

# Public Document Pack



## Nottingham City Council Overview and Scrutiny Committee

**Date:** Wednesday, 7 December 2022

**Time:** 2.45 pm

**Place:** Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG

**Councillors are requested to attend the above meeting to transact the following business**

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**Director for Legal and Governance**

**Governance Officer:** Laura Wilson

**Direct Dial:** 0115 8764301

**1 Apologies for absence**

**2 Declarations of interests**

**3 Minutes** 3 - 10

To confirm the minutes of the meeting held on 9 November 2022

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Report of the Statutory Scrutiny Officer

**7 Community Asset Policy** 33 - 50

Report of the Statutory Scrutiny Officer

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

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## **Nottingham City Council**

### **Overview and Scrutiny Committee**

**Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 9 November 2022 from 2.00 pm - 3.45 pm**

#### **Membership**

##### **Present**

Councillor Samuel Gardiner (Chair)  
Councillor Georgia Power (Vice Chair)  
Councillor Merlita Bryan  
Councillor Patience Uloma Ifediora  
Councillor Corall Jenkins  
Councillor Jane Lakey  
Councillor Sajid Mohammed  
Councillor Anne Peach  
Councillor Angharad Roberts  
Councillor Andrew Rule

##### **Absent**

Councillor Carole McCulloch  
Councillor Gul Nawaz Khan

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

- Beth Brown                    - Head of Legal and Governance and Statutory Scrutiny Officer  
                                  - Head of Service for District Heating and Waste Strategy  
                                  - Head of Commercial and Domestic Waste  
                                  - Senior Governance Officer

### **36 Apologies for absence**

Councillor Gul Khan – unwell  
Councillor Carole McCulloch - unwell

### **37 Declarations of interests**

None

### **38 Minutes**

Approval of the minutes of the meeting held on 12 October 2022 was deferred until the next meeting.

### **39 Municipal Resources and Waste Strategy**

Antony Greener, Head of Service for District Heating and Waste Strategy, and Alvin Henry, Head of Commercial and Domestic Waste, gave a presentation on development of a draft Municipal Resources and Waste Strategy for Nottingham, which is currently being consulted on. They highlighted the following information:

- a) The current waste strategy has been in place since 2010. Given the changing national and local context, it is appropriate that the strategy is now being refreshed.
- b) In 2018 the Government published a national strategy for England that set out new requirements for local authorities, some of which have since been incorporated into legislation. These include that all councils must provide a food waste collection service; greater prescription in levels of uniformity of waste collection to help the public manage and dispose of their waste better; a national target to recycle 65% of waste by 2035 (in Nottingham currently 24/25% of waste is recycled); less than 10% of waste to be put into landfill by 2035 (in Nottingham, due to the Eastcroft incinerator, approx. 8% of waste goes to landfill); all avoidable plastic waste should be eliminated by 2042; and by 2050 there should be a zero-waste society with no avoidable waste.
- c) In addition to these national requirements, Nottingham has set its self the target of being carbon neutral by 2028 and waste management and disposal can make a considerable contribution to achieving this.
- d) The ‘waste hierarchy’ sets out a succession of waste treatment types from low carbon to most carbon intensive and is one of the key drivers for the vision and ambitions of the strategy.
- e) The draft strategy contains ten objectives:
  - i. Waste hierarchy
  - ii. Reduce the amount of waste going to landfill with a target of zero. The Council is doing well on this but it can do better, particularly during periods when the Eastcroft incinerator is being maintained/ refurbished.
  - iii. Reduce carbon emissions
  - iv. ‘Lead from the front’ in the way that Council’s buildings are operated
  - v. Provide a high quality, customer focused service that is accessible and inclusive
  - vi. Work in partnership with the community, private and public sectors. The Council cannot make the transition on its own.
  - vii. There are options at this stage and the Council is seeking feedback on the appetite for change.
  - viii. Cost effective service that is efficient to run
  - ix. Utilise and improve existing infrastructure
  - x. Local solutions to managing waste locally, although this has to be done in the context of waste as an international business
- f) Consultation is currently being carried out until 14 December. The feedback will be collated and used to inform the final strategy, which will be taken to Executive Board in March 2023 for approval.
- g) There have already been approximately 1500 responses to the consultation and the majority of those responses are about how changes will affect individuals and what citizens will need to do differently. A key factor in success will be explaining the benefits to people so that they are encouraged to engage in it.

- h) A significant proportion of the current waste stream is food waste and there are carbon benefits to dealing with it anaerobically. It is likely that a small 5 litre caddy will be provided to households to collect raw and cooked food waste in their kitchens and a large container to be stored outdoors for weekly collection.
- i) In terms of kerbside recycling, up until now the approach in Nottingham has been to have one bin for all recycling as that makes it easier for households to engage with. The disadvantage of this approach is that there can be a lot of cross contamination and poor quality of output. The value of the output depends on its quality and therefore the Government wants more segregation of waste to take place by households to help increase the quality and value of the output, driving the market for recyclables.
- j) The options for kerbside recycling that are being consulted on are a twin-stream approach (one container for paper and card and another container for all other recyclables); and a multi-stream approach (a number of different containers for paper and card, glass, plastics/ cans/ tins).
- k) An options appraisal of these different approaches to kerbside recycling has been carried out. Modelling has shown that while there is little difference between the two in terms of recycling performance, the multi-stream approach would be the most cost-effective to implement and have the largest carbon benefit (due to lower sorting requirements). Other subjective quality criteria have also been applied and one of the main disadvantages of the multi-stream system is that it would be the most complex to introduce as it is the most different from current provision.

During subsequent discussion and in response to questions from the Committee the following points were made:

- l) Some Committee members commented that it may be hard to implement a multi-stream approach to kerbside recycling in some areas as not all households will have the space to accommodate multiple recycling containers. This could create resistance amongst some households. Assurance was provided that there will be a 5-10 year transition period in recognition of the potential for resistance to change and the need to educate the public on how to manage their waste. In the past, by collecting all waste put out for collection, Nottingham has not placed any responsibility on citizens for reducing the amount of waste that they generate. Other local authorities, including cities such as Bristol, have made these types of collection system work and have achieved over 45% of waste recycled. They have placed a significant focus on education and communication so that will be the first stage in the process in Nottingham. It is acknowledged that education will be resource-intensive.
- m) It will be helpful to have a more uniform approach to kerbside recycling across the country, particular for more transient populations such as students.

- n) A number of different options for type of collection container are being looked at.
- o) The logic is that if the changes are successful and more waste is recycled then there should be less waste in the residual bin so that could be smaller. A smaller bin may also encourage people to recycle more. However, it is acknowledged that there is a human element to this and reducing the size of bins may not be popular.
- p) Technology could be used to do a greater proportion of sorting materials however any contamination reduces the quality of output and its value. The value of the output cannot be below the cost of producing it otherwise there is no market for it. There is a particularly strong lobby from the paper industry that only want the very highest quality produce and will not accept any recyclables from the UK industry because of contamination with glass.
- q) While the Council understands the cost implication of different options, the specifics of funding, and particularly the support available from Government, are not yet known. Local authorities have been grouped with others that have similar populations, and groups with arrangements that are the most efficient will get the most funding. The rationale for this is that others have scope to make savings in efficiency before they need additional funding. Until the net burden on the Council is clarified, it will be built into the Medium Term Financial Plan over the next 5-10 years.
- r) There are statutory provisions for waste misdemeanours through, for example, use of fixed penalty notices. However, Nottingham has tended to focus on education rather than punishment and it is thought that lower participation levels are due to a lack of resource focused on education. There have been successful campaigns that have resulted in improved compliance but as soon as the direct resource is removed, compliance falls again so there will need to be sustained resource to support education and communication.
- s) While some households may choose not to engage, others, such as those with disabilities or support needs or who live in flats with limited space, may not be able to participate. Consideration needs to be given to their needs to ensure that the arrangements are inclusive. It is acknowledged that the primary system chosen will not suit every circumstance and the Service will be interested to hear feedback on tailoring services to be more inclusive, but the cost of bespoke arrangements has to be recognised. The Service is engaging with the Disability Involvement Group on these issues.
- t) The Service is seeking to learn from the experiences of other local authorities and working with organisations such as WRAP (Waste Reduction Action Programme) who work with lots of local authorities to implement waste solutions.
- u) Pilots of food waste, multi-stream and twin-stream collections will be carried out in three areas of the City from January to aid learning.

