

Nottingham City Council

Executive Board

**Minutes of the meeting held at Loxley House, Nottingham on 21 March 2023
from 2.00 pm - 3.00 pm**

Membership

Present

Councillor David Mellen (Chair)
Councillor Adele Williams (Vice Chair)
Councillor Cheryl Barnard
Councillor Neghat Khan
Councillor Pavlos Kotsonis
Councillor Sally Longford
Councillor Toby Neal
Councillor Linda Woodings

Absent

Councillor Rebecca Langton
Councillor Audra Wynter

Councillor Kevin Clarke
Councillor Andrew Rule

Colleagues, partners and others in attendance:

Mel Barrett	- Chief Executive
Wayne Bexton	- Director of Carbon Reduction, Energy and Sustainability
Ross Brown	- Corporate Director for Finance and Resources
Frank Jordan	- Corporate Director for Communities, Environment and Resident Services
Sajeeda Rose	- Corporate Director for Growth and City Development
Julie Sanderson	- Head of Quality Assurance and Safeguarding
Paul Seddon	- Director of Planning and Regeneration
Malcolm Townroe	- Director of Legal and Governance
Catherine Underwood	- Corporate Director for People
Hugh White	- Director of Sport and Culture
Phil Wye	- Governance Officer

Call-in

Unless stated otherwise, all decisions are subject to call-in. The last date for call-in is 28 March 2023. Decisions cannot be implemented until the working day after this date.

111 Apologies for Absence

Councillor Rebecca Langton – work commitments
Councillor Audra Wynter - leave

112 Declarations of Interests

None.

113 Minutes

The minutes of the meeting held on 21 February 2023 were agreed as a correct record and they were signed by the Chair.

114 Adoption of a Municipal Resources and Waste Strategy

The Portfolio Holder for Energy, Environment and Waste Services presented the report seeking approval of the City Council's Municipal Resources and Waste Strategy following a period of public consultation. The strategy sets out a vision, objectives, ambitions and options in respect of managing the city's municipal waste through to 2050. This will provide a framework for service development and transformation of its waste management services and responds to national and local policy drivers, including new statutory obligations. The following information was highlighted:

- (a) a public consultation exercise on the draft strategy with its supporting options appraisal reviewing collection systems was undertaken between 20th October and 14th December 2022;
- (b) despite the high number of overall responses, specific groups comprising those under the age of 34, males, black, Asian and mixed ethnic groups, and to a lesser extent, those with a disability did not respond to the consultation at levels proportionate to their overall make-up of the population of the city. The Final Strategy responds to this by committing to undertaking further engagement and education at a more local and community level before implementing changes to waste management services required to meet the stated Objectives and Ambitions set out;
- (c) the highest priorities identified from consultation were a separate weekly food waste collection and prevention of recyclables going into the residual waste collections, including education and enforcement;
- (d) three new Ambitions are proposed for the final Strategy which address key concerns expressed during public consultation which were not adequately addressed in the draft strategy itself, regarding:
 - Rats / pests - through a new ambition which will aim to improve public health / perception for residents;
 - HWRC facilities - through a new ambition which aims to improve access to and facilities at HWRCs that should increase levels of accessibility for residents and may lead to less waste due to more recycling;
 - Fly-tipping and litter - through a new ambition which aims to reduce fly-tipping and litter across the city to improve public health and amenity for residents.

Resolved to

- (1) note the outcome of the public consultation on the Draft Municipal Resources and Waste Strategy and the changes to the final Strategy presented in response to this;**
 - (2) note that both the draft Strategy and the public consultation responses have been reviewed by Overview and Scrutiny Committee;**
 - (3) adopt the final form of the Municipal Resources and Waste Strategy forming Appendix 1 to the report and approve the Action Plan forming Appendix 3 to the report;**
 - (4) note that proposals for service changes required to implement the Strategy and the Action Plan will be presented at future points for separate determination;**
- (1) ensure that further engagement with waste service users will target individuals with protected characteristics to ensure that the subsequent decisions taken reflect and consider feedback from a representative sample of the service users affected.**

Reasons for decision:

- The Council has produced a formal Final Municipal Resources and Waste Strategy to respond to national and local policy drivers and has considered feedback received from a public consultation exercise carried out on its draft Strategy to create the final document.
- The Strategy will set the framework for developing waste management services within the city through to 2050 to ensure that future decisions are:
 - compatible with national programmes and obligations designed to enhance sustainable waste management and improve recycling;
 - timely and affordable to the Council in their implementation; and
 - delivered to a service standard which is acceptable to service users.
- The Strategy sets a high level strategic direction and is not intended to be prescriptive. By retaining a flexible approach to service development and delivery, and with regular reviews, the Council can remain cognisant of new statutory obligations which may emerge through the period, keep abreast of and commission new waste treatment technologies to manage ever evolving waste streams, and ensure that its service keep pace with changing customer expectation and behaviours.
- Future service changes that are identified and developed to enable delivery of the Strategy and/or the associated action plan will be brought forward separately for decisions in the future. Part of this decision making process will be to ensure that the views of service users are representative of all those affected in developing such decisions.

Other options considered:

- The option to delay the adoption of the Final Strategy was considered. This was rejected because of the necessity to provide a strategic framework for negotiating future waste disposal contracts beyond the expiry of the current strategy in 2030. The adoption of a Strategy will also enable the operational services to begin business planning for the changes necessary and identify associated budgetary requirements for further Council consideration in good time to meet the impending statutory obligations.

115 Nottingham City Safeguarding Adult Board Annual Report 2021/22 and Executive Summary

The Portfolio Holder for Adult Social Care and Health presented the report raising awareness of the safeguarding activity taking place in Nottingham City and the areas of focus for 2022/23, highlighting the following:

Each local authority must set up a safeguarding adults board (SAB). The main objective of a SAB is to assure itself that local safeguarding arrangements and partners act to help and protect adults in its area who meet the criteria set out in the Care Act. The SAB has a strategic role that is greater than the sum of the operational duties of its core partners. It oversees and leads adult safeguarding across its locality and is interested in a range of matters that contribute to the prevention of abuse and neglect.

Resolved to

- (1) note the Annual Report and Executive Summary;**
- (2) recommend the cost of living crisis as an area for NCSAB to focus on going forward;**
- (3) recognise the work of social workers and the importance of their role in improved outcomes for citizens of Nottingham City.**

116 Proposed Use of Covid Outbreak Management Funds to mitigate impact of COVID on Children in Care and with Special Education Needs.

The Portfolio Holder for Adult Social Care and Health presented the report, highlighting the following:

- (a) the Contain Outbreak Management Fund (COMF) provides funding to local authorities in England to help reduce the continuing spread of COVID-19 (C-19) and continued support to Nottingham residents, in particular vulnerable adults and children who are significantly impacted by C-19;
- (b) there has been a significant impact of C-19 on children in care and children with special education needs. A fast-track urgent response is required to build relationships and capability within the market. Most local authorities are in this position and therefore competing for the same providers and placements. The Council needs to move fast in partnering with providers to ensure they have a market that can meet the change in demand and complexity.

Resolved to

- (1) agree the use of Public Health Contain Outbreak Management Fund grant funding of £1,260, 880 to mitigate the impact of COVID-19 as described in the report;**
- (2) agree the transfer of £1,260, 880 from the Public Health COMF grant funding into the Commissioning and Partnerships Budget.**

Reasons for decision:

- To ensure that the COMF grant funding is being correctly used in line with the funding guidance and criteria.
- The budget will need to be transferred from Public Health to the Commissioning and Partnerships Budget.

Other options considered:

- Do nothing was considered however the risk of not securing this funding in brief are:
 - Foster care placement breakdown, resulting in a higher residential placement and poor outcomes for children;
 - Family breakdown for children with SEND;
 - Placing children in unregulated placements;
 - Children will be placed further from their home and networks will be disrupted;
 - Increase in staff burnout and stress;
 - Increased budget pressures – children being placed in the more expensive settings
- The Council has consulted with other Local Authorities to understand how they are maximising the use of this funding and are assured that this work is aligned with the approaches of other local authorities.

