

# Public Document Pack



**Nottingham  
City Council**

You are hereby summoned to attend a meeting of **City Council** on Monday 9 November 2020 at 2pm to transact the following business.

The meeting will be held remotely on Zoom – Councillors and colleagues attending the meeting will be provided with access details.

The meeting will be livestreamed on the Council's YouTube Channel – <https://www.youtube.com/user/NottCityCouncil>

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<b>9 Response to the Report in the Public Interest</b> Report of the Lord Mayor and Chair of Council	41 - 68
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<b>11 Motion</b> Motion in the name of Councillor Cheryl Barnard:	

This Council notes with alarm that the number of children living in poverty in the UK has risen from 2.6 million in 2009/10 to 4.2 million in 2018/19. In Nottingham, 34.6 % of children live in poverty.

This Council notes that over the last decades, political decisions have driven the increase in child poverty, as austerity has hit the poorest hardest. Many children living in poverty are in working households,

where insecure work, stagnant wages and insufficient pay is creating a growing crisis of in work poverty. Many Nottingham households have been pushed below the breadline by changes to welfare, which should act as a safety net, but is failing many Nottingham families, and cuts to vital public services.

This Council notes that the Covid pandemic is worsening the divides of poverty, and notes with great concern that this Government voted against providing Nottingham children with money to support food during the October holidays, in spite of the well documented challenges created by the Covid pandemic. Free school meals benefit around 11,500 Nottingham children (excluding Key Stage 1 pupils); this Council believes that these children have been let down by this Government.

This Council notes the work already underway in Nottingham to reduce child poverty; from our commitments to increase the number of children attending good or outstanding schools, to the work of Small Steps Big Changes and the Dolly Parton Imagination Library. It also notes the motion on holiday hunger and food poverty brought to Full Council in 2019 and the work that has already been undertaken both by the Council and the voluntary sector to support those without sufficient food. Both within the Council and across our schools, voluntary organisations and the community, Nottingham people are committed to improving the lives of Nottingham children.

This Council notes and thanks all those in Nottingham working to end child poverty.

This Council believes that the time is now to end child poverty in our City.

The Council therefore resolves to:

- continue to support Marcus Rashford's campaign to #endchildfoodpovertynow
- work with supermarkets to develop a voucher scheme that Nottingham people can donate to in order to ensure that no Nottingham child need go hungry this Christmas
- continue to work towards eradicating holiday hunger, supporting school holiday lunch clubs in our most deprived neighbourhoods
- continue to develop our resources which connect Nottingham people with food available in the community
- support local foodbanks and projects, distributing funding where it is needed most and using our resources to promote these projects
- campaign to extend free school meals to all primary school children by 2025
- provide a free book every month from birth to 5 years for 10,000 Nottingham children
- work with the voluntary sector to ensure that welfare rights advice is available in all areas of the City

- be the voice of Nottingham children and stand up for Nottingham families
- create an action plan to end Child Poverty in Nottingham and report back regularly to this Council.

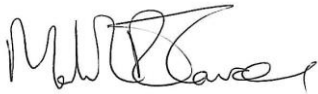
## 12 Committee membership changes

To note that Councillor Maria Joannou has resigned as a member of the Overview and Scrutiny Committee.

**Please note that questions to Council are received after the agenda has been published. Questions will be published as a supplementary agenda by 5pm on Friday 6 November 2020).**

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 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](http://www.nottinghamcity.gov.uk). Individuals intending to record the meeting are asked to notify the governance officer shown above in advance.



Dated  
Director for Legal and Governance  
**To: All Councillors of Nottingham City Council**

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# Public Document Pack Agenda Item 5

## Minutes of the meeting of the City Council

held remotely via Zoom and livestreamed on the Council's YouTube Channel - <https://www.youtube.com/user/NottCityCouncil>

on 5 October 2020 from 2.00 pm - 6.15 pm

### Attendances:

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✓ Councillor Rosemary Healy (Lord Mayor)	
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✓ Councillor Hassan Ahmed	✓ Councillor Chantal Lee
✓ Councillor Leslie Ayoola	✓ Councillor Dave Liversidge
✓ Councillor Cheryl Barnard	✓ Councillor Sally Longford
✓ Councillor Steve Battlemuch	✓ Councillor AJ Matsiko
✓ Councillor Merlita Bryan	✓ Councillor Carole McCulloch
✓ Councillor Eunice Campbell-Clark	✓ Councillor David Mellen
✓ Councillor Graham Chapman	✓ Councillor Sajid Mohammed
✓ Councillor Azad Choudhry	✓ Councillor Salma Mumtaz
✓ Councillor Kevin Clarke	✓ Councillor Toby Neal
✓ Councillor Audrey Dinnall	✓ Councillor Lauren O`Grady
✓ Councillor Michael Edwards	✓ Councillor Anne Peach
✓ Councillor Samuel Gardiner	Councillor Georgia Power
✓ Councillor Jay Hayes	✓ Councillor Shuguftah Quddoos
✓ Councillor Nicola Heaton	✓ Councillor Ethan Radford
✓ Councillor Patience Uloma Ifediora	✓ Councillor Nick Raine
Councillor Phil Jackson	✓ Councillor Angharad Roberts
✓ Councillor Maria Joannou	✓ Councillor Andrew Rule
Councillor Sue Johnson	✓ Councillor Mohammed Saghir
✓ Councillor Kirsty Jones	✓ Councillor Wendy Smith
✓ Councillor Angela Kandola	✓ Councillor Roger Steel
✓ Councillor Jawaid Khalil	✓ Councillor Dave Trimble
✓ Councillor Gul Nawaz Khan	✓ Councillor Maria Watson
✓ Councillor Neghat Khan	✓ Councillor Sam Webster
✓ Councillor Zafran Nawaz Khan	✓ Councillor Adele Williams
✓ Councillor Pavlos Kotsonis	✓ Councillor Linda Woodings
✓ Councillor Rebecca Langton	✓ Councillor Cate Woodward
Councillor Jane Lakey	✓ Councillor Audra Wynter

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✓ Indicates present at meeting

### 25 Apologies for absence

Councillor Phil Jackson (personal)  
Councillor Sue Johnson (leave)  
Councillor Jane Lakey (personal)  
Councillor Georgia Power (personal)

## **26 Declarations of Interests**

None

## **27 Questions from citizens**

### **Public Interest Report**

IL asked the following question of the Leader of the Council:

In the report in the public interest on Robin Hood Energy, the Auditor states (page 12), "More generally, it is not seen as good practice for councillors to be on the boards of local authority companies, with other mechanisms used to ensure that the company meets the Council's policy objectives." It is recognised, particularly in the recommendations, that having councillors on company boards is not specifically forbidden, but can the Leader please comment on this statement, particularly why the Council is proposing to go against what the Auditor considers to be best practice by in fact retaining councillors on boards?

Councillor David Mellen replied as follows:

Thank you Lord Mayor and can I thank the citizen for submitting this question. The Auditor's report and the Council's Action Plan outline a number of clear recommendations for implementation including a commitment to review how councillors are best used and supported on the boards of companies. Alongside this we have a clear commitment to ensure that all board members have the required knowledge and experience to challenge the management of companies. This should also ensure that risks related to Council companies are considered for inclusion in our overall risk management process with appropriate reporting, rather than being seen in isolation. I also want to be clear that we will ensure lessons are learned from this experience and will take the necessary steps to review the arrangements we have in place for Council governance of all our companies. As a Council we will continue to make the necessary improvements including those recommended by the District Auditor.

Since the adoption of the report in August this year, I have already met with all of our company chairs and chief executives to strengthen our approach to company governance; I have presented the Action Plan to both the Overview and Scrutiny Committee and the Audit Committee; and the Monitoring Officer has brought the Action Plan to the Companies Governance Sub Committee for robust review of our proposed arrangements. I will report back to the Council's Executive Board later this month. I have also met with both Opposition Leaders and will bring back proposals to this Council in November for the creation of a Governance Improvement Board to oversee the implementation of the Action Plan going forward.

Lord Mayor, I want to acknowledge that this is only the beginning of our improvement journey. We will go further. Further to ensure our governance arrangements are robust and our actions are more than just mere expressions of regret and constructive and meaningful change will follow. Lord Mayor, we are elected to represent the people of this City. It is a privilege we do not take lightly. As custodians of the City we will ensure the best interests of Nottingham people are at the forefront of our improvement journey.

In his recommendations, where the Auditor summarises the content of his report, he recommends that we review how councillors are used on the boards of companies, that they are properly trained, that they understand risk and that they understand and declare conflicts of interest where they arise. These recommendations are the summary of his findings. At no point in this summary does he say, 'don't use councillors on the boards of companies'. We have done so for many years in different companies, like Nottingham City Transport, which has been judged Bus Operator of the Year a number of times; in Nottingham City Homes, judged Landlord of the Year recently; and in companies varying from Futures, which offers career advice and guidance to young people, to the National Ice Stadium, which combines a concert venue with ice rinks training Olympic speed skaters and offering public skating for all. I am committed to ensuring that we continue to move in the right direction and although we do not, for a moment, underestimate the challenges involved, it is right that we review our overall approach to using councillors on boards, training and supporting them appropriately, acknowledging it is not the place for councillors to be industry experts but to bring their knowledge and electoral mandate alongside other directors so that in aggregate they have the skills and knowledge to hold company managers to account. We know the first hand benefits in the accountability of having local people, elected by Nottingham residents, on company boards. However, we are committed to reviewing how we ensure the right training is delivered to best ensure that councillor board members are able to appropriately and effectively fulfil their roles. Essential training will be mandatory and the retention of positions will be dependent on the completion of necessary training.

Lord Mayor, I want to thank the citizen for this question and look forward to reporting back in due course on further improvements to our governance arrangements.  
Thank you.

### **Lighting up of the Council House**

JD asked the following question of the Portfolio Holder for Regeneration, Schools and Communications:

In the evenings, the Council House is lit up in different colours. I'm aware that sometimes there is a symbolism behind the colours chosen. Would the appropriate Portfolio Holder consider commissioning a Twitter feed that could give the colour for the day and the reason why this colour was chosen?

Councillor David Mellen replied as follows:

Thank you Lord Mayor and can I thank the citizen for the question. If members of the public or organisations have a special cause or campaign that they would like to see marked by the dome and front of the Council House being lit up in an appropriate colour, then as a Council we are pleased to be able to work with organisations to support their causes in this way. Of course, I do agree that it is important that we also supplement this with the reasons why we are choosing to illuminate our buildings. So I reassure the citizen that we do work with those making requests to ensure an effective communication plan is in place and we will do what we can to enhance this in the future.

Lord Mayor, we do have an active and wide-reaching social media platform, which we will also use to supplement activity across the City, particularly when we are illuminating buildings such as the purple we can see lighting the dome of the Council House tonight and on subsequent nights to support Black History Month, or whether it is to support Baby Loss Awareness Week which we will see later in the month.

Lord Mayor, I am pleased that we are able to support these causes in this symbolic way and have done so many times this year: from the cause of supporters fighting for support for the entertainment industry through to celebrating Pride in July, from the anniversary of the NHS through to Armed Forces Day and many other causes. We are pleased that both the Council House and Wollaton Hall have the equipment to mark occasions and celebrate causes in this way, we will continue to do so and let people know why the buildings are being lit up.

Thank you.

## **28 Petitions from councillors on behalf of citizens**

Councillor Audrey Dinnall presented a petition on behalf of the residents of Trafford Gardens requesting the closure of the access gate on Trafford Gardens to Trafford Park, with a new access gate on the existing park's perimeter.

Councillor Pavlos Kotsonis presented a petition on behalf of residents of Godfrey Lane requesting improvements to the housing on that road.

## **29 To confirm the minutes of the last Ordinary meeting of Council held on 13 July 2020**

The minutes of the Ordinary meeting held on 13 July 2020 were confirmed as an accurate record and signed by the Chair.

## **30 To confirm the minutes of the Extraordinary meeting of Council held on 27 August 2020**

The minutes of the Extraordinary meeting held on 27 August 2020 were confirmed as an accurate record and signed by the Chair.

## **31 To receive official communications and announcements from the Leader of the Council and/or the Chief Executive**

The Chief Executive reported the following:

### **Announcement from Chief Executive**

To undertake public service is a privilege and I am pleased to have commenced my duties as the Chief Executive of Nottingham City Council. Nottingham is a wonderfully vibrant and diverse city. At this time the Covid-19 coronavirus pandemic remains a major challenge and my heart goes out to all those in the city who have lost loved ones due the pandemic, including the families of our former colleagues Ralston Fustiye and Natalie Keetley.

In addition to Covid-19, there will be other significant challenges ahead which will



need to be overcome in order that collectively, members and officers in our distinct but complementary roles, can continue to effectively provide important public services upon which the residents of our city rely; to reduce inequalities and improve and enhance the quality of life and to make Nottingham a World Class City for Everyone.

I welcome the opportunity to work with councillors as we take the City forwards.

### **Notts Outlaws**

I would like to congratulate the Notts Outlaws on winning the T20 Blast Competition for the second time yesterday.

### **Former Councillor Desmond Wilson**

I am sad to report that former Councillor, and Alderman Desmond Wilson passed away in July, in Jamaica. He was elected to the Council in 1991 and represented the St Anns ward until 2007. He became Nottingham's first black Lord Mayor in 2002 and was elected to serve as Lord Mayor again in 2006.

### **Former Councillor Gerry Davie**

It is with sadness that I also report that former Councillor Gerry Davie passed away in August. He was elected to serve the Bulwell Forest ward between 2007 and 2011.

Councillors Merlita Bryan and Andrew Rule spoke in tribute to former Councillor Desmond Wilson.

Councillors Andrew Rule and Eunice Campbell-Clark spoke in tribute to former Councillor Gerry Davie.

A minute's silence was held.

