

Nottingham City Council Executive Board

Minutes of the meeting held in the Ground Floor Committee Room, Loxley House, Station Street, Nottingham, NG2 3NG on 21 September 2021 from 2:00pm to 2:33pm

Membership

Present

Councillor David Mellen (Chair)
Councillor Sally Longford (Vice Chair)
Councillor Cheryl Barnard
Councillor Eunice Campbell-Clark
Councillor Neghat Khan
Councillor Adele Williams (items 49-53,
55-59)
Councillor Linda Woodings

Absent

Councillor Rosemary Healy
Councillor Rebecca Langton
Councillor Sam Webster

Colleagues, partners and others in attendance:

Councillor Kevin Clarke
Councillor Andrew Rule

Mel Barrett	- Chief Executive
Nicki Jenkins	- Director of Economic Development and Property
Frank Jordan	- Corporate Director for Resident Services
Lisa Kitto	- Finance Strategic Lead
Nick Lee	- Director of Education Services
Tajinder Madahar	- Head of Extensive and Specialist Services
Adrian Mann	- Governance Officer
Sajeeda Rose	- Corporate Director for Growth and City Development
Shail Shah	- Head of Internal Audit and Risk
Caroline Stevens	- Principal Risk Specialist

Call-in

Unless stated otherwise, all decisions made by the Executive Board are subject to call-in. The last date for call-in is **Friday 1 October 2021**. Decisions cannot be implemented until the next working day following this date.

49 Apologies for Absence

Councillor Rebecca Langton	-	On leave
Councillor Sam Webster	-	Council business
Clive Heaphy	-	Interim Corporate Director for Finance and Resources
Malcolm Townroe	-	Director of Legal and Governance
Catherine Underwood	-	Corporate Director for People

50 Declarations of Interests

Councillor Adele Williams declared a Disclosable Pecuniary Interest in item 54 because she is a director of Thomas Bow City Asphalt. She left the meeting prior to the discussion of and voting on this item.

51 Minutes

The Committee confirmed the minutes of the meeting held on 17 August 2021 as a correct record and they were signed by the Chair.

52 Ofsted Focussed Visit

This item does not contain any decisions that are eligible for call-in.

The Portfolio Holder for Children and Young People presented a report on the outcomes of the latest Ofsted Focused Visit for Children's Services. The following points were discussed:

- (a) Focused Visits are not intended to review or change the rating given as a result of the latest full Ofsted inspection. Following an original Focused Visit in February 2020, inspectors returned on 30 June 2021 for a second visit to review the Council's arrangements for children in need and those subject to a Child Protection Plan;
- (b) the report from the latest visit recognised the Council's difficulties in responding to the Covid-19 pandemic, including significant bereavements within the Service, while noting that improvements have still been achieved. The report found that leaders were realistic about the progress made and about the change still required in order to embed workforce stability, raise the quality of social work practice, and improve the lives and experiences of children living in Nottingham in need of help and protection;
- (c) in response to the findings of the original Focussed Visit, an action plan was developed and the 'Children at the Heart' Improvement Board was established to oversee the improvement and work through the day-to-day challenges in the community. Support has been received from the Department for Education through the Partners in Practice programme, which provides peer support from a partner Local Authority. The improvement journey will continue to the current plan until the next full Ofsted inspection.

The Board noted the report.

53 Asset Disposals Policy

The Portfolio Holder for Strategic Regeneration and Communications presented a report on the development of an Asset Disposals Policy for the management of the Council's surplus land and property assets in a clear and transparent way. The following points were discussed:

- (a) the new policy is intended to regularise how the Council approaches the disposal of land and property assets that have become surplus to requirement. A ‘best value’ approach will be taken for most disposals, but assets may be disposed of at less than best value if an appropriate social value business case can be made. Each surplus asset will be disposed of through the most appropriate avenue for its circumstances, in line with the policy. A purchaser register will be maintained for property disposals, for the purposes of transparency;
- (b) a separate policy for community land and property assets held by the Council is being developed, and there is a wide range of types of asset in this category. Where community land and property assets are considered for disposal, the affected ward councillors will be consulted as part of the process.

Resolved to approve the proposed Asset Disposals Policy.

- **Reasons for the decision**

There is a need to make clear and public the Council’s approach to the disposal of land and property assets, and how it will meet its related statutory requirements. This Policy provides confidence that these processes are robust, and the adoption of the Policy supports the Asset Management requirements of the Recovery and Improvement Plan.

- **Other options considered**

To not develop an Asset Disposals Policy: this option is rejected as it would not support the Asset Management requirements of the Recovery and Improvement Plan.