- v) A Committee member suggested that past approaches have created a level of dependency and citizens need to take responsibility for themselves and their own waste. It was suggested that, unless there are specific reasons for non-participation such as disability, consideration should be given to penalties for people who do not comply.
- w) The Service took advice from the Council's Corporate Consultation Team on the process and method for the consultation to ensure that it is as representative as possible.

The Committee commended the level of response received to the consultation so far.

**Resolved to:**

- (1) recommend that every effort is made to ensure that the consultation findings are representative of all communities across the City and that additional effort is made to engage with those who are often under-represented in consultation responses but who will be affected by the changes;**
- (2) respond to the consultation on the Municipal Resources and Waste Strategy with the following comments:**
  - a. changes to waste collection must be accompanied by education and communication to residents and partners, and there needs to be sufficient resources allocated to this
  - b. the Council should take opportunities to communicate to Government that less efficient local authorities do not require lower levels of funding and, in some cases, the opposite may be the case
  - c. smaller residual waste bins are not necessarily desirable and could have unintended consequences such as an increase in contamination
  - d. thorough consideration must be given to the needs of all the different communities who live in the City so that there is a waste collection system(s) that works for everyone, including transient populations, people living in flats, people with disabilities or mobility issues etc. This consideration should be informed by learning from the pilot sites.
  - e. consideration should be given to penalties for residents who persistently do not engage in the waste collection arrangements
- (3) request that information on the findings of the pilot studies is provided to the Committee.**

Councillor David Mellen, Leader of the Council, gave an update on progress in meeting the Statement of Requirements issued by the Improvement and Assurance Board as part of the statutory intervention currently in place. He highlighted the following information:

- a) At the Improvement and Assurance Board meeting in October, the Board highlighted 31 of the 67 requirements that the Council needs to concentrate on, although all of the requirements need to be met.
- b) In mid-December the Board will be reporting to the Secretary of State for Levelling Up, Housing and Communities with recommendations regarding the Council's improvement journey and if further measures are needed.
- c) The Council is working hard to provide assurance, with the best possible evidence, on the areas that the Board has asked for. Some of these relate to councillor leadership while many of the actions fall within the responsibility of officers to deliver.
- d) A revised Together for Nottingham Plan was approved by Council on 31 October 2022. The Plan now includes the 67 requirements along with actions to respond to the recent Ofsted inspection of children's services and work to in-house management of the housing stock, in addition to reflecting the progress that has already been made.
- e) As previously agreed, a review of delegations to officers has been carried out and the threshold for decision making by officers has been increased to £250,000 assuming the decision is within agreed policy and budget.
- f) Work is continuing in relation to the Council's budget which is challenging given the significant adverse impact of the higher than expected pay award, inflation and rising energy costs. All local authorities are struggling with these challenges but the oversight of the Improvement and Assurance Board adds pressure to this.
- g) The Council has successfully recruited a permanent Corporate Director of Finance and Resources, who will start work in early 2023. This will mean that the Chief Executive and all four Corporate Directors will be permanent employees of the Council.
- h) Following consultation, the senior management restructure is being implemented.
- i) In relation to the recent Ofsted inspection of children's services, the Service's Improvement Plan is being refreshed and will be taken to the Children at the Heart Improvement Board for approval. The Children and Young People Scrutiny Committee is leading on scrutiny of this issue.
- j) A first draft of a Commercial Strategy has been developed and is currently being considered.

- k) Work is progressing well with the in-housing of management of the Council's housing stock. 15/16 consultation events are taking place with tenants, who largely seem more concerned about matters directly affecting their tenancy than governance issues. It is reassuring that the change in management does not appear to be a huge concern for tenants.

During subsequent discussion and in response to questions from the Committee, the following points were made:

- l) The Council is doing its best to meet the deadline of the end of November 2022, but whether this will be sufficient remains to be seen. The budget remains a particularly significant challenge, but councillors and officers are working hard on this.
- m) It is expected that Sir Tony Redmond will receive a response to his report to the Secretary of State by mid-late January 2023.
- n) Progress with transformation is monitored by the Transformation Board. The majority of savings from the Transformation Programme were always anticipated to be delivered in years 2, 3 and 4. However, so far in year 1 the Adults Transformation Programme has over-delivered while the Children's Transformation Programme has under-delivered. Savings from transformation will not be sufficient to address the current in-year budget gap but there is confidence that it will yield results in the longer term.
- o) There will be some budget pressure as a result of the senior management restructure. The largest area of additional spend is in relation to commissioning and procurement which has not been sufficiently resourced in the past despite the significant amount of spend that it deals with.
- p) It is not anticipated that there will be any specific support from Government to deal with the impacts of inflation. It seems unfair that there is support for households in managing their bills but not for organisations, such as local authorities, that have very large additional costs as a result of inflation and rising energy prices. In contrast, it seems more likely that additional cuts to local authority funding are being considered.
- q) The Council expects notification of the Government Settlement in the second or third week of December and a report will be taken to Executive Board on 20 December regarding the Council's budget with proposals for consultation.
- r) For each Improvement and Assurance Board meeting the Council produces a written update on progress. These written reports cover both improvements and outstanding issues to be addressed, and it is important that the Council doesn't solely concentrate on the negatives at the expense of the positives. Board meetings are now attended by all members of the Executive and Corporate Leadership Team so that clear and consistent information can be exchanged.

#### **41 Recommendation Tracker**

The Committee considered the responses received to the recommendations that it made at its meeting on 7 September 2022. In relation to the request that statistics on the number of fly tips per ward before and after the introduction of bulky waste charges are provided to the Committee, the Committee felt that it was not possible for the Service to accurately state whether there had been an increase or a decrease when the data provided compared the 12 months between 1 April 2021 – 31 March 2022 with the 7.5 months between 1 April 2022 and 12 October 2022. Therefore, the Committee asked for data to be provided for a comparable time period so that a more accurate comparison can be made.

**Resolved to request that the number of fly tips per ward for the period between 1 April 2021 and 31 October 2022 and for the period between 1 April 2022 and 31 October 2022 is provided to the Committee.**

## **42 Work Programme**

The Committee considered its work programme for the remainder of municipal year 2022/23. The Committee noted that due to changes in the budget timetable, consideration of the Council's Budget 2023/24 now needs to take place in January 2023. Following on from discussion earlier in the meeting about development of the Municipal Resources and Waste Strategy, the Committee decided to consider the draft Strategy, along with responses to the consultation and information about how those responses have influenced the final strategy proposals, prior to approval by Executive Board, which is currently expected to be in March 2023. The Committee asked the Chair to work with officers to identify a date for this.

**Resolved to:**

- (1) change the start time of the meeting on 7 December to 2:30pm, to consider the following items:**
  - a. Together for Nottingham update from the Leader of the Council
  - b. Community Asset Policy development
- (2) consider the following items at the Committee's meeting in January 2023:**
  - a. Budget 2023/24
  - b. Crime and Drugs Partnership
- (3) consider the draft Municipal Resources and Waste Strategy, along with outcomes from the consultation, at a future meeting prior to its approval by Executive Board.**

**Overview and Scrutiny Committee  
7 December 2022**

**Recommendation Tracker**

**Report of the Statutory Scrutiny Officer**

**1 Purpose**

- 1.1 To consider the updated Recommendation Tracker.

**2 Action required**

- 2.1 The Committee is asked to note the updated Recommendation Tracker and that responses to the recommendations made in October and November 2022 will be presented to the January 2023 meeting for consideration.