### **32 Questions from councillors - to the City Council's Lead Councillor on the Nottinghamshire and City of Nottingham Fire and Rescue Authority**

None

### **33 Questions from councillors - to a member of Executive Board, the Chair of a committee and the Chair of any other City Council body**

#### **Adult day services**

Councillor Maria Watson asked the following question of the Portfolio Holder for Adult Care and Local Transport:

As I'm sure is the same for everyone here, we watched with great interest when the results of the public consultation to the Interim Budget were published. May I draw the Portfolio Holder's attention to the fact that of the 232 responses received (at the time of writing), 160 respondents mentioned this Council's plans to reduce funding for Adult Day Services, and to close one Adult Day Centre. By our calculation, over 97% of these respondents expressed overwhelmingly negative opinions of this proposal, and like us, believe that it would be unnecessarily harmful to those at most risk during this already difficult time. Can the Portfolio Holder confirm to me that the feedback

that she has received has been treated with the respect it warrants and has been considered carefully in the decision making process? Can she justify why the closure is still planning to go ahead despite the obvious public opposition to it?

Councillor Adele Williams replied as follows:

Thank you Lord Mayor and thank you to Councillor Watson for the question. As Portfolio Holder, I have previously spoken with citizens who attend the Council's day services and I have also met with some of the staff who work in day care and I really recognise the work that they do and the value of that to citizens and their families. In lockdown many of these staff worked in new ways to support citizens innovatively and helped to make sure people had the support that they needed. Your Conservative colleague has previously commended the Pathways Project which connects people with learning disabilities, for example, to community activities, volunteering etc and, as our Better Lives Better Outcomes Plan sets out, the Council is committed to working with citizens and families in a personalised way to support people's independence and choice in their local communities. Our plans for day support recognise that building-based services will be part of the solution but not the whole picture, and we have significant under-use of our existing day centres as younger people have chosen other options for their support. It's our ambition for all of our citizens to get them to play an active part in our communities and clearly many young people and their families share this and are choosing to get into further training, community activity, volunteering and so on, and on to pathways to employment.

I can confirm that the feedback that has been received has been carefully considered as part of the comprehensive consultation with the citizens that attend day services and their families and carers. When any significant proposals for change are proposed it is important that a comprehensive consultation is completed before any final decisions are made. Understanding the views of citizens, families and carers is really important to making sure that adult social services are able to meet the needs of citizens in a landscape that of course has been significantly impacted upon by Covid-19 and I really take that seriously. The consultation with families, carers and citizens is continuing and will go on after this meeting and will include a review for each person who uses day services. We will also be involving citizens, carers and their families in a piece of coproduction work that will look at day services and look to develop best practice models of day care that will match what we need for Nottingham in the future. There will be no final decisions made on this matter until this further consultation process with citizens and their families has concluded and the views of all stakeholders have been carefully considered by our outstanding officer team and by me as Portfolio Holder. I will want to be assured, as I am sure all of us will be, that we are building the best possible services for our citizens that meet their needs and aspirations as we emerge out of Covid. Thank you Lord Mayor.

### **Robin Hood Energy**

Councillor Kevin Clarke asked the following question of the Portfolio Holder for Finance, Growth and the City Centre:

On 11 November 2019, I stood in the Council Chamber and asked a question to the Portfolio Holder for Finance, Growth and the City Centre, concerning whether or not

he still believed Robin Hood Energy provided good value for money to the City. Can he tell us today if he still believes it was?

Councillor Sam Webster replied as follows:

Thank you Councillor Clarke for the question. I did of course look back at the question that was asked on the day that he says, last November, and the response that I made before I composed my response for today. I noticed that in his question in November 2019 that Councillor Clarke said that we strongly believe that any attempt to battle fuel poverty should be applauded. I should say that the scrutiny and challenge to decisions made in recent years relating to Robin Hood Energy is totally understandable and proper. Indeed Councillor Clarke is doing his job. I hope therefore that he will understand that in answering his question in the way that I did last year, I was in fact doing my job. He wouldn't expect me to cast doubt on a commercial venture of the Council in a public meeting. I have looked back, as I say, to my response which was very brief. I hope that he will also look at the actions that we have instigated since he asked his question of me. Chiefly, but not restricted to, bringing in a new management team at Robin Hood Energy, completing a strategic review of Robin Hood Energy and completing the sale of the customer book of Robin Hood Energy. Thank you.

### **Members' Allowances**

Councillor Kirsty Jones asked the following question of the Leader of the Council:

We have had disagreements about the nature of councillor reimbursement before and, while we disagree with it, we accept that Council voted to accept the recommendations of the Independent Remuneration Panel to index members' allowances to changes in staff pay. However, we live in extraordinary times and frankly we find the current increase recommendation to be wholly distasteful. This Council is facing once-in-a-lifetime budget pressures, we are offering hundreds of redundancies to our hard working staff and we are closing front line services. At the same time, this Labour Group has come under deserved, and may I add accepted by yourselves, criticism for the tens of millions of pounds of public money it has misspent and written off in the Intu Broadmarsh and Robin Hood Energy fiascos. Honestly, it is completely beyond me how anyone, including ourselves, could be even contemplating a pay rise. Will the Leader of the Council, join us in rejecting this councillor allowance increase, and promise to reinvest this money into our people and front line services so we can deliver a Council that this city deserves?

Councillor Mellen replied as follows:

Thank you Lord Mayor and can I thank Councillor Jones for her question. Firstly, can I say that much has been said in the Council Chamber and elsewhere about the governance failings and industry challenges surrounding Robin Hood Energy. However, the collapse and insolvency of Intu is not something that can be laid at the door of the City Council and the company-owned shopping centres across the country. The money we invested in the Broadmarsh works has been used for ground works and to remove asbestos from the site and this work would have had to be done whatever the future of the site. We have also secured £8million of Government money through the Local Enterprise Partnership to enable us to complete some

demolition and other works to enable us to move forward on this site, with a public consultation about its future beginning soon.

It was in fact the Chancellor who announced an above inflation pay rise for public sector workers in July this year, reflecting the vital contribution our workers make to our City, and public sector workers such as police officers, teachers, doctors and health workers make across the country. These past few months have underlined what we always knew: that our public sector workers make a vital contribution to our country and that we can rely on them when we need them the most. It was right, therefore, that we follow the recommendations of the pay bodies for this real terms pay increase for our staff. In the same way that the public sector pay awards are recommended by independent pay review bodies, the level of remuneration made to elected members is set independently by the Independent Remuneration Panel. We don't set them in the Council Chamber. The level of allowances is set by a group of people who rightly consider the time and responsibility that our roles bring with them to decide what level of remuneration councillors should receive to reflect their different roles. Being a councillor is not just a pastime or a hobby, but a privilege and a responsibility. In this Labour Group we are serious about delivering on the promises we have made and serving the people we represent. Allowances release councillors to spend time away from employment or caring or parenting responsibilities and these allowances, over the years, have enabled this Council to be much more of a cross-section of the population of Nottingham with, for the first time, more than 50% of the Council being female. We believe that committing ourselves to our ambitious targets is worth doing. It is right that members of this Council who work hard to deliver the ambitious targets for our City and give considerable time and effort in doing so, receive an allowance that is reflective of the cost of living and judged at an appropriate level by people who are not councillors who can make an independent decision. A decision whether or not to take that increase is a personal decision for every councillor, not decided or recommended by me or, in fact, by you Councillor Jones. This is for individual councillors to decide.

It is not the remuneration of councillors that has led to the financial challenges currently facing the Council. We have had years of a Conservative-led Government committed to austerity and reducing local spending, whilst hitting poorer communities and big northern and midland cities the hardest. I do not believe that people are choosing to become councillors to serve themselves, as the question implies, but to serve the people they represent and work for the success of our city. So if our opposition councillors are truly genuine in their concern for the wellbeing of local people then they should join me in campaigning for a fairer share of Government funding so that we can continue to provide the vital services we need. Lord Mayor, as Leader of the Council, I have made a personal decision this year not to take the increase in allowance.

### **Appointment of Committee Chair**

Councillor Kevin Clarke asked the following question of the Portfolio Holder for Energy, Environment and Democratic Services:

Following the deserved and accepted criticism of this Council's abject inability to hold Robin Hood Energy to account, it was promised that there would be improvements in how Nottingham City Council conducts itself. At a time when the public are calling for those responsible for Robin Hood Energy's failures to be held accountable, promises

of a cultural change were most welcome. However, we have concerns that these promises are already not being kept. I'm sure every Councillor wishes to avoid a repeat of Robin Hood Energy, so it must be demonstrated that lessons have been learned. This Council cannot afford to take actions which leads to further criticism of a lack of accountability and transparency within this virtual senate chamber. Could the Portfolio Holder publically explain the process and criteria for appointing the Chair of the Audit Committee to enable that Committee to carry out its role and ensure that the failures of Robin Hood Energy's Board will not be repeated.

Councillor Sally Longford replied as follows:

Thank you Lord Mayor and can I thank Councillor Clarke for his question. The Chair of Audit Committee is appointed at the Annual Meeting of the City Council. However, in the event of a vacancy in-year, it is for the Audit Committee to elect an appropriate member to Chair for the remainder of the Municipal Year. Thank you.

### **Tram network**

Councillor Andrew Rule asked the following question of the Portfolio Holder for Adult Care and Local Transport:

The Portfolio Holder will doubtless have welcomed the funding received from the Department of Transport to support the tram network during the Covid pandemic. Could she confirm how much of this support has been received to date?

Councillor Adele Williams replied as follows:

Thank you Lord Mayor and thank you to Councillor Rule for your question. The tram is obviously a key component of our integrated and outstanding public transport network so we of course welcome the funding that has been announced today by Central Government to support the tram operation. So far we have received £8.9million. This funding is provided to the operator so that they can continue to run services at full capacity while patronage remains much lower than previous levels. This ensures that those who need to travel by public transport, including key workers and children going to school, are able to do so, so that is welcome. However, we are still seeking assurances from Government that funding will continue into the future while passengers numbers are down and we remain frustrated, as in many areas, by the piecemeal approach to funding. A good half of our citizens don't have access to a car so we need an integrated, accessible transport system. We also know that about 30% of tram users used to drive so it is very effective in taking cars off the road. The tram is a key component of our wider plans to keep the city moving and there really needs to be a commitment to continue to provide support while social distancing remains in place.

While we are on the subject of public transport I think we would all want to reiterate our thanks to those workers who have kept us moving around the city as safely as possible. Thank you to them. Thank you Lord Mayor.

### **Commercial property investments**

Councillor Andrew Rule asked the following question of the Portfolio Holder for Regeneration, Schools and Communications:

The Portfolio Holder may have seen the recent reports around the Council debt levels. Whilst some of its £1.2billion debt is secured against commercial property investments, can he confirm the current cumulative value of the Council's commercial property investments compared with this time last year and can he also confirm how much rent has been received from the properties this year as opposed to last year?

Councillor David Mellen replied as follows:

Thank you Lord Mayor and can I thank Councillor Rule for his question. The value of Nottingham City Council's commercial property investments as of 31 March 2020 was £256.2million. On the 31 March 2019 the value of these property investments was £284.6million. The rental received for the last financial year was just over £24million. The predicted rental income for the current financial year is £18.3million.

### **Broadmarsh Car Park**

Councillor Andrew Rule asked the following question of the Portfolio Holder for Regeneration, Schools and Communications:

Could the Portfolio Holder comment on how the hiatus with the redevelopment of the Broadmarsh Shopping Centre will impact anticipated car parking and rental revenue from the Broadmarsh Car Park?

Councillor David Mellen replied as follows:

Thank you Lord Mayor and can I thank Councillor Rule for his question. The development of the former Intu Broadmarsh site following the acquisition is still at an early stage and the final design and aspirations for the site and supporting construction timescales are yet to be confirmed. With the Covid-19 global pandemic, there has been significant impact on economies across the world and like all other cities we are now working on a recovery phase while taking the necessary actions to mitigate the effects of a second wave.

The new Broadmarsh Car Park development is on course to open in the spring or summer next year. The Council already operates a well-established and extensive car parking portfolio both on and off street and has a proven track record of effectively managing these operations in a competitive and commercial environment. When the car park opens we are expecting significant demand, even though the retail offer has had to change in the short term. The business model has been adjusted to focus on maximising occupancy through a mix of long stay customers including commuter, contracts, leisure and retail customers as well as those who will stay for a shorter time. This ensures we maximise the performance of the car park in the short term. As the surrounding sites develop further opportunities will become available. We also expect that some of the visitors to the reopened Nottingham Castle could park here before walking to the bottom of Castle Road to catch the land train up to the Castle, the opening of which we are very much looking forward to. In the longer term visitors could park here to visit the new City Centre library.

It is clear that Broadmarsh will enhance the Council's parking offer and will clearly be a high quality asset to the southern gateway to the City and will also be at the heart of the redevelopment of the area. It should also be noted that a substantial number of the units in the Carrington Street area have been let which is a key part of the

development project. As all the City services strive to move forward during the difficult recovery from Covid it will be imperative to adapt and reshape our services to ensure they continue to be fit for purpose. The car park is a major development and will benefit all those who live, work or visit by providing a high quality parking service, while securing much needed income supporting the wider economic recovery for the City as a whole supporting all citizens and visitors who may wish to drive to our City. The photo-voltaic cells on the roof of the car park will contribute to our carbon neutral targets.

### **Public Interest Report**

Councillor Andrew Rule asked the following question of the Leader of the Council:

Following the external auditor's public interest report against the Council, the Leader of the Council will be aware of the very generous offer from MP for Nottingham East, and former Parliamentary Secretary to the Shadow Secretary of State for Health, who has offered to have regular meetings with the Council's leadership to ensure the lessons from the public interest report are learnt. Could the Leader tell the Chamber if any such meetings with the MP have taken place yet and if not when they are planned?

Councillor David Mellen replied as follows:

Thank you Lord Mayor and can I thank Councillor Rule for his question. As the Leader of the Council I meet regularly with the Members of Parliament for Nottingham East, Nottingham North and Nottingham South. I met with the MPs most recently in September this year following the adoption of the Council's Action Plan to the Public Interest Report. I plan to meet with them again in October.

