



Friday, 25 August 2023

Dear Sir/Madam

A meeting of the Cabinet will be held on Tuesday, 5 September 2023 in the Council Offices, Foster Avenue, Beeston, NG9 1AB, commencing at 6.00 pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To Councillors: M Radulovic MBE (Chair)
G Marshall (Vice-Chair)
S A Bagshaw
R E Bofinger
C Carr

H J Faccio
J W McGrath
H E Skinner
P A Smith
V C Smith

A G E N D A

1. APOLOGIES

To receive apologies and to be notified of the attendance of substitutes.

2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. MINUTES

(Pages 5 - 14)

Cabinet is asked to confirm as a correct record the minutes of the meeting held on 25 July 2023

4. SCRUTINY REVIEWS (Pages 15 - 16)

The purpose of this report is to make Members aware of matters proposed for and undergoing scrutiny.

5. RESIDENT ENGAGEMENT (Pages 17 - 20)

To invite Councillors to consider future options for engaging residents on issues of local concern.

6. RESOURCES AND PERSONNEL POLICY

6.1 ADDITIONAL HONARARY FREEMAN AND ALDERMEN CEREMONY (Pages 21 - 24)

To consider holding a Freeman and Alderman ceremony in 2023/24 and the associated costs.

6.2 WORKFORCE PROFILE 2022/23 (Pages 25 - 60)

To provide analysis of the workforce for Broxtowe Borough Council in 2022/23.

7. ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT

7.1 REVIEW OF THE PLANNING ENFORCEMENT PLAN DATED OCTOBER 2019 (Pages 61 - 90)

The purpose of this report is to give formal endorsement amendments to the Planning Enforcement Plan, which was originally adopted in October 2019.

7.2 GREATER NOTTINGHAM STRATEGIC PLAN: STRATEGIC DISTRIBUTION AND LOGISTICS PREFERRED APPROACH CONSULTATION (Pages 91 - 130)

As part of the review of their respective Part 1 Local Plans (Core Strategies) Broxtowe Borough, Gedling Borough, Nottingham City and Rushcliffe Councils are preparing the Greater Nottingham Strategic Plan.

In January 2023, the Councils undertook a "Preferred Approach" consultation (Regulation 18) focusing on the Strategic Plan's Vision, Strategy and the approach to housing and employment need.

The Councils are now seeking approval to undertake an additional consultation for a period of six weeks focusing on a Preferred Approach to strategic distribution and logistics.

In Broxtowe, an allocation for distribution and logistics is proposed at the Former Bennerley Coal Disposal Point. In Rushcliffe, it is proposed that part of the Ratcliffe on Soar Power Station site should be allocated.

The responses received will then be considered as part of preparing the final draft of the Strategic Plan.

8. HOUSING

8.1 DAMP AND MOULD UPDATE (Pages 131 - 148)

To update Cabinet on the progress of the Damp and Mould Action Plan approved by in February 2023.

9. CABINET WORK PROGRAMME (Pages 149 - 150)

Cabinet is asked to approve its Work Programme, including potential key decisions that will help to achieve the Council's key priorities and associated objectives.

10. EXCLUSION OF PUBLIC AND PRESS

Cabinet is asked to RESOLVE that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2, and 3 of Schedule 12A of the Act.

11. ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT, AND RESOURCES AND PERSONNEL POLICY

11.1 BEESTON SQUARE ARGOS BLOCK (Pages 151 - 156)

11.2 CONSULTANTS FOR THE PROCUREMENT AND PROJECT MANAGEMENT OF THE REPLACEMENT CREMATORIA AT BRAMCOTE CREMATORIUM (Pages 157 - 162)

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CABINET

TUESDAY, 25 JULY 2023

Present: Councillor M Radulovic MBE, Chair

Councillors: G Marshall
R E Bofinger
C Carr
H J Faccio
H E Skinner
P A Smith
V C Smith

24. APOLOGIES

Apologies for absence were received from Councillors S A Bagshaw and J W McGrath.

25. DECLARATIONS OF INTEREST

Councillor H J Faccio declared a non-registerable interest in item 13.1, minute number 37.1 refers.

Councillor M Radulovic MBE declared a non-registerable interest in item 14.1, minute number 38.1 refers.

26. MINUTES

The minutes of the meeting held on 4 July 2023 were confirmed as a correct record.

27. BEESTON STATION - ENABLING ACCESS FOR ALL

Due to members of the public being present specifically for the item, the Chair brought forward consideration of the topic from 8.3 on the agenda.

Cabinet was informed that Network Rail were undertaking design works to install lifts at Beeston Station to make the Station accessible for all. Land identified for permanent land acquisition is held by Broxtowe Borough Council in leasehold ownership. The long lease of one peppercorn to Broxtowe Borough Council. The lease expiry date is 1 August 2117. Any sale would be subject to the Council's Land Disposal Policy, Scheme of Delegation and an independent valuation report.

RESOLVED that:

- 1. The transfer of land to Network Rail be approved.**
- 2. Network Rail be contacted to request that the design be more aesthetically pleasing.**

Reason

To enable the works Network Rail would need to permanently acquire a parcel of land extending 165 sq m from Broxtowe Borough Council.

28. SCRUTINY REVIEWS

The work programme for Scrutiny Reviews was noted.

29. REFERENCES

29.1. LOCAL JOINT CONSULTATIVE COMMITTEE

29 June 2023

Leave Scheme

Cabinet considered the recommendations made to it by the Local Joint Consultative Committee.

RESOLVED that the Leave Scheme Policy, as amended, be approved.

Reason

To ensure that employees are living out the GREAT values in particular, transparency, to ensure integrity and professional competence.

29.2. LOCAL JOINT CONSULTATIVE COMMITTEE

29 June 2023

Long Term Sickness Absence

Cabinet considered the recommendations made to it by the Local Joint Consultative Committee. This included a recommendation following a discussion around the lack of facilities for employees and Councillors with disabilities, there was particular reference to the emptying of stoma bags, wheelchair access and Kimberley Depot.

RESOLVED that a Working Group of five Members and five employees to survey the accessibility of the Council's work spaces be formed to report back to the 16 November meeting of the Joint Committee.

Reason

To ensure that employees are living out the GREAT values in particular, transparency, to ensure integrity and professional competence.

30. LEISURE AND HEALTH

30.1. CULTURAL STRATEGY

Members considered the Cultural Strategy which outlined the Council's approach to cultural activity in the Borough over the next three years. In November 2022, the Cultural Services Team was brought back in-house following several years as part of

Leisure Ltd. Now sitting alongside, the Communications Team, there were new opportunities to promote cultural activity and the many positive outcomes on quality life, which included economic growth, education, crime and anti-social behaviour and physical and mental wellbeing.

It was queried whether external assistance would be called on to boost visitors to the D H Lawrence Museum. Officers responded that the subject would be considered during a scrutiny review, however, visitor numbers had increased recently and there were good links between the Council, the University of Nottingham and the D H Lawrence Society. Members were further informed of the D H Lawrence Children's writing completion which had received worldwide entrants.

RESOLVED that the Cultural Strategy 2023-26 be approved.

Reason

The Cultural Strategy provides valuable framework from which events to stakeholders can be delivered across the Borough.

30.2. FOOD SAFETY SERVICE PLAN 2023/24

The Food Standards Agency Framework Agreement sets out what the Food Standards Agency expects from local authorities in their delivery of official controls on food law. It includes the requirement to prepare a statutory Food Service Plan and prescribes in detail which areas of the service should be covered by the Plan.

The Plan describes how the Service is discharged and details the numbers, types and priority ratings of the Borough's food premises, the frequencies of planned interventions, sampling programmes, health promotion activities, reactive work, including responding to food complaints, food hazard warnings and investigating cases of infectious disease. As well as containing data from the last financial year, the Plan contains information on proposals for undertaking duties in 2023-2024.

It was stated that the Service had received criticism following COVID but the figures showed that the Service was now on track and delivering results.

RESOLVED that the Food Service Plan 2023-24 be approved.

Reason

Failure to have an agreed plan in place is contrary to the Food Law Code of Practice (England) (amended March 2021) requirements and can be a point of failure if the Council receives an audit by the Food Standards Agency

30.3. CHRISTMAS LIGHTS 2023

In 2022, Cabinet approved that £10,000 each be provided to Eastwood, Kimberley and Stapleford Town Councils so that the Town Councils could supply Christmas lighting in their own areas. It was also agreed that Broxtowe Borough Council would source and provide a tree for the Town Councils, from the £10,000 budget. The approval for the funding runs for three years.

Members were informed that discussions had been held with all three Town Councils and Eastwood and Kimberley Town Councils would like to receive the full £10,000 as they will source their own Christmas trees. Kimberley had expressed an interest in this arrangement being of a longer term nature as they feel it is beneficial to the area.

Christmas decorations in Beeston are also funded by a grant of £10,000 from the Council. The Council's Cultural Services Team usually managed the Christmas light switch on festivities in Beeston, Eastwood and Stapleford. Kimberley normally organised their own switch on festivities. No changes were proposed to these arrangements.

Stapleford Town Council had yet to give a definite answer as to their preference. The matter was scheduled to be discussed at their 24 July meeting and feedback would have been given to the Council after that meeting, however, the item was not included on the agenda. Therefore, approval for Stapleford's funding would be brought before Cabinet at a later date.

RESOLVED that the proposal of providing £10,000 each to Eastwood and Kimberley Town Councils, so that they can provide their own Christmas tree, festive lighting and organise their switch on festivities be approved.

Reason

The Council's priorities were Housing, Business Growth, Environment, Health and Community Safety. The priorities and objectives for Health was People in Broxtowe enjoy longer, active and healthy lives. The events programme supported active and healthy lifestyles in every area of Broxtowe.

31. ENVIRONMENT AND CLIMATE CHANGE

31.1. AIR QUALITY STATUS REPORT 2023

Each year, DEFRA requires all local authorities in England produce an Annual Status Report (ASR) in respect of air quality. The production of an ASR is intended to aid local transparency, increase accessibility of air quality to the wider public audience and encourage buy-in to delivering air quality improvement measures by those best placed to assist. The format of the report is specified by DEFRA. The annual bias corrections used in the report are not usually available until at least the end of April each year, and the required information from Nottinghamshire County Council is not available until June.

The Air Quality Action Plan relevant to Broxtowe's direct actions is now included into the Natural Environment Strand of the Climate Change and Green Futures Strategy and updated there accordingly. Broxtowe's ASRs are approved by the Portfolio Holder for Environment and Climate Change and the Director of Public Health before submission.

RESOLVED that the Air Quality Status Report and the updated Action Plan be approved.

Reason

The actions outlined in the Air Quality Status Report, support and reinforce the programme of activities identified in the Climate Change and Green Futures Strategy and delivery programme. These actions have already contributed to favourable environmental outcomes, such as the improvement of air quality, the reduction of carbon emissions and a contribution towards mitigating the worst impacts of climate change. Moreover, future actions resulting from Local Air Quality Management in Broxtowe Borough will continue to deliver beneficial results in the future.

32. ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT

32.1. INFRASTRUCTURE FUNDING STATEMENT

Cabinet noted the Infrastructure Funding Statement which provided information on the monetary (and non-monetary) contributions sought and received from developers for the provision of infrastructure to support development in Broxtowe, and the subsequent use of those contributions by Broxtowe Borough Council.

32.2. S106 AGREEMENT (PLANNING OBLIGATIONS) MONITORING PROCESS

Members noted a report which demonstrated how opportunities for s106 Agreements were effectively identified, existing s106 Agreements were recorded and monitored, and the utilisation of funds available through s106 Agreements were in accordance with the relevant agreement(s) and required time limit.

Planning obligations assisted in mitigating the impact of unacceptable development to make it acceptable in planning terms. This could be via a planning agreement entered into under section 106 of the Town and Country Planning Act 1990 by a person with an interest in the land and the local planning authority, or via a unilateral undertaking entered into by a person with an interest in the land without the local planning authority.

33. ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT, AND RESOURCES AND PERSONNEL POLICY

33.1. HRA BUDGETS 2023/24

Members considered proposals for variations to the approved Capital Programme 2023/24 relating to the Housing Revenue Account (HRA) relating primarily to health and safety and compliance issues.

Each year the Council sets a three-year rolling Capital Programme for the General Fund and HRA. A review of progress made in quarter 1 of the 2023/24 HRA capital budgets identified a number of important health and safety and compliance works that were not currently covered within the approved budgets. The current HRA capital budgets were insufficient to meet the expenditure required to comply with health and safety compliance and standards. It was noted that, in relation to electrical compliance, the Council was making faster progress than legislation, as the Council's Electrical Compliance standards exceed statutory obligations as properties have electrical inspections every five years rather than the legislative requirement of 10 years.

The additional proposed compliance work included essential fire door replacements (both HRA tenants and leaseholders), work arising from fire risk assessment, electrical works, asbestos remedial works and concrete surveys.

It was proposed that an additional net capital budget of £1,205,900 be approved made to complete these essential works. In order to partly mitigate the increase in the capital budget, it was proposed that budget allocations from two existing schemes that were underspent be used. The net budget increase would be funded from increased prudential borrowing.

RESOLVED that the proposed variations to the Capital Programme 2023/24, as presented, be approved. The additional capital cost of £1,205,900 to be being funded by prudential borrowing and the associated costs being factored into future years HRA budgets.

Reason

The Council, as a landlord, has many legal obligations it must satisfy to ensure the health, safety and welfare of its tenants and leaseholders. It must also adhere to the regulatory standards as set out by the Regulator, particularly the Home Standard.

34. RESOURCES AND PERSONNEL POLICY

34.1. EQUALITY AND DIVERSITY ANNUAL REPORT 2022/23

The Council's Equality and Diversity Policy provides the framework for the Council's approach to the wide-ranging equality and diversity agenda. While incorporating the Council's legal responsibilities as a public body within the meaning of the Equality Act 2010, it also outlines the Council's aims and aspirations for achieving cohesive and inclusive communities and ensuring equal access to services.

It was suggested that in future the report title features the word 'inclusivity' and that a Care Experience Strategy be developed.

RESOLVED that the proposed Equalities Objectives for 2023/24 set out in appendix 2 of the report, and action plan in appendix 4 of the report be approved.

Reason

Under the Equality Act, public bodies are required to publish equality objectives that will help them further the aims of the general duty. Equality objectives must be specific and measurable and are intended to help focus attention on the priority equality issues within an organisation and help deliver improvements in policy making, service delivery and employment.

34.2. JOB EVALUATION-RESOURCES FACTOR THRESHOLD INCREASE

Cabinet considered a recommendation to update the thresholds for the Resources factor within the Council's Job Evaluation scheme.

Members were informed that a post would score under the Resources factor based on the responsibility and safekeeping of Cash, Stocks/Materials, Plant/Equipment, System Ownership and Buildings. The level scored for Cash, Stocks/Materials and Plant/Equipment is based on financial value. The panel had noticed that the thresholds for each level under the Resources factor haven't increased over the years.

RESOLVED that the Resources factor threshold increase in Table 2 of the report be approved.

Reason

This will ensure the scoring for each post remains accurate by increasing the threshold for each level in line with inflation. The threshold for each level in these categories had not increased since Job Evaluation was implemented.

34.3. GRANT AID REQUESTS FROM PARISH/TOWN COUNCILS

Cabinet considered requests for grant assistance with the protocol for the consideration of grant aid to Parish and Town Councils. Eastwood Town Council has requested up to £820 towards the cost of two youth activity days. Awsworth Parish Council has requested £5,000 as a contribution towards the cost of a climbing wall, improvements to the 'Coopers Pond' area and safety improvements to a car park.

RESOLVED that the grants requests be approved accordingly:

- 1. Eastwood – £820**
- 2. Awsworth – £5,000**

Reason

Consideration was given in respect of awarding grants. As part of the Protocol, Grant Aid would only be given in support of specific projects or services and not as a general grant towards the services provided by a Parish/Town Council. There was no budgetary provision for Capital grants to Parish Councils. The grant aid requests were in line with the current Corporate Plan aims for supporting people to live well and provide a safe place for everyone.

34.4. GRANTS TO VOLUNTARY AND COMMUNITY ORGANISATIONS, CHARITABLE BODIES AND INDIVIDUALS INVOLVED IN SPORTS, THE ARTS AND DISABILITY MATTERS 2023/24

Cabinet considered requests for grant aid in accordance with the provisions of the Council's Grant Aid Policy and noted the award of a grant made through the use of the Chief Executive's urgency powers.

RESOLVED that the grants be made as follows:

	£
Hope Nottingham	12,000
Nottingham Army Cadet Force (Eastwood Detachment)	1,500

Reason

The Council is empowered to make grants to voluntary organisations by virtue of Section 48 Local Government Act 1985 (as well as other Legislation). Having an approved process in accordance with legislation and the Council's Grant Aid Policy would ensure the Council's compliance with its legal duties.

34.5. CAPITAL GRANT AID REQUEST - WATNALL ALLOTMENTS ASSOCIATION

An application for capital funding of £2,000 had been received from the Watnall Allotments Association. This was considered in accordance with the provisions of the Council's grant aid policy.

RESOLVED that £2,000 be awarded from Capital Contingencies 2023/24.

Reason

Allotments are an important natural resource in terms of tackling climate change. They sequester carbon and produce locally grown food.

34.6. CITIZENS ADVICE BROXTOWE-GRANT AID 2023/24

Cabinet noted the outturn position in respect of the Service Level Agreement with Citizens Advice Broxtowe following the commitment of a three-year grant funding settlement from 2022/23 in accordance with the provisions of the Council's Grant Aid Policy. The three-year funding settlement was seen to provide some much needed stability for Citizens Advice Broxtowe and provide a platform to lever in additional funds from other sources.

RESOLVED that the third year of the three-year funding settlement be released.

Reason

The Council was empowered to make grants to voluntary organisations by virtue of Section 48 Local Government Act 1985. The grant supported the Corporate Priorities with providing a safe place for the community and supporting people to live well.

35. CABINET WORK PROGRAMME

RESOLVED that the Cabinet Work Programme be approved.

36. EXCLUSION OF PUBLIC AND PRESS

RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of the Schedule 12A of the Act.

37. LEISURE AND HEALTH

37.1. LEISURE FACILITIES UPDATE - DUE DILIGENCE REPORTS

RESOLVED that:

- 1. The Deputy Chief Executive progresses further feasibility on a replacement for Bramcote Leisure Centre.**
- 2. A budget to support this work be approved.**

(Having declared a non-registerable interest in the item Councillor H J Faccio left the meeting before discussion or voting thereon.)

38. HOUSING, AND RESOURCES AND PERSONNEL POLICY

38.1. OPPORTUNITY TO PURCHASE ONE BLOCK OF FIVE FLATS

An amendment was proposed by Councillor G Marshall and seconded by Councillor V C Smith, that the price payable be increased by £5,000 due to changes in the vendor's and the Council's evaluation. On being put to the meeting, the amendment was agreed.

RESOLVED that the purchase of five dwellings, as detailed in the report, be approved. The estimated total scheme cost of £649,000 will be added to the Capital Programme in 2023/24 and funded from housing capital receipts.

(Having declared a non-registrable interest, Councillor M Radulovic MBE left the meeting prior to discussion or vote thereon. Councillor G Marshall, Vice Chair, took the Chair for this item.)

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Report of the Monitoring Officer

SCRUTINY REVIEWS

1. Purpose of Report

The purpose of this report is to make Members aware of matters proposed for and undergoing scrutiny. This is in accordance with all of the Council's priorities.

2. Recommendation

Cabinet is asked to NOTE the report.

3. Detail

The Overview and Scrutiny Committee met on 22 June 2023. At the meeting it was decided that the following items be reviewed:

- D H Lawrence Museum
- Markets in Broxtowe
- Scrutinising the Budget Setting Process

It was further resolved that the topics of Homes for Life and Building Control be reserved for future consideration.

Councillors S P Jeremiah, J M Owen and C M Tideswell met on 6 July 2023 to scope the topic of Markets in Broxtowe to discover the effectiveness of the team and to review whether footfall in town centres have improved. Members of the group planned site visits to the markets and would be reporting back at the next working group meeting in August 2023. The Head of Planning and Economic Development has been invited to attend, to answer questions and provide information.

Councillors K Woodhead, A W G A Stockwell and W Mee were appointed to the DH Lawrence Museum working group to discover the effectiveness of the team and to review whether footfall in town centres have improved. The group is reviewing the marketing of the venue and potential improvements following the visitor figures reported to the budget scrutiny meeting of January 2023. With an expected outcome to understand the role of heritage for Broxtowe Borough Council. The first meeting took place on 11 July 2023 to scope the topic. A further meeting is planned in September at the DHL Birthplace Museum with the Communications, Cultural and Civic Services Manager, Museum and Collections Officer and Cultural Services Manager.

Cabinet will receive updates at each future meeting as to the progress of the Overview and Scrutiny Committee's work programme.

Cabinet is asked to give consideration to the future programme and decision-making with knowledge of the forthcoming scrutiny agenda. It also enables Cabinet to suggest topics for future scrutiny.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no direct financial implications arising from this report.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

There are no legal implications arising from the report.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

No comments

7. Union Comments

The Union comments were as follows:

No comments

8. Climate Change Implications

There were no comments received.

9. Data Protection Compliance Implications

This report does not contain any [OFFICIAL (SENSITIVE)] information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

Not required.

11. Background Papers

Nil

Report of the Chief Executive

RESIDENT ENGAGEMENT

1. Purpose of Report

To invite Councillors to consider future options for engaging residents on issues of local concern.

2. Recommendation

Cabinet is asked to CONSIDER the options and RESOLVE accordingly.

3. Detail

For many years the Council has operated a community engagement system called “community action teams” or “CAT” s. Originally there was one in each Borough ward, and a number of dedicated officers within the Community Development team supported community engagement work. Capital budgets were available and improvement plans were developed for implementation in areas to respond to ideas put forward by the public. Police representatives or Community Support Officers would regularly come to the meetings. Over time changes have occurred as summarised in the appendix.

There is a need to review the operation and support of CAT meetings. The Community Development team are over committed in their time and capacity so if CATs are to continue, more resource will be necessary to maintain this system. Resident engagement is more important than it has ever been. However, it is considered the current system is no longer considered fit for purpose in its current form. The options are:

- (a) Maintain the current system of CATs and request that the Chief Executive bring forward a report on the additional resources required to support this.
- (b) Allocate each ward or each Councillor a small budget (say £100- £200) to support community engagement by Councillors in the form of local surgeries. Using this option Councillors could if they wish continue with their CAT meetings and use the money for room hire or to pay a small amount to a minute taker.
- (c) Decide that there is no longer a need for CATs in the light of changing ways of engaging residents.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There is currently a nominal budget of £500 for the servicing of Community Action Teams. If the preferred option requires any additional 'cash' funding this would have to be met from the General Fund Revenue Contingency budget of which £13,000 remains available in 2023/24. It should also be noted that some of the proposed options are resource intensive in terms of officer support to service the CATS and could incur additional employee costs.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

There are no direct legal implications arising from this report.

6. Human Resources Implications

More resources will be needed to maintain the current system of CATs as the Community development and democratic services teams are overstretched.

7. Union Comments

Not applicable

8. Climate Change Implications

The comments were as follows:
Not applicable

9. Data Protection Compliance Implications

This report does not contain any OFFICIAL (SENSITIVE information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

Minority groups, younger people and people with disabilities are currently underrepresented at CATs. Consequently, ceasing Cats is unlikely to be disadvantageous to protected characteristic groups.

11. Background Papers

Nil

APPENDIX**Changes observed to the Community Action Team (CAT) system over time**

Methods of engaging the public have changed considerably over the last twenty years. Digital methods of engagement are much more common now than they were when CATs were first created. Some CATs have disbanded, either because they were poorly attended or because Parish Councils have seen themselves as undertaking the regular community conversation role. Fewer people are willing to come out in the evening to a public meeting. Those attending CATs are not representative of the Borough profile in their age or ethnicity. Although CATs were never intended to be places where planning issues are discussed these issues are often raised, but well informed and balanced discussions on planning matters cannot take place because the relevant applicants and planning experts are not present.

The Community Development team which mostly services CATs is much smaller than it was when CATs were in their heyday, and the team's work is broadly focused on improving health and wellbeing, and delivering a wide range of community safety and safeguarding actions, most of which already involve a considerable amount of community engagement. When CATs were first created the Council only had one Communications Officer, whereas now it has three, with a Communications strategy and a digital engagement strategy with action plans to reach out and engage widely with the public. Community engagement is also much more widely dispersed within the Council, with all sections of the Council having community engagement integrated into their day to day activities; from the work of Environment in running green festivals, green rewards, and running parks and open spaces surveys; to the housing team which uses Resident Involvement groups and Facebook groups to engage more tenants than they ever have before, to large scale discussions with the community on regeneration plans within economic development; creative virtual ways of engaging the public on strategic planning matters (thousands of people were engaged in the Toton masterplan consultation in this way); and action plans and activities to reach minority groups through the electoral registration and communications teams. Our budget consultations and regular community surveys are getting more responses on line and face to face than they have ever had. The Council's social media presence has generated a lot of engagement with the public in ways that were never foreseen when CATs were originally created.

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Report of the Portfolio Holder for Resources and Personnel Policy

FREEMAN AND ALDERMAN CEREMONY

1. Purpose of Report

To consider holding a Freeman and Alderman ceremony in 2023/24 and providing the necessary budget for the associated costs.

2. Recommendation

Cabinet is asked to RESOLVE that the official admittance to the office of Honorary Freeman/Alderman of the Borough take place at a special meeting of the Council to be held on 24 January 2024 be approved.

The total cost of £13,200 would be partially met from existing budgets with the additional budget of £6,200 required for this purpose to be funded from the General Fund Revenue Contingency in 2023/24.

3. Detail

170 (Infrastructure Support) Engineer Group were given the status of Freeman of the Borough in 2009. Since then, they have exercised their freedom by holding regular Freedom Parades in the Borough's four towns. The regiment has recently been reorganised as the 'Royal Engineer Group' and the Freeman status will need to be ceremonially awarded under the new title to enable Freedom of Entry Parades to continue.