**3 Background information**

- 3.1 A recommendation tracker was established to collate and track progress of all recommendations made by the Overview and Scrutiny Committee to the Executive throughout the year, and to log the Executive responses.
- 3.2 As the Committee meets monthly, any responses to recommendations made will be requested to be ready for the meeting 2 months later (ie any recommendations made at this meeting will be expected to be responded to in time for the February meeting) to give the Executive time to consider the recommendations thoroughly. The request for responses to the October recommendations was delayed due to capacity issues.
- 3.3 The Recommendation Tracker has been updated with the recommendations made in October and November and is attached for consideration.

**4 List of attached information**

- 4.1 The Overview and Scrutiny Committee Recommendation Tracker 2022/23.

**5 Background papers, other than published works or those disclosing exempt or confidential information**

- 5.1 None.

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

- 6.1 Overview and Scrutiny Committee minutes from the 2022/23 municipal year.

## **7 Wards affected**

- 7.1 All.

## **8 Contact information**

- 8.1 Laura Wilson  
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# Overview and Scrutiny Committee Recommendation Tracker 2022/23

## 1 Purpose

This document will collate and track progress of all recommendations made by the Overview and Scrutiny Committee to the Executive throughout the year, and to log the Executive responses to the recommendations. The explanation of terms used can be found in section 3.

## 2 Overview and Scrutiny Committee Recommendations to the Executive

Reference number	Title of agenda item	Recommendation	Date referred	Deadline for response	Status	Key contacts
220511-6-1	Together for Nottingham Plan - Progress update by the Leader	The timeframe for the HRA repayments is circulated to Committee members	11/08/22	15/09/22	Responded to	Cllr Mellen/ Rav Kalsi
220511-6-2	Together for Nottingham Plan - Progress update by the Leader	The senior leadership team remain conscious of the importance of IT infrastructure and resources	11/08/22	15/09/22	Responded to	Cllr Mellen/ Rav Kalsi
220511-6-3	Together for Nottingham Plan - Progress update by the Leader	Consultation and information sharing continues with Nottingham City Homes residents and staff during the process of bringing housing services back in-house	11/08/22	15/09/22	Responded to	Cllr Mellen/ Rav Kalsi
220511-6-4	Together for Nottingham Plan - Progress update by the Leader	The RAG rated performance monitoring of the Together for Nottingham Plan is circulated to Committee members	11/08/22	15/09/22	Responded to	Cllr Mellen/ Rav Kalsi

Reference number	Title of agenda item	Recommendation	Date referred	Deadline for response	Status	Key contacts
220511-7-1	Customer First Transformation	More consultation is carried out with Councillors on the proposed changes	11/08/22	15/09/22	Responded to	Cllr Williams /Lucy Lee
220511-7-2	Customer First Transformation	An illustration /visualisation of the new contact process is circulated to members of the Committee	11/08/22	15/09/22	Accepted	Cllr Williams /Lucy Lee
220511-7-3	Customer First Transformation	The governance structure, baseline data, the proposed outcomes and progress monitoring plans be circulated to members of the Committee	11/08/22	15/09/22	Responded to	Cllr Williams /Lucy Lee
220511-7-4	Customer First Transformation	Protected characteristics remain at the forefront when assessing the impact of proposals	11/08/22	15/09/22	Responded to	Cllr Williams /Lucy Lee
220608-13-1	Asset Rationalisation	To provide all Councillors with the opportunity to comment on the draft Community Asset Policy as part of the consultation process	11/08/22	15/09/22	Accepted	Cllr Mellen/ Nicki Jenkins
220608-13-2	Asset Rationalisation	Consult with this Committee on the finalised draft Community Asset Policy prior to it being adopted	11/08/22	15/09/22	Accepted	Cllr Mellen/ Nicki Jenkins
220608-13-3	Asset Rationalisation	To consider the following points for inclusion in developing the Community Assets Policy:	11/08/22	15/09/22		Cllr Mellen/ Nicki Jenkins

Reference number	Title of agenda item	Recommendation	Date referred	Deadline for response	Status	Key contacts
		<p>a) a clear timeline set out for community groups expressing an interest in purchasing an asset with consideration given to the timeframe set out within the national Asset of Community Value Policy;</p> <p>b) where possible, within the constraints of the requirement to achieve best consideration, to build in measures to encourage “Sell Local” with increased time frames to allow local groups or consortiums to establish sufficient finances</p> <p>c) built in controls to ensure no conflict of interest for members and officers can influence sale of assets</p> <p>d) ensure adequate consultation with relevant Ward Councillors and Community groups prior to the sale of community assets</p>			<p>Responded to</p> <p>Responded to</p> <p>Accepted</p> <p>Responded to</p>	

Reference number	Title of agenda item	Recommendation	Date referred	Deadline for response	Status	Key contacts
220608-13-4	Asset Rationalisation	To develop and maintain a public register of assets sold by private treaty	11/08/22	15/09/22	Responded to	Cllr Mellen/ Nicki Jenkins
220608-13-5	Asset Rationalisation	To consider further increasing the use of private agents to assist with current capacity issues within the property team	11/08/22	15/09/22	Responded to	Cllr Mellen/ Nicki Jenkins
220608-14-1	Work Programme	The Committee agreed that an item on weed spraying across the city was not an item that should come to the committee in full, but requested a letter from the Portfolio Holder updating the committee following changes to the implementation of the programme	11/08/22	15/09/22	No response received	Cllr Longford/Eddie Curry
220803-18-1	Together for Nottingham Plan – Progress Update by the Leader	That at the next meeting the Council Plan commitments be split into statutory and non-statutory functions	11/08/22	15/09/22	Responded to	Cllr Mellen/ Rav Kalsi
220803-19-1	Libraries Transformation	That a review of the consultation process is undertaken, and lessons learnt are reported back to the Committee	11/08/22	15/09/22	Accepted	Cllr Kotsonis/ Hugh White
220803-19-2	Libraries Transformation	That consideration is given to people who might be	11/08/22	15/09/22	Responded to	Cllr Kotsonis/ Hugh White

Reference number	Title of agenda item	Recommendation	Date referred	Deadline for response	Status	Key contacts
		reluctant to share their details with authorities when considering technology accessed libraries				
220803-19-3	Libraries Transformation	That consideration is given to who would be an appropriate partner is when considering shared usage	11/08/22	15/09/22	Responded to	Cllr Kotsonis/ Hugh White
220803-19-4	Libraries Transformation	That a mapping exercise of other community facilities, such as leisure centres or community centres is carried out	11/08/22	15/09/22	Responded to	Cllr Kotsonis/ Hugh White
220803-19-5	Libraries Transformation	That engagement is undertaken with all schools	11/08/22	15/09/22	Responded to	Cllr Kotsonis/ Hugh White
220803-19-6	Libraries Transformation	That feedback from the Health and People directorates is shared in full	11/08/22	15/09/22	Responded to	Cllr Kotsonis/ Hugh White
220803-19-7	Libraries Transformation	That the draft Community Asset Transfer Policy be discussed at a future meeting of this Committee	11/08/22	15/09/22	Responded to	Cllr Kotsonis/ Hugh White
220803-19-8	Libraries Transformation	That more context setting be included in consultation responses, and include LGBT+ and disability data, including any themes that were identified particularly with different communities	11/08/22	15/09/22	Responded to	Cllr Kotsonis/ Hugh White
220803-19-9	Libraries Transformation	That a log of the impact on individual wards of all	11/08/22	15/09/22	Responded to	Cllr Kotsonis/ Hugh White

Reference number	Title of agenda item	Recommendation	Date referred	Deadline for response	Status	Key contacts
		major decisions, taking demographics into account, is maintained				
220803-19-10	Libraries Transformation	That a mapping exercise of all voluntary and community sector organisations, in particular those serving citizens with protected characteristics, is carried out and relationships established so that they can be easily contacted as a part of any consultation	11/08/22	15/09/22	Responded to	Cllr Kotsonis/ Hugh White
220803-19-11	Libraries Transformation	That ward councillors are consulted before any final decision is made	11/08/22	15/09/22	Accepted	Cllr Kotsonis/ Hugh White
220803-20-1	Public Sculptures and Monuments Policy Development	That the proposed policy on street art be brought to a future meeting of this Committee	11/08/22	15/09/22	No response received	Cllr Kotsonis/ Hugh White
220803-20-2	Public Sculptures and Monuments Policy Development	That ward councillor consultation be included in the policy	11/08/22	15/09/22	No response received	Cllr Kotsonis/ Hugh White
220803-20-3	Public Sculptures and Monuments Policy Development	That the policy be reviewed as appropriate	11/08/22	15/09/22	No response received	Cllr Kotsonis/ Hugh White
220907-25-1	Council Plan Performance – Resident Services	Circulate statistics on the number of fly tips per ward before the	29/09/22	20/10/22	Responded to	Cllr Longford/ Frank Jordan