### **Planning White Paper**

Councillor Mike Edwards asked the following question of the Portfolio Holder for Housing, Planning and Heritage:

What are the implications for Nottingham of Government changes to the planning system made in August and proposed changes published in the White Paper?

Councillor Linda Woodings replied as follows:

Thank you Lord Mayor and thank you Councillor Edwards for your question. It's a huge question to answer and one that I will struggle to do justice to within the time that I have available, especially in relation to the scale of the changes proposed in the Planning White Paper, which in the words of Boris Johnson in the Foreword are "to tear it down and start again". So I will stick to the main issues as I see them affecting Nottingham and the risk to our successful place making and planning roles.

Firstly, the most recent changes this autumn continue the regulation of the planning system primarily through expanding the permitted development regime and that means the Government gives in-principle planning permission to certain developments without the need to submit any planning application and therefore without the opportunity for full democratic local scrutiny. Sadly, yet more centralisation of planning decisions, and they now include the wholesale demolition of vacant business premises for replacement with new housing developments, with a

limited range of matters that will be considered under prior approval but without Planning Committee or citizens being able to consider it fully. For instance, it could be in the middle of an industrial estate, a long way from shops and schools, it could mean we lose precious employment places and it won't contribute to affordable housing need. Secondly, much wider changes of use for buildings within our city and town centres, the breadth of which feels quite unnecessary and could undermine our Town Centre First policy because it will allow offices and light industrial buildings in out of centre locations to change to shops and leisure uses and compete directly with city and town centres. It may also limit some of the essential controls we have in place on things like opening hours and noisy uses. A further alarming amendment now allows home owners to add up to two additional storeys to their homes and also allows new flats to be built on top of existing buildings. There are limitations on height through the prior approval process but it is very hard to see what problem that fixes and what was wrong with the existing planning application process which enables your immediate neighbours, in particular, to have their say. The range and type of planning consent processes that are now in place are quite bewildering and it must appear very confusing to our businesses and citizens which can't be helpful. In fact, it's the opposite of a simpler planning system.

In terms of the Planning White Paper, I must admit that this is still within a consultation period by the Government and I will be submitting strong comments on behalf of the City Council about the implications for Nottingham. The scope of the White Paper is massive and I can only cover it briefly today. For a start I would say the contents of Planning for the Future could best be described as a sketch, with much of the evidence about the problems facing the planning system totally absent, and at the same time many of the most profound questions we face, such as the role of strategic planning or how we get substantial reductions in carbon dioxide secured are left completely unanswered. As the Planning Portfolio Holder, I believe in democratic planning to help shape a fair and sustainable future for everyone. The planning system must operate in the public interest and it should be both democratically accountable and genuinely participative. It must also reflect the complex social, environmental and economic geography in different parts of the country and be fit to deal with not just the current pandemic but also with the impacts of climate change and social inequality. This Planning White Paper, however, continues the decade-long trend of what's called the 'streamlining' of the planning system, but actually that just risks side-lining and minimising the voice of local communities and the City Council. There is actually no shortage of evidence on the real problems facing the planning system, nor on the merits or otherwise of the White Paper's proposed new zonal planning, which is untried anywhere else in the world. The White Paper criticises planning for problems it doesn't have, such as producing housing consents. We have delivered thousands of new homes in Nottingham in recent years. Nationally in 2019 371,000 homes were given planning approval but developers still only built 241,000 homes. The Paper fails to identify those problems that the planning system does actually have, primarily insufficient powers to de-risk development and drive delivery and that's really important in Nottingham, where our land values and viability are very challenging. There is no recognition of the contribution of ten years' worth of Government planning reform measures that has effectively created the current problems and particularly how the lack of strategic planning has made our Local Plan really problematic. In this regard it undermines our sub-regional strategic partnership and the really successful local cross-council Joint Planning Advisory Board. If there is one headline to take from the White Paper



it is that the proposed new system will not deliver on its claimed democratised planning neither will it necessarily deliver better outcomes. It is primarily focused on housing delivery which in Nottingham we have been consistently successful in achieving and it risks undermining our reputation for working together with partners to achieve high quality planning and place making to help meet the needs of our citizens.

So these moves should be of concern to the citizens of Nottingham and are of concern to us in the City Council. All the evidence shows that giving landlords permitted development rights leads directly to poor quality housing. The ability to build two further storeys on top of your home means your neighbours have fewer means to challenge development. The White Paper announced by the Prime Minister Boris Johnson under the headline 'Build, Build, Build' will mean most types of commercial premises having total flexibility to be repurposed; more commercial buildings being changed to residential use with no planning application and no oversight of standards; and any high street revival planning potentially thrown into disarray. So the White Paper concentrates most citizen involvement into the development of a Local Plan but removes the citizen's right to be heard in the public hearing of that and we lose any say in growth zonal areas. This White Paper is ill-judged, completely ignores the huge issues of land banking and a lack of viability on brown field sites, has no solutions for dealing with flood risk and ignores all former research, even in 2018 by Oliver Letwin, into the real reasons for a lack of planning. So colleagues this is a dog's dinner of a White Paper, which ignores the major issues stopping house building and rather than this being not a matter of courage – Boris Johnson says his Government has the courage to tear down the planning process and rebuild it again – in fact most previous governments have lacked the blind recklessness at a time of global pandemic to impose wholesale changes on a planning system that simply isn't broken. Thank you.

### **Pedestrian and cycling facilities**

Councillor Lauren O'Grady asked the following question of the Portfolio Holder for Adult Care and Local Transport:

Can the Portfolio Holder for Adult Care and Local Transport say what work is taking place to improve pedestrian and cycling facilities across Nottingham?

Councillor Adele Williams replied as follows:

Thank you Lord Mayor and thank you Councillor O'Grady for your question. As councillors will be aware the City Council has a long-standing policy of promoting sustainable travel, including walking and travel. We have got a history of success, thanks to our Transport Teams, in securing funding to deliver these priorities. Our emerging local Walking and Cycling Infrastructure Plan, which we will be consulting on soon, sets out our ambitions for the next few years and complements our existing plans such as the Local Transport Plan, the Rights of Way Improvement Plan, the Local Air Quality Plan and the Carbon Reduction Plan. Following the onset of the Covid-19 pandemic active transport has become much more important as people's travel habits change. We have seen people making lots of short trips rather than longer commutes and a real desire to get out in the open air including having walks and cycle rides in the park. The Council has been working at this for some time and

we have already developed an extensive cycle network. We have got 80 miles of traffic free routes and three high quality segregated routes into the City Centre.

We recently secured £570,000 from the Department for Transport's Emergency Active Travel Fund. That has allowed us to increase and improve facilities for pedestrians and cyclists with some trial measures. So recently we have introduced trial lanes on Hucknall Road, St Anns Well Road and Carlton Road, as well as trial low traffic areas in the Arboretum and Derby Road. We have closed Victoria Embankment to through traffic which enhances the park and gives a safer and more pleasant space for people to walk or ride their bikes. We have seen lots of families visiting the park and doing that. These are all trial schemes and we are keeping all of these measures under active review and it gives us the opportunity to take note of citizen, and other stakeholder views on how these are working in practice. Schemes from the Emergency Active Travel Fund Tranche 1 can be removed entirely after the trial, made permanent or tweaked to work better after residents and stakeholders have experienced the schemes working in practice. As part of this tranche of funding we have also introduced the School Streets Programme which is introducing car free spaces outside eight schools in the City reducing traffic movements and air pollution in areas where parents and children congregate and so encourage people to walk, scoot or cycle to school. It creates a little bit of space for social distancing around the school gates as well as children and families arrive at school. Any parent in the City who has dropped off at school, whether on foot or however they have got there, will have seen the difficulties sometimes around schools with car reversing and not that much of a pleasant journey into school and sometimes feels it is quite alarming for children and families. So I am really pleased that we are addressing this and we will all watch closely to see how these schemes are working in practice.

We have also put in extra cycle parking facilities across the City Centre and improved security at our Cycle Hubs. Our Bike Aid Scheme has been particularly successful and that has delivered more than 160 reconditioned bikes to key workers and people on low incomes. We are also listening to the public and stakeholders to ask them to identify issues and hotspots to help shape future schemes. We have a website - search for 'keep Nottingham moving safely' - where people can let us know of any issues and we have also been running a survey to identify what would encourage people to walk or cycle more. That's the Emergency Funded Scheme in the recent tranche of funding.

This all sits alongside the Transforming Cities Fund success that our Transport Team have already had, where we have secured £161million from the Fund alongside our partners in Derby. £40million of that Grant is to be spent on permanently improving pedestrian and cycling facilities across the City. Our proposals for this cover four key areas: improving the city centre connections and the public realm; linking Nottingham, Derby and the East Midlands Airport; improving cycling and pedestrian routes across the Trent with the addition of the new bridge that everyone is excited about; and the expansion of our on-street bike hire scheme which will also include e-bikes. Works have already begun on significant improvements around Broadmarsh and the Station to enhance the walking links and to make the area more attractive. It will also give us the opportunity to link up existing segregated cycle routes into the City to create high quality cross-city routes. The proposed river Trent crossing will improve connections between the Waterside Regeneration Area and Sneinton with green space and riverside paths to the south of the river. As well as allowing

commuter trips it will take cars off the road and make for healthy air and healthy lives. Our Air Quality Strategy recently came to the Health and Wellbeing Board and it really makes startling reading. Lives cut short and curtailed by the effects of air pollution should make us all firm to do what we can, and we are, to address what is a real issue of inequality. Put simply, the poor areas in Britain are most affected by air pollution and Nottingham Labour is already working really hard in that area and the City Council has had great success in addressing this issue. We have got a pledge to improve air quality in Nottingham by cutting nitrogen dioxide and particulate pollution by 20%. We will also be expanding our cycle network including the northern cycle corridor along Mansfield Road, upgrading riverside and canal side routes and continuing off-road cycle routes around the ring road, linking those radial routes in and out of the city. We have got a great track record in providing innovative walking and cycling measures as well as well-developed partnerships in place which really puts us in a strong position to capture the benefits of what has been a real renaissance in active travel as people are working their way out of the Covid crisis. This approach will help us on our journey to Zero Carbon 2028.

As well as the safer cycling network, it is really essential to give people the skills and confidence to get on a bike or get back on a bike and we are continuing to work with our partners to deliver that work. We have been working over the past three years on a cycle support package, for example to give job seekers access to job and training opportunities by supporting them to get on to bikes. I have already mentioned the Bike Aid Scheme supporting key workers – recipients also get a helmet, journey planning and safe cycling advice and we are also working on Doctor Bike services along key commuter routes so that people will be able to keep their bikes in good order. The jobseekers support work will be even more important as we come through Covid and we need to support people to get out of this crisis and recover economic wellbeing in the City. We are also providing active travel support for organisations and businesses through the workplace travel service and cycling will be a key part of that restart and recovery phase as businesses and services are reopening and we will support people to get on their bikes to get to work in safe ways. We are also continuing to work on the support for community cycling and that will go on in ways that are Covid-safe, and we provide support through our website with things like video routes to help people plan their journeys to get across the city in a safe way.

So we are creating the infrastructure in trial and permanent schemes and alongside that we are also doing the really important work of supporting people to get on their bikes, whether to get to school, work or just out and about in our lovely city, and we think that is a pragmatic approach in a City with low car ownership and a real response to getting our hardworking city back out to work, school and leisure in a safe way which is green, affordable, good for them and good for their City. So I am really proud of the work that we are doing in this area and I would like to put on record massive to our Transport Teams and other teams that are supporting that. It is fantastic work. Thank you Lord Mayor and thank you Councillor O'Grady for your question.

### **Energy consumption and fuel poverty**

Councillor Angharad Roberts asked the following question of the Portfolio Holder for Energy, Environment and Democratic Services:

The City Council's Energy Services Team recently received a national award. Could the Portfolio Holder for Energy, Environment and Democratic Services outline how the Council is supporting people in trying to reduce their energy consumption and bills, reducing fuel poverty?

Councillor Sally Longford replied as follows:

Thank you Lord Mayor and thank you Councillor Roberts for your question. I am very proud of our Energy Services Team. They won a prestigious award from the Association of Decentralised Energy for their business continuity processes in the face of Covid-19. The Recognising Resilience Award was given to the Service in recognition of the quick mobilisation and continued hard work and high level of service delivered throughout the Covid-19 crisis to all customers. As an example, where District Heat Network customers were identified as self-isolating a card with pre-loaded credit was sent to them to ensure that they didn't get cut off; priority service customers received periodic welfare calls; and all customers facing financial hardship were provided with credit to last them for two months.

This excellent Team is leading the City's response to reducing fuel poverty and this work has already achieved a fuel poverty reduction from 18.4% in 2012 to 13.9% in 2018. However, there is still much work to do with an estimated 18,666 households in the City still in fuel poverty. Energy Services manages the City-wide Domestic Energy Efficiency and Fuel Poverty Group formed of Council officers, health partners, voluntary sector organisations, housing providers and other institutions in order to foster city-wide collaboration. The Group launched the Fuel Poverty Strategy and Action Plan in 2018, which addresses fuel poverty in three ways: by reducing energy bills; by improving energy efficiency; and by maximising household income. They currently have a number of projects that are successfully working towards these goals including the Warm Homes Hub, which was launched last year and will bring £1million worth of support to the City, delivered alongside Age UK, Nottingham Energy Partnership and e.on. The project will install first-time central heating systems to 100 properties as well as boiler replacements and will provide a package of support to 1000 vulnerable households including advice about energy efficiency, benefits checks, home visits and an emergency fund for vulnerable people who lack adequate heating. We have already installed 40,000 retrofit energy efficiency measures to homes in the City including insulation and new windows and doors, and we now have a leading innovation programme which delivers deep retrofit to bring net zero carbon standards through a state of the art, low carbon technology and advanced off-site manufacture, which is being rolled out to 325 Nottingham City homes. The result of this programme is low and fixed energy bills and guaranteed comfort and improved health for residents, as well as a reduction of 1000 tonnes of carbon which supports our ambition to be the first carbon neutral city in the country by 2028.

