

## NOTTINGHAM CITY COUNCIL

### EXECUTIVE BOARD

**MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 18 December 2018 from 2.00 pm - 2.52 pm**

#### **Membership**

##### Present

Councillor Graham Chapman (Vice Chair)  
Councillor Jon Collins (Chair)  
Councillor Neghat Khan  
Councillor Dave Liversidge  
Councillor David Mellen  
Councillor Toby Neal  
Councillor Andrew Rule  
Councillor Dave Trimble  
Councillor Sam Webster (minute 58 onwards)

##### Absent

Councillor Sally Longford  
Councillor Linda Woodings

#### **Colleagues, partners and others in attendance:**

Councillor Andrew Rule

David Bishop	- Deputy Chief Executive/ Strategic Director of Development
Candida Brudenell	- Corporate Director for Resources and Strategy /Assistant Chief Executive
Theresa Channell	- Head of Strategic Finance
Ian Curryer	- Chief Executive
Chris Deas	- Director of Major Projects (& NET)
Chris Henning	- Corporate Director for Development and Growth
Rav Kalsi	- Councillor Support Manager
Alison Michalska	- Corporate Director for Children and Adults
Kate Morris	- Governance Officer
Laura Pattman	- Strategic Director of Finance
Craig Stanley	-
Steve Stott	-
Andy Vaughan	- Corporate Director for Commercial and Operations
Keri Usherwood	- Marketing and Communications Manager

#### **Call-in**

Unless stated otherwise, all decisions are subject to call-in. The last date for call-in is 31 December 2018. Decisions cannot be implemented until the working day after this date.

#### **55 APOLOGIES FOR ABSENCE**

Councillor Sally Longford – Council Business  
Councillor Linda Woodings – Work Commitments

**56 DECLARATIONS OF INTERESTS**

None.

**57 MINUTES**

The minutes of the meeting held on 20 November 2018 were confirmed as a true record and were signed by the Chair.

**58 REVIEW OF 2018/19 REVENUE CAPITAL BUDGETS AT 30 SEPTEMBER 2018 (QUARTER 2) - KEY DECISION**

The Board considered the report of the Portfolio Holder for Finance, Resources and Commercial Services providing an up to date assessment of the Council's current and forecast year-end financial position for the General Fund revenue account, Capital Programme and the Housing Revenue Account (HRA) based on activity to the end of September 2018.

The Portfolio Holder for Finance, Resources and Commercial Services offered thanks to officers and colleagues who had worked hard and contributed to management of Revenue and Capital budgets 2018/19.

**RESOLVED to:**

**(1) Note:**

- **the overall current forecast net overspend of £0.968m, as set out in paragraph 2.2 and Appendix A. The Council is committed to delivering services on budget for 2018/19 and repaying the 2017/18 overspend;**
- **the forecast working balance of £7.727m on the HRA, as set out in paragraph 2.7;**
- **the forecast position on the Capital Programme, as set out in paragraph 2.9;**
- **the Capital Programme projections at Quarter 2, as set out in paragraph 2.9 (table 4);**
- **the additions to the Capital Programme listed in Appendix E;**
- **the refreshed Capital Programme, including schemes in development, as set out in paragraph 2.9 (tables 5, 6 and 7).**

**(2) Approve the movement of resources set out in paragraph 2.6 and appendix D of the report published with the agenda**

**(3) Note and endorse the allocations from the corporate contingency as set out in paragraph 2.4**

Reasons for decision

Up to date assessment allow formal monitoring of progress against the 2018/19 budget and the impact of actual and planned management action. It also allows for

the approval of virements of budgets which are required by corporate financial procedures.

Other options considered

The Council is required to ensure that at a corporate level expenditure and income are kept within approved budget levels so no other options were considered as they would have been unacceptable.

**59 BUDGET CONSULTATION 2019/20**

In a change to the published agenda the Chair took the Budget Consultation 2019/20 as item 5 (minute 59).

The Board considered the report by the Portfolio Holder for Finance, Resources and Commercial Services containing draft proposals for the revenue element of the Council's Medium Term Financial Plan (MTFP) for 2019/20 and 2020/21.