Reference number	Title of agenda item	Recommendation	Date referred	Deadline for response	Status	Key contacts
		introduction of bulky waste charges and after				
220907-25-2	Council Plan Performance – Resident Services	Circulate data on air quality from the Queens Drive monitoring site from before the pandemic and after	29/09/22	20/10/22	Responded to	Cllr Longford/ Frank Jordan
220907-25-3	Council Plan Performance – Resident Services	Circulate a comparison of sickness rates from the refuse collection team from before and after the pandemic	29/09/22	20/10/22	Responded to	Cllr Longford/ Frank Jordan
220907-25-4	Council Plan Performance – Resident Services	Consider the development of a city wide ward based competition around cleanliness	29/09/22	20/10/22	Responded to	Cllr Longford/ Frank Jordan
220907-25-5	Council Plan Performance – Resident Services	To work to strengthen the relationship between Clean Champions and Op teams	29/09/22	20/10/22	Responded to	Cllr Longford/ Frank Jordan
220907-25-6	Council Plan Performance – Resident Services	Circulate statistics around potholes that have been filled on more than one occasion	29/09/22	20/10/22	Responded to	Cllr Wynter/ Frank Jordan
220907-25-7	Council Plan Performance – Resident Services	Circulate fly tipping data relating to HMOs	29/09/22	20/10/22	Responded to	Cllr N Khan/ Frank Jordan
220907-25-8	Council Plan Performance – Resident Services	Circulate the figures on fines and commercial prosecutions for fly tipping	29/09/22	20/10/22	Responded to	Cllr N Khan/ Frank Jordan
220907-25-9	Council Plan Performance – Resident Services	To ensure that the joined up working of the REACT team continues and	29/09/22	20/10/22	Responded to	Cllr N Khan/ Frank Jordan

Reference number	Title of agenda item	Recommendation	Date referred	Deadline for response	Status	Key contacts
		is developed				
220907-25-10	Council Plan Performance – Resident Services	To work with schools and community groups to educate around hate crime and encourage reporting of incidents	29/09/22	20/10/22	Responded to	Cllr N Khan/ Frank Jordan
220907-25-11	Council Plan Performance – Resident Services	Consider removing the first objective as it is police led, or define where action can be taken by the Council to improve the outcome	29/09/22	20/10/22	Responded to	Cllr N Khan/ Frank Jordan
220907-25-12	Council Plan Performance – Resident Services	Monitor the involvement of NCH in resolving ASB issues	29/09/22	20/10/22	Responded to	Cllr N Khan/ Frank Jordan
220907-25-13	Council Plan Performance – Resident Services	To review and reconsider the RAG rating of the objective to provide a network of inclusive sustainable and quality public libraries	29/09/22	20/10/22	Accepted	Cllr Kotsonis/ Frank Jordan
220907-25-14	Council Plan Performance – Resident Services	To revisit how outcomes are measured and define how they are measured ensuring outcomes are measurable against money invested	29/09/22	20/10/22	Responded to	Cllr Kotsonis/ Frank Jordan
220907-25-15	Council Plan Performance – Resident Services	To circulate data on prosecution levels of private landlords and the impact of the Licensing scheme	29/09/22	20/10/22	Responded to	Cllr Neal/ Frank Jordan

Reference number	Title of agenda item	Recommendation	Date referred	Deadline for response	Status	Key contacts
220907-25-16	Council Plan Performance – Resident Services	That future presentations include measures, values and targets, especially for Amber rated targets	29/09/22	20/10/22	Responded to	Cllr Longford/ Clive Heaphy
220907-25-17	Council Plan Performance – Resident Services	That presentations remain focussed on highlighting the most critical priorities, rather than all indicators	29/09/22	20/10/22	Responded to	Cllr Longford/ Clive Heaphy
220907-25-18	Council Plan Performance – Resident Services	Ensure measures and commitments are SMART in the future, and that performance is only measured for things that are within the Council's control	29/09/22	20/10/22	Responded to	Cllr Longford/ Clive Heaphy
221012-32-1	Together for Nottingham Plan – Progress Update by the Leader	To provide an update on the progress made on the 67 requirements at the next meeting	13/10/22	09/11/22	Update provided at the November meeting as requested	Cllr Mellen
221012-33-1	Selective Licensing	To provide more detailed information on what the current scheme has achieved and the Value for Money indicators for the next scheme	18/11/22	15/12/22	Awaiting consideration	Cllr Neal/ Pete Mitchell
221012-33-2	Selective Licensing	To monitor the impact on areas being removed from the scheme, and those not covered by the scheme, and provide information on what is done to ensure standards are	18/11/22	15/12/22	Awaiting consideration	Cllr Neal/ Pete Mitchell

Reference number	Title of agenda item	Recommendation	Date referred	Deadline for response	Status	Key contacts
		maintained/met in those areas				
221012-33-3	Selective Licensing	To provide more detailed information on the different approaches to inspections by the Council and accredited partners, and how inspections may evolve in the second scheme	18/11/22	15/12/22	Awaiting consideration	Cllr Neal/ Pete Mitchell
221012-34-1	Recommendation Tracker	To write to Portfolio Holders to express the Committee's disappointment that responses haven't been received	18/11/22	15/12/22	Awaiting consideration	Cllr Kotsonis/ Hugh White
221109-39-1	Municipal Resources and Waste Strategy	That every effort is made to ensure that the consultation findings are representative of all communities across the City and that additional effort is made to engage with those who are often under-represented in consultation responses but who will be affected by the changes	18/11/22	15/12/22	Awaiting consideration	Cllr Longford/ Antony Greener
221109-39-2	Municipal Resources and Waste Strategy	Take into account the following comments in response to the consultation:	18/11/22	15/12/22	Awaiting consideration	Cllr Longford/ Antony Greener

Reference number	Title of agenda item	Recommendation	Date referred	Deadline for response	Status	Key contacts
		<ul style="list-style-type: none"> <li>a) changes to waste collection must be accompanied by education and communication to residents and partners, and there needs to be sufficient resources allocated to this</li> <li>b) the Council should take opportunities to communicate to Government that less efficient local authorities do not require lower levels of funding and, in some cases, the opposite may be the case</li> <li>c) smaller residual waste bins are not necessarily desirable and could have unintended consequences such as an increase in contamination</li> <li>d) thorough consideration must be given to the needs of all the different communities who live in the City so that there is a waste collection system(s) that works for</li> </ul>				

Reference number	Title of agenda item	Recommendation	Date referred	Deadline for response	Status	Key contacts
		<p>everyone, including transient populations, people living in flats, people with disabilities or mobility issues etc. This consideration should be informed by learning from the pilot sites.</p> <p>e) consideration should be given to penalties for residents who persistently do not engage in the waste collection arrangements</p>				
221109-39-3	Municipal Resources and Waste Strategy	That information on the findings of the pilot studies is provided to the Committee.	18/11/22	15/12/22	Awaiting consideration	Cllr Longford/ Antony Greener
221109-41-1	Recommendation Tracker	That the number of fly tips per ward for the period between 1 April 2021 and 31 October 2022 and for the period between 1 April 2022 and 31 October 2022 is provided to the Committee	18/11/22	15/12/22	Awaiting consideration	Cllr Longford/ Frank Jordan
221109-42-3	Work Programme	To consider the draft Municipal Resources and Waste Strategy, along with outcomes from the consultation, at a future meeting prior to its	18/11/22	15/12/22	Awaiting consideration	Cllr Longford/ Antony Greener

Reference number	Title of agenda item	Recommendation	Date referred	Deadline for response	Status	Key contacts
		approval by Executive Board				

### 3 Explanation of terms used

Recommendation reference number - each recommendation added to this tracker will be assigned a unique reference number eg 220511-3-1, where 220511 represents the date of the meeting, -3 is the minute number, and -1 is the recommendation number.