Nottingham City Council Energy Services hosts the Midlands Energy Hub which provides technical support to local authorities and Local Enterprise Partnerships across the Midlands. In July a raft of incentives to improve energy efficiency of homes, save residents money and importantly stimulate a green economic recovery with 100,000 jobs estimated to be created in the construction sector were announced. The Hub will be delivering a proportion of this local authority delivery scheme and running a £6.9million training opportunity to ready the construction

industry for the scale-up of low carbon installations. This will enable our people to step into this area of work and become part of the future green economy.

Finally, on a slightly different note, I recommend that all home owners look into the Green Homes Grant which went live last week. The Scheme offers up to £10,000 for energy efficiency improvement measures which are installed through a Trustmark accredited installer. These can help to reduce energy costs by up to £600 a year. We know that many people have already expressed an interest and although there may be difficulties in completing the deadline for installation on the current timescales I will be pressing Government to see the sense in extending timescales beyond March next year to enable many more people to benefit.

We should all be very happy to be associated with the excellent work of the Energy Services Team, who provide an excellent service to the Council and citizens of the City, and who are the driving force behind the City's response to the climate emergency. Not only that, but they do not cost our Council taxpayers a penny. They actually bring in income to the Council through their consultancy work as they spread their energy efficiency and renewable energy expertise far and wide across the Midlands from west to east. Thank you very much.

#### **Covid-19 advice and rules**

Councillor Gul Khan asked the following question of the Deputy Leader of the Council:

Given the confusion the Prime Minister and other Government Ministers have had recently around their own rules, could the Deputy Leader outline what the latest Covid advice and rules is for people in Nottingham?

Councillor Sally Longford replied as follows:

Thank you Lord Mayor and thank you Councillor Khan for asking this very important question. You are right, this Conservative Government is apparently confused by their own regulations and therefore confusing all citizens who listen to what they say. This is not at all helpful in the middle of a global pandemic. Yesterday the Prime Minister had a perfect opportunity to make things clear however he added to the confusion by saying we have to behave fearlessly but with common sense which, for the life of me, I can't get my head around.

As of today, only the current national restrictions apply in Nottingham. However we are in a rapidly changing situation which I will return to later. The main advice is to follow the guidance for everyone living in the City to keep washing your hands regularly, wear a face covering in enclosed spaces and stay at least two metres apart or at least one metre with a face covering or other precautionary measures. Groups of up to six people who don't live with each other can meet indoors and outdoors. Households or support bubbles who are no larger than six can still gather. Social distancing should be maintained with anyone you don't live with and all those who are not exempt must wear a face covering on public transport. You should self-isolate immediately if you have a high temperature, a new continuous cough or a loss or change to your sense of smell or taste. If you have tested positive for the virus you must self-isolate. If you live with someone or there is someone in your support bubble who has symptoms or has tested positive, if you are told by the NHS Test and

Trace or the Covid-19 app you should self-isolate. Or if you have arrived from a country with a high coronavirus risk you should self-isolate. If you develop symptoms you should get a test as soon as possible and tell people you have been in close contact with that you have the symptoms.

I said that the situation is changing quickly in the City and I am sorry to say we are seeing a major increase in the infection rate. As a City we have done tremendously well in the last few months to keep the virus under control and I would like to thank everyone who has worked so hard to do the right thing. But now I am very concerned that the restrictions currently in force are insufficient to stop the spread. I do believe that, in the main, our citizens are still adhering to the restrictions. However, the beginning of the school term and the arrival of students has coincided with an increase in infections, particularly among young adults. Although it is well known that they do not generally suffer the worse symptoms, I am extremely concerned that the virus will now spread into the older and more vulnerable population. Take my ward for example, in Lenton we have many students and it is often wrongly described as ‘a student area’ because there are many permanent residents living amongst them. Many of them are elderly and more vulnerable to the virus. They use the same community facilities, the same shops, the same buses and trams and the same leisure centres. I am very concerned that they may be infected and that the consequence for them will be more severe. I know that many young people are acting within the guidance but I am taking this opportunity to appeal to all younger adults in particular: to adhere to the regulations as much as their neighbours, to follow the guidance. They must act responsibly and help to control the spread. I know that our Public Health Team are working very hard with Public Health England and other organisations including the universities, local schools, the police and environmental health to try and control the situation. However, we need every individual in the City to continue to play their part if we are to keep a grip on this pandemic. Thank you.

The meeting was adjourned at 15:57pm and reconvened at 16:08pm.

### **34 Decisions taken under Urgency Procedures**

The Leader of the Council presented the report detailing urgent decisions that Council is required to note, which have been taken under provisions within the Overview and Scrutiny Procedure Rules and Access to Information Rules.

#### **Resolved to note**

##### **(1) the urgent decisions (exempt from call in)**

<b>Decision Reference Number</b>	<b>Date of Decision</b>	<b>Subject</b>	<b>Value of Decision</b>	<b>Reason for Urgency</b>
3939	28/07/2020	Acceptance of funding from the Department for Transport's	£569,906	To enable works to commence by 3 August 2020, which was a requirement of the funding.

<b>Decision Reference Number</b>	<b>Date of Decision</b>	<b>Subject</b>	<b>Value of Decision</b>	<b>Reason for Urgency</b>
		Covid-19 Emergency Active Travel Fund – Tranche 1		
3944	31/07/2020	Essential health and safety works at Broadmarsh Shopping Centre	Up to £343,500	As of 31 July 2020 Intu removed site security and any presence on site. This would have had health and safety implications for both remaining tenants, who access the service road on the site, and also leave the site unprotected and could potentially endanger the public. In addition, works to reopen the public right of way between Lister Gate and Collin Street needed to progress at speed to allow the public to safely access the Southern Gateway of the City.
3952	31/07/2020	Contribution to service charge at a Council owned property	Exempt	To enable payment to be made to contractors as soon as possible.
3959	17/08/2020	New 12 month Authority Public Protection 'Flare' contract	£90,701	The contract provider had imposed a deadline for the Council to commit by which could not be achieved if the call in period proceeded, and not meeting the deadline could have resulted in a detrimental financial impact on the Authority.
3975	01/09/2020	Strategic Review	Exempt	Timescales were driven by engagement with third parties, outside the control of the City Council. A delay could

<b>Decision Reference Number</b>	<b>Date of Decision</b>	<b>Subject</b>	<b>Value of Decision</b>	<b>Reason for Urgency</b>
				have resulted in a significant negative impact on the finances of the Council.
3983	08/09/2020	Nottingham Theatre Royal and Royal Concert Hall – External tiles replacement	£990,000	To enable works to commence and be completed while the Theatre Royal and Royal Concert Hall are closed and before winter months when it would not be possible to carry out the works.

**(2) the Key Decisions taken under the Special Urgency Procedure**

<b>Decision reference number</b>	<b>Date of Decision</b>	<b>Subject</b>	<b>Value of Decision</b>	<b>Reason for Special Urgency</b>
3975	01/09/2020	Strategic Review	Exempt	Timescales were driven by engagement with third parties, outside the control of the City Council. A delay could have resulted in a significant negative impact on the finances of the Council.
Minute ref: 35	21 July 2020	Finance, HR and Payroll System	Exempt	The programme had reached a critical point and a decision on the implementation date was required in order to finalise the implementation plan and ensure that the planned date could be achieved. Failure to make a swift decision could have resulted in an inability to meet the revised date with associated failure to achieve benefits and incurring of further costs. Without approval for the spend the Council would have been unable to retain critical resources,



Decision reference number	Date of Decision	Subject	Value of Decision	Reason for Special Urgency
				whose contracts were due for imminent renewal and that were essential to meet the implementation date.
Minute ref: 42	22 September 2020	Interim Budget, Medium Term Financial Plan and Draft Strategy		The Interim Budget had to be approved by Full Council on 5 October. The Interim Budget includes a number of new in year savings that required a period of statutory consultation as detailed in the Council Financial Position – 2020/21 Budget Update report to Executive Board on 21 July 2020.

### 35 Interim Budget 2020/21

Councillor Sam Webster, Portfolio Holder for Finance, Growth and the City Centre, presented the report setting out proposals for the Interim Budget 2020/21 in response to the impact of Covid-19 on the City Council's in-year financial position.

Councillors voted on the recommendations in the report as follows:

	For	Against	Abstain
Councillor Leslie Ayoola	✓		
Councillor Cheryl Barnard	✓		
Councillor Steve Battlemuch	✓		
Councillor Merlita Bryan	✓		
Councillor Eunice Campbell-Clark	✓		
Councillor Graham Chapman	✓		
Councillor Kevin Clarke		✓	
Councillor Michael Edwards	✓		
Councillor Sam Gardiner	✓		
Councillor Jay Hayes	✓		
Councillor Rosemary Healy	✓		
Councillor Nicola Heaton	✓		
Councillor Patience Ifediora	✓		
Councillor Maria Joannou	✓		
Councillor Kirsty Jones		✓	
Councillor Angela Kandola	✓		
Councillor Jawaid Khalil	✓		
Councillor Gul Khan	✓		

Councillor Neghat Khan	✓		
Councillor Zafran Khan	✓		
Councillor Pavlos Kotsonis	✓		
Councillor Rebecca Langton	✓		
Councillor Chantal Lee	✓		
Councillor Dave Liversidge	✓		
Councillor Sally Longford	✓		
Councillor AJ Matsiko	✓		
Councillor Carole McCulloch	✓		
Councillor David Mellen	✓		
Councillor Sajid Mohammed	✓		
Councillor Salma Mumtaz	✓		
Councillor Toby Neal	✓		
Councillor Lauren O'Grady	✓		
Councillor Anne Peach	✓		
Councillor Shuguftah Quddoos	✓		
Councillor Ethan Radford	✓		
Councillor Nick Raine	✓		
Councillor Angharad Roberts	✓		
Councillor Andrew Rule		✓	
Councillor Wendy Smith	✓		
Councillor Roger Steel		✓	
Councillor Dave Trimble	✓		
Councillor Maria Watson		✓	
Councillor Sam Webster	✓		
Councillor Adele Williams	✓		
Councillor Linda Woodings	✓		
Councillor Cate Woodward	✓		
Councillor Audra Wynter	✓		

## Resolved to

### (1) approve

- i. the Interim Budget for 2020/21
- ii. the recommendations of the Strategic Director of Finance/ Chief Finance Officer in respect of the robustness of the estimates made for the purpose of the budget calculations and the adequacy of reserves
- iii. the delegation of authority to the Strategic Director of Finance/ Chief Finance Officer, in consultation with the Portfolio Holder for Finance, Growth and the City Centre, to finalise the revised in-year portfolio budgets
- iv. the delegation of authority to the Corporate Leadership Team to implement the new 2020/21 savings and efficiency proposals as appropriate
- v. the continuation of spending controls within the City Council, including a vacancy freeze and the ceasing of all non-essential spend

**as set out in the reports and minutes of the Interim Budget 2020/21, Medium Term Financial Outlook and Draft Strategy 2021/22 to 2023/24 item considered by Executive Board at its meeting on 22 September 2020**

**(2) note the Reserves Strategy approved by Executive Board on 22 September 2020;**

**(3) note the refreshed Medium Term Financial Outlook and draft Medium Term Financial Strategy as approved by Executive Board on 22 September 2020; and**

**(4) note that a final Medium Term Financial Strategy, including a review of the Capital Programme and Capital Investment Strategy, will be considered by Executive Board in December 2020.**

### **36 The Crime and Drugs Partnership Plan 2020 - 2023**

Councillor Neghat Khan, Portfolio Holder for Employment and Community Protection, presented the report proposing the approval of the Crime and Drugs Partnership Plan 2020 to 2023.

**Resolved to approve the Crime and Drugs Partnership Plan 2020 to 2023, as set out in Appendix 1 to the report.**

The meeting was adjourned at 17:13pm and reconvened at 17:24pm.

### **37 Motion**

Motion proposed by Councillor Steve Battlemuch, seconded by Councillor Neghat Khan:

With the Covid crisis heading towards a second wave Nottingham City Council is concerned that unemployment will rise to unacceptable levels and will write off the young generation who predominately work in the hospitality sector which has been hit hardest.

This Council believes that further government intervention needs to be put in place quickly to avoid a lost generation.

The Job Retention Scheme was an historic investment of taxpayers' money to avert widespread job losses. This massive, unprecedented investment will go to waste unless the Government acts now to hold the country from the unemployment cliff edge looming on the near horizon.

Council resolves to:

- try to maintain our pledge to guarantee a job, training place or further education place for every 18-24 year old in Nottingham who wants it;
- seek to protect funding for the Nottingham Jobs Fund and Nottingham Jobs Hub;
- ensure there are jobs fairs across Nottingham to connect residents with employers;
- use the Council's purchasing power to support local jobs, apprenticeships and responsible businesses;

- seek to protect the annual recruitment of 100 local apprentices to Nottingham City Council;
- write to Terese Coffey MP, Secretary of State for the Department for Work and Pensions to design a package of support for those facing redundancy;
- write to Boris Johnson MP demanding he take control and put a plan in place to avoid the cliff edge facing working people in Nottingham.

**Resolved to carry the motion.**

### **38 Motion**

Motion proposed by Councillor Pavlos Kotsonis, seconded by Councillor Lauren O’Grady:

Councils across the country face critical financial challenges and further cuts to jobs and services. £16 billion has been slashed from Central Government grants and councils are now facing the unprecedented costs of responding to the Covid crisis.

In Nottingham £101 million every year has been cut from our main source of Government funding since 2013. The Council will need to bear £78.4 million of additional costs and lost income due to Covid. Despite promises from Government to fully fund all the costs of Covid and to stand ‘shoulder to shoulder’ with councils and ‘do what it takes’, Nottingham is likely to receive only £39.8 million in Covid funding leaving a gap of £38.6 million.

10 years of government austerity hurts the most vulnerable members of our community and now threatens frontline services and our key workers that have helped people in Nottingham throughout the crisis.