54 Procurement of the Next Phase of the Broad Marsh Public Realm Works

Councillor Adele Williams declared a Disclosable Pecuniary Interest in this item because she is a director of Thomas Bow City Asphalt. She left the meeting prior to the discussion of and voting on this item.

The Portfolio Holder for Strategic Regeneration and Communications presented a report on the future stages of public realm delivery for the Broad Marsh regeneration programme. The following points were discussed:

- (a) Transforming Cities Funding has been secured to enable new public realm works that will bring significant benefits to the city centre. The first phase of the works is underway and is being delivered by Thomas Bow City Asphalt. The next stage of the public realm programme will incorporate works at Middle Hill and Sussex Street, and the most appropriate route to deliver this work is via an extension of the current contract with Thomas Bow;
- (b) the decision to award the extended contract to Thomas Bow directly is based on balancing the benefits of undertaking a competitive tendering process against the additional cost and time in setting up a new contractor to work alongside an existing contractor. A value testing and benchmarking process was carried out to ensure that the additional works would achieve best value if carried out by the on-

site contractor, and this concluded that a direct award of the contract to Thomas Bow is justified.

Resolved:

- (1) to approve dispensation from the need to conduct a tender process as set out by Contract Procedure Rule 4.1.2, in accordance with Financial Regulation 3.29, to instruct Thomas Bow City Asphalt to carry out public realm works at the northern section of Middle Hill and on Sussex Street as an extension under the current works contract, up to the value of £2,100,000;**
- (2) to delegate authority to the Corporate Director for Growth and City Development, in consultation with the Corporate Director for Finance and Resources, to award and enter into the contract extension.**

• Reasons for the decision

Transforming Cities Funding (TCF) has been secured to deliver new public realm works in the Broad Marsh area. The first phase of delivery is now progressing well on Sussex Street and Carrington Street through works contracted to Thomas Bow City Asphalt. It is proposed that the next stage of public realm development should incorporate work to transform the northern section of Middle Hill and an area on Sussex Street that formed part of the Intu shopping centre site. It is proposed that the most appropriate route to deliver this work is via an extension of the current contract with Thomas Bow.

• Other options considered

To do nothing: this option was rejected, as the project would not then be delivered in accordance with the Broad Marsh public realm programme.

To carry out an open tender process, or a mini competition under the Council's highways framework: this option was rejected, as it would establish a less than optimum delivery programme and introduce additional and commercial risks over and above the proposed route.

To wait until design work on Collin Street and Lister Gate is concluded and carry out all of the remaining works as a single contract: this option was rejected as it would also establish a less than optimum delivery programme, potentially impacting on the ability to deliver the full scheme within the TCF funding window, and it would also introduce additional and commercial risks over and above the proposed route.

55 Use of the Contain Outbreak Management Fund

The Portfolio Holder for Energy, Environment and Waste Services presented a report on the award of funding from the Department of Health and Social Care to support the development and delivery of Local Outbreak Management Plans. The following points were discussed:

- (a) in total, the Council has been allocated £14,806,000 from the Contain Outbreak Management Fund (COMF) across 2020/21 and 2021/22, to support the ongoing response to and recovery from the Covid-19 pandemic. Responsibility for the COMF budget is to be delegated to the Director of Public Health, in line with an approved financial plan. All funding must be spent by 31 March 2022;
- (b) the Council is still in a deficit position in relation to the spend that it has been required to make on the response to the pandemic, as the costs incurred over the last 18 months have not yet been reimbursed centrally. As such, it is vital to make full and best use of the funding now available to maximise benefits to citizens, support recovery, and maintain test and trace processes and effective health messaging;
- (c) the Board commended community organisations, citizens and officers for their response in responding to the pandemic, and a Community Recovery Fund has been implemented to help to address health inequalities by further resourcing the community organisations that have been providing support to citizens during the pandemic.

Resolved:

- (1) to accept the £11,670,000 of Contain Outbreak Management Funding provided to support the Council's response to the Covid-19 pandemic;**
- (2) to support, in principle, the proposed allocations of the funding to provide an ongoing response and to support recovery during 2021/22;**
- (3) to delegate authority for the agreement of the approach to the Community Recovery Fund to the Director of Public Health, in consultation with the Corporate Director for Finance and Resources, the Chair of the Engagement Board and the Portfolio Holder for Adults and Health;**
- (4) to instruct the Director of Public Health to review the activity and spend in three months' time and provide an update report to the Executive.**

• Reasons for the decision

The Council has both delivered and commissioned a wide range of activity in order to both prevent and respond to local outbreaks of Covid-19 and protect the health of the population. The Contain Outbreak Management Funding (COMF) is provided to Local Authorities to enable this activity to take place. In line with the agreed Outbreak Management Plan, the Corporate Leadership Team has oversight across all Covid-19 response funds, and delegates responsibility for the COMF budget to the Director of Public Health, in line with an approved financial plan.

