

Nottingham City Council Executive Board

Minutes of the meeting held in the Ground Floor Committee Room, Loxley House, Station Street, Nottingham, NG2 3NG on Tuesday 24 May 2022 from 2:01pm to 2:23pm

Membership

Present

Councillor David Mellen (Chair)
Councillor Cheryl Barnard (items 1-3, 5-10)
Councillor Neghat Khan
Councillor Pavlos Kotsonis
Councillor Toby Neal
Councillor Linda Woodings

Absent

Councillor Rebecca Langton
Councillor Sally Longford
Councillor Adele Williams
Councillor Audra Wynter

Colleagues, partners and others in attendance:

Councillor Andrew Rule

Mel Barrett	-	Chief Executive
Clive Heaphy	-	Interim Corporate Director for Finance and Resources
Frank Jordan	-	Corporate Director for Resident Services
Adrian Mann	-	Governance Officer
Sajeeda Rose	-	Corporate Director for Growth and City Development

Call-in

Unless stated otherwise, all decisions made by the Executive Board are subject to call-in. The last date for call-in is **Monday 6 June 2022**. Decisions cannot be implemented until the next working day following this date.

1 Apologies for Absence

Councillor Kevin Clarke	-	electronic calendar invitation not received due to administrative error
Councillor Rebecca Langton	-	maternity leave
Councillor Sally Longford	-	unwell
Councillor Adele Williams	-	unwell
Councillor Audra Wynter	-	unwell
Malcolm Townroe	-	Director of Legal and Governance

2 Declarations of Interests

Councillor Cheryl Barnard declared a Disclosable Pecuniary Interest in agenda item 4 because she is a private landlord within the city. She left the meeting prior to the discussion of and voting on this item.

In the interests of transparency in relation to agenda item 4, Councillor Neghat Khan stated that she has a family member who is a private landlord within the city.

3 Minutes

The Chair noted that due to some changes in the membership of the Executive for the new municipal year and to a number of illnesses, only two members at the current meeting (Councillor David Mellen and Councillor Neghat Khan) had also attended the previous meeting of the Board. The Board confirmed the minutes of the meeting held on 28 April 2022 as a correct record and they were signed by the Chair, subject to clarification by the Chair with members Councillor Sally Longford and Councillor Adele Williams (who were present at the previous meeting, but were unable to attend the current meeting due to illness) that they had no proposed amendments.

4 Proposal for a Scheme of Selective Licensing for Private Rented Houses

Councillor Cheryl Barnard declared a Disclosable Pecuniary Interest in agenda item 4 because she is a private landlord within the city. She left the meeting prior to the discussion of and voting on this item.

In the interests of transparency in relation to agenda item 4, Councillor Neghat Khan stated that she has a family member who is a private landlord within the city.

The Portfolio Holder for Housing and Human Resources presented a report on proposals for a second scheme of Selective Licensing for privately rented homes in the city. The following points were discussed:

- (a) Nottingham's level of privately rented housing stock is estimated at around 45,500 properties, including 6228 Houses of Multiple Occupation. The current Selective Licensing scheme began in 2018 and runs until 2023, and was introduced to ensure the more effective regulation of the private rented sector. As part of the scheme, positive work has been carried out with landlords to increase the standard of rented accommodation, with significant improvements being made to building quality, safety and energy efficiency;
- (b) the Coronavirus pandemic did have a significant impact on the compliance and enforcement activity that it was possible to undertake as part of the scheme, so there is still more work to be done in growing the quality of the city's stock of private rented accommodation. The current period of housing shortage has also contributed to some tenants being unwilling to report problems with a property to their landlord, as they are nervous that the landlord could then serve a Section 21 notice to evict them;
- (c) ultimately, it is considered that the current Selective Licensing scheme has helped to protect tenants' rights and improve the quality of the city's private rented housing stock, as well as bringing about other wider community benefits such as reducing anti-social behaviour and addressing waste management issues. As such, it is proposed that a new Selective Licensing scheme should be implemented from 2023. The legislative context does not allow for the simple extension of an existing scheme, so the full range of evidence must be compiled and presented to support the need for a second scheme. A statutory consultation period is now required as part of the drafting process, the results of which will be reported back to the Board to inform a decision on the ultimate proposals.

Resolved:

- (1) to approve, in principal, the establishment of a second Scheme of Selective Licensing for the city;**
- (2) to approve the Proposal Report (as set out in Appendix 1 to the report) and the draft Designation (Appendix 2 to the report) for consultation in accordance with the statutory requirements and associated national guidance;**
- (3) to receive and consider a future report detailing the results of the consultation, to determine whether a new Scheme and Designation should be made and submitted to the Secretary of State for Levelling Up, Housing and Communities for approval.**

- **Reasons for the decision**

Selective Licensing is a power available to Local Authorities to tackle problems in privately rented housing. The Council has been delivering a scheme of Selective Licensing since August 2018, which will end in July 2023. The evidence gathered supports the introduction of a second scheme to build upon the first by continuing to deliver the benefits that are being seen in the city's private rented sector. The operation of Selective Licensing relies solely on the fee income generated from the scheme and, therefore, has a minimal impact on the Council's annual budget.