As a ceremony will be required, it is an opportunity to open nominations to other individuals who may be deserving of the title of Freeman or Alderman so that they may also be duly recognised for their contribution to the community, subject to the usual selection processes.

It is also intended that the Council makes use of the relevant legislation to include the titles of both Freeman/Alderman and Freewoman/Alderwoman.

In order for appropriate preparations to take place, it is proposed that this ceremony take place in January 2024 and follow the same format as that of the 2022 ceremony. The estimated costs are shown in the appendix. As no Freedom Parade is planned for 2023/24, £7,000 is available from the existing ceremonial events budget to support the cost of the event, with a further £6,200 of additional funding required.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

The estimated total cost of the Freemen and Aldermen ceremony is £13,200. Whilst up to £7,000 of funding is available from the existing Ceremonial Events budget to support the cost of this event, a further £6,200 of additional funding would be required for which there is currently no budgetary provision. If Members are minded to support the full proposal, a supplementary one-off revenue development of £6,200 in 2023/24 would have to be funded from the General Fund Revenue Contingency budget of which £13,000 remains available.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

If the new regiment at the barracks is a successor of this previous regiment and the previous Freedom of Entry included successors, then nothing further would be required to formalise this. Otherwise, it would be the case that the Council would be required to grant the Freedom of Entry on the new regiment at Chetwynd Barracks following the usual process.

The relevant legislation for the admission of honorary freemen or honorary freewomen is contained in the Local Government Act 1972 which was amended by the Local Democracy, Economic Development and Construction Act 2009 to include 'honorary freewomen' into the scope of the legislation where previously it was only freemen. The express titles are used in the legislation and therefore the title 'freeperson' would not fall within the scope of the honorary titles which can be bestowed under the legislation.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

No comments

7. Union Comments

The Union comments were as follows:

No comments

8. Climate Change Implications

The comments from the Waste and Climate Change Manager were as follows:

No comments

9. Data Protection Compliance Implications

This report does not contain any [OFFICIAL (SENSITIVE)] information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

Not required

11. Background Papers

Nil

APPENDIX

Financial Implications

The table below shows an estimated cost of £13,200 to hold the ceremony, which would be similar to the arrangements made for the November 2022 event.

Several venues have been considered in relation to availability, facilities and capacity. Members were minded to pick a specific venue, the costs of which are shown below.

The costs indicated are for the admittance of five Freemen and/or Aldermen. There would be a further cost of £615.00 for each additional Freeman or Alderman admitted.

<u>Item</u>	<u>Estimated costs</u>
Silver Badges of Office (x5)	£2,375
Print and Photography	£250
Certificates and Scrolls	£200
Honours Board Updates	£500
Venue hire and hospitality	£7,040
Live streaming	£2,835
Total	£13,200

Report of the Portfolio Holder for Resources and Personnel Policy

WORKFORCE PROFILE 2022/23

1. Purpose of Report

To provide analysis of the workforce for Broxtowe Borough Council in 2022/23.

2. Recommendation

Cabinet is asked to NOTE the Workforce Profile for 2022/23.

3. Detail

The workforce profile is an annual report which is produced by the Payroll & Job Evaluation service covering areas such as recruitment, the workforce, employment issues and health & safety. It provides an opportunity for us to compare with previous years to see how the Council is progressing.

The workforce profile is an important document to the Council, the information and further analysis it provides allows the Council to see where we succeed and which areas require further consideration and improvement.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no direct financial implications arising from this noting report. The cost of employee related expenses are contained within the approved establishment budgets.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

There are no direct legal implications arising from this report.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

No comments

7. Union Comments

The Union comments were as follows:

No comments.

8. Climate Change Implications

The comments were as follows:

No comments.

9. Data Protection Compliance Implications

This report does not contain any [OFFICIAL (SENSITIVE)] information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

Not required.

11. Background Papers

Nil



Broxtowe
Borough
COUNCIL

Workforce Profile

2022/23

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1. INTRODUCTION

Welcome to Broxtowe Borough Council's Workforce Profile Report for 2022/23. The Workforce Profile is reviewed annually and has been produced by the Payroll and Job Evaluation Team.

The Council has a strong set of beliefs which are confirmed within our Corporate Plan and our People Strategy, both of which show that the Council continuously value, support, improve and develop the diversity, well-being, skills base and professional capabilities of our workforce.

The Council, on 31 March 2023, employed 474 (by headcount) people across a number of sites within the borough.

The turnover for employees leaving the council in 2022/23 was 11.18%. This equated to 50 employees. In comparison the turnover figure for 2021/22 was 15.47% which equated to 73 employees and in 2020/21 it was 7.48% which equated to 38 employees.

2. ACHIEVEMENTS

As part of the Council's strong commitment to the workforce, the Council continues to retain a number of national accreditations as well as demonstrate many local achievements.

Disability Confident

Broxtowe Borough Council has held the Disability Confident, previously called the Disability 'Two Ticks' Symbol, standard for over 20 years. This is a standard which, amongst other things, demonstrates that the Council have a positive approach towards the recruitment of applicants with disabilities. Any applicant who indicates that they have a form of disability and meets all essential criteria for the post is guaranteed an interview. Whilst this does not mean that all applicants with disabilities will be appointed, it does represent a positive commitment towards the recruitment of people with any form of recognised disability.

The average length of service at the Council for employees with disabilities during 2022/23 was 14.18 years. This average is higher than employees without disabilities whose average length of service is 10.44 years. This means the overall average length of service is 3.74 years longer for those employees with a disability, compared with those who do not have a disability. It is unclear what this data reveals currently but further investigation will take place with the findings being reported in the 2023/24 Workforce Profile.

Broxtowe Learning Zone

The Learning Management System, introduced in November 2014, is now firmly established as the main platform for training delivery at the council. Since its launch over 40,000 e-learning modules have been completed by Broxtowe employees, Liberty Leisure employees and Members. Job roles are automatically assigned the mandatory training they are required to complete around areas such as information security, health and safety, the Code of Conduct, equality, safeguarding and prevent issues.

By March 2023, over 70 e-learning courses were available to employees and Members, with 8 new courses being launched during 2022/23. The new courses launched included stress awareness, anxiety awareness, fuel poverty and all age carers. April 2017 saw the launch of the new Performance Appraisal process, incorporating a core abilities self-assessment. By the closing date for 2022/23 appraisals, 92.7% of appraisals had been fully completed. This is an increase of 15% from the previous year.

Work Experience

The Council provided a total of eleven work experience placements for students aged between 14 and 17. The most popular choice of service area amongst the students was Legal Services. Other service areas that hosted were: Planning, Environmental Health, HR, Democratic Services, Business Support, Elections, Housing and Finance.

Employee Survey

The Council were able to conduct an employee survey in April 2023. The survey allowed employees to tell the Council what working for Broxtowe Borough Council was like for them. Some of the findings from this survey are listed below.

More than 80% of employees said:

- I understand how my work contributes to the success of the organisation
- I am aware of my own training needs
- I am encouraged to identify relevant learning opportunities
- I like my job and enjoy working at the Council
- My manager is fair and honest
- My line manager keeps me informed about developments in the Council
- My line manager gives me regular and constructive feedback
- My manager provides me with the support I need to do my job
- I receive recognition from my manager when I do a job well
- The Council respects individual differences (e.g. cultures, working styles, backgrounds, ideas)
- I am treated with fairness and respect
- I am aware of the Council's values
- I understand how the Council's vision and values relate to the work I do
- I am aware of what means of support are available at / through work

3. RECRUITMENT

3.1 Overview

The Council has continued to recruit to a wide range of jobs during 2022/23. In May 2022 the number of vacancies in the UK reached a record high at 1.3 million growing from 665,000 in April 2021. The vacancy numbers have since decreased to 1.08 million in April 2023.

This section of the report deals with recruitment data that has been collated as part of the Council's internal monitoring processes. The data helps the Council determine current levels of recruitment, equality indicators, and the numbers of applicants compared with previous years. This is then used to identify trends, identify insights, prompt appropriate action, and help set realistic targets to monitor performance going forward.

As part of the Council's recruitment policy and process, all personal data is withheld from managers at the shortlisting stage, in order to anonymise the shortlisting process. This anonymised shortlisting helps the process remains fair and impartial.

3.2 Applicants and Candidates

During 2022/23 the Council received 608 applications for 139 advertised positions, of which 41 were re-advertised. There were 53 new starters appointed.

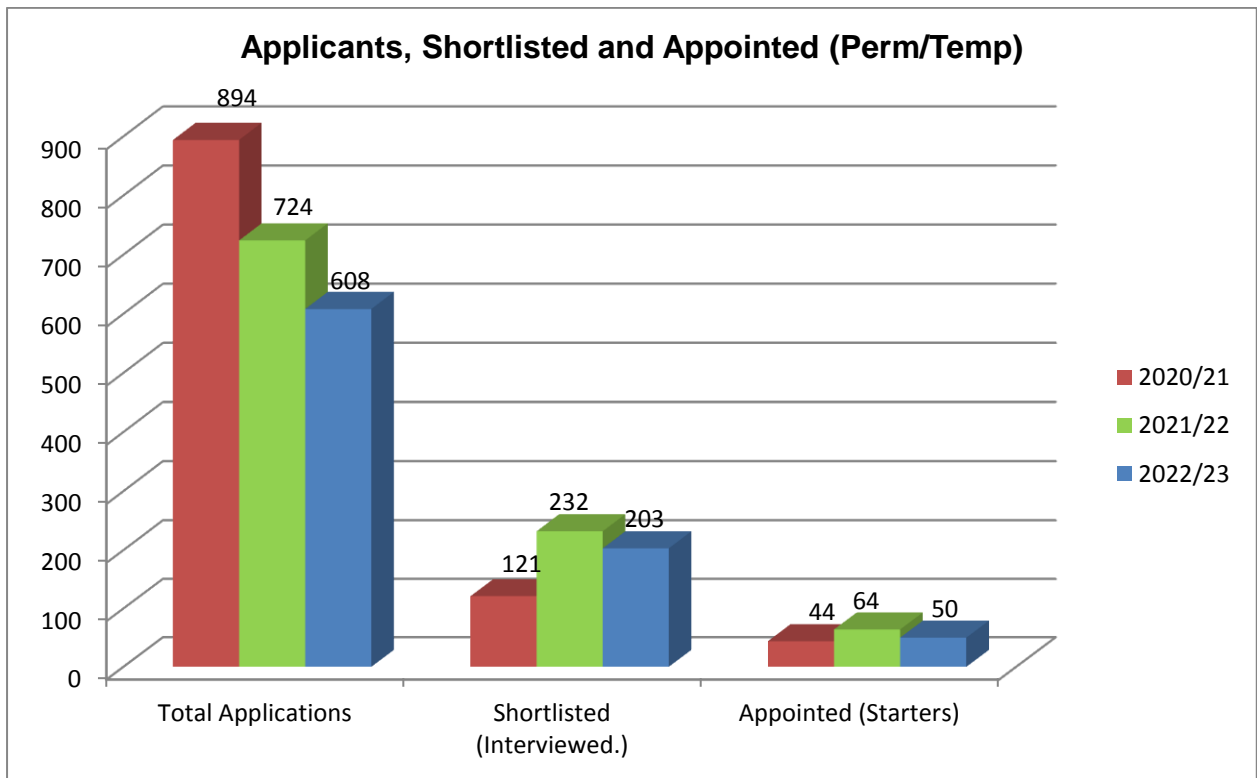
- There was a 16.02% decrease in the total number of applications received when compared with the number of applications received in 2021/22.
- There was an average of 4.37 applications for every vacancy in 2022/23.
- Of the 139 jobs advertised 26 (18.71%) were for temporary positions and 113 (81.29%) were for permanent positions.

3.3 Total Applications Received

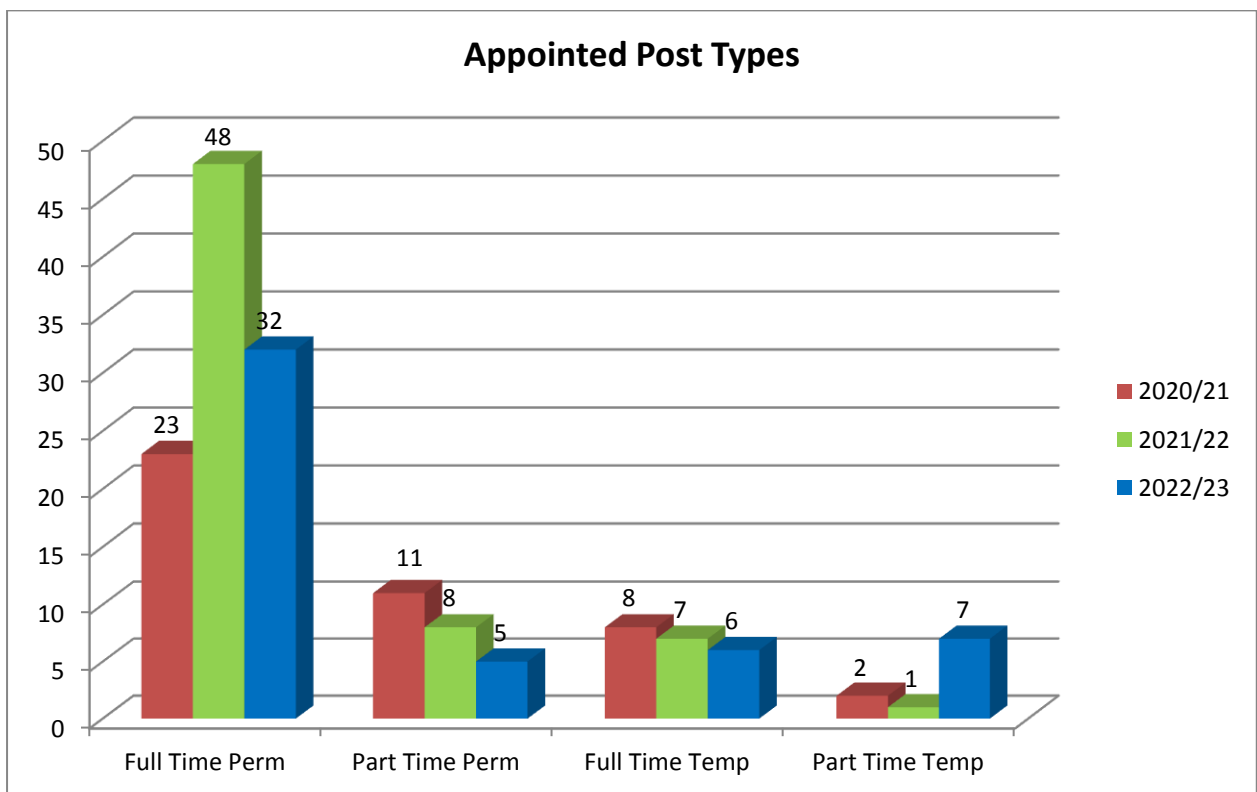
Most job applications are now made via the Council's website with only a small percentage received through the post in 2020/21.

	2020/21		2021/22		2022/23	
Online Applications	891	99.66%	724	100.00%	608	100.00%
Paper Applications	3	0.34%	0	0.00%	0	0.00%
Total Applications	894		724		608	

3.4 Overview of Recruitment Process Levels



In 2022/23 the Council shortlisted 33.39% of all applicants. In 2021/22 this figure was lower at 32.04% with the figure in 2020/21 lower still at 13.54%.



3.5 Average Age of Applicants

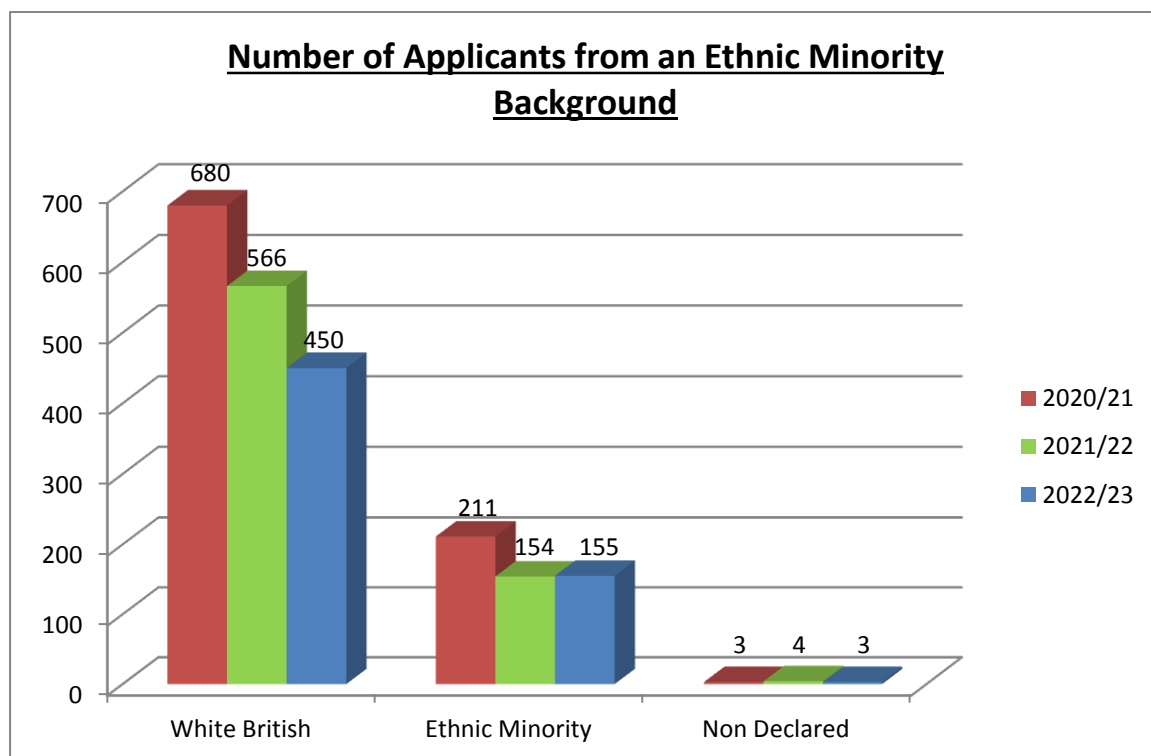
The average age of applicants has increased for males and females.

	2020/21	2021/22	2022/23
Male	33.46	38.40	40.18
Female	34.43	37.03	37.68
Overall	33.95	37.84	38.96

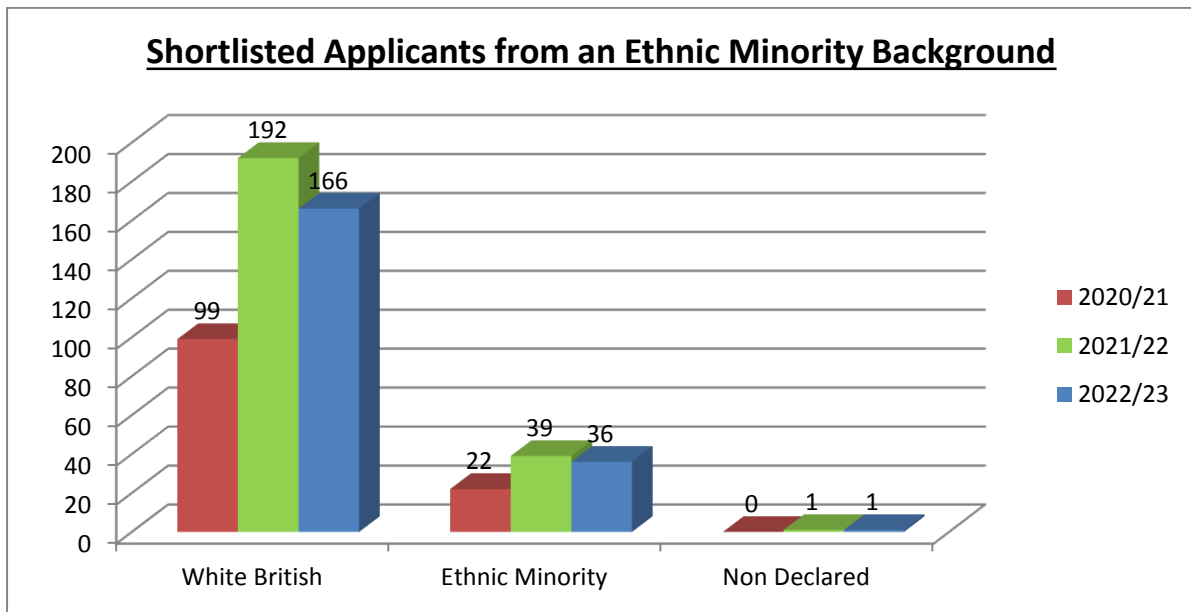
3.6 Ethnicity and Recruitment

The following graphs show the breakdown of applicants from an ethnic minority background during 2020/21, 2021/22 and 2022/23. Some key points to note are:

- In 2022/23 applications from an Ethnic Minority background accounted for 25.49%. In 2021/22 there were 21.27% of applications from an Ethnic Minority background and in 2020/21 this figure was 23.60%
- White British applicants accounted for 74.01% during 2022/23, 78.18% during 2021/22 and 76.06% during 2020/21.

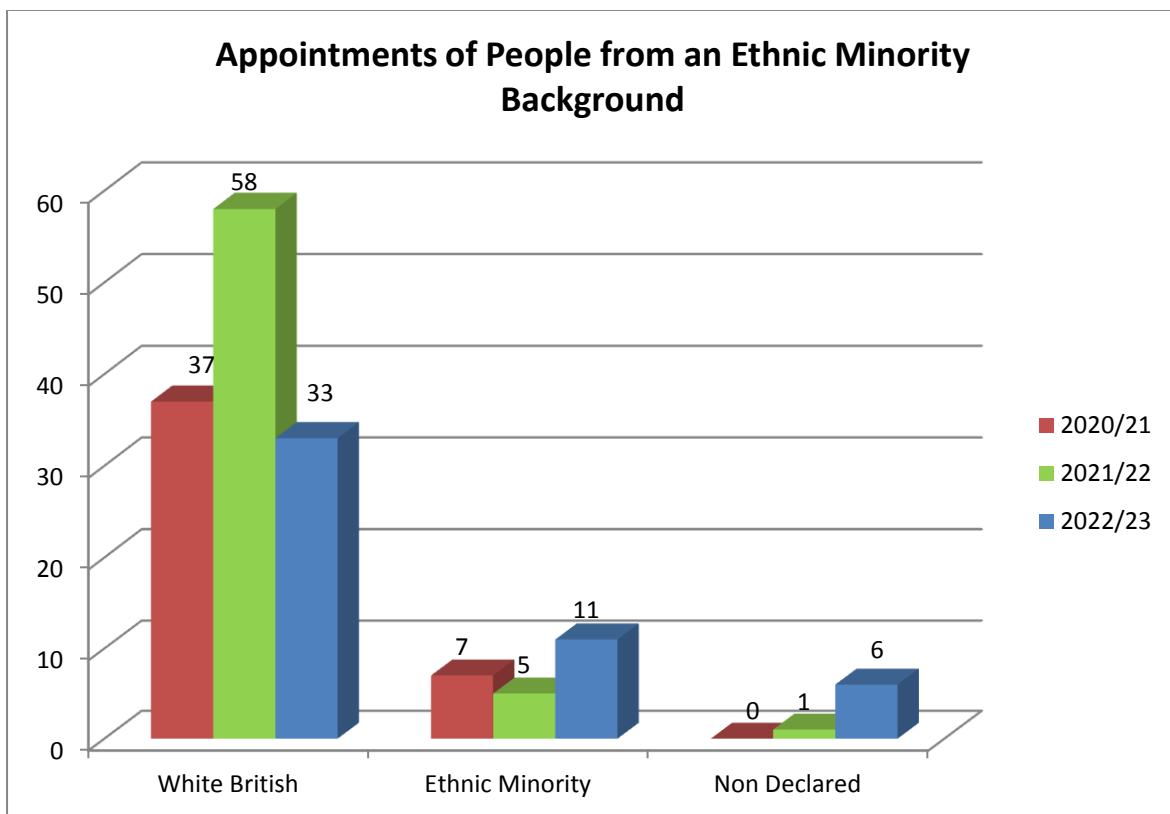


3.7 Shortlisted Applicants from an Ethnic Minority Background



There were 36 applicants from an ethnic minority background shortlisted in 2022/23. In 2022/23, 23.23% of applications from people from an ethnic minority background were shortlisted. In 2021/22 this figure was 25.33% and in 2020/21 this figure was 10.43%.

3.8 Appointed Applicants from an Ethnic Minority Background



The below table shows the percentage of people from an ethnic minority background who applied, were shortlisted and appointed in comparison to the total number of applications, people shortlisted and appointed across all categories.

