

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 8 February 2023 from 2.01 pm - 3.40 pm

Membership

Present

Councillor Samuel Gardiner (Chair)
Councillor Georgia Power (Vice Chair)
Councillor Patience Uloma Ifediora
Councillor Gul Nawaz Khan
Councillor Sajid Mohammed
Councillor Anne Peach
Councillor Angharad Roberts
Councillor Andrew Rule

Absent

Councillor Carole McCulloch
Councillor Merlita Bryan
Councillor Corall Jenkins
Councillor Jane Lakey

Colleagues, partners and others in attendance:

Wayne Bexton	- Director of Carbon Reduction, Energy and Sustainability
Richard Bines	- Solicitor
Beth Brown	- Head of Legal and Governance
Mike Carey	- Governance Officer
Antony Greener	- Head of District Heating and Waste Strategy
Alvin Henry	- Head of Waste Services
Mary Lester	- Director of Resident Services
Councillor Sally Longford	- Portfolio Holder for Energy, Environment and Waste Services
Councillor David Mellen	- Leader of the Council
Craig Stanley	- Councillor Support Manager

57 Apologies for absence

Councillor Corall Jenkins – other business
Councillor Jane Lakey – personal reasons
Councillor Carole McCulloch

58 Declarations of interests

None.

59 Minutes

The minutes of the meeting held on 4 January 2023 were confirmed as a correct record and were signed by the Chair.

60 Together for Nottingham Plan - Progress update by the Leader

Councillor David Mellen, Leader of the Council, delivered a presentation regarding progress made on the priorities in the Together for Nottingham (TfN) Plan, highlighting the following points:

- (a) the TfN plan was first published in January 2022, as a refresh of the Recovery and Improvement Plan of January 2021, and updated in October 2022. It sought to provide assurance to the Government that the Council's response to the Non-Statutory Review (NSR) was positive and being undertaken at pace;
- (b) the TfN is structured around a number of themes, based on issues that have been raised about the Council's performance. These themes are:
 - i. Medium Term Financial Strategy (MTFS);
 - ii. Asset Management;
 - iii. Companies;
 - iv. Capital Programme;
 - v. Constitution;
 - vi. Organisation and Culture;
 - vii. Service Design and Delivery;
 - viii. Council Plan;
- (c) the Council has been working closely with the Improvement and Assurance Board (IAB) appointed by the Government and chaired by Sir Tony Redmond. In September 2022, non-statutory intervention was escalated to statutory intervention giving the IAB powers of direction. The IAB issued 67 requirements, aiming to secure clear evidence that the Council was delivering the recovery and improvement plan at pace;
- (d) since 2021 significant progress has been made and many of the actions in the TfN have been delivered. This was acknowledged in the IAB's report to the Government for 2 February 2023;
- (e) on 2 February 2023, Lee Rowley MP, Parliamentary Under-Secretary of State for Local Government and Building Safety, wrote to the IAB noting the 'step up in progress'. The letter announced that the current arrangements would continue, with an IAB holding powers of direction, rather than be escalated to the appointment of Commissioners;
- (f) it is encouraging that the 'more serious sense of purpose' at the Council has been acknowledged in the IAB's report and by the Government, but there is still much to be done to bring the Council up to the standards aspired to;
- (g) the IAB's report highlighted ongoing financial concerns and the need to deliver the Financial Improvement Programme as a key task. In 2021/22, a predicted overspend was actually a significant underspend. There were many reasons for this, but it could have been anticipated and planned for. Accurate financial

forecasting is something the Council still needs to get right, so extra resource is being provided to improve finance;

- (h) for 2022/23 the Council is predicted to overspend, due to the effects of the above-expected pay increase for staff and cost inflation, particularly on fuel prices due to the situation in Ukraine, which are affecting local authorities across the country;
- (i) the IAB report highlights the need to fill key finance posts with permanent staff. The Council has recently appointed a permanent S151 Officer, and there are interviews this week for a permanent Deputy Section 151 Officer. Interim staff have been crucial, but it will be useful for the leadership of the Council to have permanent staff in place;
- (j) there will be an opportunity for Councillors to hear from the Chair of the IAB and to put questions directly to him on 9 February 2023.

