

Questions from Councillors

Responses to questions requiring a written response

WQ1

Written question asked by Councillor Kirsty Jones of the Deputy Leader of the Council at the meeting of the City Council held on 13 July 2020

It is great credit to the people of Nottingham, to this Council and to our partners in the fight against Covid-19 that Nottingham hasn't been hit quite as hard as other parts of the UK, and indeed in our local area. It is also of great credit to see how the recently published Nottingham City Local Outbreak Plan puts such an emphasis on local decision making to best meet the needs of local communities. However, as we have seen from the recent localised Lockdown of Leicester, the national Government will step in to enforce measures, should they see the need arise. While we strongly hope it will not come to it, can the Deputy Leader inform us as to whether the national Government has illustrated to what levels a localised outbreak must reach before they take national level steps to combat it, and to the extent this takes decision making powers out of the hands of the Council?

Councillor Sally Longford replied as follows:

Thank you Councillor Kirsty Jones for the question.

Nottingham City has produced a Local Outbreak Control Plan (June 2020) which sets out Nottingham's 'whole place' approach, enabling agencies in Nottingham and Nottinghamshire to prevent, manage, reduce and suppress outbreaks of COVID-19 infection across the local area.

A local lockdown is a partial or full re-imposition of measures to control the spread of the coronavirus in a specific locality, or the deferring of planned easing of restrictions, in response to a localised spike in infections. On 29 June, Matt Hancock, the Health Secretary, announced that the first local lockdown would be applied in Leicester, and would include the closure of schools (except for the children of key workers), which partially reopened on 1 June, and non-essential retail, which was allowed to reopen across England on 15 June. The aim of a local lockdown is to control the spread of the coronavirus pandemic by containing it within a particular area and so avoid re-imposing social distancing restrictions across the whole of the country.

The UK Government brought in Regulations restricting freedom of movement and closing a wide range of businesses in late March. From 11 May the Government has been gradually easing restrictions in England while aiming to keep R, the rate of reproduction of the disease, below 1, and the number of cases at a low level. One of the priorities of the Government's Recovery Plan (published on 11th May) and the Nottingham City Outbreak Plan (2020) is to prevent new hotspots developing by detecting infection outbreaks at a more localised level and rapidly intervening with targeted measures. Local outbreaks are assessed using data on the local infection rate and the concentration of cases. This information is gathered by the NHS test and trace programme (launched on 27 May) and is then assessed by the Joint Biosecurity Centre (JBC) together with Public Health England (PHE) and NHS

bodies. Directors of Public Health, who are appointed by local authorities, can also report outbreaks. Reports from the JBC, PHE and Directors of Public Health are assessed daily by the Government's Local Action Committee Command. Issues of concern are raised through this structure to the Chief Medical Officer, Chris Whitty, and, as necessary, to the Health Secretary.

Prior to the lockdown in Leicester, the Government had suggested that local restrictions would be handled by local leaders. However, the decision to impose a lockdown in Leicester was taken by Central Government. The area covered by the local lockdown rules in Leicester does not coincide with local authority boundaries. When it announced the lockdown in Leicester, the Government said that the local seven-day infection rate was 135 cases per 100,000 people, three times higher than the next highest city.

There are several powers available to implement a lockdown. The Health Secretary has discretionary power under the Coronavirus Act 2020 to close and restrict access to specified premises or premises of a specified description. The UK Government can also implement a local lockdown in England by making Regulations under the Public Health Act 1984, the legislation under which it enacted the nationwide lockdown on 26 March.

The COVID-19 Contain Framework was published on 18 July 2020 setting out new powers for upper-tier local authorities, enabling them to close individual premises and public outdoor spaces, and prevent specific events. These are supported by the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 which came into force on the same day, giving Local Authorities powers to make directions imposing prohibitions, requirements or restrictions in their areas where the following conditions are met:

- a) that giving such a direction responds to a serious and imminent threat to public health,
- b) that the direction is necessary for the purpose of preventing, protecting against, controlling or providing a public health response to the incidence or spread of infection by coronavirus in the local authority's area, and
- c) that the prohibitions, requirements or restrictions imposed by the direction are a proportionate means of achieving that purpose.

Directions can be made relating to individual premises (Regulation 4), events in its area (Regulation 5), and public outdoor places in its area (Regulation 6).

Contravention of a Direction under these Regulations is an offence, Prohibition Notices can be given and Fixed Penalty Notices will also be available. There are Publication and Notification Requirements.

The COVID-19 Contain Framework also describes the indicators which will be monitored nationally to give an understanding of the virus progression and level of risk at upper-tier local authority level (UTLA). This may result in UTLAs being designated as areas of concern, areas of enhanced support or areas of intervention (as has been seen in Leicester). There are no specific thresholds that have been set for each of these designations. National decision-making will take place through the Government's Local Action Committee command structure.

Clearly these are important powers and guidance, which have only just been published. We are working quickly to fully process what this will mean for Nottingham and will share further information accordingly.