Year	Applicants	Shortlisted	Appointed
2020/21	23.60%	18.18%	15.91%
2021/22	21.27%	16.81%	7.81%
2022/23	25.49%	17.73%	22.00%

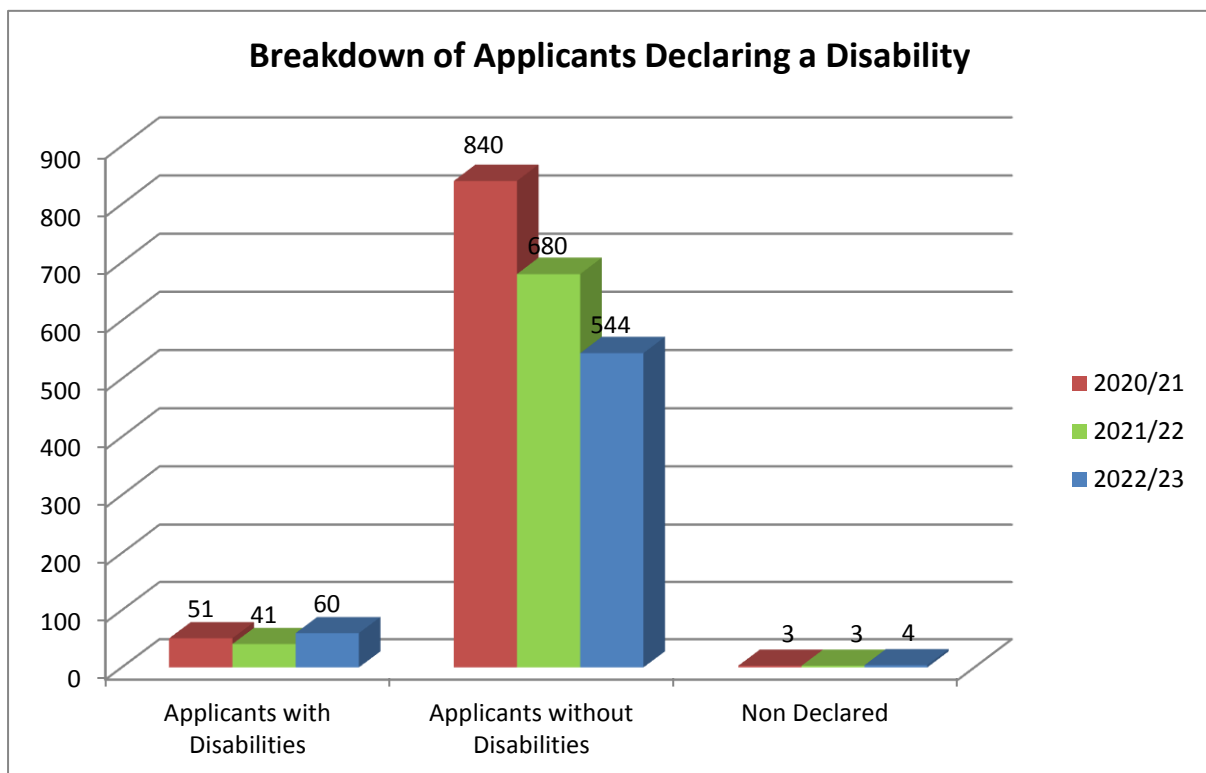
3.9 Disability and Recruitment

The Council is committed to providing equality of opportunity to all applicants, including those with disabilities. Applicants with disabilities who meet the essential criteria of a role are automatically invited for interview. This is supported and promoted by the Council’s Disability Confident Status.

People with disabilities are actively supported and assisted on appointment through the provision of equipment or other reasonable adjustments where necessary and by reviewing working practices to ensure that everyone has the opportunity to be successful during their time with the Council.

3.10 Applicants with Disabilities

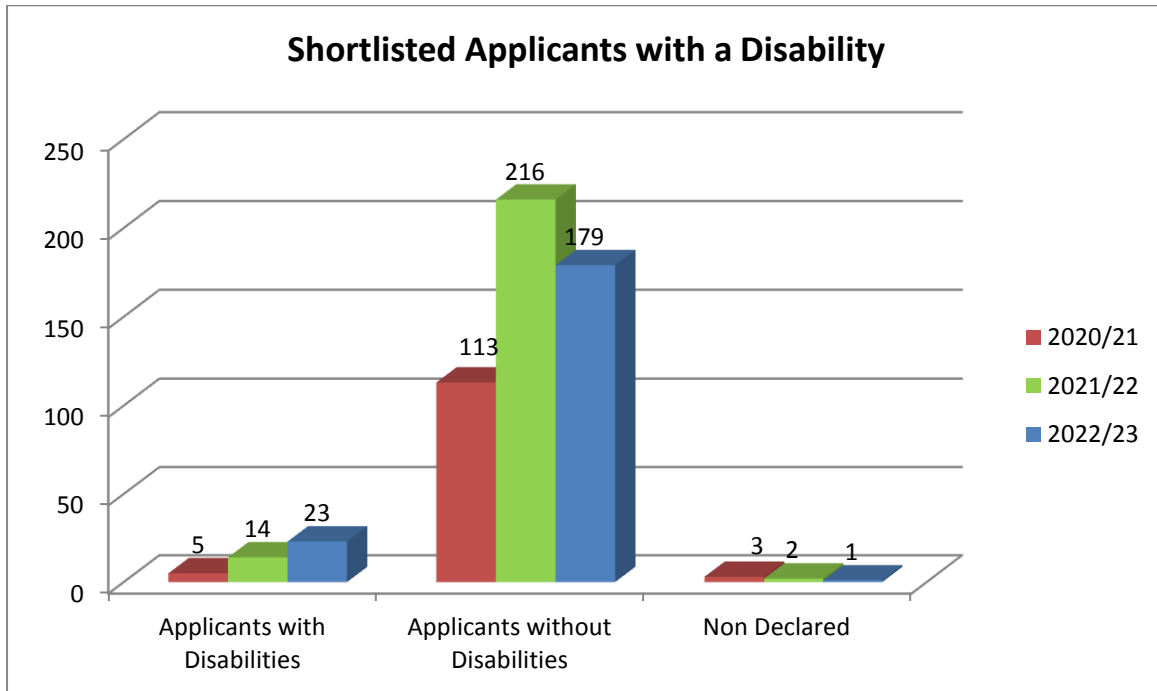
60 of all applications were from people with disability in 2022/23. This accounts for 9.87% of all applications in 2022/23. In 2021/22 the percentage of applicants with a disability was 5.66% and in 2020/21 the percentage was 5.71%.



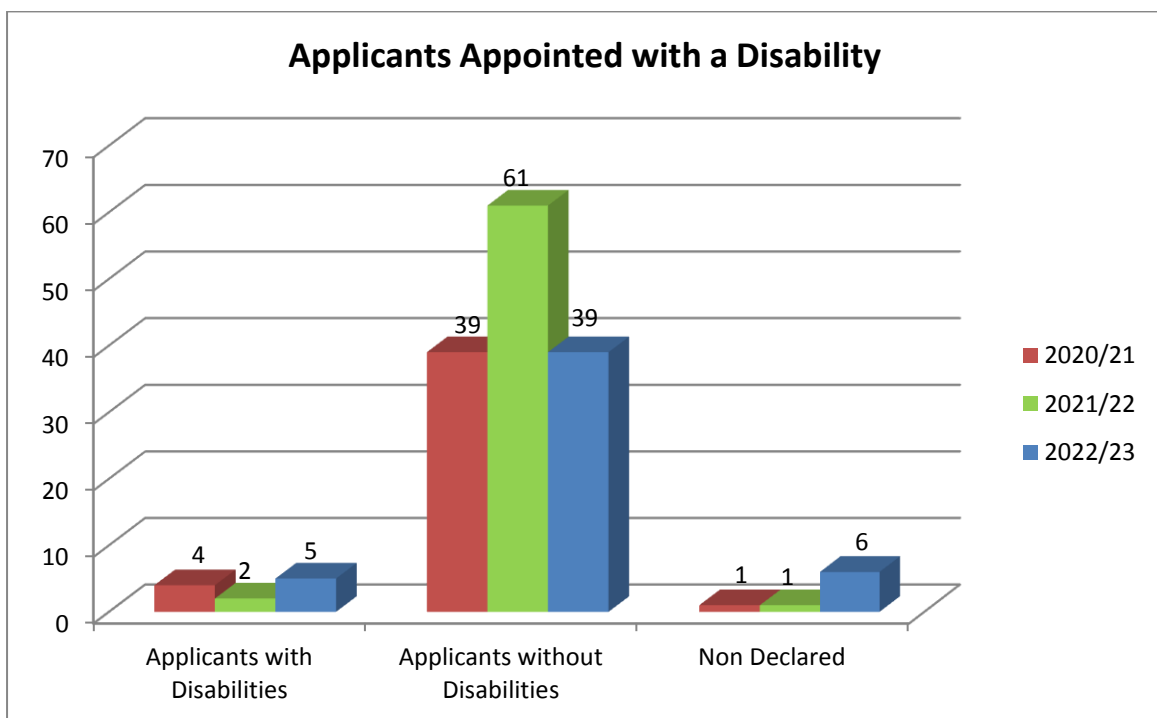
3.11 Shortlisted Applicants with Disabilities

The percentage of applicants shortlisted who declared a disability for each year is shown below.

- 2022/23 = 11.33%
- 2021/22 = 6.03%
- 2020/21 = 4.13%



3.12 Appointed Applicants with Disabilities



3.13 Internal Promotions

This section captures the work undertaken to provide employees with career progression opportunities at Broxtowe Borough Council. Promotions fall under two categories; the employee's post has been re-graded to a higher grade representing they have taken on additional responsibility or by moving into a different position where the grade is higher.

	2020/21	2021/22	2022/23
Post has been re-graded	10	24	77
Appointed to higher graded post	17	28	14
Total	27	52	91

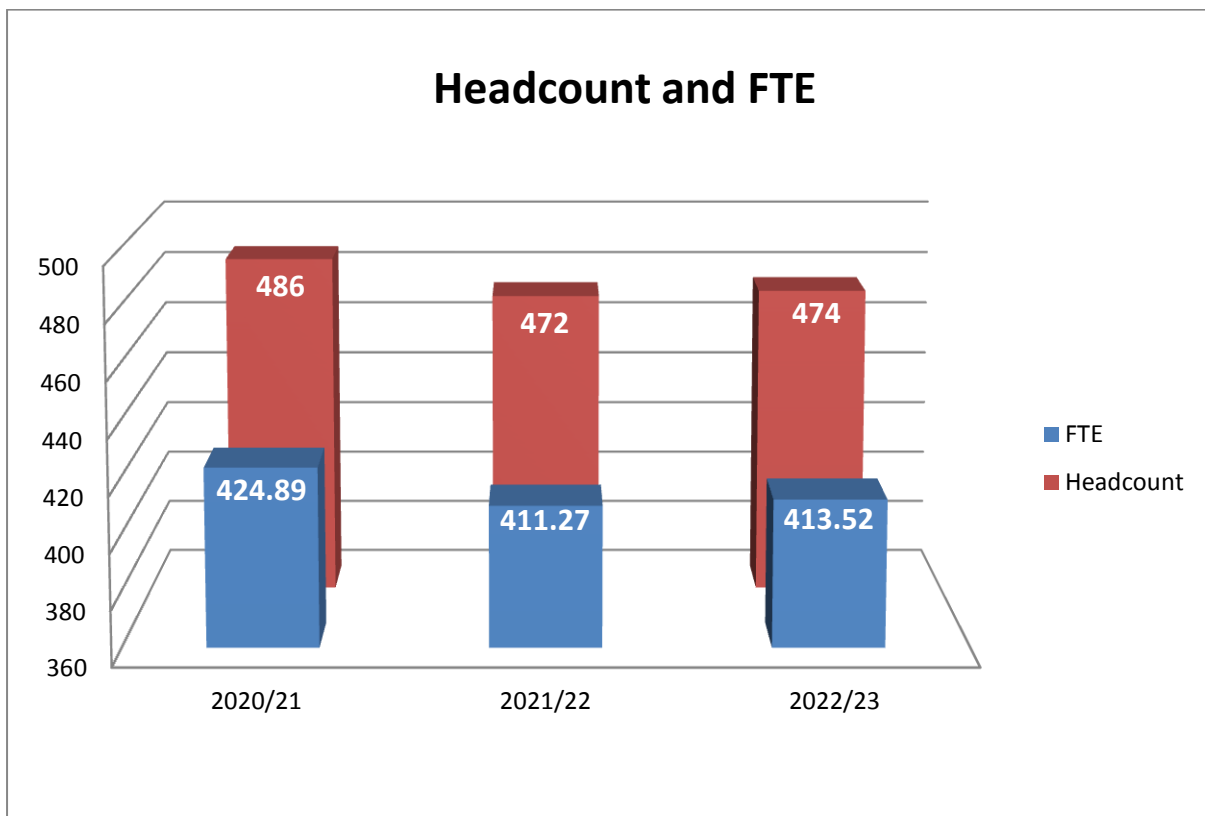
4. OUR WORKFORCE

4.1 Introduction

This section of the report aims to identify the current make up of our workforce and will provide statistics that can be analysed and used to identify trends.

4.2 Establishment Levels

The following chart shows the Full Time Equivalent (FTE) and headcount of employees of the Council for the last three years as at 31 March 2023.



4.3 Ethnicity

During 2022/23, 8.73% of the workforce were from an ethnic minority background, based on the 447 employees who submitted a response. This is an increase of 0.68% when compared with 2021/22. Below is a snapshot of the ethnic diversity of our workforce which includes those employees who have declined to state their ethnic origin.

Ethnicity	2020/21	2021/22	2022/23
Any other ethnic group	1	1	1
Asian - Other	0	0	1
Bangladeshi	1	1	1
Black or British African	3	2	2
Black or British Any Other	0	0	0
Black or British Caribbean	3	4	5
Chinese	1	2	2
Indian	6	5	7
Mixed - Other	1	1	2
Mixed - W/B Caribbean	6	4	6
Mixed - White/Asian	3	3	2
Pakistani	8	9	9
Undeclared	26	25	27
White - British	422	410	406
White - Irish	0	1	2
White Other	5	1	1
Grand Total	486	472	474

At 31 March 2023, the Council had 474 employees of which 406 (85.65%) declared themselves to be White British, 39 (8.23%) employees declared to be from an ethnic minority background and a further 27 employees (5.70%) did not submit or disclose their ethnicity.

4.4 Ethnicity of Workforce - Breakdown

Ethnic Origin	Gender	Full Time	%	Part Time	%	Grand Total	%
Any other ethnic group	F	0	0.00%	0	0.00%	0	0.00%
	M	0	0.00%	1	0.74%	1	0.21%
Asian - Other	F	0	0.00%	0	0.00%	0	0.00%
	M	1	0.29%	0	0.00%	1	0.21%
Bangladeshi	F	0	0.00%	0	0.00%	0	0.00%
	M	1	0.29%	0	0.00%	1	0.21%
Black or British African	F	0	0.00%	1	0.74%	1	0.21%
	M	1	0.29%	0	0.00%	1	0.21%
Black or British Any Other	F	0	0.00%	0	0.00%	0	0.00%
	M	0	0.00%	0	0.00%	0	0.00%
Black or British Caribbean	F	1	0.29%	0	0.00%	1	0.21%
	M	4	1.18%	0	0.00%	4	0.84%
Chinese	F	2	0.59%	0	0.00%	2	0.42%
	M	0	0.00%	0	0.00%	0	0.00%
Indian	F	4	1.18%	1	0.74%	5	1.05%
	M	2	0.59%	0	0.00%	2	0.42%
Mixed - Other	F	2	0.59%	0	0.00%	2	0.42%
	M	0	0.00%	0	0.00%	0	0.00%
Mixed - W/B Caribbean	F	1	0.29%	3	2.22%	4	0.84%
	M	2	0.59%	0	0.00%	2	0.42%
Mixed - White/Asian	F	1	0.29%	0	0.00%	1	0.21%
	M	1	0.29%	0	0.00%	1	0.21%
Pakistani	F	3	0.88%	0	0.00%	3	0.63%
	M	5	1.47%	1	0.74%	6	1.27%
White - British	F	102	30.09%	105	77.78%	207	43.67%
	M	184	54.28%	15	11.11%	199	41.98%
White - Irish	F	1	0.29%	0	0.00%	1	0.21%
	M	1	0.29%	0	0.00%	1	0.21%
White Other	F	1	0.29%	0	0.00%	1	0.21%
	M	0	0.00%	0	0.00%	0	0.00%
Undeclared	F	4	1.18%	7	5.19%	11	2.32%
	M	15	4.42%	1	0.74%	16	3.38%
Grand Total		339	100%	135	100%	474	100%

4.5 Employees with Disabilities

	2020/21		2021/22		2022/23	
	No.	%	No.	%	No.	%
Employees with Disabilities	31	6.38%	31	6.57%	33	6.96%
Employees without Disabilities	417	85.80%	405	85.81%	403	85.02%
Non-Declared	38	7.82%	36	7.63%	38	8.02%
Total	486		472		474	

The Council offers on-going support to employees who may, either on a short or long term basis, need support whilst at work. The Council also seeks guidance through an independent occupational health service which enables medical advice to be obtained regarding any reasonable adjustment or other action which helps employees to remain at work.

4.6 Employees average length of service

	2020/21 Years	2021/22 Years	2022/23 Years
Employees with Disabilities	13.71	14.10	14.18
Employees without Disabilities	10.74	10.48	10.44
Non-Declared	18.46	18.39	16.81
All Staff	11.53	11.32	11.21

The overall average length of service is 3.74 years longer for those employees with a disability, compared with those who do not have a disability. It is unclear what this data reveals currently but further investigation will take place with the findings being reported in the 2023/24 Workforce Profile.

4.7 Age and Service Length

The following section provides a breakdown of our workforce on 31 March 2023 by service length:

Years	Gender	Total	%
0-4	F	91	19.20%
	M	95	20.04%
5-9	F	31	6.54%
	M	44	9.28%
10-14	F	24	5.06%
	M	24	5.06%
15-19	F	38	8.02%
	M	34	7.17%
20-24	F	24	5.06%
	M	19	4.01%
25-29	F	12	2.53%
	M	9	1.90%
30-34	F	13	2.74%
	M	7	1.48%
35-39	F	4	0.84%
	M	2	0.42%
40-44	F	2	0.42%
	M	1	0.21%
45+	F	0	0.00%
	M	0	0.00%
Grand Total		474	100.00%

The average length of service for employees is:

	2020/21	2021/22	2022/23
Female Full Time	10.02	10.32	10.66
Female Part Time	14.18	14.20	13.63
Male Full Time	10.94	12.14	10.16
Male Part Time	11.40	8.28	11.90

4.8 Age Ranges

The following table shows a breakdown of our workforce by Age Ranges of Full Time and Part Time Employees (This includes temporary employees):

Age Range	Gender	FT-PT	Total
16-19	F	FT	0
		PT	0
	M	FT	1
		PT	0
20-29	F	FT	14
		PT	2
	M	FT	22
		PT	0
30-39	F	FT	25
		PT	22
	M	FT	42
		PT	7
40-49	F	FT	27
		PT	16
	M	FT	55
		PT	1
50-59	F	FT	41
		PT	55
	M	FT	64
		PT	2
60-64	F	FT	11
		PT	12
	M	FT	28
		PT	4
65-69	F	FT	4
		PT	7
	M	FT	3
		PT	2
70+	F	FT	0
		PT	2
	M	FT	2
		PT	2
Grand Total			474

4.9 Breakdown of Reasons for Leaving by Age and Gender (Permanent and Temporary Employees)

Reason for Leaving	Female 16-19	20-29	30-39	40-49	50-59	60-64	65-69	70+	Female Total	Male 16-19	20-29	30-39	40-49	50-59	60-64	65-69	70+	Male Total	Grand Total
Career Change				1					1			1						1	2
Career Progression LA				1					1		1							1	2
Career Progression Other									0				1					1	1
Death in Service									0									0	0
Dismissal - Capability									0									0	0
Dismissal – Gross Misconduct									0									0	0
Dismissal – Attendance Management									0									0	0
Dismissal - Probation			1						1				1					1	2
Dismissal - Misconduct									0				1					1	1
Maternity – Not Returned									0									0	0
Not Known		1	1	2	6				10		1	3	2	1	2	1		10	20
Personal Reasons				1	1				2		1				1			2	4
Redundancy - Compulsory									0									0	0
Redundancy - Voluntary									0									0	0
Relocation									0									0	0
Ill Health Retirement					1	1			2						1			1	3
Early Retirement									0					1				1	1
Retirement – Age 60						1			1						1			1	2
Retirement – Age 65 & Over							2		2							7		7	9
Settlement				1	1				2									0	2
<i>Temp. Contract Ended*</i>					2				2					2				2	4
Grand Total	0	1	2	6	11	2	2	0	24	0	3	4	5	4	5	8	0	29	53

4.10 Grade Profile of Workforce

Grade	FT		FT	PT		PT	Grand
	F	M	Total	F	M	Total	Total
G2	2	2	4	23	6	29	33
G3	1	31	32	7	2	9	41
G4	18	31	49	22	0	22	71
G5	28	27	55	33	6	39	94
G6	8	32	40	5	1	6	46
G7	19	27	46	14	1	15	61
G8	7	18	25	2	0	2	27
G9	6	10	16	5	0	5	21
G10	10	6	16	2	0	2	18
G11	5	10	15	1	1	2	17
G12	7	3	10	1	0	1	11
G13	1	7	8	0	0	0	8
G14	1	4	5	1	0	1	6
G15	4	2	6	1	1	2	8
Head of Service	3	5	8	0	0	0	8
Chief Officer	1	1	2	0	0	0	2
Deputy Chief Exec.	0	1	1	0	0	0	1
Chief Executive	1	0	1	0	0	0	1
Grand Total	122	217	339	117	18	135	474

4.11 Workforce Profile Starters (Permanent and Temporary)

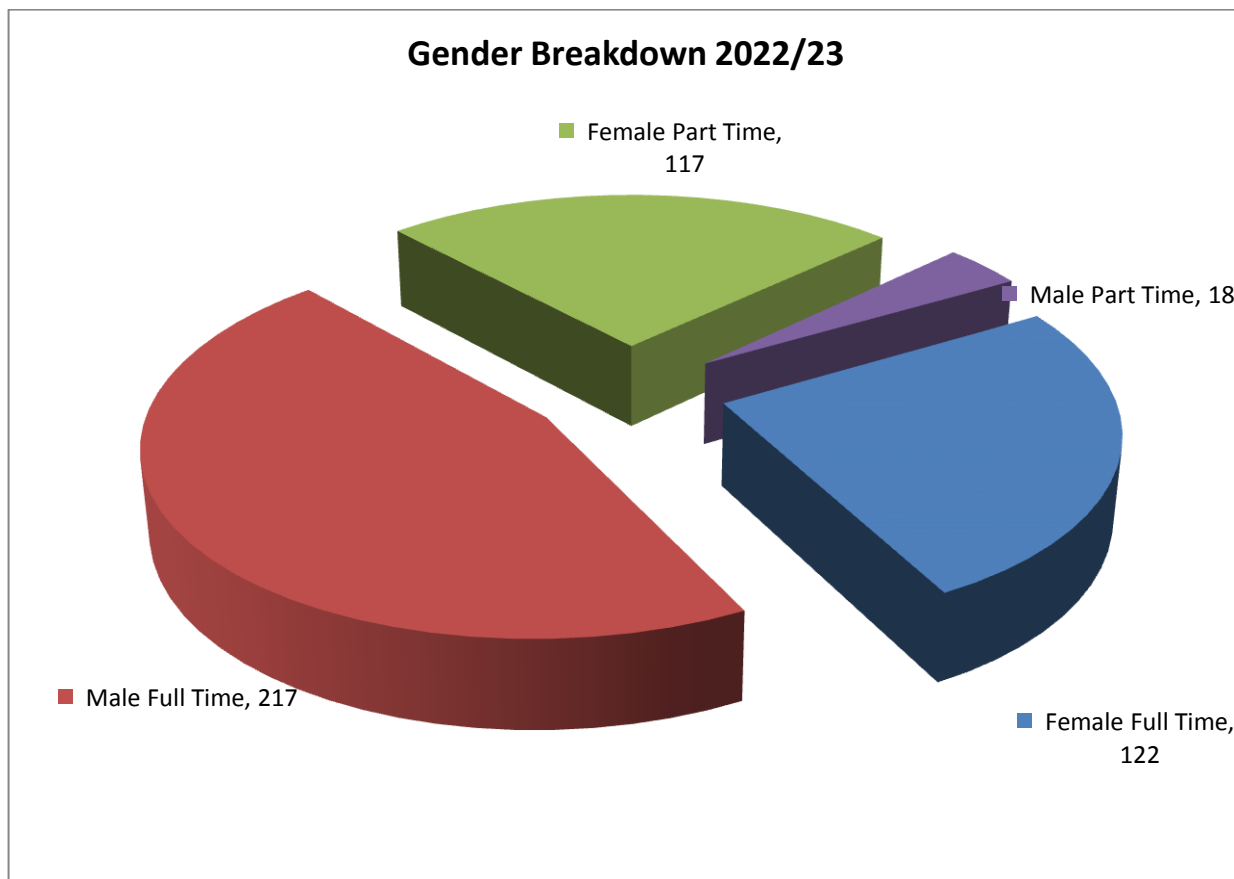
Age Range	Gender	FT	PT	Total
16-19	F	0	0	0
	M	1	0	1
20-29	F	3	0	3
	M	4	0	4
30-39	F	3	2	5
	M	4	1	5
40-49	F	6	4	10
	M	7	0	7
50-59	F	2	1	3
	M	6	1	7
60-64	F	0	1	1
	M	2	0	2
65+	F	0	1	1
	M	0	1	1
Grand Total		38	12	50

4.12 Gender

This section provides information on the gender breakdown of our employees and can be used to ensure that our commitment to equality is maintained.

	2020/21		2021/22		2022/23	
Female Full Time	129	26.54%	123	26.06%	122	25.74%
Male Full Time	214	44.03%	212	44.92%	217	45.78%
Female Part Time	122	25.10%	115	24.36%	117	24.68%
Male Part Time	21	4.32%	22	4.66%	18	3.80%
Total	486		472		474	

Broxtowe's commitment to equality in the recruitment of staff is emphasised in the gender split of the current workforce. Broxtowe employed 239 females and 235 males as at 31 March 2023. The chart below shows the gender breakdown in diagrammatic form.



4.13 Job Evaluation

Job evaluation is a means of determining the relative values of jobs within an organisation, so that all posts are graded appropriately to their duties and responsibilities. The Council's JE processes provide a systematic and consistent approach to defining the relative worth of jobs. It also enables a rank order to be developed according to the complexities of tasks, duties and responsibilities undertaken by post holders.

Following implementation of its Single Status programme in March 2011, the Council has continued to maintain a robust approach to the evaluation of posts at all levels across the organisation which ultimately demonstrates non-discriminatory pay practices.

During 2022/23, 149 jobs were evaluated which covered 74 different job groups. The outcomes of those evaluations are shown in the table below:

Job Evaluation Outcome	Number of posts
JE points score increase resulting in no change in grade of post	4
JE points score increase resulting in grade increase of post	129
JE points score unchanged	0
JE points score decrease resulting in no change in grade of post	3
JE points score decrease resulting in decrease in grade of post	1
Number of new posts evaluated	12
Total posts evaluated	149

4.14 Gender Pay Gap

The Councils Job Evaluation scheme provides equal pay for work of equal value so no inequality in pay exists.