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

- (k) the letter from Lee Rowley MP to the IAB states that the option to use further powers under the Local Government Act 1999 remains open, including the power to appoint Commissioners. This will depend on the continued progress made by the Council, as reported to Government by the IAB;
- (l) the Government has shown it was willing to appoint Commissioners in the cases of Liverpool City Council and Slough Borough Council recently. Nottingham has so far avoided the potential appointment of Commissioners twice due to improvements that have been made, and the Council is determined to do what is necessary to return to normal business without Commissioners or oversight of the IAB;
- (m) the latest IAB report contains a passage stating concerns that 'pressure is sometimes brought to bear, directly or indirectly, so that decisions are delayed, deferred, or resisted'. The report does not give specific examples of this practice, but the forthcoming meeting with the IAB Chair on 9 February 2023 will be an opportunity for councillors to ask for clarification on the content of the Board's report;
- (n) the vast majority of the time, officer-member relations are harmonious, but sometimes political priorities and enthusiasms can make it difficult for officers to challenge members and provoke a greater appreciation of risk. It is important to see political priorities enacted in a way that is appropriate in the current context, with limited budgets, an in-year overspend and rising interest rates placing limits on the Council's capital and transformation programme;
- (o) it is important to be clear that the Council is under new leadership, and that is reflected in the decision made by the Government not to appoint Commissioners

at this time. The Council aims to make further progress in coming months in a number of key areas:

- i. improving finance functions to make it more reliable, envisioning finance as a crucial central service such as HR and IT;
 - ii. in progressing its transformation programme to provide savings as well as improved services, as the four-year Mid-Term Financial Plan (MTFP) relies on savings from transformation;
 - iii. work to be done around some of the Council's companies;
 - iv. improvements in performance management of officers;
 - v. taking the Strategic Council Plan to Full Council on 6 March 2023, which ties together current plans and provides a staging post;
- (p) the situation is not going to become easy, it will still be a challenge requiring brave decisions and commitment to continue with the Council's improvement journey. Other local authorities are also struggling in the current context, with a number of Councils having to raise Council Tax by up to 15% recently. It is crucial for Nottingham to listen to the expertise of the IAB and take their advice as well as their requirements seriously;
- (q) it is positive that democratic control remains with the elected representatives of the people of Nottingham. It is yet to be seen how the IAB may use its powers of direction, which the letter from Government says can be used 'expediently and decisively'. The only use of those powers so far has been to issue the list of 67 requirements in September, and the Leader will be asking for feedback on these;
- (r) it is not currently clear how long the IAB will be in place. It was first appointed for three years in early 2021, and it was reaffirmed in October 2022 for two years, but this may change. The IAB and the Council are in agreement that it cannot continue indefinitely;
- (s) the IAB report states that one of the factors affecting recruitment and retention to improve key services such as finance is with a pay policy that is 'not fit for purpose'. The Appointment and Conditions of Service (ACOS) Committee approved a new Pay Policy Statement 2023/24 on 7 February 2023. The Council is looking at a number of changes to pay policy to assist with recruitment and retention;
- (t) the IAB report criticised the use of interim staff. The Council is working in a context in which it cannot increase pay as much as it would like. There was an average 7% pay increase, at a flat rate so those lower in the pay scale got a proportionately larger percentage, and the Council aims to provide good working conditions, but it can still be difficult to recruit in the current context.

Resolved to note the update from the Leader on the Together for Nottingham Plan.

61 Municipal Resources and Waste Strategy

Following an introduction by Councillor Sally Longford, Deputy Leader and Portfolio Holder for Energy, Environment and Waste Services, Wayne Bexton, Director of Carbon Reduction, Energy and Sustainability, Antony Greener, Head of District Heating and Waste Strategy, Alvin Henry, Head of Waste Services, and Mary Lester, Director of Resident Services delivered the presentation on the results of the public consultation for the draft Municipal Resources and Waste Strategy 2022-2050. The following points were made:

- (a) the changing local and national context around waste management requires a response from the Council. 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 in the Environment Act 2021. In addition to these national requirements, Nottingham aims to achieve carbon neutrality by 2028, and waste management and disposal can make a considerable contribution to this;
- (b) the new national requirements include greater uniformity of waste collection to help the public manage waste better; that all councils must provide a food waste collection service by 2026; a national target to recycle 65% of waste by 2035 (in Nottingham currently 24/5% of waste is recycled); for less than 10% of waste to be put into landfill by 2035 (in Nottingham, due to the Eastcroft incinerator, approximately 8% of waste goes to landfill); that all avoidable plastic waste should be eliminated by 2042; and that by 2050 there should be a 'zero-waste society';
- (c) the draft Resources and Waste Strategy will set out the policy framework, objectives, and plans for delivery to achieve these goals, updating the Strategy published in 2010. A public consultation was undertaken between 19 October 2022 and 14 December 2022, including 12 closed questions, ten questions for open comment, and 20 demographic questions;
- (d) the consultation made use of all the communications available to the Council, including the website, posters and leaflets, communications by the Leader, social media, emails to subscribers, and the Nottingham Arrow. It was available on the Engage Hub and in libraries across the City. There were numerous face-to-face sessions, and interested groups, such as the Clean Champions, the universities, and other special interest groups, were directly contacted. As a result, the consultation received 3646 responses, against a prediction of 1000;
- (e) the vast majority of respondents were between the ages of 35 and 65; there was a very low response from citizens under 24. Twice as many females responded as males, which is not reflective of the census data. BAME communities were also underrepresented compared to the census data. There was very little response from residents in HMOs or flats, and responses were uneven across different

wards in the City, with a high number of responses from NG8 and NG5, and a low number from NG1 and NG9;

