

Nottingham City Council

Executive Board

Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 22 October 2024 from 2.00 pm - 2.35 pm

Membership

Present

Councillor Ethan Radford (Vice Chair)
Councillor Cheryl Barnard
Councillor Pavlos Kotsonis
Councillor Sam Lux
Councillor Linda Woodings

Absent

Councillor Neghat Khan (Chair)
Councillor Kevin Clarke
Councillor Jay Hayes
Councillor Corall Jenkins

Colleagues, partners and others in attendance:

Jill Colbert	- Corporate Director for Children and Education Services
Nicki Jenkins	- Interim Corporate Director for Growth and City Development
Tony McArdle	- Lead Commissioner
Colin Parr	- Corporate Director for Community, Environment and Residents Services
Phil Wye	- Governance Officer

Call-in

Unless stated otherwise, all decisions are subject to call-in. The last date for call-in is 30 October 2024. Decisions cannot be implemented until the working day after this date.

48 Chairing Arrangements

In the absence of the Chair, Councillor Ethan Radford chaired the Board meeting in his capacity as Vice-Chair.

49 Apologies for Absence

Councillor Kevin Clarke – work commitments
Councillor Jay Hayes – leave
Councillor Corall Jenkins - unwell
Councillor Neghat Khan – other Council business

Beth Brown
Ross Brown
Roz Howie
Shabana Kausar

50 Declarations of Interests

None.

51 Minutes

The minutes of the meeting held on 17 September 2024 were confirmed as a correct record and they were signed by the Chair.

52 Formal Adoption of Greener, Healthier, Happier - Nottingham - Greenspace Strategy

Councillor Sam Lux, Executive Member for Carbon Reduction, Leisure and Culture, presented the report providing details of the new Greener, Healthier, Happier Nottingham Greenspace strategy (GHH) and seeking adoption of the strategic action plan and its aims and objectives contained within the strategy. The GHH strategy has been produced during a significant period of change and challenges for the Council. As a result, the GHH has been designed to ensure that it reflects the Council's revised strategic values and the aims of the Council's Improvement Plan.

The strategy lays out a framework for a programme of ambitious service improvements and hopes to deliver a Greener, Healthier, Happier, Nottingham. The report highlights a strategic framework to define a 'direction of travel' for the city in determining how it delivers its green space assets during its lifetime.

The strategy has been enabled through the Future Parks Accelerator programme (FPA) supported by the National Lottery Heritage Fund (NHLF), the National Trust (NT) & the Department of Levelling Up, Housing and Communities (DHLUC).

Resolved to

- (1) approve the Greener, Healthier, Happier, Nottingham Strategy and the accompanying Volunteering Strategy, including their visions, aims & objectives and the strategic action plans as detailed in Section 2 of the report;**
- (2) note there is no direct financial cost in adopting this strategy and that future transformational changes and improvement projects will be subject to future reports and NCC approval processes;**
- (3) adopt Natural England's Urban Greening Factor recommendation of 40% as a stretch target for greenspace within the city with the current amount of 38.1% as a baseline measure;**
- (4) note the Statutory Duty and the subsequent delivery and implementation of the Environment Act 2021 (as detailed in the background section of the report) including Biodiversity Net Gain (BNG);**
- (5) approve the proposal to continue the governance and oversight of the Strategy process by the Open & Green Spaces Champions Group.**

Reasons for decisions:

- As custodian of Nottingham's open and green spaces, Nottingham City Council (NCC) has a responsibility to protect and maintain its green assets. The strategy through its Vision, Aims and Objectives provides the strategic direction with definitive outputs and outcomes to ensure the delivery of a Greener, Healthier, Happier Nottingham.
- The strategy is a framework that will help inform how the Council delivers its greenspace assets during its lifetime. This report highlights that specific required strategy transformational changes and additional required resources will need to seek approval through the necessary NCC approval procedures. Adopting the strategy will support external funding from both the public and private sectors and is the ambition for achieving transformational change.
- Partnerships & Volunteering help scale presence and support existing resource enhancing outcomes. Although the strategy itself is not requiring financial support future action plans will have a requirement for funding. Sourced through income generation, sponsorship and BNG contributions and other grant monies available;
- To raise understanding and awareness of future changes to the greenspace landscape through the management, maintenance and development of green space in the city. The strategy acknowledges NCC's commitment through adoption to delivering Natural England's recommended 40% Urban Greening Factor as agreed by the Open & Green Spaces Champions Group.
- In noting the statutory duty, BNG offers a whole council approach across all departments collaborating to deliver our legal obligations. Plans for determining the Best Value approach to our future delivery are being considered.
- The Open and Green Spaces Champions Group consists of a multi-service membership made up of internal and external stakeholders with defined Terms of Reference chaired by the Portfolio Holder. This group will hold the strategy to account making recommendations for compliant, efficient, and effective implementation.

Other options considered:

- Not to adopt the strategy - rejected - 3 years of detailed Future Parks Accelerator (FPA) work, auditing, consultation and partnership collaboration have been undertaken to create this strategy and the volunteering strategy. It gives the City a clear framework to grow, protect and sustain our greenspaces. Not to pursue its adoption removes a clear plan for the service and negates access to additional external funding.
- Not to respond to data and insight gathered through the FPA programme and engagement with local residents that has led to the development of the Volunteering strategy and the emerging Tree and Woodland Strategy which will ensure community led solutions are fully explored and developed - rejected as would result in no plan to engage with local residents nor the opportunity to build capacity.
- Not to agree to the implementation of the now mandatory BNG legislation and understand its impact on the Planning and Greenspace & Natural Environment Services - rejected - The Council will not be able to undertake the additional duties imposed by the Environment Act 2021 and fail to discharge a vital statutory duty.

- Not to identify and investigate different delivery models for Greenspace Development will lead to Best Value opportunities being missed. Rejected - The FPA programme has considered various delivery models for all service areas that will be further interrogated as part of the delivery of the outputs of the strategy.

53 Greater Nottingham Strategic Plan Publication Draft

In the absence of Councillor Jay Hayes, Executive Member for Housing and Planning, Councillor Linda Woodings presented the report on the Greater Nottingham Publication Draft Strategic Plan (Strategic Plan) which has been prepared in partnership with Broxtowe, Gedling and Rushcliffe Borough Councils, and sets out a coherent and consistent strategic planning framework across the four local authority areas.

The Strategic Plan sets a strategic planning framework for Nottingham City to 2041, including the broad scale and location of housing and economic growth over that period, together with supporting infrastructure and how environmental matters will be considered. The Strategic Plan will be part of the statutory Development Plan that all local planning authorities must prepare by law. The document is at the 'Publication' stage of the plan preparation process and is the first formal stage in the production of the document (i.e. Regulation 19); it follows several stages of informal consultation.

Resolved to

- (1) approve the Publication Draft Greater Nottingham Strategic Plan for consultation in so far as it relates to Nottingham City, to allow a period of public representations;**
- (2) delegate authority to the Director of Planning and Transport to make any minor editing changes such as typographical, formatting, or changes to imagery necessary to the Publication Draft Greater Nottingham Strategic Plan and any supporting evidence documents prior to consultation.**

Reasons for decisions:

- Production of a Local Plan is a statutory requirement. If no planning framework is in place, the government's default presumption in favour of sustainable development will apply to relevant planning applications.
- It would be possible for Nottingham City Council to publish a separate Local Plan, without aligning with the surrounding District's Local Plans. However, the 'Duty to Cooperate' introduced through the Localism Bill requires councils to demonstrate at Examination that they have worked with neighbouring councils in addressing cross boundary planning matters, and by preparing a joint Strategic Plan, this duty is met. Furthermore, working with partner Councils in Greater Nottingham has resulted in significant cost savings, achieved through commissioning one consistent evidence base, and there will be one examination rather than four.