Options that include proposed workforce reduction will be subject to internal consultation, including joint examination and discussion of proposals and issues of concerns with affected colleagues and trade unions. The details of such proposals may therefore change during consultation and may impact on the way in which identified proposals will be delivered.

**RESOLVED to:**

- (1) Note, endorse and release the consultation proposals as set out in paragraph 2.4 and Table 5 of the published report for formal public consultation, noting further details relating to individual consultation proposals are contained in Appendix 1a-j of the published report**

Reasons for decision

Approval of release of details allows a period of public consultation to begin prior to the budget being finalised in early 2019. It also allows time for internal consultation to be undertaken where workforce reductions are proposed.

Other options considered

Other options have been considered throughout the budget process including various levels of council tax, investment and cost reductions. This has been a complex process with many different possibilities and options. These were all ejected as they did not provide a balance of levels of investment, income, cost reduction and appropriate level of council tax.

**60 14.56 ACRES OF DEVELOPMENT LAND AT CHINGFORD ROAD NG8 - KEY DECISION**

The Board considered the report of the Portfolio Holder for Regeneration & Growth, seeking approval to declare surplus the land at Chingford Road, make it available to development, appropriate the land for planning to allow notices under S251 of the Town & Country Planning Act 1990 to be served to stop up any public rights of way and their associated costs.

This land has been included in the revised Local Plan 2 and has been designated as a site for residential redevelopment.

**RESOLVED to:**

- (1) **Declare 14.56 acres of development land north of Chingford Road surplus, and make the land available for development.**
- (2) **Delegate authority to the Director of Strategic Assets and Property, in conjunction with the Leader of the Council/Portfolio Holder for Regeneration and Growth to agree the method by which the site will be bought forward for development and it appropriate the terms of sale including price;**
- (3) **Appropriate the same land for planning under S122 of the Local Government Act 1972 in order that a notice under S251 of the Town & Country planning Act 1990 (as amended) can be served to stop up any public rights of way together with agreeing the costs thereof;**

Reason for decision

This parcel of land is one of the larger sites in the West of the City designated for residential use in the emerging Land and Planning Policy document, and as such it is appropriate that this land is declared surplus pending redevelopment.

The delegation of authority is the most appropriate route to the development as it will allow the development of the site to be brought forward in a timely manner.

Appropriation for planning purposes will de-risk the site against possible third party claims for inclusion of any Rights of Way into the Councils Definitive Ma, which would delay delivery of any development.

Other Options Considered

The other option considered was to not develop the site. This was rejected as it is expected that the site will be allocated for residential development in the emerging Local Plan.

**61 CITY CENTRE PUBLIC SPACES PROTECTION ORDER - KEY DECISION**

The Board considered the report of the Portfolio Holder for Community Protection seeking approval to introduce a Public Spaces Protection Order (PSPO) following formal consultation within the City Centre.

It was highlighted that the PSPO will have a number of processes built into it to protect vulnerable people within the City Centre, signing posting to services, helping those sleeping rough to find safe accommodation and ensuring that action taken is proportionate. It was stressed that the idea of free matter, the giving or receiving of food/drink/clothing, would not be considered a breach of the PSPO.

Guidance on exercising the powers will be distributed to professionals as well as the wider media to ensure that a full understanding of the order is in place.

The behaviours this PSPO sets out to tackle include:

- Obstruction to free access to and egress from buildings, and obstruction to fire escapes and emergency exits
- Unauthorised requests in the restricted area
- Unlicensed Big Issue vending and vending from unauthorised pitches causing adverse impact on sales from legitimately authorised vendors
- Busking/Street entertainments that cause disturbance by excessive noise levels, and/or amplification, and by inappropriate location of busking
- Distribution of free matter
- Mobile Advertising
- Public Urination/Defecation
- Use and possession of Psychoactive Substances