- **Other options considered**

To not introduce a second Selective Licensing Scheme: before adopting a scheme of Selective Licensing, Local Authorities are required to consider whether there are any other courses of action available to them that might provide an effective method of addressing any problems identified in the private rented sector. The Council has operated a range of schemes and initiatives to improve the conditions and management of privately rented properties for a number of years. These initiatives, and work with other partners, have ensured ongoing engagement with landlords. However, problems still exist with some landlords and properties, and it is considered that these can be addressed appropriately through continuing to use Selective Licensing powers, alongside the other existing initiatives and legislative provision. For these reasons, this option is rejected.

5 Extension to the Property Acquisitions Budget

The Portfolio Holder for Housing and Human Resources presented a report on a proposed extension to the Property Acquisitions (Housing) Programme Budget. The following points were discussed:

- (a) there is an outstanding forecast expenditure of £828,000 to bring properties acquired as part of the Housing Programme into use for letting, or for works to be paid. Works have been completed at 25 properties with works payment outstanding, and a further 48 properties are awaiting the approval of funds before works proceed. The primary objective is to bring as many of these empty

properties up to standard and into circulation for letting as soon as possible to reduce the pressure on the home waiting list, homelessness and the associated temporary accommodation budgets, and Council Tax costs;

- (b) as such, a total budget extension of £938,247 is requested, to include 5% price inflation on the works costs as they move into the new financial year, and a further 8% contingency to be comprised of Housing Revenue Account capital.

Resolved:

(1) to approve an additional £938,247 in budget for the Property Acquisitions (Housing) Programme to meet the cost of required works;

(2) to approve the use of Housing Revenue Account capital for this budget extension.

- **Reasons for the decision**

The empty properties remain viable overall in so far as they do not generate an in-year deficit as a result of the revised works costs, and/or there is specific requirement for certain properties whereby a small deficit can be accommodated by the overall surplus of the new acquisitions. The properties awaiting works currently will make a critical contribution to meeting the local housing needs, and for both general needs and those of homeless households, so easing temporary accommodation spend. In the current market context, the Council would be unlikely to be able to acquire similar properties for the same value for money, even with the increased costs of works, in the future.

- **Other options considered**

To sell some or all of the properties: this option is discounted for reasons of present value for money that could not be replicated in the future, and the current pressures on general housing needs and the homelessness accommodation supply.

6 Implementation of Safety Improvements to Council Properties

The Portfolio Holder for Housing and Human Resources presented a report on the installation of carbon monoxide detectors for the Housing Revenue Account (HRA) housing stock. The following points were discussed:

- (a) since the Grenfell disaster, a great deal of work has been carried out nationally relating to improving building safety and ensuring the safety of tenants. The Government consultation on domestic smoke detection and carbon monoxide alarms was concluded and published in November 2021 and, following this consultation, new legislation is due to come into force in the autumn of 2022;
- (b) the installation of carbon monoxide detectors in any room with a fixed combustion appliance for all properties in the HRA stock will be carried out by Nottingham City Homes, which has shown a high level of performance in ensuring that the appropriate regular gas and electrical safety checks are carried out for Council

tenants. Ultimately, it is important that this vital safety work is carried out as rapidly as possible.

Resolved:

- (1) to approve the expenditure of the £896,784 associated with the implementation of the new legislation via the Housing Revenue Account (HRA) Capital Programme;**
- (2) to authorise Nottingham City Homes (NCH) to act as the Council's agent and manage the installation of these alarms on the Council's behalf;**
- (3) to note in relation to the recent Section 114 Notice relating to management controls between the Council and NCH that, although this report involves a new allocation of funding within the HRA programme, the proposed expenditure is in relation to existing functions of NCH to carry out the management and maintenance of properties and ensure compliance with statutory requirements for housing standards on behalf of the Council.**

- **Reasons for the decision**

The Council is required to be compliant with the new legislation regarding domestic smoke detection and carbon monoxide alarms, which will come into force in the autumn of 2022. The funding for the works has been identified already within the HRA budget. The works are an extension of existing duties and do not involve entering into new agreements between the Council and NCH, and represent a legitimate and statutory required use of HRA funds, as approved by the Deputy Section 151 Officer.

- **Other options considered**

To do nothing: the Council would not be complying with a legal requirement if these works were not completed, so this option is rejected.