Status - individual status for each recommendation and will present the following options:

- Awaiting consideration
- Responded to/Accepted/Approved
- Rejected
- No response received

### 4 Responses

Responses received for the relevant period will be appended to the Recommendation Tracker report on the agenda.

### 5 Meeting dates and reporting deadlines

Date of meeting (2.00pm)	Deadline for draft reports	Chair's Briefing (12.30pm)	Deadline for final reports (10.00am)
11/05/22	21/04/22	27/04/22	29/04/22
08/06/22	19/05/22	25/05/22	27/05/22
03/08/22	14/07/22	20/07/22	22/07/22
07/09/22	18/08/22	24/08/22	26/08/22
12/10/22	22/09/22	29/09/22	30/09/22
09/11/22	20/10/22	26/10/22	28/10/22
07/12/22 (2.30pm)	17/11/22	23/11/22	25/11/22
04/01/23	15/12/22	21/12/22	22/12/22
08/02/23	19/01/23	25/01/23	27/01/23

<b>Date of meeting (2.00pm)</b>	<b>Deadline for draft reports</b>	<b>Chair's Briefing (12.30pm)</b>	<b>Deadline for final reports (10.00am)</b>
08/03/23	16/02/23	22/02/23	24/02/23

## 6 Contact officer

<b>Name</b>	<b>Role</b>	<b>Contact details</b>	<b>Responsibilities</b>
Laura Wilson	Senior Governance Officer	0115 8764301 <a href="mailto:laura.wilson@nottinghamcity.gov.uk">laura.wilson@nottinghamcity.gov.uk</a>	Responsible for the collation and distribution of the recommendations after each meeting, and feeding back the outcomes to the Overview and Scrutiny Committee

**Overview and Scrutiny Committee  
7 December 2022**

**Work Programme 2022/23**

**Report of the Statutory Scrutiny Officer**

**1 Purpose**

- 1.1 To consider the Committee's work programme for 2022/23.

**2 Action required**

- 2.1 The Committee is asked to consider the work programme for the municipal year and make any amendments as required.

**3 Background information**

- 3.1 The purpose of the Overview and Scrutiny Committee is to ensure all statutory and other roles and responsibilities are fulfilled to the required standard, covering review and development of key strategic issues, policies and strategies relevant to Nottingham and its residents, and adding value through the examination of issues of local importance and concern.
- 3.2 The Committee is responsible for setting and managing its own work programme to fulfil this role.
- 3.3 In setting a programme for scrutiny activity, the Committee should aim for an outcome-focused work programme that has clear priorities and a clear link to its roles and responsibilities. The work programme needs to be flexible so that issues which arise as the year progresses can be considered appropriately.
- 3.4 Where there are a number of potential items that could be scrutinised in a given year, consideration of what represents the highest priority or area of risk will assist with work programme planning. Changes and/or additions to the work programme will need to take account of the resources available to the Committee.
- 3.5 The Committee agreed to maintain its focus in 2022/23 on the Council's recovery and improvement. In order to ensure that scrutiny is timely and relevant, the Committee will need to regularly consider its scheduling of recovery and improvement items for scrutiny at future meetings.
- 3.6 The Committee's current work programme is attached.

#### **4 List of attached information**

4.1 Overview and Scrutiny Committee work programme 2022/23.

#### **5 Background papers, other than published works or those disclosing exempt or confidential information**

5.1 None.

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

6.1 Reports to and discussion at Overview and Scrutiny Committee meetings throughout 2021/22 and 2022/23.

#### **7 Wards affected**

7.1 All.

#### **8 Contact information**

8.1 Laura Wilson  
Senior Governance Officer  
0115 8764301  
[laura.wilson@nottinghamcity.gov.uk](mailto:laura.wilson@nottinghamcity.gov.uk)

## Overview and Scrutiny Committee Work Programme 2022-23

<b>Date</b>	<b>Items</b>
<b>7 December 2022</b> <b>2pm pre-meeting, 2.30pm formal meeting</b>	<p><b>2022-23 Work Programme</b></p> <p><b>Together For Nottingham Update from the Leader</b> 10-15-minute update from the Leader on priorities in relation to Together for Nottingham</p> <p><b>Community Asset Policy Development</b> To consider and comment on the proposed policy on Community Assets prior to it being considered for approval</p>
<b>4 January 2023</b>	<p><b>Crime and Drugs Partnership</b> To consider information on the current work of the Crime and Drugs Partnership and performance against the Crime and Drugs Partnership Plan</p> <p><b>The Council's 2023/24 Budget</b> To consider the Council's budget proposals for 2022/23 and provide a response</p> <p><b>Municipal Waste Strategy</b> <i>To consider the analysis of the consultation findings and the proposed way forward prior to a decision being taken by Executive Board</i></p> <p><b>Recommendation Tracker</b></p> <p><b>2022-23 Work Programme</b></p>
<b>8 February 2023</b>	<p><b>Together For Nottingham Update from the Leader</b> 10-15-minute update from the Leader on priorities in relation to Together for Nottingham</p> <p><b>Recommendation Tracker</b></p> <p><b>2022-23 Work Programme</b></p>
<b>8 March 2023</b>	<p><b>Nottingham's Carbon Neutral Policy</b> To consider the Carbon Neutral Policy</p>

Date	Items
	<b>Work Programme 2023-24 Development</b>
	<b>Recommendation Tracker</b>

Space has been left in the work programme to retain flexibility in order to accommodate timely scrutiny of issues in relation to recovery and improvement, ie items scheduled may need to be moved to later meeting dates to facilitate this. The items below may be scheduled if there are gaps in the work programme or if they become priorities.

Items still to be considered for work programme/ Reserve items
<b>Regulatory Services Restructure</b> Introduction of firmstep. What impact has this had? What have been the costs? What is the Impact on Citizens? What has been the impact on Service levels? What improvements have there been? What have been the savings? Can any evidence based improvements be used across other directorates?
<b>Digitalisation and Transformation</b> How effectively the Council is implementing its plans to digitalise services? Including access for citizens without access to technology. How will this be monitored? How will the impact on residents be assessed or monitored? How are we including those without access to technology and\or without relevant skills.
<b>Leisure Centre Transformation Programme</b> To consider whether the consultation on the Leisure Centre redesign proposals has been fair, transparent and robust, and whether the draft proposals have adequately taken account of the consultation responses
<b>Budget Consultation responses and methodology</b>
<b>Housing Revenue Account Investigation outcome</b>
<b>Nottingham Castle</b>
<b>IAB report</b>

**Overview and Scrutiny Committee  
7 December 2022**

**Together for Nottingham Plan – Progress update by the Leader**

**Report of the Statutory Scrutiny Officer**

**1 Purpose**

- 1.1 To consider a verbal update from the Leader on progress made on the priorities in the Together for Nottingham Plan.

**2 Action required**

- 2.1 The Committee is asked to

- a) consider the information provided and use it to inform questioning and discussion
- b) make recommendations if appropriate
- c) make any necessary amendments to the work programme as a result of the information provided.

**3 Background information**

- 3.1 At its meeting on 9 June 2021 the Committee resolved to invite the Leader to attend each Overview and Scrutiny Committee meetings for approximately 15 minutes to provide a brief update on key issues in relation to improvement and recovery, to aid work programme planning. At the request of the Committee on 9 March 2022, these updates have been reduced from every meeting to every other meeting, and have been scheduled into the work programme.
- 3.2 The Leader will present information on the Council's current progress in relation to priorities in the Together for Nottingham Plan to support the Committee to identify appropriate items for scrutiny at future meetings, in addition to items already agreed.
- 3.3 Following questioning and discussion, the Committee should use the information acquired in its discussions under the Work Programme item of the agenda.

**4 List of attached information**

- 4.1 None.