117 The Park Conservation Area Appraisal and Management Plan Supplementary Planning Document (SPD)

The Portfolio Holder for Leisure, Culture and Planning presented the report, highlighting the following:

- (a) The Park Conservation Area Appraisal and Management Plan SPD has been prepared to guide development proposals and the ongoing management of the Park Conservation Area. The Park Conservation Area is noted for its Victorian architecture, with many listed and historical buildings. The area derives its name and origin from a royal park once attached to Nottingham Castle, and is of national significance;
- (b) the document provides an in-depth analysis of the area's historic and architectural significance as a heritage asset (the Area Appraisal), gives guidelines for the assessment of new development proposals, and sets out a strategy and proposals for its future management (the Management Plan). The SPD was

commissioned and funded by The Park Conservation Trust, in consultation with Council Officers;

- (c) the draft SPD was consulted on for an 8-week period ending on 16 November 2022 along with a public meeting held on 7 November 2022. In total, 38 mostly supportive representations were received as part of the consultation process from individuals, the Park Estate itself and other stakeholders including councillors. These ranged from minor factual inaccuracies/amendments to more detailed comments;
- (d) the SPD provides an analysis of the historical development and current condition of the Conservation Area including amongst other features, the layout of the estate, its landscape, setting and open space, built architecture and key landmarks and views. The SPD then goes on to set out guidance on how the Council will apply planning legislation and policy to development schemes in a way which preserves and enhances the Conservation Area's heritage significance and character. The document will be a material consideration in planning decisions relating to The Park Conservation Area.

Resolved to approve The Park Conservation Area Appraisal and Management Plan Supplementary Planning Document

Reasons for decision:

- The SPD aims to ensure that future development preserves and enhances the special character and appearance of The Park Conservation Area for future generations. SPDs are policy guidance which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues. SPDs are capable of being a material consideration in planning decisions but are not part of the statutory development plan. They must be approved for adoption by Executive Board.

Other options considered:

- To adopt the Appraisal and Management Plan as a guidance document without seeking formal SPD status. This option has been discounted due to the desire from officers and external partners to give the document additional weight in the planning process.
- Not to adopt the document. This option was discounted due to the reputational risk to the Council in not adopting up to date policy guidance and the significant damage that would be caused to our valued relationship with external partners who have provided the necessary funding to facilitate the process.

118 Supporting Families Grant Funding 2023-24

The Portfolio Holder for Children and Young People presented the report on further grant funding for the Supporting Families Programme which supports whole family working across the City and partnership and is monitored through payment by result to gain best outcomes for the families.

Phase 2 commenced in 2015 and Phase 3 commenced in 2022. Income generated through the programme is reinvested in services for children, young people and families across the City and roles which support wider system change, improvement and transformation. The City's programme has been a high performing programme through Phase 2 and year 1 of Phase 3, meeting all national targets and driving change and innovation across the partnership.

Resolved to

- (1) accept the grant of £1,971,933;**
- (2) approve spend of £804,444 to fund continuation of posts and staff to maintain the programme delivery from April 23 to March 24;**
- (3) approve spend of £0.437m to the continuation of the Edge of Care and Family Intervention project Teams;**
- (4) delegate authority to the Corporate Director of People/Director Children's Integrated services to release the residual grant funds as required to support the programme (up to a total of £230,489). The remaining balance of £500,000 has been accounted for in the MTFP.**

Reasons for decision:

- The Supporting Families programme is a high profile national programme, which attracts income to the City through a transformation fund and Payment by Results process, tightly monitored by the national team in the Department of Levelling Up, Housing and Communities (DLUHC).

Other options considered:

- To delete all posts and discontinue support to the programme – this option has been rejected as it is a high profile national programme which generates significant income to the City.

119 Nottingham Castle Strategy

The Portfolio Holder for Leisure, Culture and Planning presented the report outlining the current position regarding the Nottingham Castle site and the key considerations for the future strategy for the Castle. It provides an assessment of the key financial, economic, risk and operational implications that has been undertaken to inform this strategy.

Based on that assessment the recommended approach is to reopen the Castle in parallel to undertaking a "Delivery Model Assessment" which will best enable the long-term best value option for the Council and taxpayers to be delivered. The paper details the controls and mitigations that will be put in place to manage the risks associated with reopening the Castle under the direct management of the Council as part of the Museums and Galleries service whilst the Delivery Model Assessment is undertaken.

The Board thanked officers for their hard work in making sure that the Castle can reopen as soon as possible on a firm financial footing.