Nottingham City Council therefore resolves to:

1. campaign alongside other councils to lobby the Government to keep its promise to Nottingham and key workers to fully fund all Covid-19 costs;
2. jointly campaign for a fair funding system for local authorities based around deprivation levels and local need;
3. jointly campaign with other councils to push the Government to cancel non-commercial Public Works Loan Board debt;
4. ask the Government to reduce the interest rate and allow a Covid payment holiday on Public Works Loan Board debt;
5. build a joint campaign with MPs, other councils, trade unions and local communities.

**Resolved to carry the motion.**

### **39 Committee membership changes**

The following committee membership changes were noted:

- 1) Councillor Audrey Dinnall replaced Councillor Shuguftah Quddoos as a member of the Regulatory and Appeals Committee
- 2) Councillor Andrew Rule replaced Councillor Roger Steel as a member of the Overview and Scrutiny Call In Panel
- 3) Councillor Roger Steel was appointed as a substitute member of the Overview and Scrutiny Call In Panel
- 4) Councillor Sajid Mohammed replaced Councillor Steve Battlemuch as a member of the Audit Committee
- 5) Councillor Jay Hayes replaced Councillor Lauren O'Grady as a member of the Audit Committee.

The Meeting concluded at 6.15 pm

## Questions from Councillors

### Responses to questions requiring a written response

**WQ1**

**Written question to be asked by Councillor Kevin Clarke of the Portfolio Holder for Health, HR and Equalities at the meeting of the City Council to be held on 5 October 2020**

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Can the Leader of the Council offer reassurances that, following the closing of the Voluntary Redundancy process, any and all staff who face redundancy have now been informed and there is no risk of compulsory redundancies in the immediate future?

Councillor Eunice Campbell-Clark replied as follows:

The 'in-year' budget proposals presented and approved by Executive Board on 21 July 2020 contained proposals that affected 157 full time job roles. Whilst almost 50% of these job roles are vacancies or apprenticeship posts held open for the remainder of the year, and therefore have no redundancy implications, the remaining job roles are occupied by employees of the Council.

The voluntary redundancy process has been utilised to match applications to job roles 'at risk'. 88 employees' voluntary redundancy applications are supported as part of this process.

The Council has less than 10 employees at risk of compulsory redundancy and is now seeking to find alternative employment for this group. The HR team are confident of being able to offer all 'at risk' employees an alternative job role.

Further budget proposals are scheduled to be presented at 20 October 2020 Executive Board meeting. These proposals will contain savings proposals and changes to service delivery. However, all proposals within this report will be facilitated through voluntary redundancy applications and, in some cases, vacant job roles.

The Council faces a significant budget challenge for 2021/22 and beyond and further proposals to generate savings will need to be considered as part of the budget process. All efforts will be made to mitigate the need for compulsory redundancies and job losses in this process.

**WQ2**

**Written question to be asked by Councillor Maria Watson of the Portfolio Holder for Adult Care and Local Transport at the meeting of the City Council to be held on 5 October 2020**

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If the Portfolio Holder is intent on going ahead with the mistake that is closing one of Nottingham's invaluable Adult Day Centres, can she please give us her best estimate as to when we will find out which of the three Day Centres will be closing?

Councillor Adele Williams replied as follows:

The timeline below illustrates the consultation of the review and consolidation of day services including the closure of one day centre.

The consultation planned will be independent and objective and until this consultation is concluded it would be wrong to predetermine which day centre would close. However, by 16 December 2020 the public will be informed.

- 6 October - a 45 day public consultation exercise will be launched. As part of this review, we will look at the Council and the wider city day service provision and following consultation, ensure we put in place an appropriate offer for all citizens currently accessing day services.
- 6 October - independent advocacy group WIT Partnership start working with citizens/ carers and key stakeholders to determine what the future day service offer could look like.
- 20 November - 45 day public consultation closes.
- 21 November - public consultation considerations captured and analysed.
- 4 December - draft report of day service review findings prepared.
- 15 December - Exec Board consider the day service review report and make a recommendation.
- 16 December - the general public and staff informed of the Council's recommendation.

**WQ3**

**Written question to be asked by Councillor Maria Watson of the Portfolio Holder for Adult Care and Local Transport at the meeting of the City Council to be held on 5 October 2020**

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If the Portfolio Holder is intent on going ahead with the mistake that is closing one of Nottingham's invaluable Adult Day Centres, can she please give us as a figure for how much money the closing of a Day Centre will save the Council, and as detailed as possible a breakdown of these savings?

Councillor Adele Williams replied as follows:

This year's saving will be £0.052m based on supporting a vacant post being disestablished on the successful trial of adopting the self-managed teams model at the site where the post was established.

- As of 6 October a 45 day public consultation exercise will be launched to review and consolidate the day service and the closure of one learning disability day centre. As part of this review, we will look at the Council and the wider city day service provision and following consultation, ensure we put in place an appropriate offer for all citizens currently accessing day services.



An independent advocacy group (WIT Partnership) will start working with citizens/ carers and key stakeholders to determine what the future day service offer could look like.

- 20 November - 45 day public consultation closes and we will consider the outcome of the consultation and analyse the data to inform a draft report of day service findings.
- 15 December – Executive Board will consider the day service review report and make a recommendation.
- 16 December - the general public and staff informed of the Council's recommendation and a 45 consultation process will commence.

Until the review is concluded it is not known what the saving will be for next year but potential savings will be made clear by the 15 December 2020.

**WQ4**

**Written question to be asked by Councillor Andrew Rule of the Portfolio Holder for Adult Care and Local Transport at the meeting of the City Council to be held on 5 October 2020**

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Could the Portfolio Holder confirm how many places in the City Centre's day care centres are funded by the NHS during the current financial year, the total value of the funding received and how this funding has been utilised given the City's day care centres are functioning on a reduced capacity at present?

Councillor Adele Williams replied as follows:

- 1) There are currently 15 citizens who are wholly or partly funded by the NHS – percentage paid by health does vary from 100% funded to 30% depending on the needs of the citizen.
- 2) In relation to the last quarter (Quarter 1) the NHS contributed £77,357.15 for the aforementioned 15 citizens.

Although the centres are working at a reduced capacity all of the NHS funded placements have received a service as these citizens have the most complex needs. The service provided has focussed upon each individual's assessed care needs and covered areas such as personal care, mobility, controlled physical safe space in which to exercise and engage in therapeutic activities such as hydrotherapy, physiotherapy, dedicated time in the multi-sensory rooms, art and crafts, meal preparation, counselling, all of which supports the citizen and gives invaluable respite to their loved ones.

In addition, we have also provided home visits, community access, advice and support to families.

**Written question to be asked by Councillor Andrew Rule of the Portfolio Holder for Finance, Growth and the City Centre at the meeting of the City Council to be held on 5 October 2020**

Could the Portfolio Holder provide a breakdown by service line of how the Council's Covid overspend is comprised?

Councillor Sam Webster replied as follows:

The table below shows by service the Covid-19 impact on the 2020/21 budget as at the end of Period 4. The Portfolio totals are as per table 1 within the Interim Budget 2020/21 as approved by September 2020 Executive Board report.

Portfolio	Department	Service	Forecast variance £m
<b>Adult Care &amp; Local Transport</b>	Adults	ASC Quality & Change	0.019
		Directorate	3.245
		Disabled Childrens Service	0.008
		Health Integration	2.471
		Prevention Reablement & Support	1.088
		Quality Assurance & Safeguarding	0.002
		Residential & Day Services	0.099
		Specialist Services	0.077
	<b>Adults Total</b>		<b>7.009</b>
	Commercial and Operations	Workplace Parking Levy	5.468
		Transport & Fleet	1.317
	<b>Commercial and Operations Total</b>		<b>6.785</b>
	Development & Growth	Concessionary Fares	0.081
		Public Transport	0.450
	<b>Development &amp; Growth Total</b>		<b>0.532</b>
<b>Adult Care &amp; Local Transport Total</b>			<b>14.325</b>
<b>Children &amp; Young People</b>	Childrens	Child Protection	0.212
		Children in Care	0.391
		Children's Social Care Directorate	3.514
		Early Help Services	0.066
		Extensive & Specialist Services	0.059
		Safeguarding & Quality	0.062
	Childrens Total		4.305
	Education	School Improvement (CYP)	0.080
	Education Total		0.080
	Strategy and Resources	Strategy & Policy (CYP)	0.137
	Strategy and Resources Total		0.137
<b>Children &amp; Young People Total</b>			<b>4.522</b>

<b>Communities, Highways &amp; Strategic Transport</b>	Commercial and Operations	Community Centres	0.067
		Community Cohesion	0.010
		Highways & Energy Infrastructure	0.436
		Neighbourhoods & Community Engagement	0.907
		NS Directorate Management	0.024
		NS Operational Hub	0.003
		Parking Services (CH&ST)	4.400
		Street Scene & Grounds Maintenance	0.050
		Uniformed Services (CH&ST)	0.352
	Commercial and Operations Total		6.249
	Development & Growth	Traffic Safety	1.226
	Development & Growth Total		1.226
	<b>Communities, Highways &amp; Strategic Transport Total</b>		
<b>Employment &amp; Community Protection</b>	Commercial and Operations	Com Prot Directorate	0.005
		Security & Logistics	0.166
		Uniformed Services (E&CP)	0.020
	Commercial and Operations Total		0.191
<b>Employment &amp; Community Protection Total</b>			<b>0.191</b>
<b>Energy, Environment &amp; Democratic Services</b>	Commercial and Operations	EE & Waste Strategy	0.554
		Energy Services	0.025
		Highways & Energy Infrastructure (EE&DS)	0.127
		Waste Management	1.005
	Commercial and Operations Total		1.712
	Strategy and Resources	Civic & Coronial Services	1.679
	Strategy and Resources Total		1.679
<b>Energy, Environment &amp; Democratic Services Total</b>			<b>3.392</b>
<b>Finance, Growth &amp; the City Centre</b>	Commercial and Operations	Environtal Hth & Licensing	0.073
		Nottingham Catering	1.433
	Commercial and Operations Total		1.505
	Development & Growth	EconDev Business Growth	0.109
	Development & Growth Total		0.109
	Strategy and Resources	Contracting & Procurement	2.500
	Strategy and Resources Total		2.500
<b>Finance, Growth &amp; the City Centre Total</b>			<b>4.115</b>
<b>Health, HR &amp; Equalities</b>	Public Health	Public Health	0.406
	Public Health Total		0.406
	Strategy and Resources	Human Resources	0.116
		OT Directorate	0.132
		Works Perks Savings	0.163
	Strategy and Resources Total		0.411
<b>Health, HR &amp; Equalities Total</b>			<b>0.817</b>
<b>Housing, Planning &amp; Heritage</b>	Development & Growth	Building Control	0.194

		Planning	0.145
		Strategic Homelessness	0.777
		Development & Growth Total	1.117
<b>Housing, Planning &amp; Heritage Total</b>			<b>1.117</b>
Leisure, Culture & IT	Commercial and Operations	Events & Goose Fair	0.332
		Libraries	0.173
		Markets	0.394
		Museums	0.741
		Parks & Open Spaces	0.242
		Sports & Leisure	4.858
		Theatre & Royal Concert Hall	3.710
		Commercial and Operations Total	10.451
	Strategy and Resources	IT	0.237
		Strategy and Resources Total	0.237
<b>Leisure, Culture &amp; IT Total</b>			<b>10.687</b>
Regeneration, Schools & Communications	Development & Growth	Major Projects	0.240
		Property Directorate	6.525
		Property Trading Account	0.002
		Development & Growth Total	6.768
	Education	Education Partnerships	0.826
		Inclusive Learning	0.136
		School Improvement	0.031
	Education Total	0.993	
	Strategy and Resources	City Advertising Trading Acct	0.080
		Marketing & Communications	0.093
Strategy and Resources Total	0.173		
<b>Regeneration, Schools &amp; Communications Total</b>			<b>7.934</b>
<b>Total Portfolios</b>			<b>54.577</b>

#### WQ6

**Written question to be asked by Councillor Roger Steel of the Portfolio Holder for Finance, Growth and the City Centre at the meeting of the City Council to be held on 5 October 2020**

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Could the Portfolio Holder provide a breakdown, over the last five years, of the number of business premises exempt for business rates by sector?

Councillor Sam Webster replied as follows:

The information below shows how many properties were exempt for business rates for the last 5 years including this year to date. The numbers reflect if an exemption for a period of time was applied during the year.