**5 Background papers, other than published works or those disclosing exempt or confidential information**

5.1 None.

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

6.1 Together for Nottingham Plan.

6.2 Reports to and discussion at Overview and Scrutiny Committee meetings since June 2021.

**7 Wards affected**

7.1 All.

**8 Contact information**

8.1 Laura Wilson  
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[laura.wilson@nottinghamcity.gov.uk](mailto:laura.wilson@nottinghamcity.gov.uk)

**Overview and Scrutiny Committee  
7 December 2022**

**Community Asset Policy**

**Report of the Statutory Scrutiny Officer**

**1 Purpose**

- 1.1 To consider the draft Community Asset Policy.

**2 Action required**

- 2.1 The Committee is asked to

- (a) consider the draft policy and whether it sufficiently supports the Council in delivering its objectives when making future decisions in relation the management and transfer of community assets
- (b) consider whether the consultation on it has been fair, transparent and robust, and how consultation responses will influence the final policy
- (c) make appropriate recommendations prior to the policy being considered at Executive Board for adoption.

**3 Background information**

- 3.1 The Council owns a number of assets that bring benefit to communities including community centres, leisure centres, museums, heritage buildings, parks and open spaces as well as those that are occupied by community and voluntary organisations.
- 3.2 The Council is currently reviewing its use of assets so there may be an increase in potential surplus assets that could be of community benefit. Community asset transfers could be a potential option for the Council in the future disposal of these assets and the draft Community Asset Policy has been developed to support the Council in delivering its objectives when making future decisions in relation the management and transfer of community assets.
- 3.3 The Committee last considered the matter at their meeting on 8 June 2022 as part of a wider consideration of the Council's Asset Rationalisation programme. At that meeting the developing Community Asset Policy was discussed. The Committee requested that the policy be brought back for consideration following public consultation but prior to decision and made several recommendations for consideration. These recommendations and the response is detailed in the report attached as appendix A.

- 3.4 This is an opportunity for the Committee to be involved in pre-decision scrutiny by considering the proposed new policy and making recommendations for the Executive Board to consider before it makes a decision on the adoption of the policy.
- 3.4 The Portfolio Holder for Strategic Regeneration and Communications and the Interim Head of Property will be in attendance at the meeting to present the draft policy and answer questions.
- 3.5 A detailed introductory report and the draft policy are attached for the Committee to consider.

**4 List of attached information**

- 4.1 Introductory report.
- 4.2 Draft Community Asset Policy.

**5 Background papers, other than published works or those disclosing exempt or confidential information**

- 5.1 None.

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

- 6.1 Draft Community Asset Policy.

**7 Wards affected**

- 7.1 All.

**8 Contact information**

- 8.1 Laura Wilson  
Senior Governance Officer  
0115 8764301  
[laura.wilson@nottinghamcity.gov.uk](mailto:laura.wilson@nottinghamcity.gov.uk)

**Overview and Scrutiny Committee**  
**7<sup>th</sup> December 2022**

**Title: Community Asset Policy**

**Report of the Director of Economic Development and Property**

**1 Purpose**

- 1.1 To enable engagement to take place with Overview & Scrutiny Members on the draft Community Asset Strategy, following completion of a public consultation exercise and prior to formal adoption of the Policy by the Council

**2 Action required**

- 2.1 To consider the contents of this report and the draft Policy and provide any further comment and feedback
- 2.2 To note the outcome of the public consultation exercise

**3 Background information**

- 3.1 It is understood that the management of assets by community and voluntary groups can deliver benefits to the citizens of Nottingham. Asset transfer is the way in which that can be achieved, a voluntary process of disposing of assets to community organisations
- 3.2 Up to this point the Council has not had a formal Policy in place in this respect which has led to an inconsistent approach and with the wheel frequently being reinvented. This Policy proposal serves to fill that gap, will provide clarity of approach and transparency and also serve, in an equitable way, to deliver the commitments in relation to “community” leases contained in the Together for Nottingham, Recovery and Improvement Plan refresh 2022. It will support the stated requirements to ensure that asset values are maintained, community assets are fully utilised and that underutilised assets are made available for disposal. Particularly:
  - a) To reduce the council’s exposure to retained repairing responsibilities.
  - b) To consider applying fair market rents supported by grants.
- 3.3 The draft Policy is structured as follows:
  - a) **Background**-sets context and shows support to the delivery of corporate priorities

- b) **Why is a Community Asset Policy required?**-sets reasons and aims, transparency and clarity and defining when asset transfer is appropriate to consider
- c) **What is a Community Asset Transfer?** Defines a transfer and describes potential mutual benefits and risks to the parties
- d) **What organisations are eligible?** - defines the types of organisations that are able to apply and their required characteristics
- e) **Assets potentially suitable for community asset transfer-**describes required tenure of council asset ownership and requirement to assist in delivery of corporate priorities
- f) **Assets excluded from community asset transfer**-describes the operational and other classes of council asset that are excluded from consideration
- g) **What is the process for a community asset transfer?** Sets the headlines of the process
- h) **What should the business case for community asset transfer contain?** –sets out the information to be submitted by the organisation to the council in support of their application for transfer.
- i) **Maximising community benefit** –sets the way in the asset should be used to deliver social benefits/value to satisfy community need. The Council will offer further guidance to applicants as part of the application/evaluation processes.
- j) **Monitoring**-sets out the requirement and need to set and monitor agreed service targets/outputs on an ongoing basis.

- k) **Appendix-detailed breakdown of the community asset process by stage** – provides further detail of the application process and timeline. Fine detail of application templates, evaluation models, related governance, social benefits assessment methodology etc. remain to be finalised. It would not be expected that detail of that nature would be included in a Policy document. The Policy is set to endure for the medium term whereas the application/evaluation methodologies etc. are likely to evolve in the short term as lessons are learnt in use.

### **3      Consultation**

The following have been consulted in the preparation of the draft Policy now presented and their comments received have been incorporated as appropriate:

3.1 Responsible Portfolio Holders, Cllr. David Mellen and Cllr. Neghat Khan

3.2 The Chief Executive, and Corporate Directors and other senior officer colleagues in Growth & City Development and Residents Services

3.3 Community Partners - NCVS, The Renewal Trust and Locality-responders were generally supportive and made a small number of helpful suggestions where more detail might assist, e.g. the application process timeline which is now incorporated into the draft.

3.4 The draft has also now been the subject of a public consultation exercise of a six week duration and which closed on the 24<sup>th</sup> October. Council Members were notified as part of the process. Only two responses were received to that consultation as follows:

- a) "I am concerned about short leases. If these organisations are to achieve external funding, then they invariably need longer leases to access these. Also the ongoing maintenance of these buildings is a budget issue and I'd want to see how this would be resolved if organisations are paying lower than market rent".

**Response:** the draft Policy does not define an exact lease length and it is felt this is right as each case needs to consider on its individual merits. The draft (at section 3) is sufficiently flexible to accommodate both short and longer term arrangements. Officers are fully cognisant of the fact that the requirements of funding bodies will be an influencing factor in this respect. The process looks to transfer repairing obligations to applicant organisations.

- b) "The strategy should ensure that present property users have the first right to acquire the property and options for local groups and communities partnerships explored first. In the event that the asset is passed to a third party, there should be clauses to ensure that those who purchase the property keep the present users and local communities using the asset as the preferred renters to prevent loss of local community groups, partnerships and services".

**Response:** from a pragmatic point of view there is potentially merit in first dealing with current occupiers where assets are occupied. This would be subject to their fulfilling the eligibility and other criteria of the Policy. It is probably the case that in a small number of instances arrangements might not be working exactly as they should be and corrective action is necessary. There may also be other instances where the Council determines that it is not appropriate for a particular asset to remain in community use. It would not therefore be appropriate to give the blanket assurance that is being proposed.

3.5 A number of enquiries were also referred to officers following discussion at the Overview & Scrutiny meeting dated 3<sup>rd</sup> August. The comments and responses given are as set out below for ease of reference. These were reported back to Overview and Scrutiny on the 12<sup>th</sup> October.