7 Nottingham Central Library

The Portfolio Holder for Strategic Regeneration and Communications presented a report on the commencement of the fit-out of the replacement Nottingham Central Library. The following points were discussed:

- (a) the consultation process undertaken revealed a significant need for a replacement Central Library, and a strong desire for the new facility to be opened as soon as possible. The commencement of the fit-out has started later than desired. Nevertheless, all of the capital funding element required to establish the proper infrastructure for the Library has now been generated within the Capital Programme, and it should be possible for it to open next year;
- (b) once the final capital receipt for the sale of the former Central Library building on Angel Row has been secured, this will also be used for the funding of the new Library. It is vital that the work begins as soon as possible because there is a risk of construction costs rising if the project is delayed further, and of coordination

being lost with the other significant development projects taking place in the same part of the city.

Resolved:

- (1) to approve the commencement of the fit-out works for the new Nottingham Central Library project;**
- (2) to approve the funding for the fit-out works from the agreed capital programme;**
- (3) to delegate authority to the Corporate Director for Resident Services to enter into a contract to deliver the fit-out works, and to procure any specific purchases required in relation to the fit-out in accordance with the Council's Contract Procedure Rules.**

- **Reasons for the decision**

The fit-out of the replacement Nottingham Central Library is a key foundation stone for the broader regeneration and activation of the Broadmarsh development. The Central Library will also act as a significant draw and destination building for one of the largest regeneration schemes taking place in the city.

- **Other options considered**

To not provide a Central Library service: this would reduce development costs, but the Council would be open to judicial challenge as to whether it was fulfilling its statutory responsibility for providing a comprehensive Library Service. The Libraries Needs Assessment, currently out for consultation, clearly showed a high usage of the Central Library as part of the city's overall library provision. Its role demonstrated that it was an essential part of the development of the Service and a key holder of collections and resources that help support the Neighbourhood and Community Library offer. Removal of the Central Library provision would break the agreed working protocol between the Nottingham City and Nottinghamshire County Councils. This agreement shares responsibility for provision of the City and County Archives and a Central Library Service provision for Nottingham and Nottinghamshire. For these reasons, this option is rejected.

To refurbish the existing Angel Row site: the current condition of Angel Row is poor. In light of its failing drainage and mechanical, electrical and asbestos issues, the cost of refurbishment would be on par with the replacement costs for a Library at the Broadmarsh complex. A sale has been agreed for the site that will make a significant capital receipt towards the capital programme. If the existing site is retained for the Central Library, the capital receipt would not be available and the regeneration opportunity for the development of the Angel Row site and the surrounding area would be lost. For these reasons, this option is rejected.

To reduce and further sub-divide the current Library space designated within the Broadmarsh complex in order to reduce development costs: the space allocated within the Broadmarsh complex has been designed specifically for the replacement Central Library, including (but not limited to) structural loadings, lift location and key

mechanical and electrical infrastructure. Sub-dividing the space would be very difficult and costly to undertake at this point, now that the building has been built and modified for the replacement Library. Making the Library smaller would compromise the collections and material that the Central Library is expected to hold and would give rise to an ongoing need for further off-site storage. This off site storage would need to be managed and run to help support book stock and other specialist material required. For these reasons, this option is rejected.

To convert Loxley House and incorporate the Central Library within this building: the design and floor loadings of Loxley House do not lend themselves to an easy conversion to accommodate the replacement Central Library. Detailed designs, structural loading calculations, acoustic management and mechanical and electrical studies would need to be commissioned to determine its viability and provide an understanding of potential costs. This work would conflict with letting and partnering agreements currently ongoing and being pursued with Loxley House by the Council. This work would also further delay the opening of Central Library to the public by at least one year. For these reasons, this option is rejected.

8 Future Meeting Dates

Resolved to meet on the following dates:

- **Tuesday 21 June 2022 at 2:00pm**
- **Tuesday 19 July 2022 at 2:00pm**
- **Tuesday 20 September 2022 at 2:00pm**
- **Tuesday 18 October 2022 at 2:00pm**
- **Tuesday 22 November 2022 at 2:00pm**
- **Tuesday 20 December 2022 at 2:00pm**
- **Tuesday 17 January 2023 at 2:00pm**
- **Tuesday 21 February 2023 at 2:00pm**
- **Tuesday 21 March 2023 at 2:00pm**
- **Tuesday 18 April 2023 at 2:00pm**

9 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, Paragraphs 3 and 5, on the basis that, having regard to all the circumstances, the public interest in maintaining an exemption outweighs the public interest in disclosing the information.

10 Nottingham Central Library - Exempt Appendices

The Portfolio Holder for Strategic Regeneration and Communications presented the exempt appendices to the report on the commencement of the fit-out of the replacement Nottingham Central Library.

The Board noted the exempt appendices to the report.