Other options considered:

- Production of a Local Plan is a statutory requirement. If no planning framework is in place, the government's default presumption in favour of sustainable

development will apply to relevant planning applications. Not preparing a plan is therefore not considered to be a reasonable option.

- An alternative option would be for Nottingham City Council to publish a separate Local Plan, without aligning with the surrounding District's Local Plans. However, the 'Duty to Cooperate' introduced through the Localism Bill requires councils to demonstrate at Examination that they have worked with neighbouring councils in addressing cross boundary planning matters, and by preparing a Strategic Plan, this duty is met. Furthermore, working with partner Councils in Greater Nottingham has resulted in significant cost savings, achieved through commissioning one consistent evidence base, and there will be one examination rather than four.

54 Housing Strategy - Homes Fit for the Future

In the absence of Councillor Jay Hayes, Executive Member for Housing and Planning, Councillor Linda Woodings presented the report outlining the vision, priorities, and actions for improving the quality, supply, and affordability of housing in the city.

The strategy covers all tenures - social housing, the private-rented sector and owner-occupied homes. It considers how the council and its partners can make the most impact to improve the housing offer and tackle the above issues within a housing market where it has varying degrees of responsibilities and powers depending on tenure. The population in Nottingham is projected to increase by over 56,000 people by 2041 which will put further pressure on the housing market. A degree of strategic direction and intervention will be needed to ensure that the right number and type of homes are built in the right places to meet current and future demand. Partnership working will be key to achieving the vision and responding to housing need in the city, and the strategy provides a framework for organisations to work together to address the city's housing issues.

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Resolved to

(1) approve and adopt the Housing Strategy;

(2) note the consultation findings relating to the recent period of public consultation on the draft Housing Strategy;

(3) delegate to the Corporate Director of Growth and City Development in consultation with the Executive Member for Housing and Planning the responsibility for agreeing the Implementation Plan and monitoring the outcomes within.

Reasons for decisions:

- Although it is not a statutory requirement for a local authority to have a housing strategy, it is held as good practice to have one and given the council's financial constraints, it is evident that it cannot achieve the Council Plan's aim for 'Better Housing' in isolation. The council will increasingly take on the role of a strategic enabler rather than a direct delivery lead and much of the work that will happen to improve the housing offer for the city will be delivered by partners. It is important that the council provides a vision for housing in the city, identifies the priorities for the next few years and gives a lead for the many partners with whom we work.
- The Housing Strategy sits alongside several statutory strategies that are a requirement of a Strategic Housing Authority such as the Homelessness Strategy and the Local Plan, and discretionary tools such as private rented sector licensing and the Supported Housing Improvement Programme (SHIP). Having a Housing Strategy in place enables the council to demonstrate how individual interventions fit within the overall strategic city-wide approach which supports the case for the delegation of further powers to the authority.
- The previous housing strategy is now out of scope in terms of time period covered and the local and national context has changed significantly since 2018 when it was published, so a renewed strategy is necessary. The new strategy lays out up-to-date data covering the local housing market, and relevant changes in national policy that effect local decision making.
- As the largest landlord in the city, managing over 24,000 properties, the council's housing and policy decisions directly affect a significant number of residents. Nevertheless, it is important to recognise that the Housing Strategy is a cross-tenure approach, encompassing much more than the council's own homes and activities. This strategy provides an opportunity to take a holistic view of all housing tenures, addressing the needs and challenges across social housing, private rentals, and homeownership. By doing so, the strategy ensures a unified approach that strengthens the overall housing system and benefits residents across the city.

Other options considered:

- To not adopt a Housing Strategy: rejected as the document provides a clear direction for housing in the city and provides an opportunity for progress to be tracked.

55 To create a Special Educational Needs Provision at Glade Hill Primary School and the Fernwood Secondary School

Councillor Cheryl Barnard, Executive Member for Children, Young people and Education, presented the report regarding Special Educational Needs and Disabilities (SEND) provisions at both Glade Hill Primary School and the Fernwood (secondary) School, which were identified as priorities in Phase 1 of the Council's SEND Capital Strategy 2023-28, to support the Council's statutory sufficiency duties in relation to

the delivery of suitable specialist educational provision for children and young people with complex SEND.

