (DPIA)**

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

No



A DPIA is not required because this is a transfer of grant for the delivery of a project led by an external organisation

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

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

No



A CIA is not required because this is a transfer of grant for the delivery of a project led by an external organisation

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

14.1 N/A

15. Published documents referred to in this report

15.1 N/A

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