Resolved to

- (1) agree that a Delivery Model Assessment will be undertaken as part of a wider best value review of the Museum & Galleries service to assess the preferred long term option for Nottingham Castle;**
- (2) note the appraisal of the interim options regarding the future of the Castle whilst this delivery model assessment is undertaken;**
- (3) approve the recommended option of re-opening of the Castle as part of Nottingham City Council's Museum & Gallery Service, noting the risks associated with this option and the proposed measures to manage these risks;**
- (4) note that the recommended option of reopening the Castle is forecast to be affordable within the budget allocated in the Medium-Term Financial Plan;**
- (5) delegates authority to the Corporate Director for Communities, Environment and Resident Services in consultation with the Corporate Director for Finance and Resources and the Director for Commercial, Procurement and Contract Management, to intervene should the actual performance fall below the forecast position and to take appropriate actions and decisions required to reduce or suspend services should the risks outlined in section 5 of the report arise and to prevent additional costs to the Council;**
- (6) note that the Corporate Director for Communities, Environment and Resident Services will be ensuring that a comprehensive lessons-learned exercise is undertaken with partners and stakeholders relating to the previous arrangements for the running of the Castle which will feed into the Delivery Model Assessment and inform any considerations for the longer-term operating model;**
- (7) notes a decision regarding the future long-term strategy will be sought from the Executive Board when the Delivery Model Assessment has been undertaken.**

Reasons for the decision:

- Undertaking a formal Delivery Model Assessment, is being recommended in order to adopt a best practice process for assessing the best value option for the future longer-term operation of the site. Further details on the process are included within section 6 and appendix 1 of this report.
- An options appraisal exercise has been undertaken to assess the most appropriate option whilst the delivery model assessment has been undertaken with the recommended option being the reopening of the Castle. The report outlines the risk associated with the reopening of the Castle and how they are

planned to be managed.

- A comprehensive lessons learnt exercise will be undertaken to inform the best long term delivery option for the future of the Castle. This will provide an opportunity to build in lessons learned from the liquidation of Nottingham Castle Trust, the process for commissioning such arrangements, and the effectiveness of contractual arrangements between the Council and external providers/agencies.
- The outcome of the delivery model assessment will be reported to the Executive Board to seek a decision on the most appropriate delivery option for the Castle.

Other options considered:

- The Castle remains closed (the “do nothing” option). Under this option the Castle would effectively be “mothballed” and remain closed to the public as in its current state, whilst still keeping the site and collections safe and secure. The following risks associated with this option have been identified:
 - The Council is currently holding financial and operational liabilities associated with maintaining the closed site/buildings along with the mothballing of collections. Forecasts costs to the Council for keeping the site “safe and secure” are estimated to be £0.5m for 2023/24 and £0.538m for 24/25 (although further increases can be expected through inflationary and other market cost pressures);
 - The contractual agreements with external funders relating to the refurbishment of the Castle could result in clawback of grants previously received and may also impact on the Council’s ability to secure future funding from the relevant agencies. Details of the potential funder commercial arrangements have been included in appendix 3 (exempt section) of this report;
 - The current implications in terms of loss of economic contribution to the city (an estimated £12-14m total economic value), alongside the public relations and reputational risk to the Council for an extended period of closure.
 - This option limits the Council’s ability to validate key data such as visitor numbers, financial contribution of programmed events, ticket pricing, etc. which would be required to better inform any options being considered under the Delivery Model Assessment. Ultimately this will reduce the Council’s ability to fully test best value aspects of all potential delivery models;
 - The Council will be reliant on historical (out of date) operational data from the pre-pandemic period of Castle operations. Any data for the previous 3 years of operations is significantly skewed by (a) the impacts of the COVID-19 pandemic and associated periods of lock-down, (b) the planned closure for the funded refurbishment works and (c) the liquidation of Nottingham Castle Trust;
 - Nottingham Business Improvement District (BID) have written to the Council outlining the role of the Castle as a community asset, tourism offering and cultural brand of the city. They highlight how the City has benefitted from the Winter Wonderland which helped to negate the risk of reduced footfall immediately following the closure of the Castle but foresee significantly impacted visitor numbers to the city as we approach spring. Concerns are also raised on the consequential impacts on all businesses across the City, especially the financial sustainability of hospitality providers near the Castle. It

is also felt that the closure of the Castle will most likely reduce visitations to the other tourism and heritage sites in the city with many visitors combining their visits to Nottingham with several places of interests.