Nottingham is experiencing considerable growth in the number of young people identified as having SEND and there is an urgent, significant and increasing need for additional capacity to meet this demand. The Council is committed to supporting schools and settings within the city to offer high quality, inclusive education.

The development of provision at Glade Hill Primary School and The Fernwood School, will offer access to good and outstanding specialist educational provision for local pupils. The developments set out within the SEND Capital Strategy are aspirational for pupils with SEND residing in Nottingham and are supported by local parent carer forums and schools. Nottingham City Council's Educational Division has robust financial management of its High Needs funding block, enabling the opportunity to deliver SEND projects at a scale not replicated by comparable Local Authorities. The provisions are also positive for the council's general fund, ultimately reducing reliance on home to school transport by avoiding the need to place pupils in costly out of area independent provision, reducing longer distance transport provision.

Resolved to

- (1) approve the total allocation of funding of £1,850,000.00 comprising £1,791,835 from the High Needs Capital Fund and £58,165 Education S106 funding contribution, to create a specialist SEN provision at Glade Hill Primary School and to amend the capital programme accordingly;**
- (2) approve the total allocation of funding of £2,750,000.00, comprising £2,209,946 from the High Needs Capital Fund and £540,054 Education S106 funding contribution, to create a specialist SEN provision at The Fernwood School and to amend the capital programme accordingly;**
- (3) authorise the procurement of necessary contracts and consultants to develop and deliver the projects using the SCAPE framework and delegate authority to the Corporate Director for Children & Education Services to award any procured contracts, complying with the Council Constitution and the relevant regulations, subject to costs being contained within the financial envelope;**
- (4) authorise the procurement of the construction contract for the expansions utilising the SCAPE framework to carry out the building works and to delegate authority to the Corporate Director for Children & Education Services to award any procured contracts, complying with the Council Constitution and the relevant regulations, subject to costs being contained within the financial envelope;**
- (5) procure external legal resources using compliant frameworks and to delegate authority to the Corporate Director for Children & Education Services to award any procured contracts, complying with the Council Constitution and the relevant regulations, subject to costs being contained within the financial envelope.**

Reasons for decisions:

- High Needs Capital funding is intended to support the Council to fulfil its sufficiency duties in relation to the availability of suitable specialist school places for young people with complex SEND. More specialist places are required to address the existing cohorts as well as to make provision for the identified growing need. The proposals align with strategic priorities and will deliver additional capacity which is accessible for pupils in high areas of need, evidenced by the data set out in the strategy.
- In continuing to get value for money from the High Needs budget, the SEND Capital Strategy is key to achieving this. It is essential that there are sufficient local places for the growing number of high needs pupils, to avoid the need to place pupils in costly out of area independent provision, while also helping to reduce the resultant requirement for longer distance transport provision.
- The LA has a robust medium term financial plan for the High Needs revenue budget, to budget for the high needs place and top-up funding associated with the creation of additional specialist places. Revenue funding has been identified to ensure ongoing running costs for both new SEN provisions. Remodelling of the high needs block was undertaken in November 2023 which confirmed affordability of all Phase 1 schemes in the SEND Capital Strategy.
- The need for SEN provisions at both Glade Hill Primary School and the Fernwood (secondary) School, were identified as priorities during Phase 1 of the SEND Capital Strategy 2023-28, which was consulted on and approved by Executive Board in September 2023. The LA has been working in successful partnership with both schools to develop specialist provisions within the mainstream schools and for the local area.

Other options considered:

- The schemes proposed in this report are two of the six schemes identified in Phase 1 of the SEND Capital Strategy. Risks of not investing the funds: there will be fewer specialist places for the growing numbers of children and young people identified with complex SEND. There is currently insufficient provision in primary and secondary settings.
- Without this investment, there will be an increase in revenue costs, as the number of out-of-city placements would increase.