The Council has a commitment to calculate and publish its gender pay gap each year and it does this through its Pay Policy and within the annual Workforce Profile. The gender pay gap is the difference between men's and women's earnings as a percentage of men's earnings.

Whilst Broxtowe has produced its gender pay gap annually for many years it became mandatory to do so in 2017 within the scope of a fixed set of guidelines laid down by government. These are not dissimilar to the way Broxtowe has calculated the figures previously, using annual full time equivalent salary, except that the new regulations use the hourly rate of pay including certain regular allowances. It is also a requirement to report the proportion of males and females in each quartile pay band.

An analysis of the current gender pay gap levels at Broxtowe (as at 31 March 2023) using both the mean and median calculations are as follows:

<u>Mean Calculation*</u>		<u>Median Calculation*</u>	
<u>All Employees</u>		<u>All Employees</u>	
Mean Male Hourly Rate	14.9537	Median Male Hourly Rate	13.5221
Mean Female Hourly Rate	14.4064	Median Female Hourly Rate	12.5575
Gender Pay Gap	3.66%	Gender Pay Gap	7.13%
<u>Full Time Employees</u>		<u>Full Time Employees</u>	
Mean Male Hourly Rate	15.1079	Median Male Hourly Rate	13.5221
Mean Female Hourly Rate	15.9142	Median Female Hourly Rate	13.9772
Gender Pay Gap	-5.34%	Gender Pay Gap	-3.37%
<u>Part Time Employees</u>		<u>Part Time Employees</u>	
Mean Male Hourly Rate	13.0949	Median Male Hourly Rate	12.3196
Mean Female Hourly Rate	12.8341	Median Female Hourly Rate	12.5575
Gender Pay Gap	1.99%	Gender Pay Gap	-1.93%

*The mean calculation is the average figure and the median calculation is the middle number in a range.

Calculated as the average difference between male and female earnings as a percentage of male earnings.

The gender pay gap for each year since it's mandatory inception in 2017 is shown below.

Year	Gender Pay Gap
2016/17	6.63%
2017/18	7.92%
2018/19	6.53%
2019/20	4.90%
2020/21	3.59%
2021/22	6.06%
2022/23	3.66%

5. EMPLOYMENT ISSUES

Broxtowe Borough Council is strongly committed to the equal and fair implementation of its people policies and procedures.

5.1 Disciplinary, Grievance, Capability and Attendance Management

The following statistics are related to all disciplinary, grievances, attendance management and capability proceedings based upon the date upon which the incident took place.

5.2 Disciplinary

	Gender	2020/21	2021/22	2022/23
Suspended	F	0	0	0
	M	0	0	0
Number of working days suspended	F	0	0	0
	M	0	0	0
First Formal Warning	F	0	0	0
	M	0	0	3
Final Formal Warning	F	0	0	1
	M	2	2	2
Dismissed (Gross misconduct, Summary Dismissal)	F	0	0	0
	M	1	2	0
Dismissed (Misconduct)	F	0	0	0
	M	0	0	1
Resigned during investigation	F	0	0	0
	M	0	0	0

5.3 Grievances

	2020/21	2021/22	2022/23
Female	0	2	0
Male	0	2	1
Collective	1	2	0
Total	1	6	1

5.4 Capability Policy and Procedure

The table below indicates the stages of support employees have received:

	Gender	2020/21	2021/22	2022/23
Stage 1	F	0	1	0
	M	0	0	0
Stage 2	F	0	0	0
	M	0	0	0
Stage 3	F	0	0	0
	M	0	0	0
Dismissal	F	0	0	0
	M	0	0	0
Total		0	1	0

5.5 Attendance Management Policy and Procedure

The Council has a wide range of measures to support employees who are absent from work through sickness. This includes a robust Attendance Management Policy, as well as support from an external occupational health provider and a free Employee Assistance Programme. The table below highlights the stages of the policy at which employees were supported within the framework.

	Gender	2020/21	2021/22	2022/23
Stage 1	F	13	16	17
	M	13	13	19
Stage 2	F	2	0	1
	M	0	0	3
Stage 3	F	0	0	0
	M	0	0	0
Stage 3 (Dismissal)	F	0	0	2*
	M	0	0	1*
Total		28	29	43

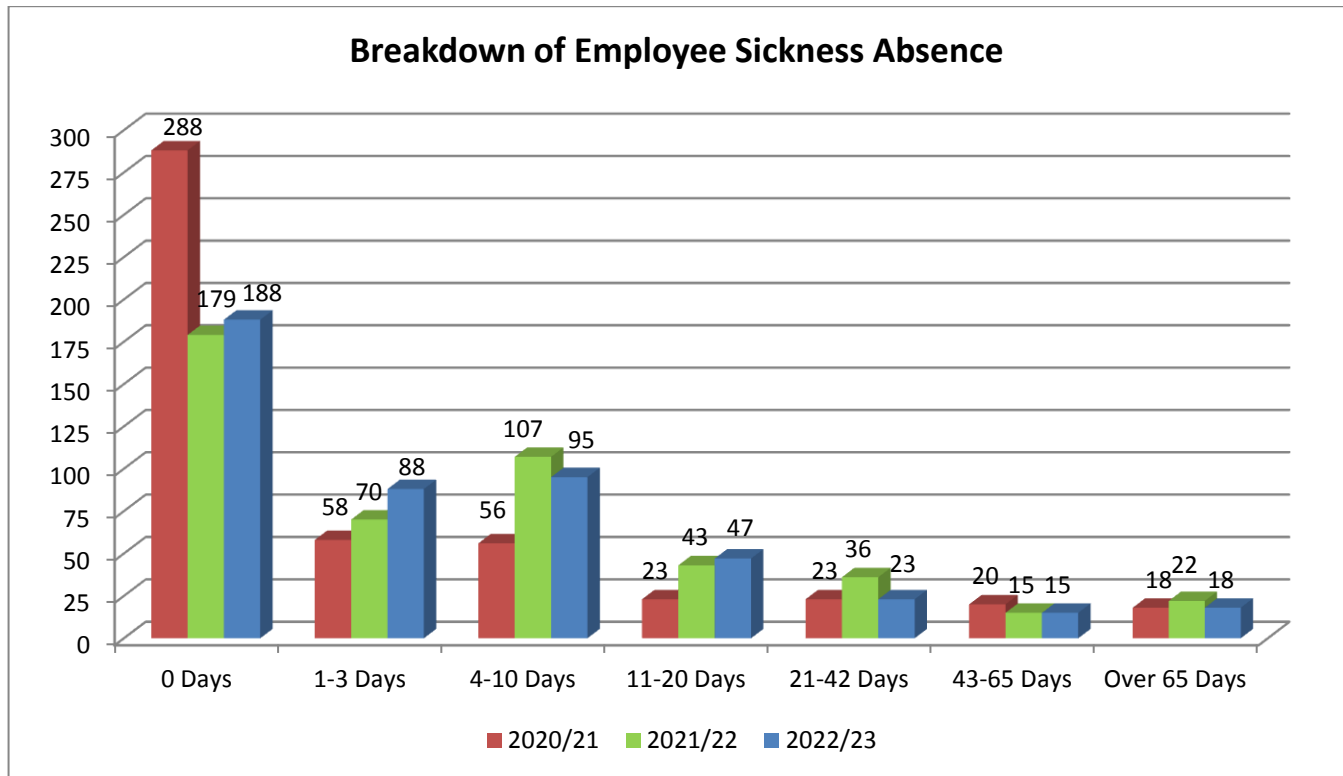
*The three attendance management dismissals listed in the table above, all qualified and received ill health retirement. This is confirmed in section 4.9 of the Workforce Profile.

The Council also promotes employee wellbeing and attendance at work by the provision of initiatives including flu vaccinations, health surveillance programmes, hepatitis vaccinations, eye and eyesight tests, audiometry assessments and specialist health screening initiatives together with welfare support and advice. The Council also offers confidential counselling and occupational health.

All absences are monitored and employees with longer term sickness are actively supported through return to work programmes.

5.6 Breakdown of Employee Sickness Absence

The following chart shows the number of occasions of employee sickness absence by the total number of days of absence as of 31 March 2023.



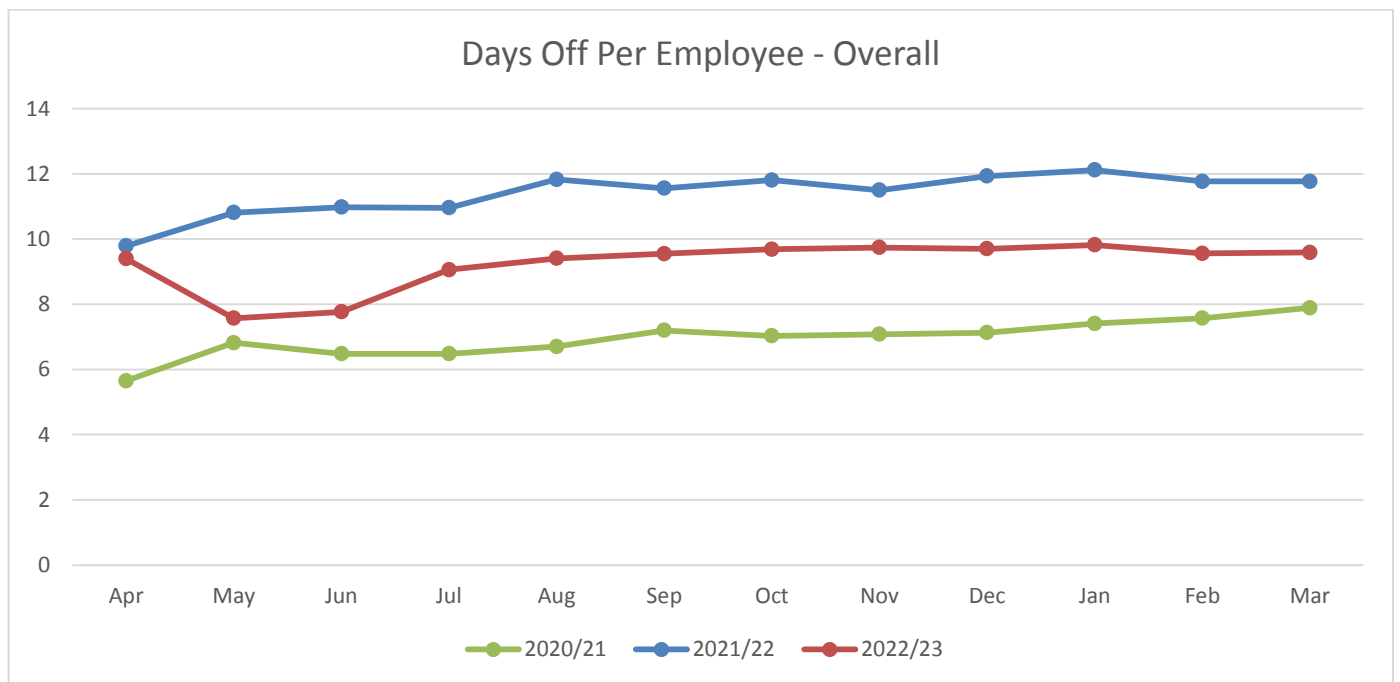
The average level of sickness during 2022/23 was 9.59 days per employee, 39.66% of the workforce had no sickness absence at all, whereas 37.92% of employees had no sickness in 2021/22 and 59.26% of employees had no sickness absence in 2020/21.

5.7 FTE Absence (Average sickness days per employee)

Year	Average
2022/23	9.59
2021/22	11.77
2020/21	7.89
2019/20	10.88
2018/19	8.69
2017/18	13.64
2016/17	9.73
2015/16	9.39
2014/15	8.66
2013/14	7.94

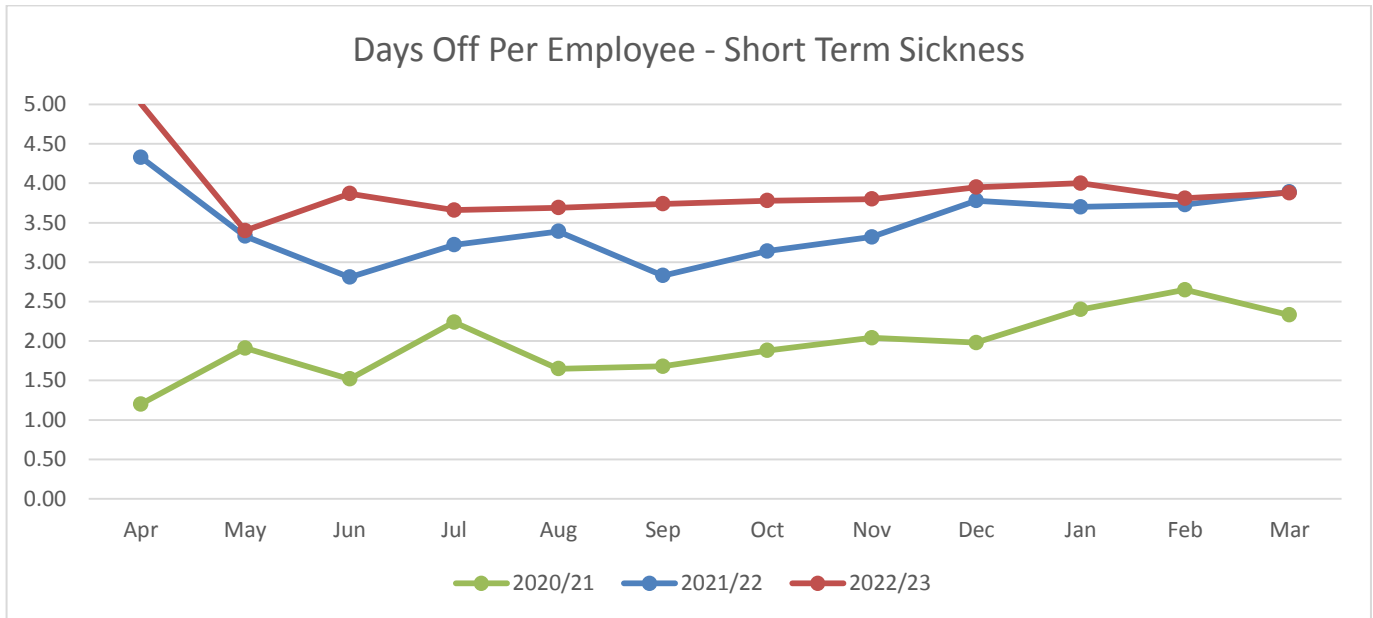
FTE Absence Comparison 2019-2022

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
2020/21	5.65	6.82	6.48	6.48	6.70	7.20	7.03	7.08	7.13	7.41	7.57	7.89
2021/22	9.79	10.81	10.98	10.96	11.83	11.56	11.81	11.50	11.93	12.12	11.77	11.77
2022/23	9.40	7.57	7.77	9.06	9.41	9.55	9.69	9.74	9.70	9.82	9.56	9.59



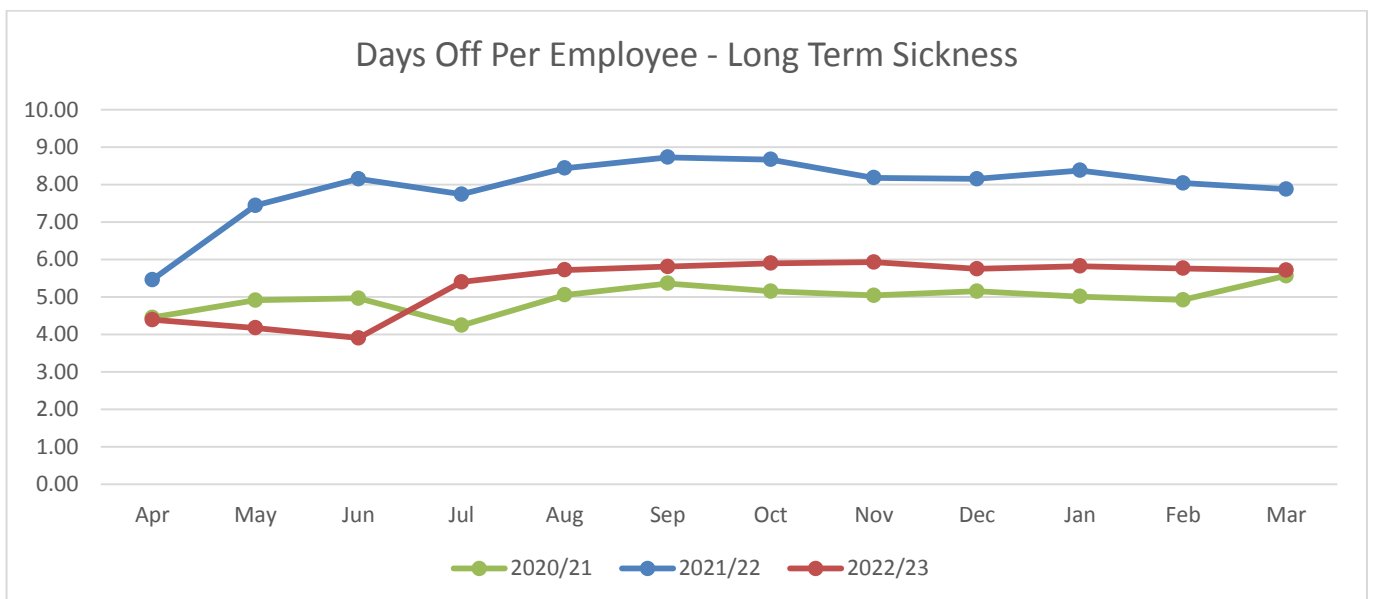
FTE Absence Comparison 2019-2022 – Short Term Sickness

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
2020/21	1.20	1.91	1.52	2.24	1.65	1.68	1.88	2.04	1.98	2.40	2.65	2.33
2021/22	4.33	3.33	2.81	3.22	3.39	2.83	3.14	3.32	3.78	3.70	3.73	3.89
2022/23	5.01	3.40	3.87	3.66	3.69	3.74	3.78	3.80	3.95	4.00	3.81	3.88



FTE Absence Comparison 2018-2021 – Long Term Sickness

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
2020/21	4.45	4.91	4.96	4.24	5.05	5.36	5.15	5.04	5.15	5.01	4.92	5.56
2021/22	5.46	7.44	8.15	7.74	8.44	8.73	8.67	8.18	8.15	8.38	8.04	7.88
2022/23	4.39	4.17	3.90	5.40	5.72	5.81	5.90	5.93	5.75	5.82	5.76	5.71

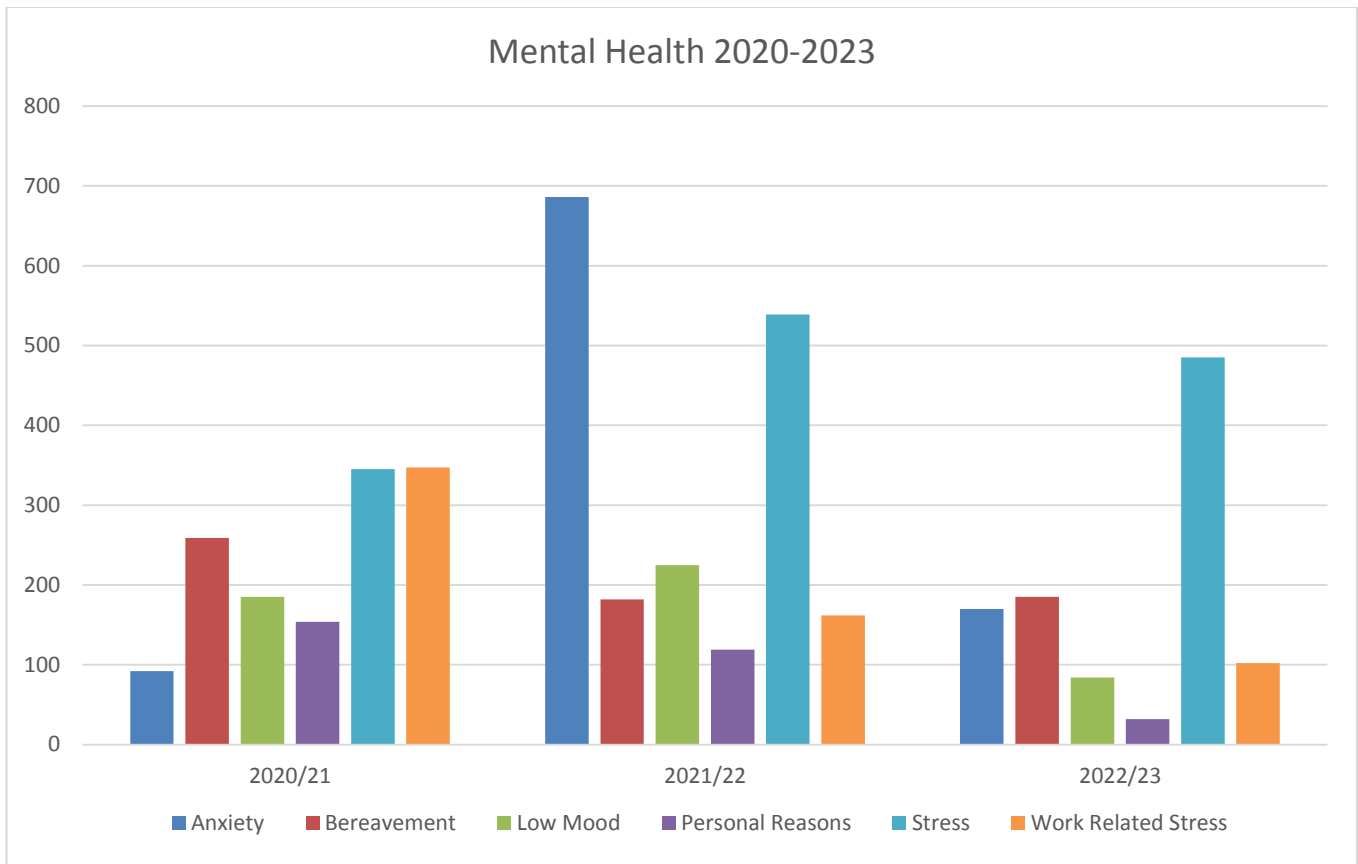


5.8 Mental Health Related Sickness Absence

The below table shows the number of days Broxtowe Borough Council employees were absence due to stress related illness.

Year	Anxiety	Bereavement	Low Mood	Personal Reasons	Stress	Work Related Stress	Total
2020/21	92	259	185	154	345	347	1382
2021/22	686	182	225	119	539	162	1913
2022/23	170	185	84	32	485	102	1058

The council first started collecting data regarding mental health related sickness in April 2012. The graph below shows the level of absence due to mental health at Broxtowe Borough Council since April 2020.



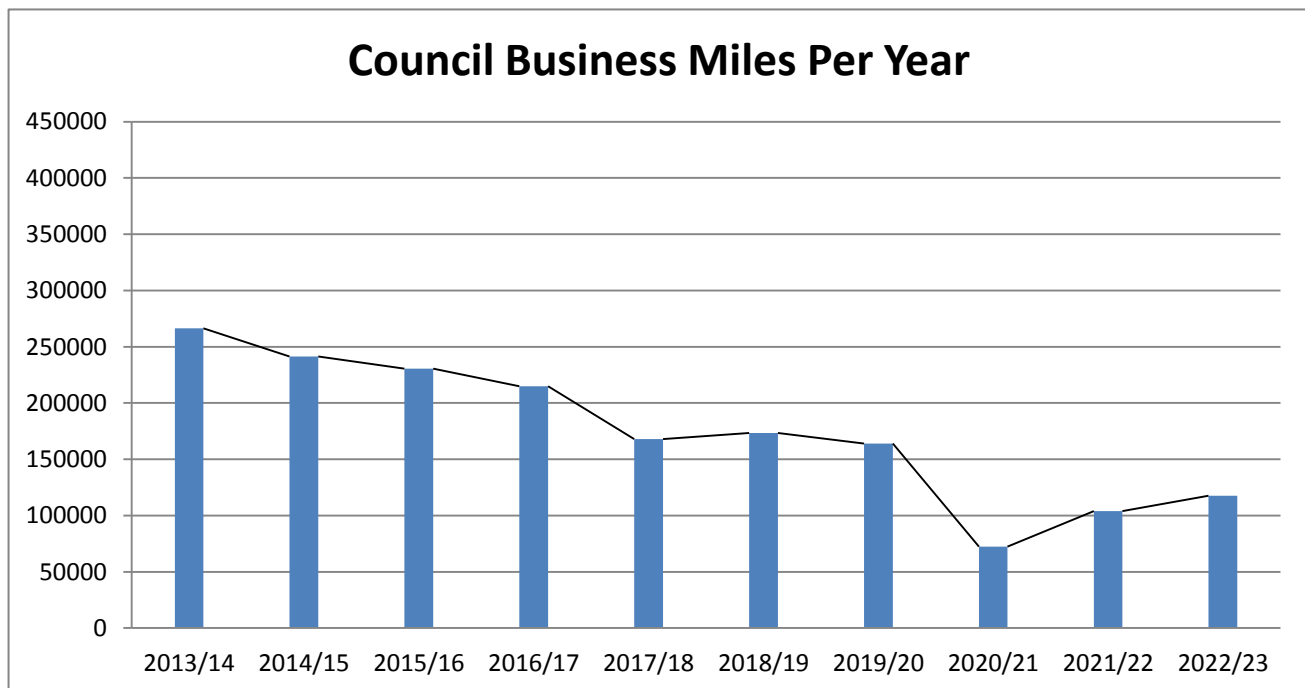
5.9 Business Mileage

Business mileage undertaken by employees in their own car. The table below shows the reductions in business mileage that have been achieved over the last 10 years. Within the last 10 years Broxtowe has implemented three major changes to the process and payment of business mileage;

- Mileage rate changed to 45p per mile (HMRC rate) from August 2013.
- VAT Receipt required when claiming mileage with effect from April 2014.
- Mileage claimed online via HR21 with effect from April 2018.