**RESOLVED to:**

- (1) Note the evidence gathered, and the results of the formal consultation on the proposal to introduce a PSPO to tackle behaviours in Nottingham City Centre;**
- (2) Authorise the Director of Legal and Governance and/or Head of Legal and Governance to make the PSPO in the form indicated in the Proposed PSPO as attached at appendix 1 of the report published with the agenda, to last for a period of three years from the date that it comes into force, being satisfied that the test in section 59 of the 2014 Act is met, and having regards to the Rights of Freedom of Expression and Freedom of Assembly and the other Human Rights issues raised by the consultation;**
- (3) Authorise the Director of Community Protection to carry out the necessary publication and arrange for appropriate signage to be erected in accordance with legislative requirements;**
- (4) Note the draft guidance document contained within appendix 2 as published with the agenda.**

Reasons for decision

The Council is satisfied on reasonable grounds that the activities prohibited and or restricted by the Proposed PSPO carried on in a public place within the Council's area:

- i) have had a detrimental effect on the quality of life of those in the locality of the Restricted Area or that it is likely that the activities will be carried on in public place within that area and that they will have such an effect, and
- ii) that the effect/likely effect of the activities is or is likely to be of a persistent or continuing nature, and
- iii) that these activities are unreasonable, and
- iv) justify the restrictions and prohibitions imposed by the Proposed PSPO.

Having undertaken formal consultation on the terms of the first draft PSPO, and having made amendments to the terms to address concerns raised in response to that consultation it is considered that the proposed PSPO as shown in Appendix 1 of the report published with the agenda, is a reasonable and proportionate means of addressing the behaviours identified.

The test in S59 of the 2014 Act is considered met in respect of the behaviours that it is proposed will be restricted or prohibited. There has been particular regard to rights of freedom of expression and rights of freedom to assembly.

#### Other Options Considered

The other option considered was not implementing the PSPO. This was rejected as it felt that not implementing the PSPO would lead to the continuation of the activities causing detriment to those living in, working in, or visiting the City Centre.

## **62 BROADMARSH SHOPPING CENTRE - KEY DECISION**

In a change to the published agenda the Chair chose to take this report as item 8 of the agenda (minute 62)

The Board considered the report of the Leader of the Council/Portfolio Holder for Regeneration and Growth seeking final council approval for the Broadmarsh Shopping Centre scheme which will enable its partner intu to let the contract and start construction.

Along with other projects in the south part of the city this project is key to the regeneration of the south of the city and the Board agreed that periodic progress updates should be received by the Board throughout the life of the project.

#### **RESOLVED to:**

- (1) Approve the Broadmarsh Shopping Scheme under the terms of the Conditional Development Agreement with intu**
- (2) Agree the financing approach outlined in Exempt appendix B and include and update the Capital Programme accordingly;**
- (3) Delegate authority to the Chief Executive and the Deputy Chief Executive/Strategic Director of Development, in consultation with the Portfolio Holder for Regeneration and Growth to agree any amendments to the Broadmarsh Shopping Centre project, subject to being contained within the financial envelope detailed in exempt appendix B.**

#### Reasons for Decisions

A Conditional Development Agreement was signed by both parties in 2013 and significant work has taken place since to arrive at the position where a fully developed scheme is in place. A contractor procured through a tender process is ready to commence work and all conditions of the CDA are now met. The final step is to gain approval from the Boards of both parties. Intu have secured agreement and this decision will secure the decision from the Council.

Other options considered

There were three alternative options considered:

- To do nothing, and rely on intu to progress improvement work on the shopping centre
- An alternative development scheme seeking to engage with intu on a different scheme
- Renegotiation of the conditional development arrangement seeking alternative terms to the development.

All of these options were rejected as they would risk the strategic regeneration benefits that the Council can achieve through this scheme. These options would have a very small chance of an improved outcome for the council and could potentially attract very significant reputations damage to the City Council and the City of Nottingham.

**63 BROADMARSH CAR PARK DEVELOPMENT AND NEW LIBRARY - KEY DECISION**

In a change to the published agenda the Chair chose to take this report as item 9 of the agenda (minute 63) eliminating the need to exclude the public from the meeting to readmit them for subsequent items.

