

Nottingham City Council

Executive Board

Minutes of the meeting held at Loxley House, Nottingham on 20 June 2023 from 2.00 pm - 2.29 pm

Membership

Present

Councillor David Mellen (Chair)
Councillor Audra Wynter (Vice Chair)
Councillor Cheryl Barnard
Councillor Jay Hayes
Councillor Corall Jenkins
Councillor Angela Kandola
Councillor Pavlos Kotsonis
Councillor Sajid Mohammed
Councillor Linda Woodings

Absent

Councillor Steve Battlemuch

Councillor Kevin Clark

Colleagues, partners and others in attendance:

Mel Barrett	- Chief Executive
Shabana Kausar	- Director of Finance
Nick Lee	- Director of Education Services
Angie Lillistone	- Head of Carbon Reduction Projects and Policy
Ita O'Donovan	- Interim Corporate Director for Communities, Environment and Resident Services
Sajeeda Rose	- Corporate Director for Growth and City Development
Phil Wye	- Governance Officer

Call-in

Unless stated otherwise, all decisions are subject to call-in. The last date for call-in is 28 June 2023. Decisions cannot be implemented until the working day after this date.

9 Apologies for Absence

Councillor Steve Battlemuch – leave
Ross Brown
Malcolm Townroe

10 Minute's silence

A minute's silence was held in remembrance of Barnaby Webber, Grace O'Malley Kumar and Ian Coates who tragically died in Nottingham on 13 June 2023

11 Declarations of Interests

In relation to agenda item 8 (SEND capital programme schemes), in the interests of transparency Councillor Linda Woodings stated that Whitemoor Academy is in her ward.

12 Minutes

The Board confirmed the minutes of the meeting held on 23 May 2023 as a correct record and they were signed by the Chair.

13 Funding for active travel infrastructure

The Portfolio Holder for Highways, Transport and Planning presented the report seeking approval to accept and utilise two external funding streams that have been awarded to the Council for the delivery of specified walking and cycling infrastructure. The following points were made in discussion:

- (a) these schemes will contribute to the Council's ambitions to be carbon neutral by 2028;
- (b) encouraging more safe cycling will contribute towards one of the ambitions of the Council's Health and Wellbeing Plan, which is Eating and Moving for Good Health;
- (c) further programmes are planned to encourage communities to have the confidence to use this new infrastructure, as well as existing cycling infrastructure.

Resolved to

- (1) accept the Active Travel Fund grant allocation of £1,762,288 from the Department of Transport to deliver a segregated cycling corridor and associated pedestrian improvements along Porchester Road, using in-house highways resources and existing approved highway frameworks. Any changes to the scheme to be delegated to the Director of Planning and Transport in compliance with the Department of Transport's change management process;**
- (2) agree the release of £1,001,067.59 of funding from the Island Site S106 into the Transforming Cities Fund programme as a contribution towards delivery of the east-west cycle corridor.**

Reasons for decision:

- Delivering high quality sustainable green transport will support Nottingham to become a resilient city and contribute towards improving the quality of the city's built environment. By improving the liveability of our local neighbourhoods, city centre and through creating healthier streets, that are co-designed with our communities all our residents will benefit from a smarter, cleaner, better connected, and forward looking transport system. All designed to make Nottingham a better place to live, work, play and invest. Investment in sustainable and active transport infrastructure will also contribute towards the city councils

ambitions towards becoming carbon neutral by 2028.

- The Council has strong record for delivering transport schemes to a high design standard, it has meant Nottingham is ranked by Active Travel England as one of the leading authorities in the country for walking and cycling, being one of only 5 areas that has been ranked above all others for its ability and ambition to deliver sustainable transport schemes.
- Funding for Active Travel is a priority for the Department for Transport (DfT) which has led to the creation of Active Travel England as a specific organisation to work with Local Authorities on design, delivery and funding bids/allocations.
- The perceived risk of cycling is frequently reported as one of the main barriers to people cycling and is a particularly significant barrier to encouraging children to cycle. Providing segregated off-road cycle facilities is one of the best ways to remove this barrier and encourage more people of all ages to cycle. Both schemes form part of Nottingham's network of segregated cycle routes, making the city a more accessible and child-friendly place. The Porchester Road scheme will provide an off-road connection to Hogarth Primary School, whilst the London Road / Station Street crossing improvements will form part of segregated cycle routes into and through the city centre, providing off-road connections to a range of destinations, as well as to key transport interchanges.
- This report seeks to accept funding to continue investment to improve the city's walking and cycling infrastructure.