The community and local organisations in Nottingham have been critical partners in the Covid-19 response, providing essential practical and emotional support to people affected by the virus. As the city moves from a pandemic response into recovery, it is proposed to build on this community support by offering financial support via a Community Recovery Fund to local organisations who can provide services enabling and supporting recovery.

- **Other options considered**

To limit spending to the health protection function only and return underspend: this option was rejected as the full and appropriate utilisation of the COMF by the end of March 22 will enable local community and voluntary sector groups to support local people in response to the Covid-19 pandemic, as well as to recover from its impacts on their wider health and wellbeing.

56 Review of 2021/22 Revenue and Capital Budgets at 30 June 2021 (Quarter 1)

The Portfolio Holder for Strategic Regeneration and Communications presented a report on the Council's current and forecast outturn position for the General Fund revenue account, the Capital Programme and the Housing Revenue Account (HRA), based on activity to the end of the first quarter. The following points were discussed:

- (a) the report sets out the Council's financial position as at the end of June 2021. Currently, there is an overall forecast adverse variance of just under £11,000,000, which is due largely to the requirements of Children's Services, reduced income as a result of the Covid-19 pandemic, and a forecast reduction in returns from Council-owned companies. There is a favourable variance in the HRA, though there has been some slippage in the Capital Programme. There has been some movement of budget between portfolio areas;
- (b) the Council is committed to acting within the budget set in March, and in-year spending control measures have been implemented to help manage the forecast overspend. The long-term budget pressures and mitigations are being reviewed, and the Council's senior members and officers are updated on the budget position regularly. The March 2022 budget is being compiled, with a consultation to take place during November.

Resolved:

- (1) to note, in respect of 2021/22 budgets, the overall forecast adverse variance of £10,900,000; the forecast favourable variance of £9,400,000 on the Housing Revenue Account; the forecast position on the Capital Programme; the Capital Programme projections at Quarter 1; and the refreshed Capital Programme;**
- (2) to approve, in respect of the movement of resources between budgets and/or portfolios, the movement in resources as set out in Paragraph 2.18 and Appendix D to the report;**
- (3) to endorse the Council's commitment to delivering services within its approved budget for 2021/22 and to take all reasonable measures to do so whilst meeting its statutory obligations.**

- **Reasons for the decision**

To enable formal monitoring of progress against the 2021/22 budget, the impact of actual and planned management actions to address the adverse variance to budget, and to reaffirm the Council's commitment to delivering services within budget. The approval of budget virements is required by corporate financial procedures.

- **Other options considered**

To do nothing: this option was rejected, as the Council is required to ensure that, at the corporate level, expenditure and income are kept within approved budget levels.

57 Corporate Risk and Assurance Register

This item does not contain any decisions that are eligible for call-in.

The Portfolio Holder for Energy, Environment and Waste Services presented a report on the top corporate risks to the Council, including the cross-cutting risks and risks escalated from Directorates. The following points were discussed:

- (a) the Council is ensuring that the awareness of corporate risks is raised across the whole organisation. These risks must be responded to and managed proactively, and risks must be faced knowingly, for the benefit of service users and Council Tax payers. A risk appetite statement is being developed across the Council to help decision-makers at all levels take risks that are appropriate;
- (b) the Register will be brought to the Board for review every six months, and Portfolio Holders must be aware of and discuss risks with officers. A Risk and Assurance Working Group is in place and there will be ongoing training in risk management for councillors, including Portfolio Holders and members of the Audit Committee;
- (c) there is a strong ownership of and engagement with the Register from senior officers and Portfolio Holders, though there is still a great deal of work to be done in this area. However, good progress is being made in the improvement journey to ensure the visible assessment and management of risk, which is often changing and dynamic.

The Board noted the report.

58 Exclusion of the Public

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

59 Corporate Risk and Assurance Register - Exempt Appendices

This item does not contain any decisions that are eligible for call-in.

The Portfolio Holder for Energy, Environment and Waste Services presented the Exempt Appendices to the report on the top corporate risks to the Council, including the cross-cutting risks and risks escalated from Directorates.

The Board noted the Exempt Appendices to the report.