WQ2

Written question asked by Councillor Andrew Rule of the Portfolio Holder for Health, HR and Equalities at the meeting of the City Council held on 13 July 2020

Could the Portfolio Holder confirm how many Council employees have been furloughed since the scheme became operational and the total value of financial support the Council has received from the Conservative Government's furlough scheme?

Councillor Eunice Campbell-Clark replied as follows:

The Government's Job Retention scheme makes clear that:

'Where employers receive public funding for staff costs and that funding is continuing, we expect employers to use that money to continue to pay staff in the usual fashion – and correspondingly not furlough them. This also applies to non-public sector employers who receive public funding for staff costs'

This then places restrictions on the number of staff eligible to be furloughed and has guided the City Council's approach to managing the process with its employees. In May the Council furloughed 621 employees and received £535,198; in June 633 were furloughed and £473,882 was received.

WQ3

Written question asked by Councillor Andrew Rule of the Portfolio Holder for Adult Care and Local Transport at the meeting of the City Council held on 13 July 2020

The Portfolio Holder may be aware that last month the longstanding issues with water accumulating at the bottom of Farnborough Road resulted in houses on Farnborough Road and Brooksby Lane being flooded. Does she accept that this would have been mitigated significantly if adequate drainage had been installed during the construction on the tram and will she therefore ensure that lessons are learned going forward from this?

Councillor Adele Williams replied as follows:

The road layout near the junction of Farnborough Road and Southchurch Drive was altered as part of the Tram works for the Line 2 extension to Clifton. All designs for the alteration of the road and the drainage system were produced by the Tram

construction company. The design was agreed with all statutory bodies and approved by the Council as local highway authority.

Following completion of the Tram works in 2015, a residential property at the bottom of Farnborough Road has suffered external flooding as a result of surface runoff from the adjacent public highway during heavy rainfall events. However, the storm event that occurred on 17th June 2020 was the first reported occasion that this property has flooded internally due to storm water runoff.

Flooding issues also affect a neighbouring property on Farnborough Road, although less frequently. The same issue also affects three properties on Brooksby Lane with storm water flowing off the rear gardens of the properties on Farnborough Road.

Following the recent storm event, officers from the Council's Flood Risk Management team have visited the residents affected to discuss this issue in detail and Highway Maintenance colleagues have also been on site to clear a blocked drainage gulley and install an additional gulley to help reduce the likelihood of future flooding at this location. Where at all possible the cost of the new gulley will be recouped from a residual Tram budget set-aside for such matters.

In line with the Council's duties as Lead Local Flood Authority, the Flood Risk Management team are required to monitor all reported flooding issues within the Nottingham City administrative area. The Flood Risk Management team working with Highway Maintenance colleagues will continue to monitor this issue to see if the recently completed works help mitigate the flooding problem. Officers will also work with Severn Trent Water, Environment Agency and other partners to seek longer-term solutions to reduce flood risk both here and across the city as part of the challenges of climate change.

WQ4

Written question asked by Councillor Andrew Rule of the Portfolio Holder for Regeneration, Safety and Communications at the meeting of the City Council held on 13 July 2020

Given the financial pressures the Council is currently under will the Portfolio Holder make publicly available a schedule of all commercial property owned by the Council to ensure appropriate scrutiny can be given to ensure that the Council is maximising the possible return from it and to ensure that potential business owners wishing to establish in the City can identify these properties?

Councillor David Mellen replied as follows:

The Portfolio Holder will not be making publicly available any schedule of commercial property owned by the Council as the disclosure of this information would be likely to prejudice the commercial interests of Nottingham City Council and therefore this information is exempt under section 43(2) of the Freedom of Information Act (FOIA).

This is the same position the Council has taken with regard to any previous requests for such information and that stance has been formally challenged under the FOIA

with appeals being made to the Information Commissioner Office's (ICO). However, earlier this year, the ICO determined that the Council has correctly applied section 43(2) of the FOIA to information we hold regarding commercial investment properties and was entitled to withhold information included the location of the properties, the price paid for them alongside the returns achieved on each investment.

Under the Local Government Transparency Code, the Council does publish and annually update a list of land and property assets that are currently owned, on 'Open Data', but there is no obligation under the Code to list anything other than a name and address.

Any potential business owners wishing to establish in the City can directly contact Council Officers in either the Property or Economic Development teams to enquire as to what accommodation and support might be available and any surplus or vacant property is always advertised publicly through the Council's 'PropertyPlus' Website.

WQ5

Written question asked by Councillor Andrew Rule of the Portfolio Holder for Finance, Growth and the City Centre at the meeting of the City Council held on 13 July 2020

Could the Portfolio Holder confirm whether Council reserves have been used to finance the following since 2015:

- Support for Robin Hood Energy
- The purchase of Thomas Bow Limited
- Enviroenergy Limited
- Nottingham Ice Arena
- Blueprint Limited Partnership/ Blueprint (General Partner) Limited
- Nottingham City Homes Limited
- The purchase of commercial property with a value of £500,000

If so, the total value of this support provided to each entity/ area of spend.

Councillor Sam Webster replied as follows:

Since 2015 there have been no Council reserves utilised to finance the areas raised in the written question.