Year	Miles (Fuel)	Miles (Electric & Bike)	Total Miles	% Reduction on previous year
2022/23	113947	3572	117519	-11.47
2021/22	101213	2829	104042	-30.49
2020/21	70557	1766	72323	55.88
2019/20	163824	105	163929	5.95
2018/19	173386	293	173679	-3.48
2017/18	167833	N/A*	167833	15.61
2016/17	198886	N/A*	198886	9.06
2015/16	218700	N/A*	218700	5.84
2014/15	232262	N/A*	232262	13.39
2013/14	268179	N/A*	268179	1.84

*Information not held



6. HEALTH AND SAFETY

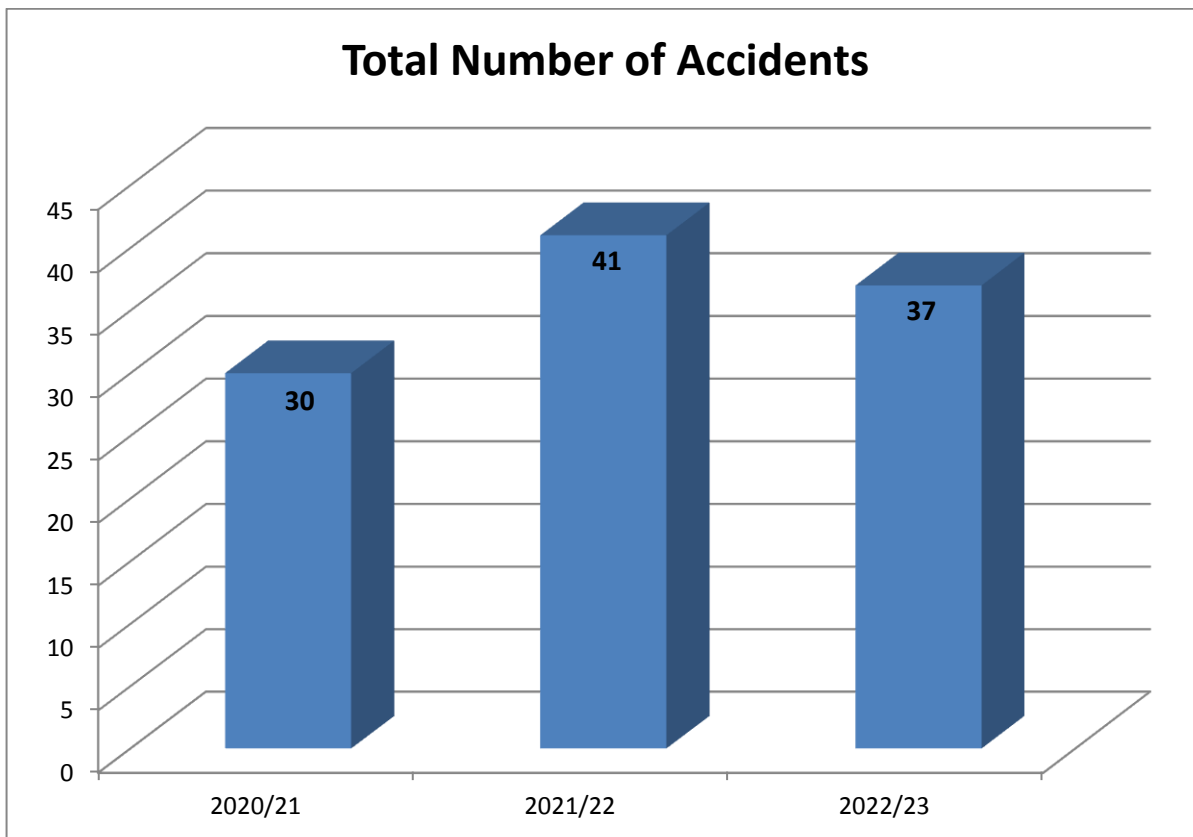
This section provides an analysis of accident figures at the Council during 2022/23 and the preceding 2 years. The figures are for employees only and are split into RIDDOR and Non-RIDDOR accidents.

RIDDOR stands for the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.

Employers have legal duties under RIDDOR requiring them to report and record more serious work-related accidents and incidents. Depending on the type of incident, the report needs to be made within a maximum of 10 days.

The total number of accidents during 2022/23 was 37.

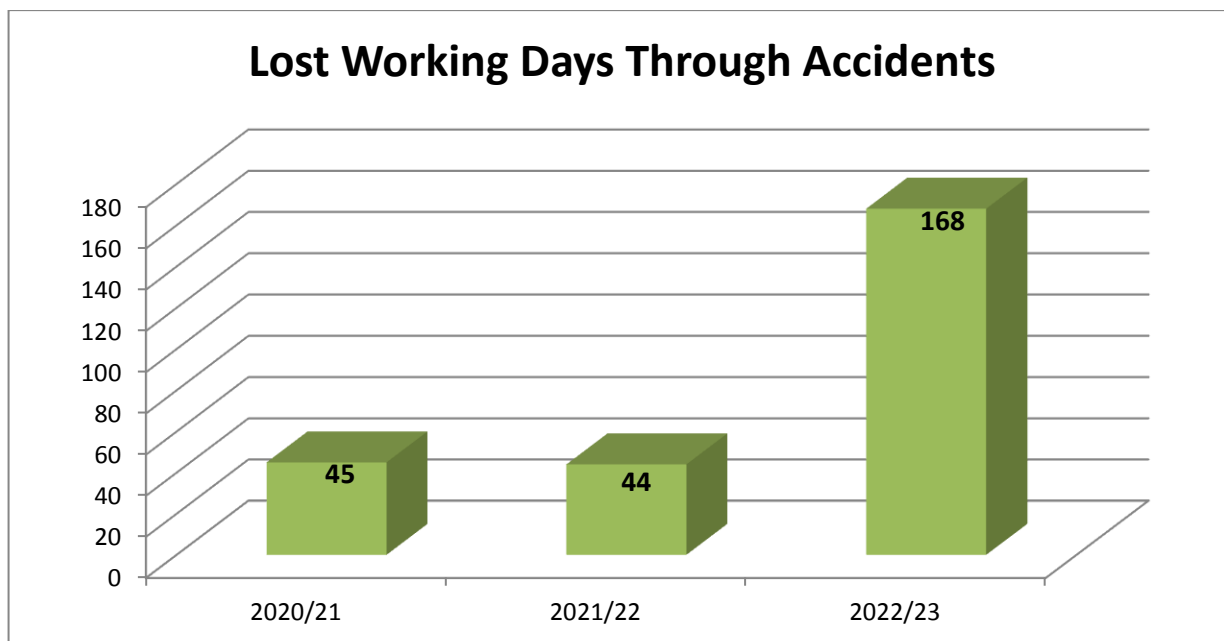
During 2021/22, 4 (9.76%) out of the total number of accidents were classified as "RIDDOR" accidents. These are more serious accidents, which must be reported to the Health and Safety Executive (HSE), and are detailed in the following table.



6.1 RIDDOR Type of Accident

	Total
2020/21	
Manual Handling	1
Slips, trips and falls	2
Striking a fixed object	0
Struck by a moving object	0
Other	0
Total	3
2021/22	
Manual Handling	2
Slips, trips and falls	0
Striking a fixed object	1
Struck by a moving object	0
Other	1
Total	4
2022/23	
Manual Handling	3
Slips, trips and falls	3
Striking a fixed object	1
Struck by a moving object	0
Other	0
Total	7

6.2 Lost Working Days through Accidents at Work



During 2022/23, 168 working days were lost from seven employees suffering RIDDOR injuries.

The average RIDDOR injuries sustained by employees:

	Total Days	Total Employees	Average
2022/23	168	7	24
2021/22	52	4	13
2020/21	45	3	15

7. CONCLUSIONS

In conclusion, this document has highlighted the profile of the Council as it stood at 31 March 2023.

For each section of the report a notable point has been highlighted below:

- **Achievements:** 92.7% of all performance appraisals were completed before the 2022/23 closing date. This is 15% higher when compared with last year (2021/22).
- **Recruitment:** 22.00% of the Council's appointments in 2022/23 were from an ethnic minority background up from 7.81% in 2021/22.
- **Our Workforce:** The gender pay gap has decreased from 6.06% to 3.66% in the last year. This is a decrease of 2.40% when compared with 2021/22.
- **Employment Issues:** The number of average sick days per employee decreased from 11.77 days per employee in 2021/22 to 9.59 in 2022/23.
- **Health & Safety:** The average number of days off due to a RIDDOR accident is 24. This is an increase of 45.83% when compared with 2021/22.

Consideration should be given to the fact that the data gathered, and subsequently shown for 2020/21 and 2021/22, will have been impacted by the COVID 19 pandemic. Whilst COVID 19 remains present in society today, the impact upon figures collected for 2022/23 is less.

If you have any questions or comments about this report, please contact the Payroll and Job Evaluation Service.

Report of the Portfolio Holder for Economic Development and Asset Management**AMENDMENTS TO THE PLANNING ENFORCEMENT PLAN DATED OCTOBER 2019****1. Purpose of Report**

The purpose of this report is to give formal endorsement amendments to the Planning Enforcement Plan, which was originally adopted in October 2019.

2. Recommendation

The Policy Overview Working Group considered the report and RECOMMENDS that Cabinet approve the proposed amendments to the Planning Enforcement Plan.

3. Detail

In reference to Part 6 of the Planning Enforcement Plan sections 6.1 and 6.4 refer to anonymous complaints. Previously the Council has accepted anonymous enforcement complaints on a case by case basis. However, inherently, such complaints usually lack specific detail, and if the complainant is not willing to identify themselves or provide contact details, the Council is then unable to request any additional information from the complainant or to provide them with updates on the complaint. Additionally, there can be difficulties later in the process if the complainant is required to provide evidence, for example for court proceedings.

For these reasons, anonymous complaints are usually given a low priority in terms of investigation unless they involve works to a listed building, conservation area or involve a matter which may be a public safety issue.

It is proposed that moving forward, the Planning Enforcement Plan should be amended so that anonymous complaints are no longer accepted, with the exceptions of works to a listed building, conservation area or where they involve a matter which may be a public safety issue. Alternatively, complainants who decline to provide their full details will be encouraged to refer their complaint to their local Ward Member or Parish/Town Council who may then raise the concerns on their behalf. This provides a mechanism for members of the public to complain about enforcement matters, and retain their anonymity.

The proposed changes are set out at Appendix 1. Attached at Appendix 2 is the Equality Impact Assessment, Appendix 3 is the Planning Enforcement Policy, and the Process Flowchart is attached at Appendix 4.

4. Financial Implications

The comments from the Head of Finance were as follows:

There are no financial implications with any costs being contained within existing budgets.

5. Legal Implications

The comments from the Head of Legal Services were as follows:

There are no direct legal implications that arise from this report.

6. Human Resources Implications

N/A

7. Union Comments

N/A

8. Climate Change Implications

There were no comments from the Climate Change Manager.

9. Data Protection Compliance Implications

This report does not contain any [OFFICIAL (SENSITIVE)] information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

The Equality Impact assessment is included at appendix 2.

11. Background Papers

Nil.

APPENDIX 1

Policy Section	Suggested Change	Reason for Change
<p>Previously 6.1 now 8.1 How to report an alleged breach of planning control</p>	<p>Remove: Your name, address, email address and contact telephone number. Anonymous complaints will be considered on a case by case basis. Replace with: Your name, address, email address and contact telephone number.</p>	<p>To gather sufficient contact information from the complainant to enable further information/ evidence of breach to be gathered.</p>
<p>Previously 6.4 now 8.4 Anonymous Complaints</p>	<p>Remove: These will be dealt with on a case by case basis. Officers will however take steps to encourage complainants who do not wish to provide their details by providing assurances regarding the confidentiality of details provided and/or by referring complainants to their local Ward Member or Parish/Town Council who may then raise the concerns on their behalf. Personal details will be kept confidential at all times, unless required to disclose as part of court proceedings.</p> <p>Replace with: The Council does not investigate anonymous complaints but any details provided by a complainant are entirely private and confidential and will not be disclosed without permission. If a complainant does not feel comfortable providing their personal details, then they may wish to contact their local Ward Councillor and they may submit the enquiry</p>	<p>To enable direct contact with the complainant to enable further information/ evidence of breach to be gathered and to prevent malicious/vexatious complaints.</p>

	<p>on behalf of the complainant so they can retain their anonymity. If, however an enforcement complaint concerns a Listed Building, conservation area or an issue regarding a matter of public safety, it will be investigated even if reported anonymously</p>	
<p>Previously 18.2 now 20.2 Reviewing the Enforcement Plan and Service</p>	<p>Remove: The Council is committed to providing the highest possible quality of service delivered in a fair and consistent manner. However, problems may occur from time to time and issues concerning the enforcement service should be brought to the attention of the planning team leader in the first instance.</p> <p>Replace with: The Council is committed to providing the highest possible quality of service delivered in a fair and consistent manner. However, problems may occur from time to time and issues concerning the enforcement service should be brought to the attention of the Head of Planning & Economic Development in the first instance.</p>	<p>Change in structure</p>

APPENDIX 2

Equality Impact Assessment

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

Public bodies are required in it to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations between people who share a protected characteristic and people who do not share it.

The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation.

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having due regard means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of

equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they commission and procure from others.

On the 12th July 2023, Full Council passed a resolution to the effect that people with care experience should be treated as if they have a protected characteristic.

Having due regard to the need to advance equality of opportunity involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality

Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Chief Executive	Lead officer responsible for EIA	Senior Planning Enforcement Officer
Name of the policy or function to be assessed:		Planning Enforcement Plan – October 2019	
Names of the officers undertaking the assessment:		Senior Planning Enforcement Officer	
Is this a new or an existing policy or function?		Existing	
<p>1. What are the aims and objectives of the policy or function?</p> <p>The aim of the Planning Enforcement Plan is to clearly set out the Council's policy and procedures for enforcement action to assist with best use of the Council's resources.</p> <p>The objective is to provide clear information to service users so that they are informed about the procedures used, potential outcomes and so that expectations of service users are managed.</p>			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>To ensure that the resources available are put to best use in line with legislation and best practice.</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>All residents of the Borough.</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <p>The Council Residents of the Borough Land/Property owners within the Borough</p>			

Directorate:	Chief Executive	Lead officer responsible for EIA	Senior Planning Enforcement Officer
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p> <p>Data is not collected based on protected characteristics of the land owners which are the subject to the potential enforcement action.</p>			
<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</p> <p>Data is not collected based on protected characteristics of the land owners which are the subject to the potential enforcement action.</p>			
<p>7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?</p> <p>That this policy does not discriminate against any protected characteristics, as the information gathered is based on evidence only.</p>			
<p>8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways? In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:</p>			
<p><input type="checkbox"/> Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?</p> <p>No.</p>			
<p><input type="checkbox"/> Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?</p> <p>Yes.</p>			
<p><input type="checkbox"/> Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?</p> <p>The enforcement plan is available on the Council's website, which is accessible and caters for visual impairments. However, if a certain group is less likely to have internet access/be familiar with technology for whatever reason then they can request a hard copy of the document or in a larger font as required.</p>			

- Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

The Enforcement policy seeks to address unlawful behaviour and in that way it contributes – good community relationships from all backgrounds and protected characteristics.

- What further evidence is needed to understand the impact on equality?**

Regular reporting of the work being carried out by the enforcement team, through planning committee, will take place every 4 months. It is also intended to undertake a benchmarking exercise with other local authorities.

9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?

Age:

As part of the annual resident survey it is suggested that a question (or questions) about planning enforcement are added. Not aimed at the alleged transgressors, but at the individuals reporting matters to the enforcement team to gauge satisfaction for the service provided. This survey is aimed at all groups and therefore all protected characteristics will be covered.

Disability: As above

Gender: As above

Gender Reassignment: As above

Marriage and Civil Partnership: As above

Pregnancy and Maternity: As above

Race: As above

Religion and Belief: As above

Sexual Orientation: As above

Care Experience: As above

Chief Executive: Ruth Hyde

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature:





Broxtowe
Borough
COUNCIL

APPENDIX 3

Planning Enforcement Policy



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1: Introduction

- 1.1** The Broxtowe Borough Council Planning Enforcement Policy sets out the Council's policy and procedure for enforcement action so that the Council's resources are put to best use dealing with breaches of planning control that threaten the local built and natural environment or the amenities of neighbours. This document sets out what officers, councillors and the general public can expect from the Borough Council as the Local Planning Authority in relation to enforcement and will provide greater clarity for all parties engaged in the development process.
- 1.2** The policy has been produced having regard to the Council's Corporate Enforcement Policy (2021) to reflect the Council's on-going commitment to openness, transparency, proportionality, accountability, helpfulness and consistency. It recognises the importance of ensuring that these principles are implemented corporately in close working relationships between all regulatory functions.
- 1.3** This policy has also been devised in accordance with the advice contained within the National Planning Policy Framework (NPPF) 2021 issued by the Ministry of Housing, Communities and Local Government.
- 1.4** Local Planning Authorities have a general discretion and must only take enforcement action where they regard that it would be expedient to do so. In each case, the Council must decide whether in planning terms it is expedient and in the public interest to take enforcement action in respect of a breach. It is not the role of planning enforcement to take action against breaches of planning control which do not significantly harm residential amenity, the environment and/or public safety. The Council must also ensure that any decision to take action in respect of a planning breach is reasonable and proportionate having regard to the harm caused.
- 1.5** In general terms, the Council do advise that, if you are proposing a development, in the interests of good neighbourhood relations, you first discuss your proposals with any neighbours who are likely to be affected. Early engagement with neighbours can often stop any complaints or issues at a later date.
- 1.6** Additionally, the Council provide a planning duty officer service each weekday to offer informal advice as to whether a development is likely to be acceptable and/or require planning permission.

2: Objectives

2.1 The Council will endeavour to carry out its planning enforcement functions in an equitable, effective, efficient, practical and consistent manner in line with the aforementioned Council's Corporate Enforcement Policy and within the remit of The Town and Country Planning Act 1990 and other associated legislation

2.2 The Council will always endeavour to reach a position, by negotiation, whereby an acceptable development/outcome can be achieved without the need for enforcement action. Wherever possible, the Council will endeavour to work with developers'/property owners to achieve a positive outcome.

3: Link to Corporate Plan

3.1 The policy will contribute to all five of the Council's corporate priorities (Business Growth, Community Safety, Environment, Health, and Housing) as well as according with the Council's stated value of "integrity and professional competence"..

4: What is 'Development'?

4.1 Section 55(1) of The Town and Country Planning Act 1990 defines development as: *"the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land"*.

4.2 Any works or change of use which are not 'development' as defined above do not constitute a breach of planning control and in these instances, the Council has no power to take any further action.

4.3 Development is not:

- Works which only affect the interior of a building; or
- Works which do not materially affect the external appearance of a building.

N.B. Any works to a listed building, including to the interior, are likely to require listed building consent.

5: What is a Breach of Planning Control?

5.1 A breach of planning control is defined in section 171A (1) of the Town and Country Planning Act 1990 as:

“carrying out development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted”.

5.2 Planning enforcement investigations need to establish whether, as a matter of fact, a breach of planning control has occurred. Breaches may consist of the following:

- Whether ‘operational development’ such as a building or engineering works, have been carried out without planning permission;
- Whether a material change of use of land or buildings has taken place without planning permission;
- Deliberate concealment of unauthorised building works or changes of use;
- Whether development has not been carried out in full accordance with an already approved planning permission;
- Failure to comply with a planning condition or a legal agreement attached to a planning permission;
- Unauthorised works to a Listed Building;
- The display of signs or advertisements without consent;
- Failure to comply with the requirements of an enforcement notice;
- Neglect of land or buildings to an extent which causes significant harm to local amenity.

6: Matters that are not Breaches of Planning Control

6.1 The following list provides examples of matters which are not breaches of planning control:

- Any works which constitute Permitted Development under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended);
- Advertisements that benefit from either deemed or express consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007;
- Parking of caravans on residential driveways or within the curtilage of a domestic property providing that they are incidental to the enjoyment of the property;
- Land ownership disputes or trespass issues;
- Loss of value to land or property;
- Disputes relating to damage to land or property;
- Internal works to a non-listed building;
- Obstruction of a highway or public right of way;
- Parking of a commercial vehicles on the highway or on grass verges;
- Running a business from home which is genuinely ancillary to the primary use of the property;
- Dangerous structures or other health and safety issues;
- Fly tipping;
- Nuisance caused by light, noise, odour or vermin;
- High Hedge disputes – these are dealt with by the enforcement team but under Part 8 of the Anti-Social Behaviour Act 2003.

7: Is it an Offence to carry out works without Planning Permission?

7.1 Unauthorised development is not a criminal offence, with the exception of works to a listed building without consent. The display of an unauthorised advertisement is a criminal offence and it is also an offence to fail to comply with the requirements of a formal enforcement notice.

8: How to Report an Alleged Breach of Planning Control

8.1 The Council consider in excess of 300 planning enforcement complaints per year. In order to enable us to deal with your complaint as promptly as possible, it is important that you provide us with as much information as you can. Information that will assist us in dealing with your complaint includes:

- A full and accurate description or address for the site in question;
- A detailed description of the activities taking place that are cause for concern;
- Names, addresses and telephone numbers of those persons responsible for the alleged breach (if known) or land owner's details;
- The date and time when the alleged breach took place;
- Details of how the alleged breach impacts your amenity/amenity of the area.
- Any other information or evidence that may assist our investigation;
- Your name, address, email address and contact telephone number.

8.2 Complaints regarding alleged breaches of planning control will be accepted either;

- By Email to planningenforcement@broxtowe.gov.uk
- By letter addressed to: Planning Enforcement, Broxtowe Borough Council, Council Offices, Foster Avenue, Beeston, Nottingham, NG9 1AB
- By telephone: Main switchboard number 0115 9177777 ask for Planning Enforcement.
- In Person at the Council Offices, Foster Avenue, Beeston, Nottingham, NG9 1AB. It may not always be possible to see an enforcement officer without prior appointment but details of your complaint may be left with reception staff, or with a duty planning officer if available.

8.3 Officers will always endeavour to gain sufficient evidence without reliance upon the complainant, however in some cases where this is not possible, the complainant will be asked to provide evidence which may be relied upon in order to take action. In such circumstances, you will need to consider whether you are prepared to assist the Council by collecting evidence and potentially acting as witness at an appeal or in Court. The Council's Planning Enforcement Officer will explain what may be required in these cases. You may be asked to keep a log of your observations of the relevant activities noting, times, dates, names, addresses and details of any vehicles involved.

8.4 The Council does not investigate anonymous complaints but any details provided by a complainant are entirely private and confidential and will not be disclosed without permission. If a complainant does not feel comfortable providing their personal details, then they may wish to contact their local Ward Councillor and they may submit the enquiry on behalf of the complainant so they can retain their anonymity. If, however an enforcement complaint concerns a Listed Building, conservation area or an issue regarding a matter of public safety, it will be investigated even if reported anonymously

8.5 **Vexatious, malicious or repetitive complaints** - that do not have any substantive planning reasons for the complaint will not be investigated

9: What can you expect if you report an Alleged Breach of Planning Control?

9.1 The Council will endeavour to:

- Investigate all alleged breaches of planning control reported to the Council in accordance with Part 8 of the Enforcement Policy.
- Keep your personal details confidential at all times, unless required to disclose as part of court proceedings.
- Register your complaint within five working days of receipt, provide you with an acknowledgement either by letter or email and a unique case reference number with a named officer as point of contact.
- Keep you informed of the progress of the case and of any decisions made with regard to whether to take action or of what action will be taken and estimated time scales.
- Negotiate with those responsible for any breach of planning control, allowing them reasonable opportunity to resolve the issues before service of a formal notice is considered, unless the breach is so serious that it warrants immediate action or where negotiations become protracted with no real prospect of success.

10: How we will Prioritise your Complaint

10.1 In order to make the best use of the Council's limited resources it is important to prioritise the complaints received in accordance with the seriousness of the alleged breach. This will initially be decided by the Council following receipt of the complaint based on the likelihood of action to follow. This may however be subject to change following a site inspection or if/when further information comes to light during the duration of the investigation.

10.2 The most serious breaches are categorised within category A. These are breaches which could cause irreversible damage to a nationally designated building, are within the criminal regime and could result in prosecution. They are therefore treated as high priority.

10.3 There is no suggestion that breaches of planning control falling within lower categories are not serious. The initial prioritisation of complaints is on the basis that those within categories C or D are more likely to have remedies available to resolve the matter without the need for formal enforcement action.

Priority Categories

Category A

- Unauthorised demolition or partial demolition or works to a Listed Building or demolition or partial demolition of a building within a Conservation Area;
- Unauthorised felling of or works to trees covered by a Tree Preservation Order;

Category B

- Breach of a condition;
- Unauthorised development within an area designated within the adopted Local Plan (i.e. Green Belt, Conservation Areas, sites protected by an environmental designation or covered by an Article 4 Direction);
- Any unauthorised development where it appears that the time limit for enforcement action will expire within the next six months;

Category C

- Other unauthorised built development;
- Other unauthorised changes of use of land or buildings;
- Unauthorised advertisements;

Category D

- Untidy land, gardens and buildings.

NB: Some breaches may fall within more than one of the above categories. In these cases they will be prioritised in line with higher category.

Timescales for Investigation

10.4 Following receipt of the complaint, the Council will endeavour to ensure that it is registered and allocated to an officer to investigate within five working days. We will then endeavour to carry out a site visit within the following timescales:

Category A

- On the day of registration wherever possible, or as soon as is reasonably practicable.

Category B

- Within 10 working days of registration.

Category C

- Within 15 working days of registration.

Category D

- Within 20 working days of registration.

10.5 Whilst we will do our utmost to ensure that these timescales are met, on occasion this may not be possible.

11: What are the Possible Outcomes of an Investigation?

11.1 A breach of planning control is established - If this is the case then negotiations will take place with a view to finding a solution – In accordance with Central Government guidance, the first priority is to try and resolve any breaches of planning control through negotiation. Only when negotiations fail to secure a resolution should formal action be considered. Formal action is always a last resort, in line with Government guidance. (For further information on formal action see section 15).

11.2 Retrospective Planning Applications - One such resolution may be to invite a retrospective planning application for the Council's consideration. A retrospective planning application will be invited where it is considered that the breach does not cause significant harm and where there is a reasonable prospect that planning permission may be granted or where a development could be made acceptable subject to the imposition of conditions.