Resolution 1:

- £1,762,288 has been secured from a successful bid to the DfT's Active Travel Fund (ATF). This will be the fourth successive year the Council has secured monies from the fund.
- The ATF and working with Active Travel England is key to Nottingham maintaining its status as a leading Authority for walking and cycling and ensuring investment for transport continues to be directed to Nottingham.
- By accepting the funding the Council will continue to work with the DfT and ATE to secure future funding settlements for cycling and walking infrastructure.
- The scheme forms part of Nottingham's strategic cycle network that has been identified as requiring investment to bring it up to the cycle design standards outlined within the Government's Local Transport Note LTN1/20.
- If any changes to the scheme scope are needed, the Council is required to update the DfT/ATE through an agreed change management process. This will initially be agreed through the Director for Planning and Transport.
- The scheme will be delivered using in-house highways resources and approved highways frameworks.

Resolution 2:

- £1,001,067.59 has been secured through a S106 agreement for the purpose of providing enhanced pedestrian and cycle links between the Island Quarter, the city centre and wider highway network. In total the investment in this element of the programme including Transforming Cities Fund (TCF) will be £5.5 million.
- In undertaking the works it releases TCF monies to ensure the full cross city centre cycle programme is delivered to the required standards.
- The scheme forms part of Nottingham's strategic cycle network and is a key part of an east-west cross city cycle corridor. This investment will bring it up to standards outlined within the Government's Local Transport Note LTN1/20.
- The scheme will be delivered using in-house resources and approved frameworks.
- All costs associated with the delivery of the scheme will be contained within the existing approved TCF programme in addition to the £1,001,067.59 allocation.

Other options considered:

- Not to accept funding DfT/ATE funding: The Council was offered an opportunity to bid for funding and has worked with the DfT/ATE to agree a scheme. The scheme put forward forms part of the strategic cycle network identified for improvement and features in Nottingham's Local Cycling Walking Infrastructure Plan. The Council has a strong reputation for transport scheme delivery and by entering into this funding agreement it will open up further opportunities for funding as indicated in the grant letter. Not accepting the funding would put future funding to deliver cycling and walking schemes at risk as well as jeopardise the high-ranking Nottingham has with Active Travel England.
- Not to accept the S106 funding. The Council requested and was paid the funding as part of the planning process. Both the Council and the developer wanted to see improvements at the junction for pedestrians and cyclists. The works are in the process of being successfully delivered. If the funding is not accepted then it would be returned to the developer and the TCF programme would exclusively meet the costs and impact the ability to deliver future schemes across the city by reducing the overall TCF programme. This would also result in the loss of over £1 million in match funding to the TCF programme, which is reported to the Department for Transport.

14 Social Housing Decarbonisation Fund Wave 2.1

The Portfolio Holder for Housing presented the report seeking approval to accept and spend an allocation of the Midlands Net Zero Hub (MNZH) consortium bid, and to utilise up to £2,910,500.84 of funds allocated within the Housing Revenue Account Capital Programme (HRACP) as match funding.

Nottingham City Council has been allocated a total of £2,910,500.84 from the Department of Energy Security and Net Zero for the Social Housing Decarbonisation Fund (SHDF) Wave 2.1 scheme which will run from 1st April 2023 to 31st March 2025. This allocation represents a proportion of the consortium bid awarded to the

Midlands Net Zero Hub (MNZH), which received a total of £47.2 million of Government funding. The SHDF scheme aims to deliver warm, energy-efficient homes, reduce carbon emissions and fuel bills, tackle fuel poverty, and support green jobs.

The following points were made during discussion:

- (a) this funding will cover the retrofitting of an additional circa 370 homes in the city, in addition to the circa 2,500 which have already been completed. Surveys will need to be completed before the locations are identified;
- (b) the funding is welcomed and the team are congratulated on the successful bid, however more will be required from the government if all social housing is to benefit, and to achieve carbon neutral ambitions;
- (c) there are public health implications of citizens living in warm, comfortable homes.

Resolved to

- (1) accept and spend the grant allocation of £2,910,500.84 from the Department of Energy Security and Net Zero in line with the Wave 2.1 bid to support the regional delivery of SHDF Wave 2.1 allocated through the Midlands Net Zero Hub;**
- (2) delegate authority to the Director of Environment and Sustainability to manage the grant including to approve entering into agreements with third parties for the provision of goods and services associated with the delivery of the project;**
- (3) approve the use of this grant alongside match funding from current budgets contained within the approved HRACP. The budget identified for match funding has been identified for these properties within the HRACP period to March 2027.**

Reasons for decision:

- SHDF is being launched over a 10-year period to improve the energy performance of social rented homes, on the pathway to Net Zero 2050. The scheme aims to support the social housing sector across England, improving the comfort and well-being of residents by installing energy efficiency and low carbon heating upgrades.
- The SHDF scheme aims to deliver warm, energy-efficient homes, reduce carbon emissions and fuel bills, tackle fuel poverty, and support green jobs. This directly supports our 2018-25 Fuel Poverty Strategy and will see fuel bills reduce at a time when energy prices are at a record high.
- Additionally, the project will drive retrofit measures to improve building fabric, decarbonise heating systems and see more renewable energy in social housing across the city and region; supporting our Carbon Neutral by 2028 aspiration and

national carbon reduction targets.