56 New Pedestrian and Cycle Bridge over the River Trent

In the absence of Councillor Neghat Khan, Executive Member for Strategic Regeneration, Transport and Communications, Councillor Ethan Radford presented the report on the delivery of a new pedestrian and cycle bridge over the River Trent linking the Waterside Regeneration area with the Hook and Lady Bay area which is included as part of the existing approved Transforming Cities Fund programme.

This is a high-profile scheme that will open up new safe routes for people living and working in Nottingham to travel in a more sustainable way for both commuting and leisure. The new bridge will also become a significant new landmark in the Trent Valley.

Subject to approvals, the main delivery contract will be signed in January 2025, with enabling works starting shortly after. The bridge will be constructed on site in the Summer of 2025 and lifted into place at the end of the year, with the remaining steps, ramps and public realm areas being completed in Spring 2026.

Resolved to

- (1) note that planning approval has been secured for the scheme, and that a scheme order, under S106(3) of the Highways Act 1980, has been submitted to the DfT, and no objections have been raised;**
- (2) note the progress of procurement activities, to deliver the scheme, up to the value of £18m, pursuant to the approval by the Executive Board on 16th June 2020 as part of the Transforming Cities Fund (2) Programme, and that these activities have been delegated to the Corporate Director of Growth and City Development;**
- (3) amend the current capital programme to reflect the reallocation of funding approved by Executive Board on 16th June 2020, to the value of £18m;**
- (4) note that approval to delegate authority to the Corporate Director of Growth and City Development to enter into, and secure the necessary land and highway agreements/ acquisitions, with third-party landowners and enter into any necessary licenses with statutory agencies both within and outside of the City boundary, was granted by Executive Board in December 2021;**
- (5) approve that the City Council will maintain the pedestrian and cycle bridge over the River Trent, the bridge over Trent Basin and all connecting ramps and steps as a highway asset;**
- (6) note that delivery of the scheme is to remain subject to compliance with the Department for Transport's assurance process for the programme and award of remaining allocated funding covering the cost of the scheme.**

Reasons for decisions:

- The new pedestrian and cycle bridge is a key scheme included in the existing approved Transforming Cities Fund programme.
- The scheme now has planning approval, a completed design that is currently being costed, and a scheme order S106(3) of the Highways Act 1980 (build over navigable water) has been submitted to the DfT, and no objections have been raised.
- The main components of the scheme are to construct a pedestrian and cycle bridge over the River Trent, a smaller bridge over the Trent Basin, connecting ramps and steps and access paths, and improvements to surrounding paths.
- The maximum budget for the delivery of the scheme is £18m, and only when an affordable fixed price is obtained, in December 2024, and the S106 Scheme Order has been confirmed by the Secretary of State, will the Corporate Director of Growth and City Development exercise their delegated authority to enter into contracts.

Other options considered:

- To do nothing – Rejected Failure to progress to construction will prevent spend to date being capitalised and will result in a revenue pressure of around £3.8m. This will also have a negative impact on the Council's reputation.
- Reduce the specification of the bridge – Rejected. This will not only result in extensive redesign, which will be costly, but will also cause slippage to the programme, which will be deemed as unacceptable by the DfT.

57 The Disposal of Investment Property Assets from the Property Trading Account and Surplus Operational Assets

Councillor Ethan Radford, Executive Member for Skills, Growth, Economic Development and Property, presented the report regarding property assets proposed for disposal that have been reviewed in accordance with the "Asset Rationalisation Programme" and endorsed as being suitable for disposal as they will provide capital receipts to the council.

The Council is currently facing significant budget gaps due to issues facing councils in general across the country including increased demand for children's and adults' social care, rising homelessness presentations and inflation. This has meant substantial savings need to be made between 2024-25 to 2027-28 to enable balanced budgets to be set. In addition, the Council has been granted Exceptional Financial Support (EFS) from the Government of up to c£66m which is repaid in part using capital funds from disposals.