11.3 There is a breach of planning control but it is not considered expedient to pursue – If a breach is found to exist, it does not automatically mean that formal action will be taken. Enforcement powers are discretionary and minor technical breaches or breaches which have little or no impact on the environment or neighbouring properties may be considered too minor to warrant the time and resource of pursuing. In these cases, we would liaise with ward councillors to gain their views on the matter in line with the Council's Constitution.

11.4 The development is lawful and has become immune from enforcement action with the passage of time – This is when an unauthorised development or change of use has occurred over a long period of time without being brought to the attention of the Council. There are certain time limits involved in relation to operational development and changes of use which are further alluded to in Section 14.

11.5 Permitted Development - Under the provisions of The Town and Country Planning (General Permitted Development) Order 2015, certain developments and changes of use are permitted and do not require planning permission. These include some residential extensions, outbuildings and changes of use of commercial premises, subject to limitations. This is known as Permitted Development.

11.6 No breach established – Following a site inspection it may be found that no breach of planning control has occurred because for example, the unauthorised use has ceased or the development is permitted development.

12: What happens if an Allegation is made against you?

12.1 If a complaint is received that affects your property then the first thing that will happen is that you or your agent will be contacted by the enforcement team (if your details are known) or a visit will be made to the site by an enforcement officer. The initial site inspection may be undertaken without any prior notification.

12.2 In some cases, breaches of planning control are unintentional and may have resulted from a misunderstanding of the planning regulations or a person being unaware of the requirements. Therefore, if you receive a letter or visit from an Enforcement Officer, you will be encouraged to respond in a positive manner and provide the information required to resolve the matter in a timely manner.

12.3 The Council have a duty to investigate alleged breaches of planning control even if they prove to be unfounded. The Council are not able to disclose the identity of the complainant to you.

12.4 The purpose of the initial visit is to establish the facts and whether there is any basis for the allegation. During this visit, the officer is likely to take measurements and photographs of the development or activity taking place.

12.5 If there is a breach of planning control, you will be advised of the details of the breach and what steps need to be taken to either rectify the breach or regularise the situation. Subject to the nature of the breach, you will be given a reasonable time period to resolve the issue. We will always endeavour to resolve matters by way of amicable negotiation or by the submission of a retrospective planning application. However, where compliance cannot be achieved through these channels, formal action may be instigated.

12.6 If you are served with an enforcement notice, the case officer will be able to explain the meaning and to help you to understand the implications. However, enforcement officers cannot act as your advisor. In these circumstances it is strongly advised that you seek independent advice from a legal professional and/or qualified planning consultant.

13: Power of entry onto land

13.1 Section 196A of the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Area) Act 1990 and Part 8 of the Anti-Social Behaviour Act 2003 provides officers' of the Council the legal power to enter land and/or premises at all reasonable hours in order to undertake his/her official duties. Willful obstruction of a person exercising a lawful right of entry is an offence.

14: Time limits for taking Formal Action

14.1 Section 171B of the Town and Country Planning Act (1990) provides time limits for taking enforcement action. The Council cannot serve a notice after four years where the breach of planning control involves operational development, for example, extensions to dwellings, new buildings, laying of hard standings; or for a change of use of any building to a single dwelling house, from the date of commencement of the breach. Other unauthorised changes of use and breaches of conditions are subject to a ten-year time limit. There are certain circumstances where these time limits do not apply, for example in the case of listed buildings or where there has been deliberate concealment.

15: Formal Action

15.1 The Council has a range of formal powers under the provisions of the Town and Country Planning Act 1990 that may be used to remedy breaches of planning control. Any action undertaken would be in liaison with the Chair and Vice Chair of the Planning Committee and ward councillors, in accordance with the Council's Scheme of Delegation. The more common forms are listed below:

- A Notice under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 requires information relating to owners, occupiers or any other persons with an interest in the land.
- The service of a planning contravention notice (PCN) under Section 171C enables the service of a notice requiring persons to provide information in relation to land or activities on land where a breach of planning control is suspected.
- The service of an Enforcement Notice – Section 172 enables the service of a notice which requires specific steps to be undertaken to remedy a breach of planning control within a specific timeframe.
- The service of a Breach of Condition Notice (BCN) – Section 187A enables the service of a notice to secure compliance with conditions imposed within a planning permission.
- The service of a Section 215 notice – this enables the service of a notice requiring the proper maintenance of land and buildings.
- The service of a stop notice or temporary stop notice – Section 183 and section 171E enables the service of a notice requiring the immediate cessation of unauthorised activities. A stop notice may only be served alongside an enforcement notice. Stop notices should not be used routinely. Where the associated enforcement notice is quashed, varied or withdrawn or the stop notice is withdrawn compensation may be payable in certain circumstances and subject to various limitations (Section 186 of the Town and Country Planning Act 1990).
- Advertisements – The display of advertisements that do not meet the criteria set out in the Town and Country Planning (Control of Advertisements) (England) Regulations are illegal unless they have been granted express consent and may be subject to prosecution.

This list is not exhaustive.

15.2 The Council also have powers to serve injunctive proceedings, to take direct action to remedy breaches and to prosecute for non-compliance where it is in the public interest and deemed necessary.

15.3 The Council will comply with the provisions of the Police and Criminal Evidence Act 1984 when interviewing persons suspected of a criminal offence and with the Criminal Procedures and Investigations Act 1996 and Section 222 of the Local Government Act 1972, when carrying out prosecutions.

16: Action under Anti-Social Behaviour Legislation

16.1 Further powers are available to the Council in the form of Community Protection Warnings (CPW) and Community Protection Notices (CPN) under Section 43 of the Anti-Social Behaviour Crime and Policing Act 2014. These may be used for a number of purposes but are intended to prevent unreasonable behaviour that is having a negative, persistent and continuing impact on the local community's way of life. Recipients of the notice have a right of appeal to the Magistrates Court within 21 days of service. Failure to comply with a CPN can result in a fine or the issue of a fixed penalty notice.

16.2 High Hedge Remedial Notice under Section 69 of the Anti-Social Behaviour Act 2003 – These notices may be served following a High Hedge complaint if action is considered to be warranted. The recipient has a right of appeal against such a notice and failure to comply can result in prosecution.

17: What happens following the service of an Enforcement Notice?

17.1 Once an Enforcement Notice is served the recipient will either:

- Comply with the requirements of the notice;
- Appeal to the Planning Inspectorate against the service of the notice;
- Fail to comply with the notice either in part or in whole and risk prosecution or direct action being taken to remedy the breach.

The Appeal Process

17.2 Following service of an enforcement notice, the recipient has 28 days in which to appeal to the Planning Inspectorate against the enforcement notice. An appeal can be a lengthy and time consuming process and may be dealt with by the Inspectorate in one of the following three ways:

- by written representations;
- the hearing process, or
- by a formal inquiry process.

17.3 There are seven grounds of appeal under Section 174 Town and County Act 1990 available against an enforcement notice. These are:

- **Ground A** That planning permission should be granted for the development;
- **Ground B** That the breach of planning control alleged in the notice has not occurred as a matter of fact;
- **Ground C** There has been no breach of planning control and the development undertaken does not amount to development under Section 55 of the Town and Country Planning Act, or that the change of use is not a material one i.e., it is;
 - Permitted by the Town and country Planning (General Permitted Development) (England) Order 2015, or;
 - that the change of use is permitted by the Town and Country Planning (Use Classes) Order 1987 (as amended);
 - Has been carried out in accordance with a planning permission.
- **Ground D** When the enforcement notice was issued it was too late to take enforcement action;
- **Ground E** The notice was not properly served;
- **Ground F** That the steps in the notice exceed what is required to remedy the breach of planning control;
- **Ground G** That the time for compliance is unreasonable and more time should be allowed to achieve compliance.

17.4 If an appeal against a notice is unsuccessful then the enforcement notice will come into effect. If the appeal is successful and/or if planning permission is granted, then this will usually conclude the matter save for monitoring compliance with any conditions which may have been imposed. If the notice is upheld or there is no appeal but compliance has still not been achieved, then the Council can take steps to prosecute in court.

17.5 For further information regarding the appeal process please refer to The Planning Inspectorate section on the gov.uk website.

Direct Action

17.6 Direct action may be used where necessary to ensure that remedial works are undertaken to secure compliance with an enforcement notice. In such cases, the Council will seek to recover the costs of taking direct action from the offender and this may result in a legal charge being placed on the land or property to enable the monies to be recovered at a later date.

18: Monitoring and Compliance

18.1 In some instances when planning permission is granted, it may be necessary to impose conditions for example requiring further details of materials or landscape scheme to be submitted for agreement or for a development to be undertaken in a certain way. The onus is on the developer to ensure that all necessary consents are in place and that conditions are fully complied with. A failure to do this risks avoidable action being taken to remedy the matter.

19: Monitoring Section 106 Agreements

19.1 In addition to planning conditions which may be imposed on a development, it may be that a legal agreement will be signed between parties involved in a development which aims to provide either a financial contribution (for example to provide local facilities), or to undertake work that cannot be conditioned as part of the development. As with the planning conditions, there will be triggers for the requirements of the agreements to be complied with and these will be monitored to ensure that contributions are paid to the Council and the requirements of the agreement are completed. Failure to comply will result in action being taken.

20: Reviewing the Enforcement Plan and Service

20.1 The plan will be reviewed from time to time and at least every three years taking into account changes to legislation, government guidance and the Council's Constitution and procedures.

20.2 The Council is committed to providing the highest possible quality of service delivered in a fair and consistent matter. However, problems may occur from time to time and issues concerning the enforcement service should be brought to the attention of the Head of Planning & Economic Development in the first instance.

20.3 If you are still dissatisfied you may wish to submit a complaint following the Council's complaints procedure, details of which are available on the Broxtowe Borough Council website <https://www.broxtowe.gov.uk/about-the-council/consultations-feedback-complaints/make-a-comment-complaint/>

20.4 Subsequently, complaints may be reported to the Local Government Ombudsman.



This document is available
in large print upon request

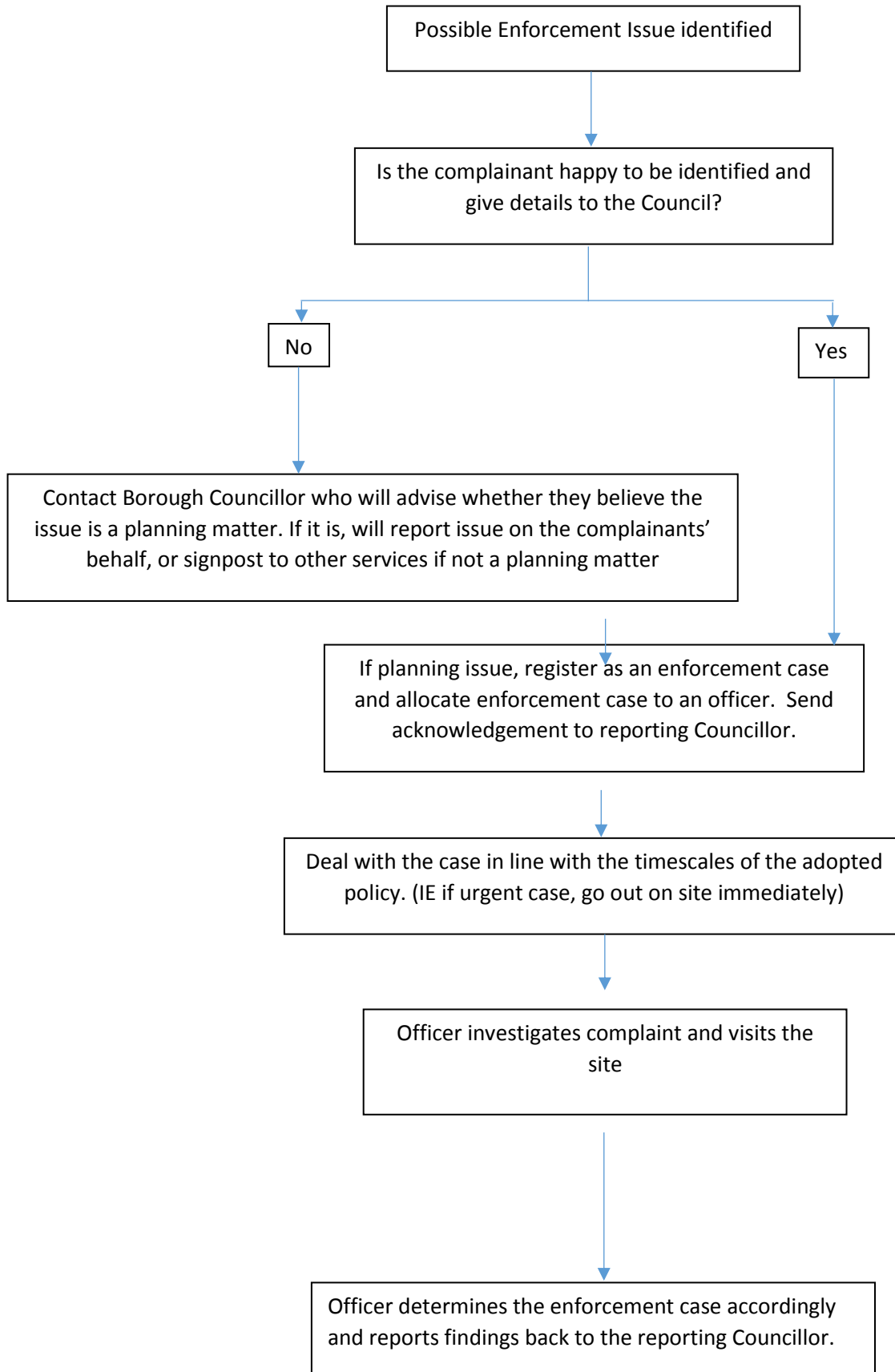
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Process Flowchart for Enforcement Complaints

APPENDIX 4



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Report of the Portfolio Holder for Economic Development and Asset Management

GREATER NOTTINGHAM STRATEGIC PLAN: STRATEGIC DISTRIBUTION AND LOGISTICS PREFERRED APPROACH CONSULTATION

1. Purpose of Report

As part of the review of their respective Part 1 Local Plans (Core Strategies) Broxtowe Borough, Gedling Borough, Nottingham City and Rushcliffe Councils are preparing the Greater Nottingham Strategic Plan.

In January 2023, the Councils undertook a “Preferred Approach” consultation (Regulation 18) focusing on the Strategic Plan’s Vision, Strategy and the approach to housing and employment need.

The Councils are now seeking approval to undertake an additional consultation for a period of six weeks focusing on a Preferred Approach to strategic distribution and logistics.

In Broxtowe, an allocation for distribution and logistics is proposed at the Former Bennerley Coal Disposal Point. In Rushcliffe, it is proposed that part of the Ratcliffe on Soar Power Station site should be allocated.

The responses received will then be considered as part of preparing the final draft of the Strategic Plan.

2. Recommendation

CABINET is asked to RESOLVE that:

1. The Greater Nottingham Strategic Plan: Strategic Distribution and Logistics Preferred Approach be approved, in so far as it relates to Broxtowe Borough, for public consultation; and

2. Authority is delegated to the Head of Planning and Economic Development to approve any minor changes (e.g. presentational, typographical and grammatical) required to the Preferred Approach document and the evidence base prior to consultation.

3. Detail

It is a statutory requirement for Councils to have a development plan in place which identifies the strategic priorities of the area. Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary. The Aligned Core Strategy was adopted in 2014 and is now being reviewed. This will result in the production of the Greater Nottingham Strategic Plan.

Having an up-to-date plan provides greater certainty in respect of planning for housing and economic development and delivering the required infrastructure.

Evidence of Need

As part of preparing the Strategic Plan, the Councils have been producing a detailed evidence base. As part of this evidence base, the Councils commissioned consultants to carry out an employment land study ([Nottingham Core and Outer HMA Employment Land Study 2021, Lichfields, May 2021](#)).

The study included a specific recommendation to give further consideration to assess the need for major logistics facilities.

Ashfield, Broxtowe, Erewash, Gedling, Mansfield, Newark & Sherwood, Nottingham City and Rushcliffe Councils commissioned consultants to undertake a logistics study ([Nottinghamshire Core and Outer HMA Logistics Study, Icen, August 2022](#)) to assess the specific needs for strategic distribution and logistics facilities.

The study assessed the quantitative need for additional strategic distribution floorspace and also set out more specific locational criteria for locating strategic distribution and logistics. The study was undertaken from a “policy off” perspective, meaning that constraints such as the Green Belt or issues determining sustainability (historic and natural environment constraints and socio-economic factors) were not considered in the ability of the area to accommodate future logistic requirements. The study did not involve modelling capacity of the road network or individual junctions which will be addressed through future transport modelling work. The quantum of space estimated as being required is not viewed as a target but as guidance to the extent of which need may be met once account is taken of policy and environmental constraints.

The study concluded that there was a residual need for 137 – 155 ha, equivalent to “two to three large strategic logistic parks” across the study area. It should be noted that this covered a larger area than covered by the Strategic Plan and includes Ashfield, Mansfield and Newark and Sherwood.

Further details regarding the Logistics Study, including its relationship with other studies and to distribution and logistics need outside of the Strategic Plan area, are contained within a separate Background Paper.

Critically, the Background Paper has updated the supply of distribution and logistics developments with planning permission (commitments) and those without permission but are likely to come forward, for example within existing and local plans (pipeline sites). This update and the removing of sites that are

delivering general employment development (avoiding the double counting of sites as both distribution and general employment) has resulted in an identified residual remaining need of between 131 – 147 ha across the wider study area.

The Logistics Study identified Areas of Opportunity where new strategic logistic sites should be located. These are broad areas which: have good connections to the strategic road network; are appropriately located relative to the markets to be served; are located where there is a known under-provision of strategic sites; and are accessible to labour and located close to areas of employment need.

The following Areas of Opportunity are identified:

- Area adjacent to M1 Junction 28 and 27 (Sutton in Ashfield, Alfreton, Kirkby-in-Ashfield and towards Hucknall);
- Area adjacent to M1 Junction 26 (Langley Mill, Eastwood and Kimberley);
- Area adjacent to M1 Junction 25;
- Area adjacent to A453; and
- Area surrounding Newark (along A1 and A46).

The Study recommended that sites should be sufficiently large and flexible in configuration with a minimum size of 25 hectares being recommended although sites of 50 hectares or more are preferred.

A “Call for Sites” was undertaken in Autumn 2022 which sought sites over 25ha in size and within the Areas of Opportunity.

In Broxtowe, ten sites were submitted (see Appendix 1 for map):

- BBC-L01: Former Bennerley Coal Disposal Point
- BBC-L02a: Gilt Hill (smaller site)
- BBC-L02b: Gilt Hill (larger site)
- BBC-L03: Gin Close Way
- BBC-L04: Land at Kimberley Eastwood Bye Pass
- BBC-L05: Land at Low Wood Road, Nuthall
- BBC-L06: Land at New Farm Nuthall
- BBC-L07: Land at Shilo Way
- BBC-L08: Land to the south-east of M1 junction 26, Nuthall
- BBC-L09: Land at Waterloo Lane, Trowell

A two stage assessment was then undertaken. The first stage considered whether the sites were of a sufficient size, were in proximity to the Areas of Opportunity and had good connections to the highway network. Sites which met the criteria were considered as “Reasonable Alternatives” and were subject to more detailed assessments following a set of criteria. The criteria were selected to assess whether the sites have the potential to deliver sustainable development, including whether development on the site could potentially utilise low carbon measures, whether the site could enable the transfer of freight onto the rail network, whether the site is located close to centres of population and potential employees and consideration of other policy designations such as Green Belt, heritage, ecology and flooding.

The detailed assessments are contained within a separate Background Paper. The sites have also been subject to assessments as part of the Sustainability Appraisal. Both of these documents, together with a main consultation document, will form part of the consultation.

Preferred Sites

Following the detailed assessments, two preferred sites have been identified:

Site Reference	Site Name	Site Area	Estimated Floorspace
BBC-L01	Former Bennerley Coal Disposal Point, Broxtowe	68 ha	74,000 sq metres
RBC-L01	Ratcliffe on Soar Power Station (part), Rushcliffe	36.4 ha (wider site area is 265 ha)	180,000 sq metres

The Former Bennerley Coal Disposal Point site is considered preferable to alternative sites for a number of reasons. The site contains areas of previously developed land due to the former use as a coal disposal point. It has access to the strategic highway network but is also located adjacent to a railway line with access potentially achievable via a disused spur and railway bridge that crosses the River Erewash. The potential to deliver a rail access is a substantial benefit as it will enable low carbon transportation of rail freight. This is consistent with the Government’s commitment as set out in the Department for Transport’s plan to reduce emissions from transport called [Decarbonising Transport - A Better Greener Britain](#) which commits to support and encourage modal shift of freight from road to more sustainable alternatives, such as rail, cargo bike and inland waterways. It would also provide rail access for distribution and logistics within the wider area, including existing strategic distribution sites to the north at M1 junctions 27 and 28.

The site is located close to centres of population at Eastwood, Awsworth and Ilkeston/Cotmanhay. It is also near to Kimberley/Nuthall and Nottingham. The site is close to areas of high deprivation within Eastwood, Ilkeston/Cotmanhay and also near to areas of deprivation in Nottingham. The development of this site for distribution and logistics would bring economic benefits to these areas. Active travel links in the area, including Bennerley Viaduct, could also be utilised and enhanced. It is considered that the above factors distinguish the site from the other sites assessed.

It is noted that there are a number of site constraints. The site is located within the Green Belt between Awsworth/Eastwood and Cotmanhay/Ilkeston. It is also located adjacent to Bennerley Viaduct, which is Grade II* listed. The site also crosses the Erewash Valley, which is identified as a primary and secondary green infrastructure corridor. There are three Local Wildlife Sites within the site and one Local Wildlife Site within 250m. Development would have to be carefully designed to address these constraints.

Notwithstanding these constraints, the site will make a significant contribution to meeting identified distribution and logistics needs, is located adjacent to the railway line and opportunities to deliver a lower carbon distribution and logistics development, contains areas of brownfield land, has no substantial highways access constraints and is in proximity to existing populations (including areas of deprivation). It is considered that these constitute exceptional circumstances which are required to remove this site from the Green Belt.

There are a number of other sites within Broxtowe which could also provide significant distribution and logistics floorspace. These sites are located within close proximity to the strategic highway network and some of the sites also benefit from good connections to existing settlements. However, these sites do not have potential rail access, are greenfield and it is considered that these sites have not demonstrated a means of mitigating or offsetting the carbon emissions resulting from the development.

Ratcliffe on Soar Power Station in Rushcliffe is also identified as a preferred site due to it being a designated Freeport, is subject to an adopted Local Development Order that identifies approximately 36 ha of storage and distribution, contains extensive areas of brownfield land and has a rail connection.

Combined these sites will deliver 104 ha of strategic distribution and logistics development, making a significant contribution to meeting assessed needs within the Logistics Study area.

Meeting the Overall Need

The Logistics Study recommends providing for approximately 425 ha of strategic warehousing and logistics facilities within the study area which, in addition to Greater Nottingham Strategic Plan area, includes Ashfield, Erewash, Mansfield, Newark and Sherwood. The extent of this area emphasises the flexibility of strategic distribution and the contributions (although not quantified) that development beyond the study area (most notably along the M1 and A1) will make to the study area's need.

There is a considerable amount of "committed" and potential "pipeline" supply already identified by the Councils across the Nottingham Core and Outer HMAs. A significant quantity of which will be delivered within the Greater Nottingham Strategic Plan area. Taking into account this supply, a residual need of between 131 and 147 ha has been identified.

The estimate of need is considered to be guidance and not a target as all the Councils must balance meeting demand for strategic distribution and logistics against planning policy and environmental constraints, principally the importance of protecting Green Belt.

The Councils have taken into account the various operational criteria and planning policy constraints and have identified two preferred sites which broadly meet the relevant criteria. This provision, combined with the identified "commitments" and potential "pipeline" supply across the entire study area (including within neighbouring authorities) would provide for significant growth in the delivery of strategic distribution and logistics facilities in the Study Area and an increased market share of the wider strategic distribution market.

Next Steps

Subject to approval by all four of the Councils, the aim is to consult in late September/ early October 2023. Following the consultation, the responses received will be considered as part of preparing the Strategic Plan's publication draft.

Alternative options considered and reasons for rejection

The production of a Local Plan is a statutory duty. It will ensure a consistent and coherent planning policy approach across the wider area. It would be possible for the Borough Council to prepare a Local Plan without the involvement of the partner councils, but this has been rejected as significant cost savings are achieved in preparing a joint document covering more strategic matters.

In respect of the Preferred Approach, all reasonable alternatives have been assessed through the sustainability appraisal and site selection work undertaken as part of Plan preparation.

Risks and Uncertainties

Failure to review the Aligned Core Strategy would result in the Borough not having an up-to-date Development Plan. The absence of which would increase the risk of speculative unplanned development in Broxtowe and could weaken the Council's ability to effectively deal with all planning applications.

It is considered that not making provision for distribution and logistics development would increase the likelihood of the Strategic Plan not being found 'sound'.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

The present workload required in preparing the Greater Nottingham Strategic Plan, in terms of the Council working jointly with partner authorities, will be undertaken utilising existing resources within Planning Policy. As such, there are no additional financial implications for the Council at this stage with any costs being contained within existing budgets. Any significant budget implications that might be required as the review progresses, over and above virement limits, would require approval by Cabinet.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

It is a legal requirement of local planning authorities that they exercise their plan making functions (under s.39(2) of the Planning and Compulsory Purchase Act 2004). Consultation forms an essential part of the local plan process. Authorities are legally required under the Town and Country Planning (Local Planning) (England) Regulations 2012 to consult at two stages before submitting draft plans for examination. Firstly, the initial Regulation 18 stage when the strategy is in its early stages and the later Regulation 19 phase just before it is sent to the Planning Inspectorate for examination.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

Not applicable.

7. Union Comments

The comments from the Union were as follows:

Not applicable.