- a) To provide all Councillors with the opportunity to comment on the draft Community Asset Policy as part of the consultation process.**

The policy will be sent to all ward Councillors as part of the consultation process. (Members were advised as part of the recently completed public consultation exercise)

- b) Consult with this Committee on the finalised draft Community Asset Policy prior to it being adopted**

The committee will be consulted with prior to the policy being adopted.

- c) To consider the following points for inclusion in developing the Community Assets Policy:**

**A clear timeline set out for community groups expressing an interest in purchasing an asset with consideration given to the timeframe set out within the national Asset of Community Value Policy**

*Response:* A timeline is set out within the draft policy, which suggests the process should take up to 32 weeks, this is slightly longer than the time allocated within the national Asset of Community Value Policy.

**Where possible, within the constraints of the requirement to achieve best consideration, to build in measures to encourage “Sell Local” with increased time frames to allow local groups or consortiums to establish sufficient finances**

The placing of voluntary restrictions on sales will affect the Council's ability to ensure best consideration. However, marketing of assets for sale will be undertaken locally, as well as nationally. Where possible increased timescales will be built in to enable local groups to establish sufficient finances, provided it doesn't disrupt the forecast for capital receipt income expected.

**Built in controls to ensure no conflict of interest for members and officers can influence sale of assets**

Once established, the terms of reference for the group to asset business cases under the community asset policy process will include the expectation for members and officers to declare conflicts of interest.

**Ensure adequate consultation with relevant Ward Councillors and Community groups prior to the sale of community assets**

Consultation with ward councillors on the sale of assets is already incorporated into the process for community assets. Community groups will be consulted with when taking decisions to cease local services and when an asset is identified as appropriate for continued community use.

**d) To develop and maintain a public register of assets sold by private treaty**

The official definition of private treaty is any sale which has undergone a negotiation, which would include every sale the council undertakes. The land registry already records and publishes property sales, therefore the sale of Council properties is already published. The property team maintain a register of those properties sold via special purchaser.

**e) To consider further increasing the use of private agents to assist with current capacity issues within the property team**

We already use private agents where it is considered appropriate to supplement skills and capacity.

- 3.5 Subject to the consideration of any other comments received the intention is to now seek approval to the adoption of the Policy by the Executive Board on the basis of the draft now submitted.

**4 List of attached information**

- 4.1 Draft community asset Policy

**5 Background papers, other than published works or those disclosing exempt or confidential information**

- 5.1 None

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

- 6.1 None

**7 Wards affected**

- 7.1 All

**8 Contact information**

- 8.1 Nicki Jenkins, Director of Economic Development and Property, [nicki.jenkins@nottinghamcity.gov.uk](mailto:nicki.jenkins@nottinghamcity.gov.uk)  
Steve Sprason, Interim Head of Property, [steve.sprason@nottinghamcity.gov.uk](mailto:steve.sprason@nottinghamcity.gov.uk)

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# Nottingham City Council

## Community Asset Policy



## **Community Asset Policy**

### **1. Background - Community assets**

The City Council's Strategic Council Plan contains a number of strategic objectives aimed at improving the economic, social and environmental well-being of the City's citizens.

The way in which the council designs and manages its land and property estate can support and enable the delivery of these objectives. Nottingham City Council owns a number of assets that bring about a benefit to communities including community centres, leisure centres, museums, heritage buildings, parks and open spaces as well as assets that are occupied by community and voluntary organisations.

The management of assets by community and voluntary groups can deliver a number of benefits to citizens of the City. In many cases, the voluntary sector is best placed to host community facilities as their management and use can be more responsive to the needs and opportunities of communities. Assets held in this way can also play an important role in supporting and sustaining the third sector with facilities being managed by the people who regularly use them.

Furthermore, the Council is currently reviewing its use of assets particularly those in our neighbourhoods. There may therefore, be an increase in potential surplus assets that could be of community benefit and community asset transfers could be a viable option for the council in the future disposal of these assets as this may deliver mutual benefit to the council and the community.

This does however, need to be considered alongside the wider financial and strategic implications, to determine whether the benefits of using an asset in this way, outweigh the opportunity to generate a capital receipt through sale of the property, which can then be invested into the Council's capital programme or from future revenue generation to help deliver other statutory service responsibilities.

This community asset policy has therefore been developed to support the Council in delivering its strategic objectives when making future decisions in relation the management and transfer of community assets.

### **2. Why is a community asset policy required?**

In the interest of transparency and to provide clarity, the Council has developed this Community Asset Policy (CAP) to set out the principles and approach to be undertaken in managing assets occupied by organisations working with and benefitting the community of Nottingham.

In addition the policy provides clarity around how future decisions regarding community asset transfers will be made.

The aims of the policy, therefore are as follows;

- To define when community asset transfer is appropriate

- To ensure the decision making process for community asset transfer is transparent and conforms with the Council's governance in relation to management of land and assets and its Asset Disposal Policy
- To apply a consistent approach to the assessment and process of transferring assets in the future, focussing on securing social, economic and environmental benefits of the asset
- To ensure the efficient use of assets to minimise cost

In September 2021 the Council approved its Asset Disposal Policy that sets out the framework that governs the Council's responsibilities and obligations when disposing of land and property assets. The CAP is designed to ensure alignment with the Asset Disposal Policy and the associated obligations.

### **3. What is a Community Asset Transfer?**

Community asset transfer is the transfer of land or buildings from the council to a third sector or not-for profit organisation. Community asset transfer has the potential to achieve a number of benefits for both the Council and community organisations

#### **Benefits to the Council**

- Reducing costs and/or financial responsibilities
- Strengthening community links and delivering social, economic and environmental benefits
- Providing greater access to the community, increasing the flexibility of the offer of a particular asset

#### **Benefits for Community Organisations**

- Improving ties with the local community, increasing community participation
- Generating certainty and medium to long term stability
- Improving ability to fund raise, particularly for grant funding
- Supporting the development and delivery of community led projects

However, Community Asset Transfer can also present risks to both the Council and Community Organisations

#### **For the Council**

- Potential of not being able to demonstrate value for money when transfers are made
- Potential of a perception of unfair advantage for one group over another
- Potential for ongoing costs or liabilities

#### **For Community Groups**

- Increased risk management responsibility for an asset including health and safety
- Potential for the asset to become a financial liability for the recipient
- Inability to deliver the intended outcomes at the point of transfer

This policy has therefore been developed to enable the benefits to be delivered to both parties and to ensure that risks are appropriately identified and managed.

-  
Community Asset Transfer can take place in different forms including through:

- a management agreement
- a licence to occupy
- a short lease
- a long lease

A Community Asset Transfer usually involves a transfer at less than market value. The Council will no longer consider peppercorn or rental for free, however will accept a level of subsidy. This level of subsidy applied to the asset transfer, will be determined by the social, economic or environmental benefits generated by the transfer, the value of the asset and the organisations ability to pay a full market rent.

Under the Localism Act 2011, Charitable trusts, voluntary bodies and others can apply to councils to carry out services provided by the council and to keep community assets in public use by providing an opportunity for communities or parishes to nominate 'Assets of Community value' to be included on a list managed by the local authority. This comes under the Community Right to Bid and is often confused with Community Asset Transfer.

Community Right to Bid involves registering public or privately owned assets on a register and when they come to be sold, a moratorium on the sale (of up to six months) may be invoked, providing local community groups with a better chance to raise finance, develop a business and to make a bid to buy the asset on the open market. Further information on Community Right to Bid in Nottingham, can be found on the Council's website.

#### **4. Which Organisations are Eligible?**

Applications will be considered from Voluntary and Community Sector organisations.

The applicant must: -

- Be non-profit distributing – applications will not be considered from private companies, private individuals or other organisation not fulfilling the criteria. Any applicants that are profit making must reinvest any surpluses to further the social/community services offered from the asset.
- Be a Voluntary or Community Sector organisation - i.e. must be a legal entity which is not governmental or part of the statutory sector.
- Exist for community, social and/or environmental benefit of the community.
- Be appropriately constituted – for example a registered charity, a community interest company or a charitable incorporated organisation, a not for profit company or co-operative. Such constitution which can allow for the management/ownership of buildings and/or provision of services.
- Demonstrate good governance – by operating open and accountable processes, with adequate monitoring and financial management systems and be able to provide copies of the organisations accounts upon request.
- Have well defined community benefit objectives and demonstrate it has the necessary skills, capacity and resources to effectively deliver the services identified and manage the asset
- Have appropriate experience and knowledge of property management – and can demonstrate it understands health and safety issues and compliance with legislation/statutory requirements arising from the transfer and management of the asset.