Resolved to

- (1) make the assets detailed in the exempt appendix surplus to the requirements of the Property Trading Account/operational service area (as applicable) and available for disposal;**
- (2) delegate approval of the final terms of sale to the Corporate Director for Growth and City Development;**
- (3) appoint sales agent(s) or any other required consultant via a procurement compliant process (tender/framework/quotation) to facilitate the disposals process. Any expenditure will be subject to the Spend Control Board process;**
- (4) delegate the approval of any licences/agreements or required legal agreements to facilitate a sale, to the Director of Economic Development & Property where not already captured by the Scheme of Delegation.**

Reasons for decisions:

- Disposals will generate significant capital receipts which can be used by the Council as outlined in the budget strategy. They will also mitigate potential future financial risks arising from capital and revenue expenditure required to meet the Council's statutory, maintenance and repairing obligations and remove resource-

intensive assets from the Council's ownership. Sales will also remove any costs associated with voids/re-letting and refurbishment.

- The properties identified in the exempt appendices have been identified as suitable for sale via a detailed review process. The proceeds will allow the Council to meet its requirement of repaying EFS in year as well as a range of other items such as the repayment of borrowing, transformation, and approved projects. The disposal of income and non-income producing assets will deliver a programme of capital receipts to repay these items.
- Delegating the approval of any required asset management activity and/or method of sale to the Director of Property is required to ensure any required actions to facilitate a sale are undertaken quickly and efficiently. Such asset management actions would include rent reviews/lease renewals/assignments etc. The most appropriate method of sale will be determined depending on the asset type, value and the market at the prevailing time.
- Delegating approval of the final terms of sale to the Corporate Director for Growth and City Development will ensure disposals can be progressed at pace without having to refer decisions back to the Executive Board.
- Any expenditure will be subject to the Spend Control Board process to ensure disposals can be progressed at pace without having to refer decision back to the Executive Board. All decisions will be in line with the Council's Spend Control Board process, and this has been endorsed by the S151 Officer.

Other options considered:

- Not to sell the assets - This option has been rejected as retention of the assets could present a financial risk to the Council in terms of capital expenditure for repairs, maintenance and compliance works or due to a potential fall in revenue income. Retaining the asset would also forego potentially significant capital receipts. The option to dispose will remain under review and if market conditions or due diligence reveals that the asset should be retained, reviewed, or sold later this decision will be recommended to the Corporate Director for Growth & City Development.
- Capital expenditure is required on most assets proposed for disposal, largely to ensure compliance with the Council's contractual and statutory obligations. This expenditure is necessary to preserve existing income streams and protect the value of an asset.
- Required expenditure includes repairs to buildings for which the Council is liable, and compliance with statutory requirements, most notably works to satisfy minimum energy efficiency standards (MEES) and obtain valid Energy Performance Certification (EPC).
- In the absence of a valid EPC certificate, the Council is prevented from letting assets which fail to meet required EPC legislation. EPC requirements are becoming increasingly stringent, with the next major uplift in standards being implemented on 1st April 2028 (delayed from 2027).
- Failure to expend monies may result in fines, loss of income, reputational damage and incur void costs and impairment in capital value.
- It is also anticipated market sentiment will turn negative on non-EPC compliant assets in advance of the 1st April 2028 deadline (delayed from 2027).
- Currently no provision to implement EPC compliance works exists within the Capital Programme and urgent budgetary provision is required to comply with impending legal requirements. It is considered unlikely that Capex on EPC and

repair works will generate increased rental income, as compliance with contractual lease obligations and legislation is expected.

58 Exclusion of the Public

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

59 New Pedestrian and Cycle Bridge over the River Trent - Exempt Appendix

Councillor Ethan Radford, Executive Member for Skills, Growth, Economic Development and Property, presented the exempt appendix, which was noted by the Board.

60 The Disposal of Investment Property Assets from the Property Trading Account and Surplus Operational Assets - Exempt Appendix

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