

NOTTINGHAM CITY COUNCIL

EXECUTIVE BOARD

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 18 April 2017 from 2.00 pm - 2.10 pm

Membership

Present

Councillor Graham Chapman (Vice Chair)
Councillor Dave Trimble
Councillor Jane Urquhart
Councillor Sam Webster

Absent

Councillor Alan Clark
Councillor Jon Collins (Chair)
Councillor Nicola Heaton
Councillor Nick McDonald
Councillor David Mellen
Councillor Alex Norris

Colleagues, partners and others in attendance:

| | |
|------------------|--|
| David Bishop | - Deputy Chief Executive/Corporate Director for Development and Growth |
| Chris Carter | - Transport Strategy Manager |
| Ian Curryer | - Chief Executive |
| Andy Gibbons | - Head of Public Transport |
| Alison Michalska | - Corporate Director for Children and Adults |
| Glen O'Connell | - Corporate Director for Resilience |
| Paul Seddon | - Chief Planner |
| Andy Vaughan | - Corporate Director for Commercial and Operations |
| Adam Volz | - Political Assistant |
| James Welbourn | - Governance Officer |

Call-in

Unless stated otherwise, all decisions are subject to call-in and cannot be implemented until **27 April 2017**.

88 APOLOGIES FOR ABSENCE

| | |
|--------------------------|--------------------------|
| Councillor Alan Clark | - personal reasons |
| Councillor Jon Collins | - other Council business |
| Councillor Nicola Heaton | - personal commitments |
| Councillor Nick McDonald | - work commitments |
| Councillor David Mellen | - personal reasons |
| Councillor Alex Norris | - work commitments |

89 DECLARATIONS OF INTERESTS

None.

90 MINUTES

The minutes of the meeting held on 21 March were agreed as a true record and signed by the Chair.

91 PLANNING SECTION 106 AGREEMENTS: POLICY AND PROCESS

The Board considered the Portfolio Holder for Planning and Housing/Portfolio Holder for Resources and Neighbourhood Regeneration's report which reviews the process for negotiation by planning officers of new Section 106 obligations required for new developments. It also sets out the reviewed process for oversight and management of the City Council's existing Section 106 obligations.

A quarterly Section 106 monitoring report providing information on new obligations, contributions due and spend of received contributions will be presented to the Portfolio Holder for Planning and Housing, as well as the Portfolio Holder for Resources and Neighbourhood Regeneration (this is an addition to paragraph 2.23 of the report).

RESOLVED to endorse the report, the review and refresh of robust oversight and monitoring processes and note the current comprehensive review of existing Section 106 obligations.

Reason for decision

The Executive have been updated on recent amendments to legislation governing the use of Section 106 planning obligations as well as the refresh to the monitoring process.

Other options considered

Require the full Section 106 on all developments without any assessment of viability – this may have adversely affected developments from being built and would have been likely to result in increased planning appeals which would have been difficult to defend in light of national and ministerial advice. The reputation of Nottingham as a place to invest and do business would likely have been affected.

Determine not to request Section 106 obligations from development – this may have provided a positive message to the development industry and acted to encourage some investment and regeneration in the city that may not otherwise have happened. It would have meant that necessary mitigation of impacts from all development would not have been delivered. The costs associated to mitigate harmful impacts and additional demand would have in all cases fallen on the public purse. This approach would have required justification on the merits of each application or amendment to all relevant policies which would have incurred considerable time and expense.

92 NOTTINGHAM DERBY ACCESS FUND REVENUE PROGRAMME 2017/18 - 2019/20 - KEY DECISION

The Board considered the Portfolio Holder for Business, Growth and Transport's report on the Nottingham Derby Access Fund revenue programme 2017/18, including the Air Quality revenue grant for 2017/18.

The bid from Nottingham City Council, Derby City Council and Nottinghamshire County Councils was successful in securing £2.735 million of revenue grant funding to deliver a three year revenue programme of sustainable travel measures in the Nottingham urban area and Derby City for the period 2017/18-2019/20. Nottingham City Council has also been successful in securing a further £200,000 of DEFRA Air Quality revenue grant funding for 2017/18 for the Nottingham Ultra Low Emission Fleet (ULEF) programme. There is also some match funding from Nottingham City Council and other partners.

RESOLVED to:

- (1) accept the external revenue grants awards from the Department for Transport's Access Fund and DEFRA's Air Quality Grant Award providing £2.935 million for the delivery of the Nottingham Derby Access Fund programme in 2017/18 – 2019/20 with additional provision to support the Nottingham Ultra Low Emission Fleet (ULEF) programme in 2017/18;**
- (2) approve the funding allocations for delivery of a revenue travel behaviour change programme in 2017/18 – 2019/20 as set out in Appendix A Table 1 (in the report) to initiate the programme;**
- (3) delegate authority to the Deputy Chief Executive/Corporate Director for Development and Growth and Portfolio Holder for Business, Growth and Transport, to make variations to the programme;**
- (4) delegate authority to the Deputy Chief Executive/Corporate Director for Development and Growth to go out to tender for external suppliers as set out in the Procurement Plan in Appendix B Table 1 of the report;**
- (5) approve dispensation from Contract Procedure Rule 5.1.1 and 5.1.2 in accordance with Financial Regulation (3.29) (Operational Issues) to allow renewal, extension or direct award for those contracts indicated in Appendix B Table 1 of the report;**
- (6) directly award £921k (£307k pa) of the grant funding to Derby City Council for delivery of the Derby components of the Access Fund programme to be managed via a Service Level Agreement;**
- (7) directly award up to £390k of grant funding to Nottinghamshire County Council for delivery of shared contract with external supplier for Household Personalised Journey Planning through Midlands Highways Alliance PSP2 procurement framework.**

Reasons for decisions

Acceptance of the £2.935 million of revenue funding for the Nottingham Derby Access Fund and Nottingham Ultra Low Emission Fleet (ULEF) programmes supports the city to meet Council Plan objectives around supporting local growth, carbon reduction and air quality and energy as well as contributing to a healthier Nottingham.