- (f) in relation to the questions about food waste, 72% of respondents felt there would be no barriers to participation. Of those that did suggest concerns, the main issues were about pests, nuisance, and hygiene;
- (g) in relation to recycling, the survey tested two alternative collection regimes, a fortnightly twin-stream option, with paper and card collected separately from the mingled recycling bin, and a weekly multi-stream option. The survey found a fairly even split between the two options, with no clear correlation between the type of housing and preference for either stream;
- (h) national data suggests that areas with more restricted general waste tend to have better recycling outcomes. Around two-thirds of respondents said they would be able to cope with a smaller residual waste bin. There was no discernible difference between types of housing. There is a clear correlation between the number of people in a household and their confidence in having a smaller general waste bin, but even with five people, 50% still felt they could cope;
- (i) 72% of respondents agree with the objectives and ambitions set out in the draft strategy;
- (j) the draft strategy will be presented to Executive Board on 21 March 2023. The team are hoping to broaden consultation to look at fly-tipping and litter, and look into how to further engage and educate citizens, particularly among groups underrepresented in the survey.

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

- (k) the Committee congratulated the team on the high response rate for the consultation, noting that it attracted more responses than the Broadmarsh consultation;
- (l) analysis of the data produced through the consultation has not been fully completed, so it has not been possible to finalise the draft strategy yet. When finalised, the strategy will set the Council's objectives and the framework within which specific delivery plans will be developed and implemented, taking account of further learning about the specific needs of particular areas and groups;
- (m) the low response rate from young people, BAME communities, and residents of flats and HMOs is a concern. The team undertook targeted work with the universities and multi-faith groups to try to improve response rates, and attended the Landlord's Forum to promote the consultation among landlords and their networks as part of the measures to reach renters, but further work is needed to ensure plans are appropriate for citizens in those groups;

- (n) the team attended the Disability Awareness Group as part of the consultation. It is important to look at the responses from disabled citizens, and make sure changes are implemented in an appropriate way, taking account of how service plans may need to adapt for different kinds of disabilities. Specific data about responses from disabled citizens was not included in the presentation, but this data is available and will be shared with the Committee;
- (o) education and communication will be a crucial part of the implementation of any new strategy. There remains a lot of confusion about what can be recycled in the current scheme, and there are parts of the City that have issues with waste, where residents will need special help to understand the new system. There are plans for a trial of food waste collections in some areas beginning in March, which will provide an opportunity to test this. There is a leaflet prepared in multiple language, and the team will trial different methods of communication, including knocking on doors when the caddies are delivered;
- (p) some of the data on the distribution of responses needs to be checked. The low level of recorded responses from NG11 is surprising, given discussions about the consultation on local community group social media pages. Hyson Green and Arboretum are recorded as being NG8 instead of NG7, and Clifton is recorded as being NG1 and NG9 instead of NG11;
- (q) the different rates of response from different areas means further work will need to be done to make sure the results are representative of the City as a whole. The team hope to continue to build on the consultation with further engagement as plans start to be put into place at a ward level;
- (r) due to data protection concerns, respondents were only asked for the first part of the postcode. This can elide differences between areas that come under the same postcode, such as in NG5 which covers both Sherwood and Top Valley. Further consultation might utilise a drop-down option or find other means to specify the particular area without the data protection concerns from recording a full postcode;
- (s) the Environment Act 2021 requirements, to introduce food waste collection and standardise recycling collections, apply to commercial waste management operators such as Enva and Biffa as much as to local authorities;
- (t) the team are studying Oxford, where there is a high percentage of flats and good recycling outcomes. Officers met Savills on 08 February 2023 to look at plans for the Victoria Centre flats. Progress on waste management has already been made in flats across the City, with refurbished bins provided for free, adapted inspection regimes, and the phasing out of 140,000 orange plastic bags over the last two years;
- (u) some management agents have been critical of the plans as they would have to provide receptacles for recycling. Others have responded more positively. The consultation did not involve a specific drive towards management agents, but engagement with them will be key as the team develop plans for specific areas.