Sector	2016/17	2017/18	2018/19	2019/20	2020/21 to date
Advertising Right	2	2	4	4	4
Advertising Station					
Ambulance station & Premises					
Amusement arcade	1	1	1	1	1
Auxiliary Defence Establishment	1	1	1	1	
Banks	4	5	7	6	4
Betting shops	2	2	4	4	4
Bingo hall					
Boarding house				1	1
British Coal					
Business Unit	110	91	54	52	48
Cafes	7	2	2	3	3
Cafe Workshop & Premises					
Car Park Car Space and Premises					
Car Parks	648	579	555	482	477
Car parks & parking spaces	27	25	39	41	45
Car Showroom	2	2	2	2	1
Cemeteries, crematorium etc					
Club	11	11	12	10	7
Clubhouses	2	2	2	2	2
College	1		1	1	
Commercial Shop/offices	2	2	1	1	
Communications					
Communication Station	14	14	14	14	15
Communication stations public tel kiosks					
Community centres etc	4	3	5	4	4
Concrete batching plant	2	2	2	2	2
Day Nursery	1	2	2	1	
Day Nursery office and premises					
Electricity	2			1	1
Factories	27	25	20	18	22
Factory Office & Premises					
Factory store and premises	1	1	1	1	1
Factory, Workshop & Premises					
Fire Station	1	1	1	1	1
Food Court					
Football grounds					
Forces Careers Office					
Garage	20	20	16	17	15
Golf courses					
Government offices					
Hairdressing salons	10	7	8	8	6
Hall	2	2	1	1	2
Health centres					
Hospitals					
Hotel			3	3	1
Indoor Market					
Indoor sports facilities				1	1
Kiosk	2	4	3	2	2
Land used for storage	11	10	10	10	10
Launderettes		1	1		
Law court					

Leisure Centre	2	4	4	3	2
Libraries	1	1	1	1	1
Local authority schools	3	2	3	3	3
Local government offices	1	1	1	1	1
Marina					
Markets					
Mineral					
Mooring	1	1	1	1	1
Museums	1		1	1	1
NHS hospitals,clinics etc					
Office, Car Parking Spaces and Premises	1	1	1	1	1
Office (excluding central & local gov't)	828	751	730	756	680
Offices - offices and premises	1	1	1	1	1
Offices & Workshops	2	1	1	1	1
Other commercial	52	57	58	61	58
Other crown occupations					
Other educational,training & cultural	4	3	5	5	5
Other industrial	2	2	2	2	2
Other leisure	1	1	2	2	2
Other miscellaneous	2	2	3	3	2
Other non formula	1				
other telecommunications					
Petrol filling station	1	1			
Petrol station & Workshop					
Playing fields					
Police station & Car space					
Police stations	2	2	2	2	1
Post offices	1			1	1
Prison					
Private Hospital & Premises					
Private schools & colleges	2	1	1	1	1
Public house	30	34	36	31	25
Public house Workshop and Premises					
Refuse Station					
Residential homes,hostels etc					
Restaurants	32	28	37	40	28
Retail Warehouse	4	7	9	10	9
Serviced Apartment and Premises		1	2	4	2
Shop & Office	1				
Shops	414	388	380	374	260
Shop Store and Premises					
Shop, store & premises					
Shop, workshop & premises					
Shownroom, offices & premises					
Showroom, offices & premises					
Showrooms	9	12	13	16	11
Showroom & Workshop					
Sporting rights					
Sports grounds	3	3	3	3	3
stadium and premises					
Storage depot			1	1	1
Storage facility & premises					

Store & Office	2	2	2	2	2
Stores	213	204	200	201	198
Superstore					
Surgeries	3	5	7	7	5
Swimming pools					
Temporarily Deleted From Valuation List					
Tennis courts					
Theatre		1			
Theatres, cinemas etc.		1			
Transport					
Universities & polytechnics					
University & premises					
Unknown Analysis Code		1	1		
Vehicle repair workshop	9	4	8	8	5
vehicle repair workshop, store & premise					
Warehouse & Office			1	1	1
Warehouses	132	125	119	118	94
Warehouse & Store					
Warehouse & Workshop	1	1			
Wine bar					
Works					
Workshop & office					
Workshop & Office					
Workshop & Premises	1		1		
Workshops	257	235	219	222	184
<b>Sum:</b>	<b>2937</b>	<b>2701</b>	<b>2628</b>	<b>2579</b>	<b>2272</b>

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**City Council – 9 November 2020**

**Report of the Lord Mayor**

**Response to the Report in the Public Interest**

**1 Summary**

In response to the Report in the Public Interest on Nottingham City Council's governance arrangements for Robin Hood Energy Ltd (RHE) (the Report in the Public Interest) Council agreed an Action Plan at an extraordinary meeting held on 27 August 2020. This report recommends the amendment of the Action Plan following a meeting between the Leader of the Council and the Leaders of the two minority groups. It also recommends the establishment of an Improvement Board to support the implementation of the Action Plan and other associated improvement actions.

**2 Recommendations**

- 2.1 To approve the revised Action Plan (attached as appendix 1). The proposed changes are outlined in paragraph 5.2.
- 2.2 To establish the Nottingham City Governance Improvement Board (the Improvement Board) as a formal committee of Council to support the delivery of the Action Plan and other improvement work. The proposed terms of reference for the Board are attached as appendix 2.
- 2.3 To appoint the membership, substitutes and chair for the Nottingham City Governance Improvement Board as set out in appendix 3.
- 2.4 If the Board is established, to note the minor revisions to the roles of the Overview and Scrutiny Committee and the Audit Committee in relation to monitoring of the Action Plan as outlined in paragraphs 5.6 and 5.7.

**3 Reasons for recommendations**

- 3.1 To ensure that the Action Plan reflects the views of all political groups, as agreed at a meeting between the Leader of the Council and the Leaders of the two minority groups following the Extraordinary Council meeting on 27 August 2020.
- 3.2 To support the effective delivery of the governance improvement outcomes required by the Report in the Public Interest. The Improvement Board will oversee the delivery of the Action Plan in a way that is transparent, accountable to Council and ensures a wide range of voices, including those independent of the Council, can contribute to that delivery.
- 3.3 To ensure that duplication of work is avoided and responsibilities are well understood by clarifying the roles of the Overview and Scrutiny Committee and the Audit Committee in relation to the monitoring of the Action Plan.

**4 Other options considered in making recommendations**

- 4.1 No other options considered – Council approved the original version of the Action Plan on 27 August 2020. As amendments have been discussed between the political

groups and are now proposed for agreement these now require approval from Council to ensure there is a single version of the Action Plan and that the Plan has been approved in an open and transparent manner.

- 4.2 Not to establish an Improvement Board – While there is no requirement to establish an Improvement Board, to do so will bring benefits to the Council’s governance improvement work. These include taking an open and transparent approach to the delivery of the Action Plan and ensuring a range of relevant voices are able to contribute to the improvement work.

## 5 **Background (including outcomes of consultation)**

- 5.1 On Tuesday 11 August 2020, the Council’s external auditor issued a Report in the Public Interest on Nottingham City Council’s governance arrangements for Robin Hood Energy Ltd (RHE) (The Report in the Public Interest). The report was considered at an Extraordinary meeting of Council on 27 August 2020 where Council agreed an Action Plan responding to the recommendations made in the report. At that meeting, the Leader of the Council agreed to meet with the Leaders of the two minority groups to discuss the report and the action plan.
- 5.2 At this meeting, several amendments to the Action Plan were agreed as outlined in italics below:

### **Recommendation 2**

An audit and review of NCC’s approach to councillor membership of each subsidiary company board and any other similar organisations NCC Councillors are appointed to, will be undertaken. This review will fully involve the chief executives/chief officers of the Council’s companies, as well as the Chairs and members of the Company Boards and other subsidiary organisations. *The report to be presented for recommendations and comment to the next Audit Committee meeting before the Report’s formal implementation.*

*Those companies whose directors comprise entirely of, or a majority of councillors, will be reviewed as a priority.*

*Where the authority appoints councillors to the Boards of its companies it should be clear that councillors hold a non-executive position and they should be provided with training and guidance as how this role differs from an executive director.*

External guidance on defining the role and legal requirements for local authority company directors and guidance on skill set required will be sought. *This should include ensuring that professional executive directors responsible for the day-to-day running are aware that running a company funded by public money carries with it a requirement to demonstrate value for money for the council tax payer is being achieved.*

### **Recommendation 3**

Essential training will be mandatory and retention of the director role for each councillor will rely on completion of the training on this recommendation. *The training should include the duties placed on non-executive directors, the directors’ duty to protect the financial interests of the companies’ shareholder(s) and the duties placed on a director when the company is*

*financially insolvent and the personal financial consequences for failing to take appropriate action to safeguard the interests of creditors in an insolvent situation.*

*In addition to the above, refresher training will be required on a yearly basis; or more frequently should there be any applicable regulatory or legal changes to the legal duties placed on directors. Councillors who fail to complete this training, within three months of it becoming due, will be formally removed from holding the office of director.*

#### **Recommendation 8**

The s151 Officer will make recommendations to CGESC regarding action to be taken in the event that Companies do not comply with the required reporting requirements. *This should include the options and sanctions available to the Council as shareholder under the Companies Act 2006 to compel co-operation from the directors of Council owned companies.*

#### **Recommendation 10**

*This review will be made available to the Audit Committee for discussion and recommendations before final implementation.*

#### **Recommendation 11**

As part of that review, the specific corporate role and resources for the shareholder representative duty will be examined and in particular how it safeguards the Council's financial interests *and how concerns about financial risks by the Council's S.151 officer are communicated to the Council's shareholder representative.*

- 5.3 The Action Plan has been amended as a result of these discussions and the revised version is attached as appendix 1. It is recommended that Council agree the revised action plan.
- 5.4 Although not an agreed action or recommended in the Report in the Public Interest, it is proposed that Council establishes a Governance Improvement Board to oversee the implementation of the Action Plan. The full draft terms of reference are attached as appendix 2 but, in brief, the role of the Board would be to:
- a) deliver and drive progress against the PIR Action Plan
  - b) support improvement in the Council's wider governance arrangements
  - c) ensure that a range of voices, including those independent of the Council, contribute to the development of governance at Nottingham City Council.
- 5.5 The Committee will be a politically balanced committee of Council, with two places offered to individuals who are independent of the Council. Places on the Board will also be reserved for the Leader of the Council and the Chairs of the Overview and Scrutiny Committee and the Audit Committee. While these individuals Chair Council Committees that fall within the remit of the Action Plan it is important that these bodies are represented on the Board. Any conflicts of interest that might arise will be managed in accordance with the law, the Constitution and best practice. Appendix 3 sets out the proposed membership and, where applicable, substitutes and chair of the Board (to follow).
- 5.6 The draft terms of reference for the Board include recommending non-executive amendments to the Constitution to Council as one of the Board's responsibilities. This overlaps with the role the Audit Committee currently holds. During the period that the Board is meeting, it is proposed that the Audit Committee continues to consider

'business as usual' non-executive amendments to the Constitution but that the Improvement Board is responsible for recommending constitutional amendments relating to governance improvement.

- 5.7 At the Extraordinary meeting on 27 August the Council noted that the Executive would receive quarterly updates on progress against the Action Plan and that those updates would also be regularly scrutinised by the Overview and Scrutiny Committee and the Audit Committee (having regard to their respective terms of reference). Following the establishment of the Board it is proposed that primary responsibility for reviewing progress against the Action Plan is taken by the Board with the Chairs of Overview and Scrutiny and Audit both having seats on the Board. However, this does not preclude these Committees from undertaking their own work on the action plan where this would be of value.

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

- 6.1 There are no financial implications associated with setting up the Improvement Board.

Theresa Channell, Head of Strategic Finance and Deputy Section 151 Officer  
30 October 2020

## **7 Legal and Procurement colleague comments (including risk management issues, and legal, Crime and Disorder Act and procurement implications)**

- 7.1 The Report in the Public Interest was issued under the provisions of the Local Audit and Accountability Act 2014 ("the Act"). The Council must comply with the requirements of the Act in responding to the Report.
- 7.2 Under the provisions of the Act, the Council must decide whether the Report requires the authority to take any action or whether the recommendations are accepted. At the Extraordinary Council meeting on 27 August 2020 Council agreed the recommendations and approved the Action Plan prepared in response. Any amendments to the Action Plan must be agreed by Council.
- 7.3 The Improvement Board is being established in response to the Report in the Public Interest. As the response to the Report in the Public Interest is a Council function the Improvement Board is being established as a non-executive committee. In accordance with the Council's Constitution it is for full Council to establish the committee, agree its terms of reference, determine their composition and make appointments to it. As a fully constituted committee of Council it must be politically balanced. It can include external co-opted members.

Beth Brown, Head of Legal and Governance - 8 October 2020.

## **8 Equality Impact Assessment (EIA)**

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

No



An EIA is not required because:

- Each of the individual actions included in the Action Plan will require an equalities impact assessment produced as part of the work undertaken; and which will need to be considered in respect of any formal decisions to changing governance practice.

- Any improvements to governance that arise from the implementation of the recommendations in the action must pay due regard to ensuring that all citizens in Nottingham are able to understand the actions the Council takes in their name, the decisions it makes to spend resources on their behalf, and who is accountable for that action.
- Close attention will need to be paid to ensure the Council is as transparent as possible and is as open and engaging with local people as possible through this process of improvement and afterwards in the new practice established.

**9 List of background papers other than published works or those disclosing confidential or exempt information**

9.1 None

**10 Published documents referred to in compiling this report**

10.1 Report in the Public Interest on Nottingham City Council's governance arrangements for Robin Hood Energy Ltd (RHE)

10.2 Reports to and minutes of the Extraordinary meeting of Council held on 27 August 2020

10.3 Terms of reference of the Audit Committee

**Councillor Rosemary Healy  
Lord Mayor and Chair of Council**

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Amendments to the Action Plan approved by Council on 27 August 2020 are in italics.

## Action Plan in response to the Report in the Public Interest

- All recommendations are accepted
- Recommendations R1 – R13 are recommendations from *The Report in the Public Interest*
- Recommendations NCC1 - NCC 3 are additional recommendations

The overall accountability for the action plan rests with the Leader of the Council and the Chief Executive designate		
<b>Recommendation 1</b> Using the current Strategic Review and other appropriate advice to assist with decision-making, the Council should urgently determine the future of Robin Hood Energy, with options properly evaluated and risks properly assessed. This assessment should also take into account the context of the Council's current financial position.		
<b>Portfolio Holder accountability:</b> Councillor David Mellen – Leader		
Action	Deadline	Accountability
<ul style="list-style-type: none"> <li>• At the June 2020 Executive Board Nottingham City Council agreed its full support for the strategic review launched by the Robin Hood Energy Board.</li> <li>• The Strategic Review will report to the Robin Hood Energy Board and will be concluded shortly.</li> <li>• Any consequences of the review for the Council's 2020/21 budget and its medium term financial outlook and plan will be reported to full Council as part</li> </ul>	31/10/20   05/10/20  05/10/20	Corporate Director Development & Growth  Corporate Director Development & Growth  Strategic Director Finance

of the October 5 <sup>th</sup> interim budget report.		
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**Recommendation 2**  
The Council should review its overall approach to using Councillors on the boards of its subsidiary companies and other similar organisations. This should be informed by a full understanding of the role of and legal requirements for company Board members.