- The project is also intended to stimulate the supply chain and facilitate a green economic recovery from COVID-19. These funds will help bring forward a range of works that would not otherwise take place, enabling homes in fuel poverty to reduce energy costs and improve EPCs, addressing challenging stock and creating local jobs through transferring central government funding to the private sector.

Other options considered:

- Not accepting the funding: This funding offers the opportunity to address fuel poverty and domestic decarbonisation issues within social housing across Nottingham, helping to improve the lives of citizens and directly contributing towards NCC's carbon neutral targets. Not accepting the funding would greatly limit our ability to deliver these outcomes.

15 Proposed Extension of the Public Spaces Protection Orders Prohibiting the Consumption of Alcohol in the Nottingham City Council Administrative Area

The Portfolio Holder for Neighbourhoods, Safety and Inclusion presented the report regarding the extension of Public Spaces Protection Orders (PSPOs) prohibiting the consumption of alcohol. The following was discussed during discussion:

- (a) PSPOs only have a lifespan of 3 years and must renewed after this period;
- (b) PSPOs have contributed to the safety of the city centre and to neighbourhoods. There have been no complaints of them being misused and they are always used proportionately.

Resolved to

- (1) note the results of the consultation on the proposal to extend the Public Spaces Protection Orders referred to as Orders 1 – 8 (listed below) for a further three years from 18 October 2023 until 17th October 2026:**

- I. Nottingham City Council (Alcohol Consumption in Public Places) Designation Order 2005 ('Order 1')**
- II. Nottingham City Council (Hyson Green) Alcohol Consumption in Public Places) Designation Order 2006 ('Order 2')**
- III. Nottingham City Council (Sneinton, Forest and Mapperley) Alcohol Consumption in Designated Public Places Order 2008 ('Order 3')**
- IV. Nottingham City Council Basford Designated Public Place Order 2011 ('Order 4')**
- V. Nottingham City Council St Ann's Designated Public Place Order 2011 ('Order 5')**
- VI. Nottingham City Council St Anns and Sneinton Designated Public Place Order 2011 ('Order 6')**
- VII. Nottingham City Council (Arboretum and Radford & Park) Alcohol Consumption in Designated Public Places Order 2013 ('Order 7')**

VIII. Nottingham City Council (City Wide Extension) Alcohol Consumption in Designated Public Places Order 2014 ('Order 8')

- (2) being satisfied that the test in Section 59 of the Anti-Social Behaviour, Crime and Policing Act is met, and having regard to the rights of freedom of expression and freedom of assembly, authorise extension of Orders 1-8 (inclusive) referred to in recommendation 1(i)-(viii) above for a further three years from 18 October 2023;**
- (3) authorise the Director of Communities to carry out the necessary advertisements and arrange for the appropriate signage to be erected in accordance with the legislative requirements for each Order as extended.**

Reasons for decision:

- Evidence to date indicates that Orders 1 – 8 have been effective in deterring anti-social behaviour. As detailed in the Delegated Decision Making report which authorised the formal consultation on the proposed extension of the Orders, the powers have been used over 5000 times over the past three years and they have been critical in supporting the Council's aims of dealing effectively with alcohol related anti-social behaviour. Without the use of these powers, it is expected that alcohol related anti-social behaviour would increase exponentially causing significant problems for businesses, citizens and visitors to Nottingham. If Orders 1 – 8 are not first extended, they will all expire on 18 October 2023. It is felt that these Orders are required to:-
 - a) Reduce crime and anti-social behaviour, including nuisance and disorder arising from people drinking alcohol in the public spaces covered by the Orders within Nottingham City Council's administrative area;
 - b) Improve the quality of life and enjoyment of the area by residents, businesses and visitors.

Other options considered:

- Not authorising extension of Orders 1 - 8 – Rejected, as Orders 1 – 8 expire on 19 October 2023 and Restrictions contained in Orders 1 - 8 would no longer be available

16 Statement of Community Involvement

The Portfolio Holder for Highways, Transport and Planning presented the report regarding the Council's Statement of Community Involvement (SCI) for planning applications and planning documents, setting out how the Council will engage and involve the local community and other interested parties when carrying out its statutory planning functions.

This SCI replaces the version previously adopted by the Council in November 2019, as well as the June 2020 Interim SCI which contained temporary amendments in response to the restrictions associated with the COVID 19 pandemic.