- Demonstrate sustainability – the applicant will need to be able identify and maximise opportunities to ensure long term sustainability.

#### **4. Assets Potentially Suitable for Community Asset Transfer**

The asset must be in the freehold ownership of the Council and the Community Asset Transfer should assist in delivering the corporate aims of the Council.

#### **5. Assets Excluded from Community Asset Transfer**

The Council will not support Community Asset Transfer where any of the following apply:

- The asset is required for service delivery.
- The asset has been identified for capital receipt
- The asset is held or identified for revenue income.
- The asset could contribute to the Council's housing development or strategic regeneration programme.
- Where there's potential for an enhanced alternative use value (opportunity cost), either as an individual asset or where the asset may be part of an amalgamated site.
- Assets that are considered unfit for purpose and/or require significant investment will generally be excluded from the policy. However, exceptions may be made where the VCS organisation can secure the financial resources to bring the property back into repair and beneficial use.
- Proposals that only relate to part of an asset will generally be excluded from Community Asset Transfer. However, in exceptional circumstances the Council reserves the right to reconsider.

#### **6. What is the Process for a Community Asset Transfer?**

Although a number of steps are involved in Community Asset Transfer, there are three key stages for those individuals or groups who are interested: -

Stage 1 - Expression of Interest.

Stage 2 - Full Application and Business Case

Stage 3 – Agree Heads of Terms for the transfer and basis for a Joint Working Agreement.

The CAT process may be started by either the Council advertising an opportunity or by an individual/organisation making a speculative request to take on management responsibility for an asset.

It should be noted that if a speculative request is received, and if that asset is deemed suitable for Community Asset Transfer, then in accordance with this policy the opportunity will be advertised to the wider voluntary and community sector.

Where there are any existing agreements with VCS organisations for the occupation of Council property (land or buildings) and where these agreements are nearing expiry (and there are no automatic rights to a renewal tenancy under the Landlord & Tenant Act 1954), the occupying community organisation will be given an opportunity to extend, before it is advertised to the wider community sector. All lease renewals, will need to be considered in line with this policy.

The Council reserves the right not to extend or renew agreements that have been subject to this policy at the end of the agreed term at its absolute discretion.

Bidding organisations will be required to submit a business case, to demonstrate that they have the capacity to run the facility, and show how they contribute to the council's corporate objectives.

The Council may advise that a preliminary Expression of Interest be submitted by interested parties to enable shortlisting and to prevent unsuccessful organisations undertaking costly and abortive work..

## **5. What should the business case for community asset transfer contain?**

Business cases should provide the following information;

- detailed evidence that use of the asset is financially sustainable over the life of the proposed tenancy and will not incur future financial liabilities for the council; the council will assist by making relevant information and data available on request
- full details of the services and activities to be provided from the asset including any partnerships or co-location plans with other organisations
- evidence of the management capacity and experience of the bidding organisation to utilise and develop the asset
- detailed evidence that use of the asset is financially sustainable over the life of the proposed tenancy and will not incur future financial liabilities for the council; the council will assist by making relevant information and data available on request
- details of the anticipated benefits that the asset will produce and how these will be measured and evaluated
- details of the type of asset transfer and lease terms sought and financial offer.
- evidence of support from council officers, councillors, other voluntary organisations, local stakeholders

Business cases will be assessed by an appraisal panel convened by the nominated officer within the Property Team and made up of representatives from relevant service departments, legal and finance.

The recommendation will be submitted to the Council's Corporate Asset Management Group for consideration. Any decision to proceed to approval will be subject to the Council's governance arrangements (scheme of delegation).

## **6. Maximising Community Benefit**

To ensure that the property delivers maximum community benefit, the organisation concerned will need to ensure that the premises are used primarily for community-based activities that directly benefit the local community and the residents of Nottingham.

The community organisation must satisfy the Council that there is a clear community/social need and demand for their proposal that does not duplicate activities, services or facilities already provided in the local community.

The council will consider the specific needs of the third sector organisation, the condition of the asset and the requirements of any funders. The length of the lease will be based on:

- the business plan
- the capacity of the organisation to manage the asset

- financial capacity
- any future requirements for the asset by the council
- the condition of the asset.

Once granted, leases can be extended or restructured at a future stage, to meet the changes to the organisations activities or circumstances.

Community asset transfer leases will be accompanied by a service agreement that will define the expected benefits of the community asset including any requirement for use of the asset by local residents for locally organised activities or use as a polling station.

Leases will contain clauses that prevent the asset being assigned or sold on for unintended financial gain and the loss of the community agreed benefits.

Leases will also contain suitable clauses to ensure the return of the asset to the council if the terms of the service agreement are not met, or in the case of dissolution, insolvency or corruption.

The lease will define responsibility for maintenance and repairs, insurance and all outgoings on the property. Where possible the Council will seek to minimise its financial responsibilities through rental payments and/or transfer of repair/maintenance responsibilities.

## **7. Monitoring**

The Council will ensure that prior to transferring an asset, monitoring arrangements are agreed that includes agreed benefits and service agreement targets. This will include both submission of reports and site visits and meetings.

In the event of the agreed community benefits and service targets not being met an improvement plan will be put in place with an option to terminate the agreement if targets remain outstanding.

## **Appendix 1 – Detailed Breakdown of Community Asset Process by stage**

### **Stage One (week 1 – 8)**

Once a building is identified as suitable for community asset transfer it will be advertised as open for Expressions of Interest.

This will be done by:

- Placing an advert on the council's website
- Placing an advert on Nottingham Property Plus website
- Advertising through community networks

An open day will be held at the building in this time for organisations to inspect the building.

During this window, the provided form can be used to submit an Expression of Interest in leasing the property.

Council officers will review all Expressions of Interest against identified criteria. Officers may ask for meetings with organisations to clarify points within the submitted information.

Organisations that satisfy the criteria for use will be informed by letter and invited to submit a more detailed business plan for their use of the property.

### **Stage Two (week 8 – 20)**

The business case can be submitted in any relevant format but will need to reference:

- Organisational objectives and aims
- Evidence of the organisations previous impact and service delivery
- Specifics around the use of the building and what services/activities will be delivered from it
- Robust financial planning including details of any planned investment into the building and evidence of current financial capacity including details of any grants that the applicant group will be relying on.
- Evidence of the community need being address by the organisations plans and demonstrable community endorsement
- Evidence that new services and activities would not duplicate existing provision in the local area
- Detail of the evaluation processes which will be used to measure the outcomes of the buildings' use

During this business case development phase, organisations may request a meeting with council officers to discuss their draft plans before submission.

All business cases will be reviewed by council officers for suitability, against the criteria laid out in the Community Asset Transfer policy document and will reflect the social value to the city of each application.

Each organisation will be invited to discuss their application with officers and relevant professionals to elaborate on any points and review any questions.

If needed, legal and profession advice will be sought by officers at this stage.

Recommendations will then be made to the relevant decision maker in line with the Councils' constitution.

The successful group will be informed in writing.

Should approval not be awarded, the asset will be reviewed and, if appropriate, re-advertised for further expressions of interest.

### **Stage Three (week 20 – 32)**

At the stage the Property Officer will work with the successful organisation to finalise the full content of the lease, the rent and the length of the lease.

When both parties are happy with the heads of terms in the lease, NCC will ensure the building is ready to be transferred and the organisation will be given the keys to the building.

### **Ongoing**

Leases will be reviewed as a minimum every 5 years although shorter terms may be agreed at the lease stage.

Should there be any agreed outcomes and evaluation on the use of the building, the organisation will be expected to supply this to the council in line with the agreed arrangements. These may include usage statistics, service evaluations, or other key indicators and will be clearly laid out in the service level agreement.

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