**Portfolio Holder accountability-** Councillor Sally Longford – Energy, Environment & Democratic Services

Action	Deadline	Accountability
Page 48 <ul style="list-style-type: none"> <li>An audit and review of NCC’s approach to councillor membership of each subsidiary company board and any other similar organisations NCC Councillors are appointed to, will be undertaken. This review will fully involve the chief executives/chief officers of the Council’s companies, as well as the Chairs and members of the Company Boards and other subsidiary organisations. <i>The report to be presented for recommendations and comment to the next Audit Committee meeting before the Report’s formal implementation.</i></li> <li>As part of this review, the membership balance of the boards will be considered in aggregate in regard to best practice for achieving diversity, skill set, sectoral knowledge and NCC representation.</li> <li><i>Those companies whose directors comprise entirely of, or a majority of councillors, will be reviewed as a priority.</i></li> <li><i>Where the authority appoints councillors to the Boards of its companies it should be clear that councillors hold a non-executive position and they should be provided with training and guidance as how this role differs from an executive director.</i></li> <li>External guidance on best practice in regard to Councillor appointments on local authority companies will be sought. <i>This should include ensuring that professional executive directors responsible for the day-to-day running are aware that running a company funded by public money carries with it a requirement to demonstrate value for</i></li> </ul>	31/10/20	Director of Legal & Governance
	31/10/20	Director of Legal & Governance
	30/09/20	Director of Legal & Governance
	30/09/20	Director of Legal & Governance



<p><i>money for the council tax payer is being achieved.</i></p> <ul style="list-style-type: none"> <li>External guidance on defining the role and legal requirements for local authority company directors and guidance on skill set required will be sought.</li> </ul>		
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**Recommendation 3**  
Where it continues to use Councillors in such roles, it should ensure that the non-executives (including Councillors) on the relevant board have, in aggregate, the required knowledge and experience to challenge management. This is of particular importance where the company is operating in a specialised sector which is outside the normal experience of Councillors.

**Portfolio Holder accountability-** Councillor Sally Longford – Energy, Environment & Democratic Services

<b>Action</b>	<b>Deadline</b>	<b>Accountability</b>
<p>49 The review of NCC councillor directors of boards in R2 will also establish the sectoral knowledge required to effectively hold the management of the different companies to account and assess the knowledge and skill set of the existing membership of the boards in relation to that sector or business area. This review will fully involve the chief executives or chief officers of the Council’s companies, as well as the Chairs and members of Company Boards.</p>	31/10/20	Director of Legal & Governance
<ul style="list-style-type: none"> <li>Proposals for remedying any identified gaps in knowledge and/or experience will be brought forward which will include a consideration of training and if necessary using interim additional expertise to ensure effective governance.</li> </ul>	30/11/20	Director of Legal & Governance
<ul style="list-style-type: none"> <li>Training will be devised to enable members to understand and practice effective director / board member interventions so as to appropriately challenge the management of the Council’s companies and improve the robustness of Company accountability to the Council.</li> </ul>	30/01/21	Director of Legal & Governance
<ul style="list-style-type: none"> <li>Specialised mandatory training packages will be devised to ensure councillors appointed as chairs of council company boards are able to understand and effectively</li> </ul>	30/01/21	Director of Legal & Governance

<p>fulfil their roles</p> <ul style="list-style-type: none"> <li>Essential training will be mandatory and retention of the director role for each councillor will rely on completion of the training on this recommendation. <i>The training should include the duties placed on non-executive directors, the directors to duty to protect the financial interests of the companies' shareholder(s) and the duties placed on a director when the company is financially insolvent and the personal financial consequences for failing to take appropriate action to safeguard the interests of creditors in an insolvent situation.</i></li> <li><i>In addition to the above refresher training will be required on a yearly basis; or more frequently should there be any applicable regulatory or legal changes to the legal duties placed on directors. Members who fail to complete this training, within three months of it becoming due, will be formally removed from holding the office of director.</i></li> <li>The relevant NCC officials will continue to be available to offer advice to members on all aspects of their role on Council company boards.</li> </ul> <p>Page 50 Advice will also be sought on the best way to assess the competence of Councillors fulfilling their roles as directors as part of effective company governance. The group whip for each political party or recognised group will have a role in this assessment process.</p> <ul style="list-style-type: none"> <li>The Council's constitution will be reviewed to appropriately reflect this requirement and it will be proposed at the 2021 Annual General meeting.</li> </ul>	<p>With immediate effect</p> <p>30/01/21</p> <p>May 2021</p>	<p>Director of Legal &amp; Governance</p> <p>Director of Legal &amp; Governance</p> <p>Director of Legal &amp; Governance</p>
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**Recommendation 4**

Where Councillors are used in such roles, the Council should ensure that the Councillors are provided with sufficient and appropriate training, which is updated periodically.

**Portfolio Holder accountability:** Councillor Sally Longford – Energy, Environment & Democratic Services

Action	Deadline	Accountability
<p>Page 51</p> <ul style="list-style-type: none"> <li>• A review of the current training package offered to Councillors as directors on company boards and other similar organisations will be undertaken.</li> <li>• External best practice and advice will be sought from both the Local Government Association and bodies in the private sector who advise on company governance and training for directors.</li> </ul> <p>This review will fully involve the chief executives/chief officers of the Council's companies, as well as the Chairs and governance of Council company Boards.</p> <ul style="list-style-type: none"> <li>• New training packages will be devised and delivered on a mandatory basis for:               <ul style="list-style-type: none"> <li>&gt; Initial training</li> <li>&gt; Refresher training</li> <li>&gt; Specialist training where required to understand a particular subject/field.</li> </ul> </li> <li>• External sources will provide the specialist training and this training will be reviewed every two years to ensure it remains relevant and effective.</li> <li>• Funding for the new training courses will need to be identified</li> <li>• Only Councillors who have completed the requisite training will be able to remain as Council appointed directors.</li> <li>• The Council's constitution will be reviewed to appropriately reflect this requirement and it will be proposed at the 2021 Annual General meeting.</li> </ul>	30/10/20	Director of Legal & Governance
	30/10/20	Director of Legal & Governance
	30/01/21	Director of Legal & Governance
	May 2021	Director of Legal & Governance

## Recommendation 5

The Council should ensure that all elements of its governance structure, including the shareholder role, are properly defined and that those definitions are effectively communicated to the necessary individuals.

**Portfolio Holder accountability:** Councillor David Mellen – Leader

Action	Deadline	Accountability
<ul style="list-style-type: none"><li>• The Council's Constitution and Scheme of Delegation will be reviewed to identify the roles that perform a specific function in ensuring effective governance of the Council's delivery of its duties and its powers and its expenditure.</li></ul>	30/11/20	Director of Legal & Governance
<ul style="list-style-type: none"><li>• As part of that review, the specific corporate role, definition and resources for the shareholder representative function will be examined.</li></ul>	30/11/20	Director of Legal & Governance
<p>Page 52</p> <ul style="list-style-type: none"><li>External advice and best practice will be sought to define officer roles / functions that communicate and safeguard the interest of the Council in relation to the effective corporate governance of individual council companies.</li></ul>	30/01/21	Director of HR and Customer
<ul style="list-style-type: none"><li>• This review will fully involve the chief executives/chief officers of the Council's companies, as well as the Chairs and governance of Council company Boards.</li></ul>		
<ul style="list-style-type: none"><li>• Once the role and resources have been determined, costings to implement the new function and an appropriate role description (s) will be produced and submitted for decision.</li></ul>	31/10/20	Director of HR and Customer
<ul style="list-style-type: none"><li>• Whilst this review is underway the current shareholder representatives will be reviewed, any existing gaps filled and interim new role definitions will be drawn up as well as appropriate training provided.</li></ul>	30/11/20	Director of Legal & Governance
<ul style="list-style-type: none"><li>• In addition to individual roles being identified and re-defined from the review of the constitution, there are also Council bodies that perform a vital function for the Council's effective governance. The role of the Executive Board, Companies Governance Executive Sub-Committee, Overview and Scrutiny Committee and the Audit Committee's terms of reference will also be reviewed to ensure clarity on role and</li></ul>	20/12/20	Director of Legal & Governance

<p>accountability for Council companies' governance across the Council. The Chairs of Overview and Scrutiny and the Audit Committee will be fully involved in this review.</p> <ul style="list-style-type: none"><li>• Training will be offered to all members and chief officers on the roles of these bodies.</li></ul>	30/01/21	Director of Legal & Governance
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## Recommendation 6

When allocating roles on Council-owned organisations to individual Councillors, the Council should ensure that the scope for conflicts of interest is minimised, with a clear divide between those in such roles and those responsible for holding them to account or overseeing them.

**Portfolio Holder accountability:** Councillor Sally Longford – Energy, Environment & Democratic Services

Action	Deadline	Accountability
<p>Page 54</p> <ul style="list-style-type: none"><li>The Council's constitution and the appointments process of Councillors onto Council company boards will be reviewed. A councillor may not be appointed as chair of a council company board whose main activity lies within any executive portfolio they hold.</li><li>The length of appointment tenure beyond a 12-month appointment period will be reviewed to enable consistency of membership of the board and to develop knowledge and experience</li></ul> <p>An amendment to the Constitution will be developed for formal consideration, so if a Councillor is appointed chair or vice-chair of a company board, they are unable to also be the chair or vice-chair of the Audit Committee, or Overview and Scrutiny Committee thus avoiding any conflict of interest in these essential roles.</p> <ul style="list-style-type: none"><li>In addition, the Council will take steps to minimise any other possible conflicts of interest for directors on Council company boards by ensuring the improved training offer to be developed for members includes how to recognize and avoid any conflicts of interest for chairs and Councillor directors.</li><li>The access to formal advice from the Council's legal and democratic service for all councillors appointed to council company boards on conflicts of interest or any other matter will continue to be made available.</li></ul>	30/11/20	Director of Legal & Governance
	30/11/20	Director of Legal & Governance
	31/03/21	Director of Legal & Governance
	30/01/21	Director of Legal & Governance
	With immediate effect	Director of Legal & Governance

**Recommendation 7**

The Council should ensure that risks relating to its companies are considered for inclusion in its overall risk management processes, with appropriate escalation and reporting, rather than being seen in isolation.

**Portfolio Holder accountability:** Councillor Sam Webster Finance, Growth & the City Centre

Action	Deadline	Accountability
<ul style="list-style-type: none"> <li>The Council's high level risk register was created in May 2020 and was reviewed by the July 2020 Audit Committee. A number of Council company risks were included in that new risk register. This will continue to be developed and refined.</li> </ul>	30/11/20	Strategic Director of Finance
<ul style="list-style-type: none"> <li>The Council's risk management framework has been reviewed to ensure the full incorporation of council company risks across all risk registers within departments and also in the new financial risk register. Council companies' risks will be separately considered and reported in such a way that explicitly draws out the risks to the Council that may arise from the financial (and other) performance of the various companies. This review will fully involve the chief executives/ chief officers of the Council's companies, as well as the Chairs and members of the Company Boards.</li> </ul>	30/11/20	Strategic Director of Finance
<ul style="list-style-type: none"> <li>The reporting of risks to Council company boards will also be implemented as part of this action.</li> </ul>	30/11/20	Strategic Director of Finance
<ul style="list-style-type: none"> <li>The regularity of the reporting of the high level risk register to the Audit Committee and the Executive Board and Overview &amp; Scrutiny Committee will be reviewed as part of this action. The Chairs and members of these bodies will be fully involved in this action.</li> </ul>	30/11/20	Strategic Director of Finance
<ul style="list-style-type: none"> <li>The reporting of companies' related risks will form part of the suite of reporting information presented to the Companies Governance Executive Sub-committee</li> </ul>		

## Recommendation 8

As the new arrangements for monitoring companies are rolled out alongside the Companies Governance Executive Sub-Committee (CGESC), the Council should ensure that financial information is provided in accordance with its requirements and is fully understood by the Sub-Committee and others involved in holding the companies to account, and that robust action, with the oversight of the s151 officer, is taken if suitable information is not provided.

**Portfolio Holder accountability:** Councillor Sam Webster Finance, Growth & the City Centre

Action	Deadline	Accountability
<ul style="list-style-type: none"> <li>The Companies Governance Executive Sub-Committee (CGESC) has been meeting since 2019 and has established reporting requirements for all Council companies.</li> <li>A dedicated senior finance post provides additional capacity and capability to managing the financial reporting requirements on the Council's group of companies.</li> </ul>	30/11/20	Director of Legal & Governance
<p>Page 56</p> <ul style="list-style-type: none"> <li>The current role and remit of the CGESC will be reviewed as to how it can deliver the most effective governance in the light of The Report in the Public Interest.</li> </ul>	30/11/20	Director of Legal & Governance
<ul style="list-style-type: none"> <li>Officer support is to be provided to offer full advice and analysis for members on CGECS, Audit Committee and Overview &amp; Scrutiny Committee in relation to risks; annual reviews of &amp; updates on business cases and plans; scheme of delegation; financial matters and overall delivery.</li> </ul>	30/11/20	Strategic Director of Finance
<ul style="list-style-type: none"> <li>The dedicated senior finance role will also be continually reviewed in the light of The Report in the Public Interest to ensure it is fulfilling the corporate function needed and that departments and Council companies understand their relationship and new ways of working on this matter.</li> </ul>	With immediate effect	Strategic Director of Finance
<ul style="list-style-type: none"> <li>The s151 Officer will make recommendations to CGESC regarding action to be taken in the event that Companies do not comply with the required reporting requirements. <i>This should include the options and sanctions available to the Council as shareholder under the Companies Act 2006 to compel co-operation from the directors of council owned companies.</i></li> </ul>	30/11/20	Strategic Director of Finance
<ul style="list-style-type: none"> <li>Council company financial information reporting will be reviewed to see how more explicitly it can be referenced in the regular Council budget monitoring reports provided</li> </ul>	30/11/20	Strategic Director of Finance



<p>to the Executive Board on a quarterly basis</p> <ul style="list-style-type: none"><li>• This review will need to consider how to balance the transparency in the Council's budget reporting with the need to retain commercially sensitive information in the private part of any public meeting.</li></ul>		
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**Recommendation 9**

Within the new arrangements involving the Companies Governance Executive Sub-committee, the Council needs to ensure that responsibilities for scrutiny and risk management are given sufficient prominence, including giving the Audit Committee explicit responsibility for scrutiny of governance and risk management across the group.