The waste management team have been meeting with Nottingham City Homes on a regular basis, and it would be useful to have their feedback recorded as an official response;

- (v) the Council started a food waste collection scheme in 2007, but it was removed in response to budget pressures. It had been positively received by lots of citizens, so it is a positive that this is now in legislation and has to be introduced by 2026;
- (w) with the results showing twin-stream and multi-stream recycling regimes broadly equal in popularity, both options may be implemented in different areas. Work is underway to firm up the business case, and make sure that bespoke recycling regimes are consistent with the Medium-Term Financial Plan (MFTP);
- (x) there may be financial support available to local authorities from Government to enable requirements to be delivered. East Midlands devolution may open up opportunities for partnerships providing economies of scale;
- (y) a high-level Citywide financial analysis of the twin-stream and multi-stream recycling options was undertaken as part of the Options Appraisal, and the difference in cost was not huge. It may not necessarily be more expensive to run two different systems. Multi-stream improves the quality of recyclable material collected, and their value in the market may offset collection costs. Prices can be volatile however, following global markets, so an element of risk does sit with local authorities. This analysis will be refined as the action plan is developed;
- (z) it will be crucial to design the action plan around what works locally for Nottingham, in a cost-effective way, and around what resources are available locally, tied to a strong plan of engagement and education;
- (aa) residents would not be able to pick between the two different recycling options on a house-by-house basis. The hypothesis had been that housing type would correlate with preference for different streams, but that was not supported by the consultation, so that will have to be rethought;
- (bb) it is important to recognise that in many areas, Nottingham residents can be transient. If there is too much variation in collection regimes it may be confusing for residents moving within the City, as is the case when residents move across the borders between local authorities currently, and if data is collected at a very localised level it may be quickly outdated as residents change;
- (cc) the poor response rate from younger people is disappointing. The Council is developing a student strategy to tackle noise and problems with waste management. Students may not necessarily be interested in a long-term strategy in Nottingham specifically as they may not live in the City after their studies have finished. Framing the questions around the climate and environmental impact may be one way to engage younger people;

(dd) the strategy could be delayed to allow time for more consultation with underrepresented groups, and presented at the Executive Board in September instead of March. However, the Improvement and Assurance Board expect the Council to work at pace, and it was agreed that a delay would have more disadvantages than advantages:

- i. the team need to develop business cases for implementation, which will feed into the MTFP process starting around June/July;
- ii. time is critical as the Council has three years to become compliant and adapt 120,000 properties to the requirements of the new legislation;
- iii. a delay may cause momentum to be lost in terms of engagement, as citizens will be expecting news about further plans after the consultation;
- iv. after 2030 the Council will need a new contract for the disposal of residual waste, and the strategy will need to be in place to work on that.

(ee) a cohesive, nation-wide system of waste management would be positive, and reduce confusion caused by having different recycling policies in different areas. This has not so far been taken up by Government, so it is difficult to have cohesive plans beyond more than one authority. East Midlands devolution may allow for consistency of collection regimes across a much larger geography.

Resolved to recommend to the Portfolio Holder for Energy, Environment and Waste Services:

- 1) Circulate data for NG11 to Committee members;**
- 2) Circulate data from citizens with disabilities to Committee members;**
- 3) Request that the accuracy of the distribution data is checked, and for analysis to be undertaken to clarify the validity of uneven data informing a City-wide strategy;**
- 4) To place emphasis on the education of residents around the proposals, as a crucial element in the success of the strategy;**
- 5) Circulate feedback from Nottingham City Homes in terms of the how the proposed strategy impacts estate management;**
- 6) To investigate how more granular data can be collected in any further consultation, rather than just the first part of the postcode.**

The Committee considered the Budget Consultation responses from the Overview and Scrutiny Committee held on 4 January 2023, the Health and Adult Social Care Scrutiny Committee held on 12 January 2023, and the Children and Young People Scrutiny Committee held on 26 January 2023, which have been compiled into one report for submission to Executive Board.

Resolved to note the report compiling the Scrutiny response to the Budget Consultation for submission to Executive Board.

63 Recommendation Tracker

Noted.

64 Work Programme

8 March 2023 will be the last meeting of the Overview and Scrutiny Committee this term as there will not be a meeting in April.

The following items will be discussed:

- (a) Nottingham's Carbon Neutral Policy;
- (b) Scrutiny Action Plan Update;
- (c) Future Scrutiny Arrangements;
- (d) Work Programme 2023-24 Development;
- (e) Recommendation Tracker.