8. Climate Change Implications

The comments from were as follows:

The Former Bennerley Coal Disposal Point site is considered preferable to the other alternative sites discussed in the report due to the following: its adjacent to a railway line which offers opportunities to potentially decarbonise transport links to the site (transport in Broxtowe Borough accounts for 30% of the Borough's Carbon emissions), some of the area is brownfield land, there are no highways access constraints and is close to existing populations reducing the need to travel significant distances to the site when it is operational. However, this land sits within Green Belt and is in close proximity to local wildlife sites. Any development would need to be sensitive to this and should include considerable off set and sustainability measures to mitigate any negative impacts.

9. Data Protection Compliance Implications

This report does not contain any [OFFICIAL (SENSITIVE)] information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

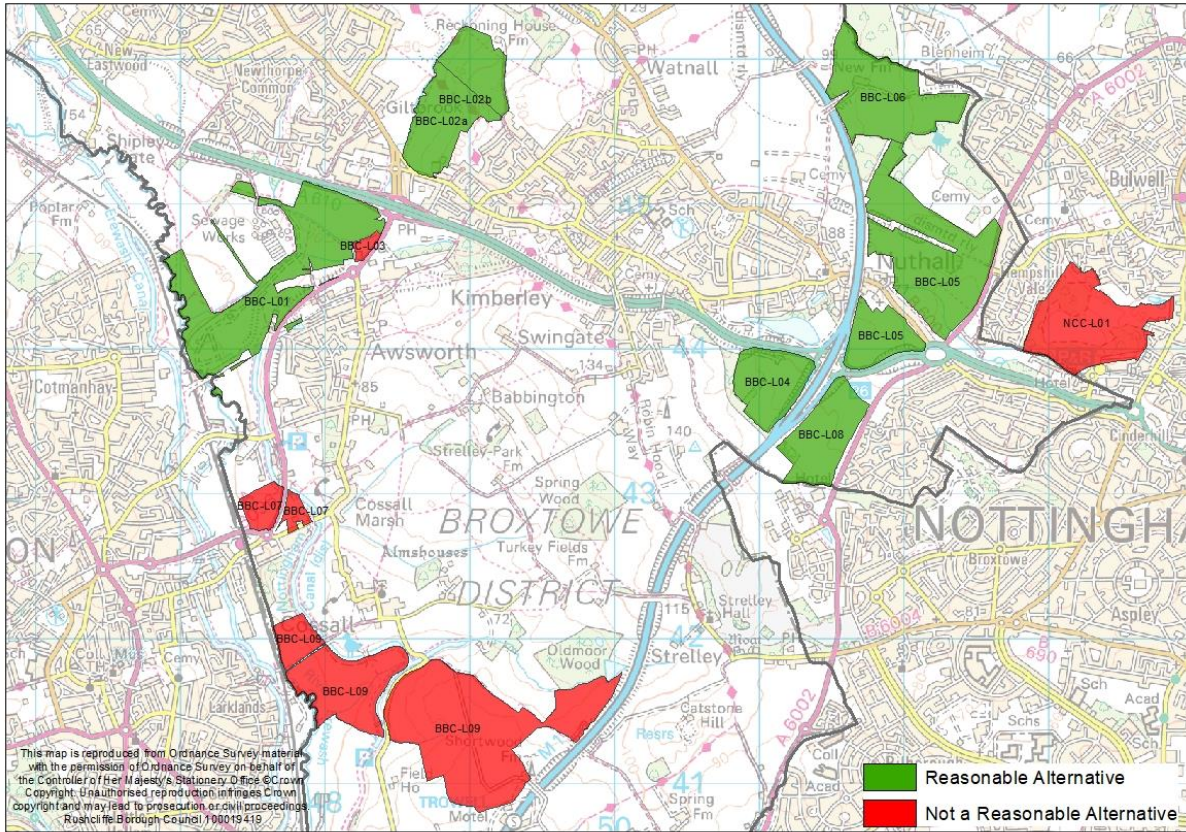
As this is a new policy an equality impact assessment is included in the appendix to this report.

11. Background Papers

Nil

APPENDIX 1

Broxtowe: Location of Sites



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APPENDIX 2

Equality Impact Assessment

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

The general equality duty applies to all of the decisions made in the course of exercising public functions, not just to policy development and high-level decision-making. The functions of a public authority include all of its powers and duties. Examples of this include: policy decisions, strategies, individual decision-making, budgetary decisions, public appointments, service provision, statutory discretion, employment of staff and procurement of goods and services.

Public bodies are required in it to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- foster good relations between people who share a protected characteristic and people who do not share it.

The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following protected characteristics:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation.

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having due regard means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how they act as employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to advance equality of opportunity involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low.

Fostering good relations involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore take account of disabled people's impairments when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they considered the aims of the Equality Duty. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Planning and Economic Development	Lead officer responsible for EIA	Ryan Dawson
Name of the policy or function to be assessed:	Greater Nottingham Strategic Plan: Preferred Approach (consultation)		
Names of the officers undertaking the assessment:	Mark Thompson		
Is this a new or an existing policy or function?	The Aligned Core Strategy forms part of the adopted Council's Local Development Plan. This is now being reviewed. The Greater Nottingham Strategic Plan will contain updated and new policies to replace the Aligned Core Strategy.		
<p>1. What are the aims and objectives of the policy or function?</p> <p>The Strategic Plan covers Greater Nottingham (Broxtowe Borough, Gedling Borough, Nottingham City and Rushcliffe Borough) and is being jointly produced by Broxtowe Borough, Gedling Borough, Nottingham City and Rushcliffe Borough Councils.</p> <p>This Preferred Approach consultation focuses specifically on strategic distribution and logistics, identifying preferred sites which will contribute to meeting the identified need.</p>			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>To undertake a consultation on the Preferred Approach which will inform the publication version of the Strategic Plan. This will enable various groups and stakeholders to comment on the plan.</p>			

The Strategic Plan needs to demonstrate how the identified employment needs have been met.

3. Who is intended to benefit from the policy or function?

The whole existing and future community and wider regional economy.

4. Who are the main stakeholders in relation to the policy or function?

The whole existing and future community and wider regional economy. A comprehensive consultation will be undertaken.

5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?

The Preferred Approach has been informed by a detailed evidence base which includes an Employment Land Study which considers employment needs of different groups. Equality impact assessments have also been previously undertaken for the Aligned Core Strategy and Part 2 Local Plan.

6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?

The Preferred Approach has been informed by a detailed evidence base and consultation responses to previous consultations.

7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?

The Preferred Approach has been informed by consultation comments received as part of previous consultations. Further consultation will be carried out and any comments relating to equality will be considered and incorporated into the Strategic Plan.

8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways? In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:

- Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?**

No - It does not target or exclude a specific group or community. A range of consultation methods will be used to encourage a wide range of people to respond to the consultation.

- Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?**

Yes - A range of consultation methods will be used to encourage a wide range of people to respond to the consultation. A detailed evidence base is also being produced to ensure that the Strategic Plan meets wider needs, including groups who may not respond to the consultation.

- Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?**

A range of consultation methods will be used to encourage a wide range of people to respond to the consultation.

- Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

The allocation and provision of land for employment will benefit all members of the community. Race, age and disability inequalities have potential to be addressed through the improvement to access to employment opportunities. The provision of employment sites in accessible locations, particularly close to areas of deprivation, will benefit members of the community who do not have access to a private car.

- What further evidence is needed to understand the impact on equality?**

Analysis of the consultation responses to identify underrepresented groups.

- 9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?**

Age: The Strategic Plan is relevant to all who live, work and visit Greater Nottingham. It is not intended to benefit any one particular group above others. The allocation and delivery of land for housing and employment will have a positive impact on both existing and future residents. The consultation methods aim to be fully inclusive for all ages.

<p>Disability: The Strategic Plan is relevant to everyone who will live, work and visit Greater Nottingham. It is not intended to benefit any one particular group above others. It will provide increased opportunities for disabled people to access suitable housing. Delivery of land for employment in particular will provide opportunities to address disability inequalities. Access to transport, housing, jobs, services and facilities (20-minute neighbourhood), and open space will help disabled people. Availability of information online may help reduce barriers to participation in the local plan process for those with physical disabilities.</p>
<p>Gender: The Strategic Plan is inclusive of all gender groups. Equality of opportunity for all is an overall aim of the Strategic Plan. The Strategic Plan includes themes which are relevant to gender such as access to transport, housing, jobs, services and facilities (20-minute neighbourhood), and open space.</p>
<p>Gender Reassignment: The Strategic Plan is inclusive of all gender groups. Equality of opportunity for all is an overall aim of the Strategic Plan.</p>
<p>Marriage and Civil Partnership: No equality impacts have been identified that are specific to these groups.</p>
<p>Pregnancy and Maternity: The Strategic Plan is relevant to everyone who will live, work and visit Greater Nottingham. It is not intended to benefit any one particular group above others.</p>
<p>Race: The Strategic Plan is inclusive. Equality of opportunity for all is an overall aim of the Strategic Plan. The allocation and delivery of land for employment will have a positive impact on both existing and future residents.</p>
<p>Religion and Belief: The Strategic Plan is intended to promote the needs of all regardless of religions/beliefs. A variety of religious groups are included on the consultation database and consultation methods are designed to reach all groups including 'hard to reach' groups</p>
<p>Sexual Orientation: Equality of opportunity for all is an overall aim of the Strategic Plan.</p>

Director:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature:

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Greater Nottingham Strategic Plan

Strategic Distribution and Logistics: Preferred Approach Consultation

September 2023

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Chapter One: Introduction

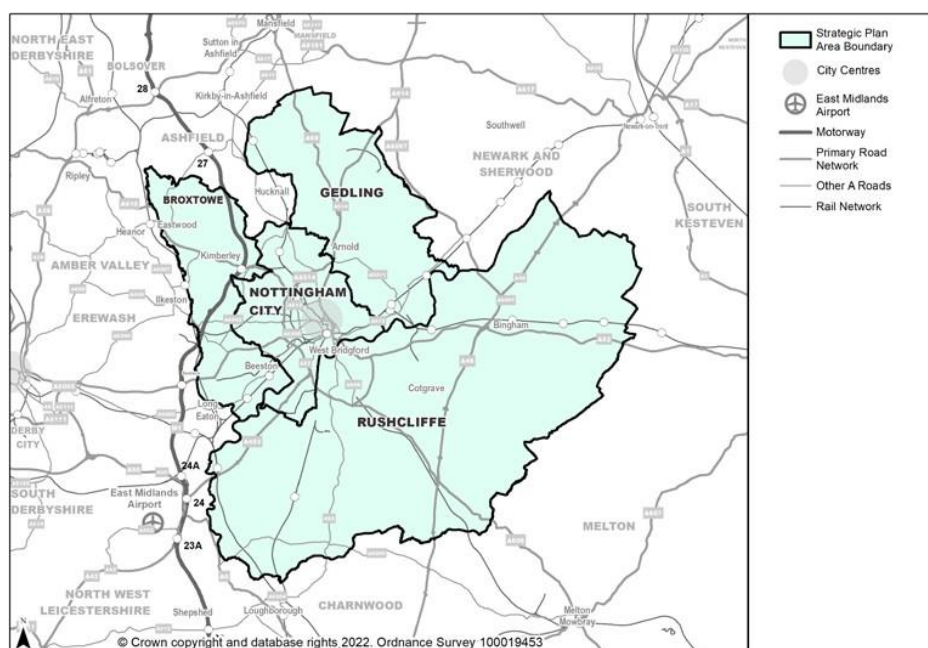
Introduction

- 1.1 Broxtowe Borough, Gedling Borough, Nottingham City and Rushcliffe Borough Councils (“the Councils”) are preparing the Greater Nottingham Strategic Plan.
- 1.2 As part of the evidence base, the Councils commissioned consultants to carry out an Employment Land Study ([Nottingham Core and Outer HMA Employment Land Study, Lichfields, May 2021](#)). This study included a specific recommendation to give further consideration to assess the need for major logistics facilities.
- 1.3 The Councils, with Ashfield, Erewash, Mansfield and Newark and Sherwood Councils commissioned a Logistics Study ([Nottinghamshire Core and Outer HMA Logistics Study Icen, August 2022](#)) which estimates the level of need for logistics development and recommends “Areas of Opportunity” where distribution and logistics development may be located. Extending beyond the strategic plan area, this study recognised the regional scale and operations of strategic distribution and logistics, particularly along the M1 and A1. The study focused on proximity to: the strategic highway network; markets that will be served; areas of known under-provision; labour and areas of employment need. Following this study, the Councils undertook a “Call for Sites” during the Autumn of 2022.
- 1.4 The Councils, with Ashfield and Erewash Councils have now undertaken an assessment of the sites and reviewed the supply of sites coming forward from existing and likely commitments, in order to determine the remaining residual need. Details of the site assessments and the methodology are contained within a separate Background Paper. Following the assessments, a Preferred Approach to strategic distribution and logistics within the Greater Nottingham Strategic Plan area has been identified. This includes the proposed allocation of land within two sites.
- 1.5 The consultation seeks views on the proposed sites for strategic distribution and logistics.
- 1.6 Responses to this consultation will be considered as part of preparing the next version of the Strategic Plan which will be the Publication Draft (Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012).

Chapter Two: Background

- 2.1 Broxtowe Borough, Gedling Borough, Nottingham City and Rushcliffe Borough Councils form part of the Nottingham Core Housing Market Area (HMA). The HMA also includes Erewash Borough Council. The Hucknall part of Ashfield District, whilst functionally part of Greater Nottingham, is part of the Nottingham Outer HMA (along with Mansfield and Newark and Sherwood District Councils).
- 2.2 These authorities, together with the County Councils of Derbyshire and Nottinghamshire, form the Greater Nottingham Planning Partnership. The Joint Planning Advisory Board (JPAB), established in 2008 and made up of Councillors from each authority, is an advisory body which oversees the preparation of strategic plans in the Greater Nottingham area.
- 2.3 With the exception of Ashfield District Council, strategic policies for the Greater Nottingham area are currently set out in the adopted Core Strategies:
 - Erewash Core Strategy – March 2014
 - Aligned Core Strategies (Broxtowe Borough, Gedling Borough and Nottingham City Councils) – September 2014
 - Rushcliffe Core Strategy – December 2014
- 2.4 JPAB agreed to the principle of reviewing the Core Strategies in December 2017. This has led to Broxtowe Borough, Gedling Borough, Nottingham City and Rushcliffe Borough Councils preparing the Greater Nottingham Strategic Plan.
- 2.5 Erewash Borough Council is undertaking a separate Core Strategy Review and Ashfield District Council is producing a separate Local Plan. However, the Councils are working together on a number of joint evidence base documents.

Figure 1: Greater Nottingham Strategic Plan Area



Progress with the Strategic Plan

- 2.6 In July 2020 and February 2021, Broxtowe Borough, Gedling Borough, Nottingham City and Rushcliffe Borough Councils consulted on the [Greater Nottingham Strategic Plan Growth Options](#) document.
- 2.7 In January 2023, a [Preferred Approach Consultation](#) was undertaken which included:
- Vision and Objectives
 - Proposed Planning Strategy
 - Approach to Housing Need
 - Approach to Employment Need
 - Preferred Sites
- 2.8 In respect to the approach to employment need, it was identified that “The approach to the strategic distribution sector will be determined at the next stage of plan preparation. The Councils have undertaken a “call” for strategic distribution sites to inform this.”
- 2.9 This consultation focuses on the approach to strategic distribution. The following documents have been prepared to support this consultation and may also be commented upon:
- Strategic Distribution and Logistics Sites: Background Paper, September 2023
 - Sustainability Appraisal Report: Strategic Distribution and Logistics Sites, September 2023

National Planning Policy Framework (NPPF)

- 2.10 Paragraph 11 of the NPPF states that strategic policies within local plans should, as a minimum, provide for objectively assessed needs for distribution and logistics, unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. This includes the delivery of sustainable development and Green Belt policy.
- 2.11 Paragraph 83, specifically states that planning policies should recognise and address the specific locational requirements of different sectors. This includes making provision for storage and distribution operations at a variety of scales and in suitably accessible locations.

Chapter Three: The Need for Strategic Distribution and Logistics and Site Criteria

Evidence of Need

- 3.1 The Councils across the Nottingham Core and Nottingham Outer Housing Market Area jointly commissioned consultants to carry out an employment land study ([Nottingham Core and Outer HMA Employment Land Study 2021, Lichfields, May 2021](#)).
- 3.2 The study included a specific recommendation to give further consideration to assess the need for major logistics facilities within the Nottingham Core and Outer Housing Market and wider area. The recommendation at paragraph 10.25 of the Employment Land Study states:

‘Given the scale and urgency of this issue, the District Councils (potentially working with adjoining districts along the M1 Corridor) may wish to consider commissioning a further strategic study to quantify the scale of strategic B8 logistics need across the Core/Outer HMA and beyond that builds on the indicative suggestions set out above. This future study should seek to quantify the scale of strategic B8 requirements and potentially identify sites where this need should be allocated. Our view would be that the main focus of this future study should be along the M1 Corridor and A-roads near to the Motorway junctions’.
- 3.3 Ashfield, Broxtowe, Erewash, Gedling, Mansfield, Newark & Sherwood, Nottingham City and Rushcliffe Councils commissioned consultants to undertake a logistics study ([Nottinghamshire Core and Outer HMA Logistics Study, Icen, August 2022](#)) to assess the specific needs for strategic distribution and logistics facilities across the Nottingham Core and Outer HMA.
- 3.4 The study was undertaken from a “policy off” perspective, meaning that constraints such as the Green Belt or issues determining sustainability (historic and natural environment constraints and socio-economic factors) were not considered in the ability of the area to accommodate future logistic requirements. The study did not involve modelling capacity of the road network or individual junctions which will be addressed through future transport modelling work.
- 3.5 In accordance with national planning policy, the study assessed the quantitative need for additional strategic distribution floorspace and also set out more specific locational criteria for locating strategic distribution and logistics. The quantum of space estimated as being required is not viewed as a target but as guidance to the extent of which need may be met once account is taken of policy and environmental constraints.
- 3.6 In summary the Logistics Study concluded:
 - The requirement for planning policy purposes should be 1,486,000

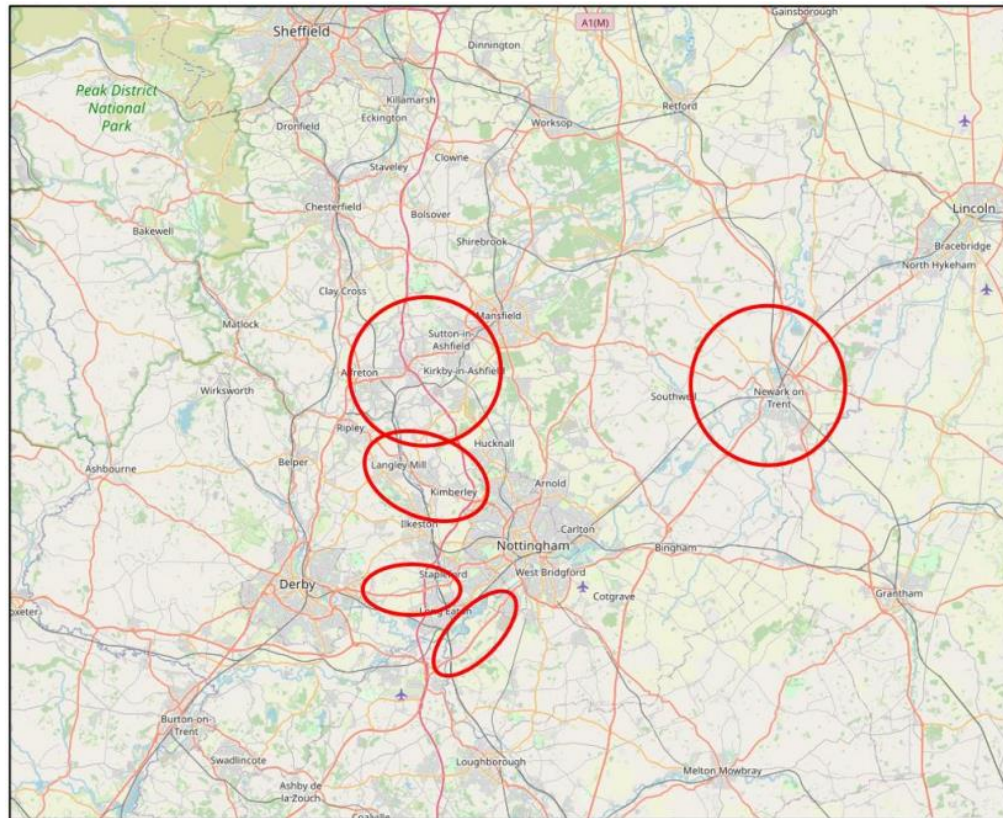
square metres (sq. m) or 425 hectares of logistics space.

- There is 315,000 sq. m of committed supply (units over 9,000 sq. m with planning permission or allocations in adopted local plans).
 - Potential “pipeline” sites (allocations in draft plans such as the draft allocations at Junction 27 and planning applications pending) would reduce the need to 601,000 sq. m or 172 hectares subject to the allocations being confirmed.
 - Some of the need is expected to be met through the redevelopment of existing logistics or other large manufacturing sites. It is assumed that this would meet 10 to 20% of the identified need reducing this need to 137 - 155 hectares (ha).
 - Residual need would fall to the order of two to three large strategic logistics parks across the study area, which comprises the Greater Nottingham Core and Outer Housing Market Area and includes Ashfield, Erewash, Mansfield and Newark and Sherwood.
- 3.7 Further details regarding the Logistics Study, including its relationship with other studies and to distribution and logistics need outside of the Strategic Plan area, are contained within the Background Paper.
- 3.8 Critically, the Background Paper has updated the supply of distribution and logistics developments with planning permission (commitments) and those without permission but are likely to come forward, for example within existing and local plans (pipeline sites). This update and the removing of sites that are delivering general employment development (avoiding the double counting of sites as both distribution and general employment) has resulted in an identified residual remaining need of between 131 – 147 ha across the wider study area.

Site Criteria

- 3.9 The Logistics Study identified Areas of Opportunity where new strategic logistic sites should be located. These are broad areas which: have good connections to the strategic road network; are appropriately located relative to the markets to be served; are located where there is a known under-provision of strategic sites; and are accessible to labour and located close to areas of employment need.
- 3.10 The following Areas of Opportunity are identified:
- Area adjacent to M1 Junction 28 and 27 (Sutton in Ashfield, Alfretton, Kirkby-in-Ashfield and towards Hucknall);
 - Area adjacent to M1 Junction 26 (Langley Mill, Eastwood and Kimberley);
 - Area adjacent to M1 Junction 25;
 - Area adjacent to A453; and
 - Area surrounding Newark (along A1 and A46).
- 3.11 The Study recommended that sites should be sufficiently large and flexible in configuration with a minimum size of 25 hectares being recommended although sites of 50 hectares or more are preferred.

Figure 2: Areas of Opportunity (taken from the Nottinghamshire Core and Outer HMA Logistics Study, Icení, August 2022)



3.12 A “Call for Sites” was undertaken in Autumn 2022 which sought sites over 25ha in size and within the Areas of Opportunity.

3.13 The submitted sites, together with sites which have been promoted as part of previous consultations and sites which are existing draft allocations, formed a ‘pool’ of sites. The first stage of the assessment considered whether the sites were of a sufficient size, were in proximity to the Areas of Opportunity and had good connections to the highway network. Sites which met these criteria were then subject to more detailed assessments following a set of criteria.

3.14 The assessments are contained with the Background Paper.

3.15 In order to determine whether the potential sites could deliver sustainable development and critically optimize opportunities to reduce their local and wider environmental impacts, the Councils took into account:

- whether the site could enable the transfer of freight onto the rail network, or, if direct access to the rail network is not available, whether it is in close proximity to an existing rail freight interchange;
- whether the site is located close to centres of population and employees and/or is accessible by public transport and active travel infrastructure;
- whether, within these centres of population, there are areas of high unemployment and deprivation;
- whether there are good connections with the strategic highway network – close to a junction with the motorway network or long-distance dual carriageway. Motorway/dual carriageway junctions and the approach routes should have sufficient network capacity;

- if the site is within the Green Belt, whether this would undermine a key purpose of Green Belt policy;
- whether the site is being promoted for development;
- whether there are other policy designations (such as open space or employment) and evidence suggesting the designation should continue;
- whether a significant portion of the site is at risk of flooding; and
- whether development of the site would cause significant harm to a number of the factors identified (such as heritage, landscape).

3.16 Following this assessment, preferred sites have been identified.

Chapter Four: Preferred Sites for Distribution and Logistics

4.1 It is proposed that the following sites are allocated for Strategic Distribution and Logistics:

Site Reference	Site Name	Site Area	Estimated Floorspace
BBC-L01	Former Bennerley Coal Disposal Point, Broxtowe	68 ha	74,000 sq. metres
RBC-L01	Ratcliffe on Soar Power Station (part), Rushcliffe	36.4 ha (wider site area is 265 ha)	Up to 180,000 sq. metres

4.2 Details of the sites and site plans are contained within Appendix A.

The Former Bennerley Coal Disposal Point

4.3 The site covers approximately 68 ha and the landowner has indicated approximately 74,000 sq metres of floorspace could be delivered. The site contains areas of previously developed land due to the former use as a coal disposal point. Highways access to the M1 (Junction 26) is via the A610.

4.4 It is located adjacent to a railway line with access potentially achievable via a disused spur and railway bridge that crosses the River Erewash. The potential to deliver a rail access is a substantial benefit as it will enable low carbon transportation of rail freight. It would also provide rail access for distribution and logistics within the wider area, including existing strategic distribution sites to the north at junctions 27 and 28.

4.5 The site is located close to centres of populations at Eastwood, Awsworth and Ilkeston/Cotmanhay. It is also near to Kimberley/Nuthall and Nottingham. The site is close to areas of high deprivation within Eastwood, Ilkeston/Cotmanhay and also near to areas of deprivation in Nottingham. The development of this site for distribution and logistics would bring economic benefits to these areas. Active travel links in the area, including Bennerley Viaduct, could also be utilised and enhanced.