**Portfolio Holder accountability-** Councillor Sally Longford – Energy, Environment & Democratic Services

<b>Action</b>	<b>Deadline</b>	<b>Accountability</b>
<ul style="list-style-type: none"> <li>The Council will review the terms of reference for Companies Governance Executive Sub Committee (CGESC), Overview and Scrutiny Committee and the Audit Committee to ensure that roles and responsibilities are explicitly clear. The Chairs of all these bodies will be fully involved in this action.</li> </ul>	30/11/20	Director of Legal & Governance
<p>Page 58</p> <p>External advice will be sought on best practice in defining the roles between these bodies and on effective training for members to understand and work in these new defined roles and to achieve the prominence in practice.</p>	30/11/20	Director of Legal & Governance
<ul style="list-style-type: none"> <li>The training packages that will be offered will carry the same mandatory requirements for membership off these bodies to continue.</li> </ul>		
<ul style="list-style-type: none"> <li>Specific training modules will be drawn up to explicitly support the chairs of these bodies in carrying out their new roles.</li> </ul>	30/01/21	Director of Legal & Governance

**Recommendation 10**

In addition to those referred to in recommendations above, the Council should apply the lessons from Robin Hood Energy in a further review of its company governance arrangements, in particular to ensure that risks are appropriately flagged and managed, as well as successfully implementing the more robust monitoring agreed by the Companies Governance Executive Sub-Committee.

**Portfolio Holder accountability:** Councillor David Mellen – Leader

<b>Action</b>	<b>Deadline</b>	<b>Accountability</b>
<p>Page 59</p> <ul style="list-style-type: none"> <li>• The Council will draw together all the varying reviews and activity as outlined above into an overall picture of its governance arrangements and from that produce a unified report on the lessons to be learnt from Robin Hood Energy Ltd.</li> <li>• This learning lessons report will draw upon the effective practice of some of the other Council company boards to share those positive lessons across the group of council companies as well.</li> <li>• External support and advice will be sought on how best to draw together all the learning from the reviews.</li> <li>• This review will fully involve the chief executives/chief officers of the Council's companies, as well as the Chairs and members of the Company Boards.</li> <li>• <i>This review will be made available to the Audit Committee for discussion and recommendations before final implementation</i></li> </ul>	20/12/20	Director of Legal & Governance

## Recommendation 11

As part of this review, the Council should consider the appropriateness of the definition of the shareholder role adopted in the 2019 report and give it an emphasis on protection of the Council's financial interests alongside other elements.

**Portfolio Holder accountability:** Councillor David Mellen – Leader

Action – N.B. the actions below must be read alongside the actions for Recommendation 5	Deadline	Accountability
<ul style="list-style-type: none"><li>The Council's Constitution and Scheme of Delegation will be reviewed to identify the roles that perform a specific function in ensuring effective governance of the Council's delivery of its duties and its powers and its expenditure.</li></ul>	30/11/20	Director of Legal & Governance
<ul style="list-style-type: none"><li>As part of that review, the specific corporate role and resources for the shareholder representative duty will be examined and in particular how it safeguards the Council's financial interests <i>and how concerns about financial risks by the Council's S.151 officer are communicated to the Council's shareholder representative.</i></li></ul>	30/11/20	Director of Legal & Governance
<ul style="list-style-type: none"><li>External advice and best practice will be sought to define officer roles / functions that communicate and safeguard the interest of the Council in relation to the effective corporate governance of individual council companies.</li></ul>	30/01/21	Director of HR and Customer
<ul style="list-style-type: none"><li>Once the role and resources for this function have been determined, costings to implement the new function and an appropriate role description will be produced and submitted for decision.</li></ul>	30/11/20	Director of Legal & Governance
<ul style="list-style-type: none"><li>Whilst this review is underway the current shareholder representatives will be reviewed, any existing gaps filled and an interim new role definition be drawn up and training provided.</li></ul>	31/10/20	Director of HR and Customer

**Recommendation 12**

The Council should use the experience of owning RHE to consider whether there are any lessons for its wider governance, particularly in relation to the 'checks and balances' which need to be in place, including the need for a stronger monitoring and scrutiny function and moving to a culture in which challenge of political priorities and how they are being implemented is seen as a positive.

**Portfolio Holder accountability:** Councillor Sally Longford – Energy, Environment & Democratic Services

<b>Action</b>	<b>Deadlines</b>	<b>Accountability</b>
<ul style="list-style-type: none"><li>• An overarching review of the Council's wider governance arrangements will be commissioned following advice from the LGA and other relevant external bodies.</li><li>• External advice and best practice models will be considered alongside an in-depth assessment of council practice to date</li></ul>	31/03/21	Director of Legal & Governance





**NCC 2. Review of effective governance practice in NCC companies**

The Council has a number of companies which have had effective governance over a number of years and which have involved elected members on the boards. As part of this improvement work it is important to understand what has made those council companies and Boards effective and how any learning can be applied to other council companies and the other recommendations in this Action Plan.

**Portfolio Holder accountability:** Councillor Sally Longford – Energy, Environment & Democratic Services

Action	Deadlines	Accountability
<ul style="list-style-type: none"> <li>Seek out external guidance on independently assessing effective company governance and use this to assess the governance practice of all Council owned companies.</li> </ul>	31/03/21	Director of Legal and Governance
<ul style="list-style-type: none"> <li>Following that assessment, draw out any lessons or good practice that can be shared across all council companies.</li> </ul>	June 2021	Director of Legal and Governance
<ul style="list-style-type: none"> <li>Work with the chairs and chief executives / chief officers of Council companies to understand any self-assessment models they may use.</li> </ul>	June 2021	Director of Legal and Governance
<ul style="list-style-type: none"> <li>Companies Governance Executive Sub Committee, Executive Board and the Audit Committee to consider the findings of this review and its recommendations.</li> </ul>	June 2021	Director of Legal and Governance



**NCC 3. Review of membership of the Audit Committee**

As a solution to the pressures from the reduction in public funding of services, the Council either owns or has a major interest in a considerable number of companies. It has also pursued a policy of in-house commercialisation of some services. As such the company and commercial trading risks it carries are more that would normally be expected for a local authority.

As such, the role that the Audit Committee plays in giving assurance to the Council on these commercial risks and trading outcomes is vital. In the light of the findings of the Report in the Public Interest, it is proposed that a review of the membership of the Audit Committee is undertaken to consider whether it is necessary to bring in additional expertise in a relevant capacity to further support the Committee.

**Portfolio Holder accountability:** Councillor David Mellen – Leader

<b>Action</b>	<b>Deadlines</b>	<b>Accountability</b>
<ul style="list-style-type: none"><li>Review of the current membership of the Audit Committee.</li><li>Seek out external advice of best practice models of Audit Committees in local government that could bring additional support to how the council is dealing with the risks it is facing</li></ul>	30/01/21	Strategic Director of Finance

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## Nottingham City Council Improvement Board

### Terms of Reference

#### DRAFT

#### Description

The Improvement Board is a politically balanced committee of Council, established to oversee the delivery of the Action Plan responding to the Report in the Public Interest concerning the Council's Governance Arrangements for Robin Hood Energy Ltd (the PIR) and to review wider governance issues at Nottingham City Council. The committee is accountable to Council and will provide progress reports to Council every six months.

#### Purpose

The purpose of the Improvement Board is to:

- deliver and drive progress against the PIR Action Plan
- support improvement in the Council's wider governance arrangements
- ensure that a range of voices, including those independent of the Council, contribute to the development of governance at Nottingham City Council.

#### Objectives

The Board's objectives are to:

- steer the implementation of the PIR Action Plan and wider governance improvements
- monitor progress on the implementation of the PIR Action Plan
- assess Nottingham City Council's current governance arrangements and identify and make recommendations to Council on areas for improvement
- review the Constitution in relation to governance improvement and recommend amendments to the Leader in relation to executive matters and to Council for non-executive matters
- identify best practice and gather views on matters within the Board's remit from relevant internal and external sources, including the appointed co-opted members and members of the Executive, Overview and Scrutiny Committees and the Audit Committee
- make decisions, including spending decisions relating to non-executive areas of the governance improvement programme
- make recommendations to the Executive on executive areas of the governance improvement programme.

#### Membership and Chairing

The Board will consist of nine members, including two co-opted independent members who have full voting rights. The membership will consist of:

- The Leader of the Council
- Chair of Overview and Scrutiny Committee
- Chair of Audit Committee
- Representative from the largest minority political group

- Three other Councillors
- Two independent members

The Board will be chaired by one of the Councillor members but cannot be chaired by the Leader, or by the Chair of Overview and Scrutiny Committee or the Chair of the Audit Committee.

The Vice-Chair will be taken by one of the two independent members.

### **Substitutes**

Substitute members can be appointed to this Board. Up to three named substitutes can be appointed for each of the following members:

- The Leader: to be substituted by the Deputy Leader or in his or her absence, another member of the Executive.
- Chair of Overview and Scrutiny: to be substituted by one of the two Vice Chairs of Overview and Scrutiny or, if not available, another member of the Overview and Scrutiny committee.
- Chair of Audit: to be substituted by the vice chair of the Audit Committee or, if not available, another member of the Audit Committee.

For all other Councillor members up to six named substitutes may be appointed.

No substitutes may be appointed for independent members.

### **Quorum**

The quorum for this Board is five, which must include at least one independent member.

### **Frequency of Meetings**

The Board will meet as required for the period covered by the PIR Action Plan.

### **Duration**

The Board will initially meet for the duration of the Action Plan. After that period, every six months, it will review its need to meet.

**City Council – 9 November 2020**

**Report of the Leader of the Council**

**Decisions Taken Under Urgency Procedures**

**1 Summary**

- 1.1 As required by the Council's Constitution, this report informs Council of urgent decisions taken under provisions within both the Overview and Scrutiny Procedure Rules and Access to Information Procedure Rules.

**2 Recommendations**

- 2.1 To note the urgent decisions taken as detailed in the appendices.

**3 Reasons for recommendations**

- 3.1 To ensure compliance with the procedures detailed in the Council's Constitution.

**4 Other options considered in making recommendations**

- 4.1 None.

**5 Background (including outcomes of consultation)**

- 5.1 Call in and Urgency (Overview and Scrutiny) Procedure Rules

Councillors will be aware that the call in procedure does not apply where the decision taken is urgent. A decision is urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. Part 4 of the Constitution requires that where a decision is taken under the urgency procedure that decision needs to be reported to the next available meeting of Council, together with the reasons for urgency. The urgency procedure requires that the Chair of the Overview and Scrutiny Committee must agree that the decision proposed is reasonable in the circumstances and that it should be treated as a matter of urgency. In the absence of the Chair, one of the Vice Chairs' consent is required. Details of the decisions made where the call in procedure has not applied due to urgency are set out in Appendix 1.

- 5.2 Special Urgency – Access to Information Rules

The Local Authorities Executive Arrangements (Access to Information) (England) Regulations 2012 introduced a requirement for 28 clear days public notice to be given of all proposed key decisions. Where it is not possible to give the full 28 days' notice, but there is time to give at least 5 clear days notice, the General Exception procedure applies (see Access to Information Rules, Part 4 of the Constitution). Where 5 clear days notice is also not possible, the above Regulations provide for a Special Urgency Procedure.

- 5.3 An urgent key decision may only be taken under the Special Urgency Procedure if the decision taker has obtained agreement that the decision is urgent and cannot reasonably be deferred. Agreement must be obtained from (i) the Chair of the

Overview and Scrutiny Committee, or (ii) if there is no such person, or if the Chair of the Overview and Scrutiny Committee is unable to act, the Lord Mayor (as Chair of Council), or (iii) where there is no Chair of the Overview and Scrutiny Committee or Lord Mayor, or they are unable to act, the Sheriff (as Vice Chair of Council). Once agreement has been sought and as soon as is reasonably practicable, the decision maker must publish a notice at the Council's offices and on the Council's website to state that the decision is urgent and cannot reasonably be deferred.

5.4 In addition, the procedure requires that the Leader of the Council submits (at least quarterly) reports to Council containing details of each executive decision taken during the period since the last report where the making of the decision was agreed as a case of special urgency. Details of key decisions taken under the Special Urgency Procedure are set out in Appendix 2.

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

6.1 None

## **7 Legal and procurement colleague comments (including risk management issues, and legal, crime and disorder act and procurement implications)**

7.1 None

## **8 Equality Impact Assessment (EIA)**

8.1 An EIA is not required as the report does not relate to new or changing services or policies. Equality Impact Assessments were published alongside each decision referred to in the report, as required.

## **9 List of background papers other than published works or those disclosing confidential or exempt information**

9.1 None.

## **10 Published documents referred to in compiling this report**

10.1 Nottingham City Council Constitution

10.2 The delegated decisions and committee reports detailed in the appendices to the report, as published on the City Council's website.

**Councillor David Mellen**  
**Leader of the Council**

### Appendix 1 - Decisions Exempt from Call-In

<b>Decision Reference Number</b>	<b>Date of Decision</b>	<b>Subject</b>	<b>Value of Decision</b>	<b>Decision Taker</b>	<b>Consultee on Urgency</b>	<b>Reason for Urgency</b>
3999	25 September 2020	Service of S25 Notice – Premises at Lister Gate, Nottingham	Exempt	Portfolio Holder for Regeneration, Schools and Communications	Chair of Overview and Scrutiny Committee	To enable the Notice to be sent within required timescales.
4006	2 October 2020	Further essential health and safety works at Broadmarsh Centre	£176,048	Portfolio Holder for Regeneration, Schools and Communications	Chair of Overview and Scrutiny Committee	To ensure public safety while the building is in use and to prevent any potential fire risk.

## **Appendix 2 - Key Decisions taken under the Special Urgency Procedure**

There were no decisions taken under the Special Urgency Procedure since the previous report to Council.