The Board considered a report from the Portfolio Holder of Regeneration and Growth seeking approval to commence the Broadmarsh Car Park (BMCP) development to create a new carpark, bus station, library and complementary retail. The BMCP development is an integral part of the wider Broadmarsh programme which significantly contributes to the regeneration of the southern part of the City.

Following a very positive public consultation the central library element of the project was added to the program and is contained within the financial envelope.

**RESOLVED to:**

- (1) Approve the award of the BMCP development construction contract to the highest scoring bidder;**
- (2) Delegate authority to the Director of Major Projects to accept the Local Growth Fund funding when it is confirmed;**
- (3) Note the amended scope to include the Library shell and core and the revised project costs as set out in Exempt appendix D, and amending the capital programme accordingly;**
- (4) Approve the library outline business case and, subject to remaining within the funding envelope, to delegate authority to the Corporate Director of Commercial and Operations in consultation with the Portfolio Holder for Leisure and Localities to:**
  - a. Finalise the business case**
  - b. Commence procurement for the library fit out; and**
  - c. On completion award the contract to the contractor offering the most economically advantageous tender.**

- (5) Approve the lease and licence arrangements for the BMCP development as set out in exempt appendix F**
- (6) Approve the ongoing project resourcing required to deliver the development and the above works as set out in Exempt appendix D;**
- (7) Delegate authority to the Director of Major Projects, in consultation with the Portfolio Holder for Regeneration and Growth, to agree any amendments to this scheme, subject to such amendments remaining within the financial envelope at Appendix D.**

#### Reasons for Decision

The decision allows a key project in the continued regeneration of the south part of the city to go ahead alongside upholding the requirements of the lease with intu. The opportunity to establish a new central library will give the council the opportunity to develop a purpose built space in a prominent position with up to date modern facilities that will play a key role in the work to improve literacy, with special focus on children and young people.

#### Other options considered

There were three alternative options considered, the first was to do nothing. This was rejected as this would breach the lease agreement with intu. The Council would also miss the opportunity to secure the income from the carpark and other revenue which would have a significant detrimental impact on the economic vitality of the city and would significantly reduce the regeneration programme in the southern part of the city.

The second option considered and rejected was to delay the start of the BMCP development until after confirmation of the Broadmarsh Shopping Centre development. This option was rejected as the BMCP development highlights, such as income, regeneration etc would be delayed. Delay may also detrimentally impact on investment decision in this part of the city.

The third alternative option was to pursue a lower cost option and reduce the scope of the development. This would still meet the lease requirements with intu, but was rejected as it would not help the Council achieve its economic growth ambition for the area nor would it maximise future income for the Council.

#### **64 EXCLUSION OF THE PUBLIC**

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

#### **65 14.56 ACRES OF DEVELOPMENT LAND AT CHINGFORD ROAD NG8 - EXEMPT APPENDIX**

The Board considered the exempt appendices to the report from the Portfolio Holder of Regeneration and Growth.



**RESOLVED to approve the exempt appendices to the report**

Reasons for the decision

As set out in the report.

Other options considered

As set out in the report.

**66 CITY CENTRE PUBLIC SPACES PROTECTION ORDER - EXEMPT APPENDICES**

The Board considered the exempt appendices to the report from the Portfolio Holder of Community Protection.

**RESOLVED to approve the exempt appendices to the report.**

Reasons for the decision

As set out in the report.

Other options considered

As set out in the report.

**67 BROADMARSH SHOPPING CENTRE - EXEMPT APPENDICES**

The Board considered the exempt appendices to the report from the Portfolio Holder of Regeneration and Growth.

**RESOLVED to approve the exempt appendices to the report.**

Reasons for the decision

As set out in the report.

Other options considered

As set out in the report.

**68 BROADMARSH CAR PARK DEVELOPMENT AND NEW LIBRARY - EXEMPT APPENDICES**

The Board considered the exempt appendices to the report from the Portfolio Holder of Regeneration and Growth.

**RESOLVED to approve the exempt appendices to the report.**

Reasons for the decision

As set out in the report.

Other options considered

As set out in the report.