Resolved to adopt the Statement of Community Involvement

Reasons for decision:

- The Planning and Compulsory Purchase Act 2004 places a requirement on the City Council as planning authority to prepare a Statement of Community Involvement (SCI) setting out how the Council will engage and involve the local community and other interested parties when carrying out its statutory planning functions. This includes the consultation of planning applications and what consultation will be undertaken as part of the Local Plan production process. The SCI must be reviewed every 5 years.
- Following the statutory period of consultation, the draft has been amended in light of the comments made as appropriate and it is now considered fit for purpose to ensure that communities and interested parties are appropriately engaged in the planning process.

Other options considered:

- None. The City Council has a statutory responsibility to prepare an up-to-date Statement of Community involvement and review this every 5 years.

17 SEND capital programme schemes

The Portfolio Holder for Children, Young People and Schools presented the report requesting approval to accept the High Needs Provision Capital Grant for 2022-23 and 2023-24 and approve its use for three high priority schemes that will support a number of pupils with Special Educational Needs and Disabilities (SEND) to be educated in a setting that has a full range of facilities to support their educational needs.

Resolved to

- (1) accept the High Needs Provision Capital Grant for 2022-23 and 2023-24 of £7,297,332 and £8,115,624 respectively which will be combined with the 2021-22 High Needs Provision Capital Grant to fund the SEND Strategy when it is finalised;**
- (2) approve the funding of the three schemes shown in appendix A of the report which have been identified as high priorities to complete this year, in the draft SEND Strategy that has been consulted on. These schemes will provide necessary additional SEND places for pupils;**
- (3) approve the use of a maximum of 75% or the sum £500,000, whichever is greater, from the Capital Receipt from the Thorneywood site to partly fund the development at Whitemoor Primary Academy in line with the terms agreed by the Secretary of State in their approval to sell the site, but to initially fund this scheme from the High Needs Provision while Thorneywood is sold;**
- (4) approve a Contingency of £375,000 and delegate authority to the Corporate Director for People to approve and authorize how the contingency is allocated across these schemes and additional low value high priority new**

schemes within the criteria set out in the draft SEND strategy;

- (5) authorise the procurement of any necessary contracts to carry out the programme of schemes using the High Needs Provision Capital Grant funding and delegate authority to the Corporate Director for People to award any procured contracts complying with the Council Constitution and Public Contract Regulations 2015.**

Reasons for decision:

- Of the three schemes identified, two are primary Focus Provisions, which are bases within mainstream schools that provide support to pupils with SEND. The two Focus Provisions are at Djanogly Strelley Academy and Whitemoor Primary Academy. The third scheme is a refurbishment of an existing underused building at Nethergate Academy. These developments will provide additional space to support small groups of high needs pupils within the respective schools enabling children to be educated in their local community. Educating children in their local community means no costs related to SEND transport which is a significant additional cost to the Council. High Needs provision delivered in local mainstream or special settings are at least 75% less expensive than commissioning independent or non-maintained places.
- It is apparent from the work carried out as part of the development of the SEND Strategy that there is an increasing need for additional capacity for pupils with additional needs both within mainstream and special schools. These three schemes address this particular requirement initially and further schemes will be brought forward in line with the SEND Strategy when it has been approved.
- The programme of works is prioritised in line with the draft SEND Strategy for Schools. This is being finalised following the consultation period and reflects the priorities that have been identified. The consultation was supportive of the proposal that were put forward and that this report fits with.
- The unallocated grant for 2021-22 through to 2023-24 is £17,963,201. This report seeks approval for £1,925,000 of the grant and includes three high priority schemes.
- The Secretary of State has recently approved the sale of the Thorneywood site with the proviso that the capital receipt is spent on works to improve the Multi Use Games Area (MUGA) at Mellers Primary and deliver the SEND unit at Whitemoor Primary Academy. It is proposed that 75% of the receipt is used as a contribution towards the scheme at Whitemoor Academy and the remainder is used to upgrade the MUGA at Mellers. Given the likely timeframe for the sale of Thorneywood (at least three years) it is proposed that the initial funding comes from the High Needs Provision grant.
- Delegating authority to the Corporate Director for People to approve and authorise how the contingency is allocated will ensure a timely response to any urgent issues that arise on any one of the three schemes or additional urgent low value interventions that support the wider SEND Strategy.

Other options considered:

- To wait until the SEND Strategy has been finalised and approved. This would delay the completion of these three high priority schemes that are in a position to complete this year and provide additional support for pupils with high needs. This option would incur significant long term, unnecessary costs to the high needs revenue budget.

18 Dates of future meetings

To agree to meet at 2.00pm on the following Tuesdays during the 2023-24 municipal year:

18 July 2023

19 September 2023

17 October 2023

21 November 2023

19 December 2023

16 January 2024

20 February 2024

19 March 2024

16 April 2024