- Partial (grounds only) re-opening of the Castle facilities; The Castle Grounds Open Only. Under this option the main 'Ducal Palace' remains closed but the grounds surrounding the site, along with Toilets, Café and Customer Welcome centre reopens. The following risks associated with this option have been identified:
 - This option would fall short of some of the contractual agreements with external funders and could still result in clawback of grants previously received, also impacting on the Council's ability to secure future funding from the relevant agencies. Details of the potential funder commercial arrangements have been included in appendix 3 (exempt section) of this report;
 - The forecasting of income generation in this particular model is difficult to determine, coupled with disproportionate annual revenue costs for operating and servicing the site under this option. It is therefore likely to have a higher net cost than remaining closed or the interim option of reopening;
 - This option would distort data that is being obtained to help assist with the longer-term Delivery Model Assessment and looking at longer-term sustainable operations of the full site.

120 Update on the Council's response to Statutory Intervention

The Chair of the Board agreed that this item, although not on the original agenda, could be considered as a matter of urgency in accordance with Section 100B(4)(b) of the Local Government Act 1972, because the business cannot be deferred, because the Council is currently subject to a Statutory Intervention and was issued with a series of instructions by the Improvement and Assurance Board (IAB) on the 15th February 2023, with which it must comply and that it has to complete to specified deadlines.

This decision is not subject to call-in as approved by the Chair of the Overview and Scrutiny Committee on 16 March 2023.

The Leader of the Council presented the report providing an update on the Council's response to the Statutory Intervention by the Improvement and Assurance Board, noting the report considered at City Council on the 6th March 2023. This report will enable the acceleration of the Council's improvement journey in line with the Instructions issued by the Improvement and Assurance Board on the 15th February 2023. The report requests a delegation of certain powers to the Head of Paid Service (Chief Executive) to ensure that the Instructions received from the Improvement and Assurance Board can be delivered within the agreed timescales. These Instructions have the force of law and the Council must meet them within set timescales.

Resolved to

- (1) approve the total allocation of £2.435m of funding and resources set out in Appendix One, to deliver the Instructions issued by the Improvement and Assurance Board on the 15th February 2023. The one-off funding will come from the Council's Financial Resilience Reserve;**
- (2) delegate authority to the Head of Paid Service (Chief Executive) to allocate the funds identified in Appendix One to enable the delivery of activity to address the Instructions issued by the Improvement and Assurance Board on the 15th February 2023. The current estimate of allocation of funding to individual Instructions is indicative and this delegation will enable reallocation by the Head of Paid Service where required to deliver the Instructions in full;**
- (3) note that further investment may be needed subject to the outcome of the DfE funding allocation in relation to Ofsted actions.**

Reasons for decision:

- The council is currently subject to a Statutory Intervention and was issued with a series of Instructions by the Improvement and Assurance Board (IAB) on the 15th February 2023, which it has to complete to specified deadlines.
- In order to ensure the delivery of the Instructions within the set timelines, it is clear that further support will need to be given to a number of activities, which will have cost and resource implications.
- The first recommendation creates the financial capacity to ensure the Council has the necessary resources to satisfactorily address the instructions within the timeframes set by the IAB. It should be noted that not all instructions need additional resource investment. Financial capacity does not exist within existing budgets to fund such a resource ask and will therefore be funded from a new drawdown of the Financial Resilience Reserve.
- The second recommendation delegates power to the Head of Paid Service (Chief Executive) to utilise the funding identified to deliver the activity required to satisfy the Instructions by the deadlines, including the ability to appoint external resource should this be required.
- It should be noted that the figures in Table 2.10 identifying how the funding will be allocated, are indicative. Circumstances may require funding to be moved between headings within the overall budget and the intention is that this delegation gives the Head of Paid Service the ability to do this.
- The third recommendation asks Executive Board Members to note that discussions are ongoing with Department for Education (DfE) with regard to the allocation of funding to NCC to support implementation of the Ofsted recommendations. Dependent on the outcome of those discussions, there might be a requirement for further NCC investment to meet the IAB Instruction related to Ofsted implementation within the required timescale.

Other options considered:

- The other option would be to respond to the Instructions using the current resource allocations within the Council. Whilst the Council has achieved significant progress as part of its improvement journey with its activity to date, the Instructions make clear that a lot more work is required at increased pace and

within a set timeline based on the Instructions and their timescales it is highly unlikely that this will be achieved if the current arrangements are left in place.

121 Exclusion of the Public

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

122 Nottingham Castle Strategy - Exempt Appendices

The Portfolio Holder for Leisure, Culture and Planning presented the exempt appendices to the report which the Board noted.