The funding helps to deliver a balanced and co-ordinated transport strategy for the City through community and business programmes to incentivise and support the uptake of the full range of travel choices thereby reducing private and business traffic on the City's road network, supporting the City Council's commitments to ease congestion and reduce air pollution from local transport. The funding available for Nottingham will help to realise the benefits of recent transport infrastructure investment in the City including Nottingham tram extensions, Nottingham Cycle City Ambition and support for the delivery of the Nottingham Go Ultra Low programme and the implementation of the Clean Air Zone.

Supporting uptake of Ultra low Emission Fleets (ULEFs) for targeted businesses and workplaces reduces the carbon and emissions footprint of vehicles thereby reducing air pollution helping to meet public health objectives. The programme will demonstrate good practice for ULEFs supporting local businesses and the healthcare sector to meet fleet emissions requirements in readiness for the implementation of a Clean Air Zone by 2020.

The programme will also support local economic development and access to skills and jobs by providing continuation funding for journey planning and cycle services and skills for eligible jobseekers of the ESIF Youth Employment Initiative (YEI) Nottingham Gets2Work programme when the YEI funding ends in March 2018.

The Access Fund and ULEF programmes are building on recognised good practice including the previous Local Sustainable Transport Fund programmes delivered in Nottingham and Derby. Use of existing local suppliers where appropriate to capitalise on local knowledge, expertise, contacts and partnership relationships will ensure delivery of effective outcomes whilst saving time and commissioning costs.

Sharing good practice and joint procurement of services where appropriate to achieve efficiency savings and consistency of approach for delivery of the Nottingham Derby Access Fund programme supports the aspirations for joint working on common areas of interest to support the prosperity of the two cities.

Other options considered

Two options to (1) reject the funding awards and (2) vary the programme proposals from those submitted in the bids were considered. The option to refuse the grant funding was rejected as it would reduce the Council's ability to reduce congestion and transport related air pollution, to meet its Council Plan target of 10% more people journeys by walking, cycling or taking public transport to work by 2019 and the requirement to introduce a Clean Air Zone in 2020. The option to vary the programme was rejected to ensure the City Council remains compliant with the terms and

conditions of the funding awards. Both options would potentially adversely affect the Council's reputation as a leader in local transport delivery.

93 CONTRACT FOR LOCALLINK L10, L11 AND L14 BUS SERVICES - KEY DECISION

The Board considered the Portfolio Holder for Business, Growth and Transport's report on the contract for Locallink L10, L11 and L14 Bus Services.

Following a receipt of a notice to terminate delivery of the services by the existing contractor it is necessary to commence the procurement and award of a contract to another provider. The existing provider, Nottingham City Transport has served notice to terminate these services which initially were not due to terminate until the summer. Due to the short notice involved an emergency contract award is proposed until the formal tender can proceed,

RESOLVED to:

- (1) commence the procurement process for the Locallink bus services and to delegate authority to the Corporate Director of Development and Growth to award and sign the contracts for the operation of bus services L10, L11 and L14 for up to 5 years (2+1+1+1). This will be subject to the contract costs being within the estimated spend identified within this report;**
- (2) dispense with the provisions of contract procedure rule 5.1.2, in accordance with financial regulation 3.29, to award a contract to Nottingham Community Transport for an interim period whilst the procurement process is undertaken for a new supplier of the services and agree to the spend of up to £200,000 between 30 April and October 2017.**

Reasons for decisions

To continue the services, without disruption for passengers. To cover the period between 30 April 2017 and the formal tender (to October 2017), it is necessary to direct award the operating contract to Nottingham Community Transport on an emergency, De-minimis, contract basis. Nottingham City Transport Ltd gave notice on these contracts on 18 February 2017 and sufficient time was not available to complete a full tender process. Dispensation from financial regulations has been granted to cover this period between 30 April and October.

A new provider will be identified following the outcome of the tender process.

Other options considered

Withdrawing services due to rising cost was rejected as it would lead to disruption for passengers and the removal of access to public transport from some areas of the City, where commercial services would be more than 400m away from residents and workplaces. This had already been considered and discounted within Executive Board decisions of 20 March 2012 and 21 May 2013, associated with the approval to

purchase electric buses. It was also considered and rejected in favour of other savings options now approved and being implemented within the Public Transport Big Ticket.

94 EXCLUSION OF THE PUBLIC

RESOLVED to exclude the public from the meeting during consideration of the remaining item(s) in accordance with Section 100A(4) of the Local Government Act 1972 on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighs in the public interest in disclosing the information.

95 CONTRACT FOR LOCALLINK L10, L11 AND L14 BUS SERVICES - EXEMPT APPENDIX

The Board considered the exempt appendix to the Portfolio Holder for Business Growth and Transport's report.

RESOLVED to note the information contained within the exempt appendix.

Reasons for decision

As detailed in minute 93.

Other options considered

As detailed in minute 93.