4.6 There are a number of site constraints. The site is located within the Green Belt between Awsworth/Eastwood and Cotmanhay/Ilkeston. It is also located adjacent to Bennerley Viaduct, which is Grade II* listed. The site also crosses the Erewash Valley, which is identified as a primary and secondary green infrastructure corridor. There are three Local Wildlife Sites within the site and one Local Wildlife Site within 250 metres. Development would have to be carefully designed to address these constraints.

4.7 Notwithstanding these constraints, the site will make a significant contribution to meeting identified distribution and logistics needs; is located adjacent to the railway line and opportunities to deliver a lower carbon distribution and logistics development; contains substantial areas of brownfield land; has no substantial highways access constraints; and is in proximity to existing populations (including areas of deprivation). These benefits outweigh the harm to the Green Belt and potential harm to heritage

and nature conservation assets (which must be avoided and/or mitigated). Exceptional circumstances, required to remove this site from the Green Belt therefore exist and the site is identified as a preferred location for strategic distribution and logistics development.

Ratcliffe on Soar Power Station

- 4.8 The site is a designated Freeport within which up to 180,000 sq. metres of logistics development is identified within the Ratcliffe on Soar Power Station [Local Development Order](#).
- 4.9 As an operational power station, there are existing utilities infrastructure on site. Its location adjacent to the Midland Mainline railway, the existing rail spur into the site and proximity to the East Midlands Gateway rail freight interchange are significant factors that favour this site as a location for strategic distribution and logistics. This would be delivered alongside other employment uses focused on researching and manufacturing low carbon and renewable energy technologies.
- 4.10 Redevelopment offers opportunities to improve the local environment and wider area.
- 4.11 Whilst the allocation of land south of the A453 is likely to have significant effects on the openness of the Green Belt in this area, redevelopment of the power station offers an opportunity to positively enhance the landscape and openness of the Green Belt and contribute to Green Belt purposes.
- 4.12 The site is considered suitable for strategic distribution and is a preferred location when compared against alternative sites. Although within the Green Belt, the site: would make a significant contribution to meeting identified need for distribution and logistics; contains extensive areas of brownfield land (north of the A453); would as a whole improve landscape and visual amenity across a wide area; has existing rail access and is in proximity to an existing rail freight interchange; has existing access onto the A453 (via two junctions) and is in close proximity to the M1. Critically the land is a designated Freeport and is covered by an adopted Local Development Order that identifies approximately 36 ha of land could accommodate storage and distribution. Combined these benefits outweigh the harm to the Green Belt and other potential environmental impacts, and exceptional circumstances exist to remove the land from the Green Belt.

Meeting the Overall Need

- 4.13 The Logistics Study recommends providing for approximately 425 ha of strategic warehousing and logistics facilities within the Greater Nottingham Core and Outer study area which, in addition to Greater Nottingham Strategic Plan area, includes Ashfield, Erewash, Mansfield, Newark and Sherwood. This wider area comprises the northern point of the 'Golden Triangle', a location within the centre of the United Kingdom (including the M1, M6 and M42) where the logistics sector can reach large parts of the country within 4 hours drive. The extent of this favoured area emphasises the flexibility of strategic distribution and contributions (although not quantified) that development beyond the study area (most notably along the M1 and A1) will make.
- 4.14 There is a considerable amount of "committed" and potential "pipeline" supply already identified by the Councils across the Nottingham Core and Outer HMAs. A significant quantity of which will be delivered within the Greater Nottingham Strategic Plan area. Taking into account this supply, a residual need of between 131 and 147 ha has been identified.
- 4.15 The estimate of need is considered to be guidance and not a target as all the

Councils must balance meeting demand for strategic distribution and logistics against planning policy and environmental constraints, principally the importance of protecting Green Belt.

- 4.16 The Councils have taken into account the various operational criteria and planning policy constraints and have identified two preferred sites which broadly meet the relevant criteria. This provision, combined with the identified “commitments” and potential “pipeline” supply across the entire study area (including within neighbouring authorities) would provide for significant growth in the delivery of strategic distribution and logistics facilities in the Study Area and an increased market share of the wider strategic distribution market.

Appendix A: Preferred Sites

Broxtowe

BBC-L01: Former Bennerley Coal Disposal Point

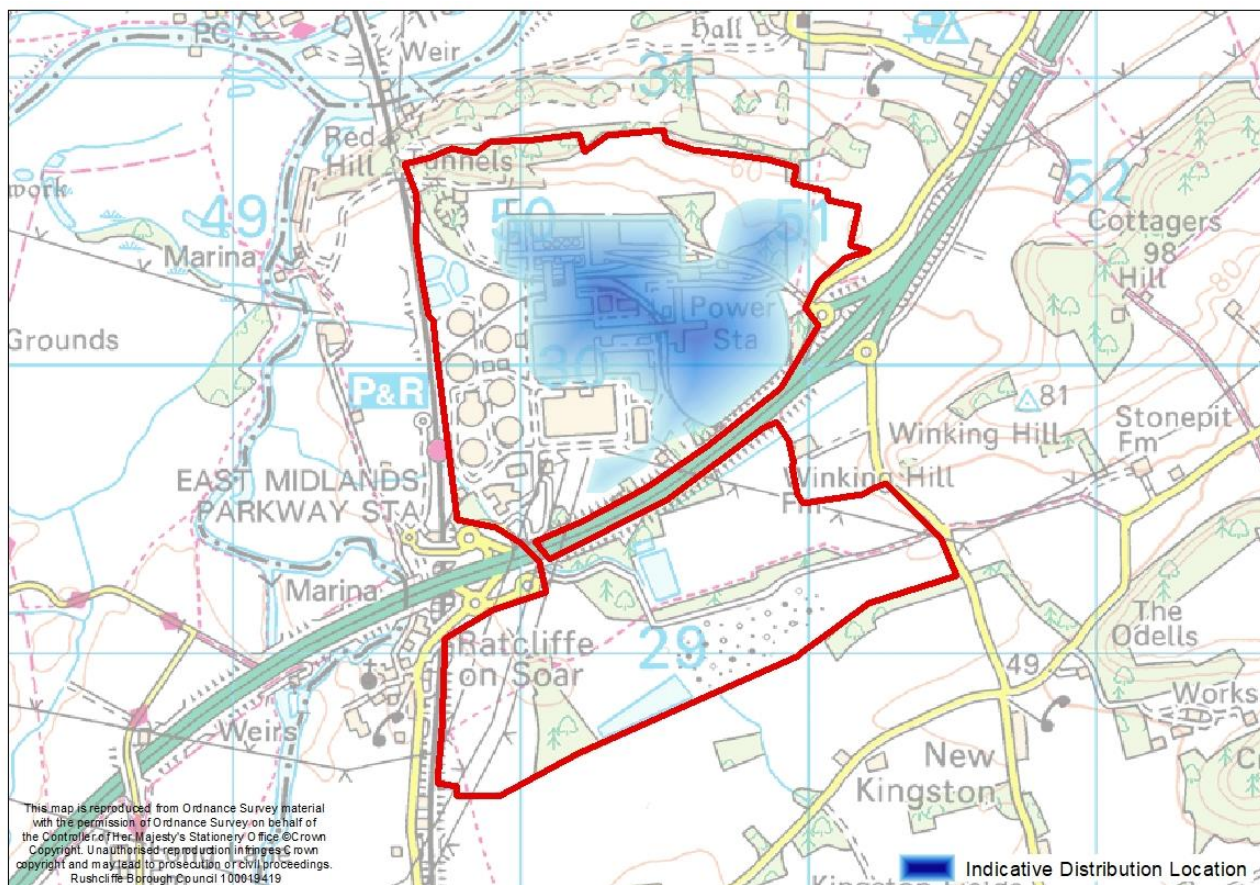


Factor	Site Information
Site Size	68ha
Estimated employment floorspace	74,000 sq metres
Existing use	Part agricultural. Part previously developed land. Previously used for reception, storage and dispatch of coal.
Is it within an Area of Opportunity?	Yes, the site is located within an Area of Opportunity at Junction 26 of the M1.

Factor	Site Information
Strategic Highway Connections	<p>Close to the A610 and to junction 26 of the M1.</p> <p>National Highways advises that the development would be likely to be acceptable, subject to Transport Assessment and any identified mitigation.</p> <p>Nottinghamshire County Council advises that the preferred access point would be the existing access on the A610 and the roundabout junction on Shilo Way. HGV traffic would be expected to utilise the M1/A610/A6096.</p> <p>NCC also advises that it would be necessary to ensure that appropriate public transport infrastructure is provided to serve the site with suitable footway connections and crossings where necessary. Cycling infrastructure should be delivered to "LTN 1/20 standard".</p>
Rail network accessibility	Potential for rail network accessibility.
Accessibility to labour	Close to Eastwood, Awsworth and Ilkeston/Cotmanhay, also near to Kimberley/Nuthall and Nottingham.
Constraints	<p>No abnormal utilities requirements identified.</p> <p>90% of the site is in a Coal Authority 'Development High Risk Area'.</p> <p>Site is within the Green Belt.</p> <p>Part of site is Agricultural Land Classification Grade 4 (poor quality).</p> <p>The site is not part of an Air Quality Management Area.</p> <p>River Flooding:</p> <p>Approximately 29% of the site is in Flood Zone 3.</p> <p>Approximately 39% of the site is in Flood Zone 2.</p> <p>Surface Water Flooding:</p> <p>Approximately 13% of the site is at 1 in 30 year risk of surface water flooding.</p> <p>There are 3 Local Wildlife Sites within the site and 1 Local Wildlife Site within 250m of the site.</p> <p>There is a Grade II* Listed Building, Bennerley Viaduct, within the site.</p>

Rushcliffe

RBC-L01 Ratcliffe on Soar Power Station (part)



Factor	Site Information
Site Size	265 ha, of which approximately 36.4 ha of the site is approved for logistics
Estimated employment floorspace	Up to 180,000 sqm (gross floor space) (as set out within the Local Development Order)
Existing use	Coal-fired power station
Is it within an Area of Opportunity?	Yes, the site is within an Area of Opportunity adjacent to A453.
Strategic Highway Connections	<p>Access can be achieved onto the A453 (and M1) via existing junctions on the A453. Given the scale of employment development Improvements are likely to be required to junctions on the strategic and non-strategic road network.</p> <p>National Highways advise that the Transport Assessment identified a 'severe' impact on the SRN at several junctions</p>

Factor	Site Information
	<p>including M1 J24. Mitigation required at several SRN junctions. Negotiations are currently underway and it has been agreed that mitigation can be agreed and delivered as the site is redeveloped.</p> <p>Nottinghamshire County Council highlight the potential for increased traffic on county roads if there is not sufficient capacity on the A453 (the primary route of access), noting that mitigating impacts on Junction 24 will not be delivered until phase 3.</p>
Rail network accessibility	The site has its own rail freight access to the national network. It is also only 4 miles from the existing rail freight interchange at the East Midlands Logistics Park.
Accessibility to labour	The site is not located in or adjoining the main built up area but the northern part of the site is adjacent (within 400 metres walking distance) of East Midlands Parkway Railway Station which provides direct rail services to Nottingham, London via Leicester and Sheffield via Derby and Chesterfield. The station also has a bus/coach stop with national and local services. The site is within 30 minutes' travel time via train to Derby and within 30 minutes' travel time to Nottingham by bus. Both cities offer a range of community facilities, schools, retail centres and employment areas.
Constraints	<p>No abnormal utilities requirements identified.</p> <p>Site is within the Green Belt.</p> <p>As an operation power station, areas of the site will be contaminated. The draft LDO is supported by an EIA that confirms there are areas contaminated by harmful material, including hydrocarbons and asbestos. Further risk assessments are required to confirm risks and inform mitigation.</p> <p>The site is not within or in proximity to an Air Quality Management Area.</p> <p>The site is at very low risk of flooding (less than 0.1% each year) from rivers. The power station site also has areas at low, medium and high risk of surface water flooding.</p> <p>The site is adjacent to Thrumpton Park Local Wildlife Site and part of the southern part of the site adjoins the Kingston on Soar Copse Local Wildlife Site</p> <p>A part of the Roman site scheduled monument at Redhill lies within the site, with the rest of the scheduled monument adjoining the part of the western boundary of the northern area of the site.</p> <p>Archaeological remains of an Iron Age Settlement at Redhill may extend into the site in the northwest corner, albeit such remains are likely to have been heavily disturbed by previous development at / operation of the power station.</p>

Factor	Site Information
	The Grade II Redhill Railway Tunnel Portals (north and south) are also adjacent to the western boundary of the northern part of site.

Appendix B: Glossary

Core Strategies: the key Development Plan Documents, setting out the long term spatial vision for the areas, the spatial objectives and strategic policies to deliver that vision.

Environmental constraints: constraints on development of an environmental nature such as flood risk, high-grade agricultural land, nationally and locally designated wildlife sites, ancient woodlands and public parks.

Evidence Base: the information and data that have informed the preparation of policies.

Freeports: freeports are special areas where different economic regulations apply. Freeports in England are centred around one or more air, rail, or seaport, but can extend up to 45km beyond the port(s). The East Midlands Freeport features three main sites: the East Midlands Airport and Gateway Industrial Cluster (EMAGIC) in North West Leicestershire, the Ratcliffe-on-Soar Power Station site in Rushcliffe in Nottinghamshire and the East Midlands Intermodal Park (EMIP) in South Derbyshire.

Greater Nottingham: made up off the administrative areas of Broxtowe, Erewash, Gedling, Nottingham City and Rushcliffe Councils and the Hucknall part of Ashfield Council.

Greater Nottingham Joint Planning Advisory Board: board made up of planning and transport lead councillors from all the Greater Nottingham Local Authorities, established to oversee the preparation of the Greater Nottingham Strategic Plan. The Board is advisory, and refers decisions to the executive bodies of the constituent Councils.

Greater Nottingham Strategic Plan: the Part 1 Plan being prepared by Broxtowe Borough, Gedling Borough, Nottingham City and Rushcliffe Borough Councils setting the strategic policies for the plan area.

Green Belt: a strategic planning tool, designating an area of land around a City having five distinct purposes:

1. To check the unrestricted sprawl of large built up areas;
2. To prevent neighbouring towns merging into one another;
3. To assist in safeguarding the countryside from encroachment;
4. To preserve the setting and special character of historic towns; and
5. To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Housing Market Area: a geographical area defined by household demand and preferences for all types of housing, reflecting the key functional linkages between where people live and work.

Infrastructure: facilities and services to meet the needs of the existing community and to meet the needs of new development. Includes transport infrastructure, public transport, education, health, affordable housing, open space, community facilities etc.

Joint Planning Advisory Board: see Greater Nottingham Joint Planning Advisory Board above.

Local Plans: plans for the future development of the local area, drawn up by the local planning authority in consultation with the community. The current Aligned Core Strategies forms Part 1 of the Local Plan. Part 2 Local Plans include site allocations and development management policies.

National Planning Policy Framework (NPPF): document setting out the

Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance (PPG): provides detailed guidance regarding how to apply the Government's planning policies.

Nottingham Core Housing Market Area: the functional Housing Market Area around Greater Nottingham, see definition of Housing Market Area above.

Nottingham Express Transit (NET): the light rail (tram) system for Greater Nottingham.

Nottingham Outer Housing Market Area: the functional Housing Market Area outside of Greater Nottingham which includes Ashfield District Council, Mansfield District Council and Newark and Sherwood District Council.

Part 1 and Part 2 Local Plans: in Greater Nottingham the Part 1 Local Plan comprises the Aligned Core Strategy and the Part 2 Local Plan comprises site allocations and development management policies such as the Gedling Borough Local Planning Document.

Plan Area: the area covered by the Greater Nottingham Strategic Plan comprising the administrative areas of Broxtowe, Gedling, Nottingham City and Rushcliffe Councils.

Planning Strategy/Spatial Strategy: the overall policy for achieving the pattern and distribution of development and place making.

Planning System: a plan led system with the key document being the Local Plan drawn up by local planning authorities where planning decisions should generally accord with the policies in the Local Plan. The Local Plan should be consistent with national planning policy drawn up by Government. The plan led system is complemented by a system of development management with decision making on planning applications largely carried out by local planning authorities but for some decisions on large infrastructure projects the responsibility lies with Government ministers. There is also a right of appeal against a refusal of planning permission to the Secretary of State for Levelling Up, Housing and Communities.

Publication Draft of the Strategic Plan: a full draft version of the Strategic Plan published under Regulation 19 of the Town and Planning Act (Local Planning) (England) Regulations 2012).

Regulation 18 of the Town and Planning Act (Local Planning) (England) Regulations 2012): requires that various bodies and stakeholders be notified that the council is preparing a plan. It invites them to comment about what that plan ought to contain.

Regulation 19 of the Town and Planning Act (Local Planning) (England) Regulations 2012): provides interested stakeholders with the opportunity to comment on the policy content of the draft Plan which is intended to be submitted for examination.

Strategic Plan: sets out the long term spatial vision for the areas, the spatial objectives and strategic policies to deliver that vision. The Strategic Plan looks at how Greater Nottingham's longer-term development needs can be met up to 2038.

Sustainability Appraisal: examines the social, environmental and economic effects of strategies and policies in a local plan.

Sustainable development: the NPPF defines this as follows: "at a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs". Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the

right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

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Rushcliffe Borough Council

Rushcliffe Arena
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West Bridgford
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General queries about the process can also be made to:

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Tel: 0115 876 4594
contact@gnplan.org.uk



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Report of the Portfolio Holder for Housing

DAMP AND MOULD UPDATE

1. Purpose of Report

To update Cabinet on the progress of the Damp and Mould Action Plan approved by in February 2023.

2. Recommendation

Cabinet is asked to NOTE the progress of the Damp and Mould Action Plan and to RESOLVE that the new actions be approved.

3. Detail

In light of the tragic case of Awaab Ishak, and in response to requests from the Secretary of State and the Regulator of Social Housing, the Council is completing a full review of our response to the issue of damp and mould within properties, both in Council owned and in the private sector.

Progress toward the approved action plan is shown in appendix 1. This involves work by Housing Repairs, Capital Works and Private Sector Housing and since the approval of the plan the teams have worked together to address this issue. The action plan includes updates for all teams.

In addition to the actions previously agreed the Housing Ombudsman has now been clear that they expect landlords to publish a self-assessment of the 26 recommendations for landlords outlined in their report 'Spotlight on Damp and Mould, it's not Lifestyle'. No deadline has been given for this to be completed. The Head of Housing has completed the self-assessment which is included in appendix 2. This includes some new proposed actions for inclusion in an updated Action Plan.

Work continues to progress at Princes Street and Wellington Street in Eastwood, using an external contractor, but there are 23 properties where work has not yet been completed. 11 of these are due to tenant's initially refusing the work. The Neighbourhoods team are supporting Capital Works to address this matter. In the meantime, if there are any concerns that the condition of one of these properties is detrimental to the health of the tenant we will discuss this with the tenant and consider a direct let to an alternative property or temporary accommodation until the work is completed. Up to now, this has not been necessary.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with costs being contained within existing budgets. Any significant budget implications in the future, over and above virement limits, would require approval by Cabinet.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

The Landlord and Tenant Act 1985 as amended by the Housing (Fitness for Human Habitation) Act requires a property is fit for human habitation at the beginning of the tenancy and for the duration of the tenancy; and where a landlord fails to do so; the tenant has the right to take action in the courts for against the Council breach of contract on the grounds that the property is unfit for human habitation. To address this duty, the council needs to have a planned maintenance programme with periodic inspections and an effective responsive repairs service. The Council's obligations as landlord to repair and maintain Council properties are set out in the tenancy agreement. In addition, section 11 of the Landlord Tenant Act 1985 sets out statutory obligations to ensure that the structure of homes is repaired and the repairs are carried out within a reasonable time.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

N/A

7. Union Comments

The comments from the Union were as follows:

N/A

8. Climate Change Implications

The comments from the Waste and Climate Change Manager were as follows:

Some of the remedial works completed and planned, particularly at Princes Street and Wellington Street in Eastwood will help increase the energy efficiency of the Council's housing stock. Cabinet approval has previously been given to update Energy Performance Certificates (EPCs) for all of the housing stock which will allow us to monitor the positive improvements made to EPC ratings.

9. Data Protection Compliance Implications

This report does not contain any [OFFICIAL (SENSITIVE)] information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

N/A

11. Background Papers

Nil

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APPENDIX 1

Damp and Mould – Action Plan

Action	Responsible Person	Target date	Update – as at August 2023
Information Returns			
Initial response to Secretary of State request on how the Council is prioritising this work	Chief Executive	30 November 2022	Completed. Response sent.
Respond to Regulator of Social Housing survey	Head of Housing	19 December 2022	Completed. Response sent.
Full response to Secretary of State request	Chief Executive	27 January 2023	Completed. Response sent.
Council Housing			
Review procedure for dealing with damp and mould reports in Council properties	Head of Housing	28 February 2023	Completed. New procedure implemented in February 2023. New Repairs and Compliance Manager to complete further review in August 2023 to ensure that procedure is being correctly followed and consider any improvements required.
Review equipment used to test damp, consider other alternatives if identified	Assistant Housing Repairs Manager	28 February 2023	Completed. Internal review and external advice from Baggaley and Jenkins, damp specialists, confirms that use of protimeters, calcium carbide testing and hygrometer salt analysis equipment is appropriate.
Review forms used to capture information during damp and mould surveys, update as required	Assistant Housing Repairs Manager	28 February 2023	Completed. New forms added to tablets. Site Audit Pro being added to all new devices.
Consider changes to record keeping	Head of Housing	28 February 2023	Completed. Changes have been

Action	Responsible Person	Target date	Update – as at August 2023
within housing management system			considered and initial investigations have shown that record keeping could be improved.
Implement changes to how records are kept on housing management system	Senior Work Planner	31 March 2023	Completed. Better record keeping has been implemented, including how inspection are recorded and saved. New Housing Customer Services Manager to complete dip sampling to check that records are being updated as required.
Agree protocols for referral of damp and mould issues from Repairs to Capital Works	Head of Housing	31 January 2023	Completed. Agreed protocols reflected in new procedure.
Review information held on housing management system to identify reports of damp and mould made in the last 5 years	Housing Services and Strategy Manager	6 January 2023	Completed. Report to show addresses has been produced.
Proactively contact all tenants that have reported damp and mould in the last 5 years to ask if the issue is resolved or ongoing	Senior Work Planner	28 February 2023	Completed. Properties that raised concerns have been added to inspection list and will follow new agreed procedures.
Proactively contact tenants who live in properties that have not been visited within the last year, to ask if experiencing any damp and mould issues	Senior Work Planner	30 April 2023	Completed. Properties that raised concerns have been added to inspection list and will follow new agreed procedures.
Identify any patterns in type of stock affected or type of issue	Housing Services and Strategy Manager	31 March 2023	Completed. Findings have been discussed with Repairs and Capital Works.
Review process for void inspections to ensure that all damp and mould issues are identified prior to new tenant moving	Head of Housing	31 March 2023	Completed. New Voids Surveyor ensures that process is followed

Action	Responsible Person	Target date	Update – as at August 2023
in			
Review information on website about damp and mould	Housing Services and Strategy Manager	28 February 2023	Completed. Initial review of information has been completed and some minor amendments made. Website will continue to be reviewed and updated with information as required.
Update information leaflet on damp and mould	Housing Services and Strategy Manager	28 February 2023	Completed. Leaflet has been updated to make it clearer and update advice given. Repairs are also working on a suite of leaflets for different scenarios
Review capacity to deal promptly with all damp and mould issues	Head of Housing	31 March 2023	Completed. Repairs Review increased the capacity of the team.
Complete damp and mould remediation project at Princes Street and Wellington Street	Head of Asset Management	31 May 2023	In progress. Work still to be completed at 23 properties
Private Sector			
Promote survey for private tenants to inform the Council of issues in their property	Chief Environmental Health Officer	31 January 2023	Completed. Online survey promoted via social media.
Respond to all reports made through survey	Chief Environmental Health Officer and Senior Private Sector Housing Officer	28 February 2023	Completed. Where identifiable, contact has been made. Many responses did not include information to identify the respondent.
Identify and implement changes to record keeping, using dedicated system.	Chief Environmental Health Officer and Senior Private	30 April 2023	In progress. This information is currently hard to extract (done by individually reviewing each case file) so will explore enhanced record

Action	Responsible Person	Target date	Update – as at August 2023
	Sector Housing Officer		keeping and system reports to enable easier retrieval of information.
Review capacity of private sector housing team to ensure adequate response, including enforcement where appropriate to issues of damp and mould	Chief Environmental Health Officer and Senior Private Sector Housing Officer	31 March 2023	In progress. Options to increase capacity of team are being considered.
Training			
Provide training to members on the issue of damp and mould	Head of Asset Management	31 January 2023	Completed. Training provided by Interim Head of Asset Management.
Arrange refresher training for inspectors on the identification of the reasons for damp and mould	Head of Housing	28 February 2023	Completed. New Repairs Inspector will also be fully trained through external training company.
Arrange refresher training for private sector housing officers on the enforcement expectations of damp and mould in private rented dwellings, particularly in relation to the Housing, Health and Safety Rating System	Chief Environmental Health Officer and Senior Private Sector Housing Officer	31 March 2023	Completed. In house discussions have taken place to ensure knowledge remains up to date.
Arrange training for all visiting officers on the identification of damp and mould issues	Head of Housing	31 March 2023	Completed. Information, advice and guidance has been shared with employees through briefings and team meeting. Further training to be arranged for later this year.
Consider producing BLZ course for all officers, to increase understanding of issue	Head of Housing	30 April 2023	In progress. A course is not currently available so will need to be written. Head of Housing to work with HR to provide.
Review information and scripts used by	Senior Work	28 February 2023	Completed. Information has been

Action	Responsible Person	Target date	Update – as at August 2023
the Contact Centre, so that calls are dealt with appropriately	Planner		updated.
<i>Other</i>			
Report to GMT on progress of action plan	Head of Housing	30 April 2023	Completed. This action was delayed, but report was submitted July 2023.

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APPENDIX 2

Damp and Mould Self-Assessment July 2023

	Housing Ombudsman Recommendation	Response	Proposed New Action
1	Landlords should adopt a zero-tolerance approach to damp and mould interventions. Landlords should review their current strategy and consider whether their approach will achieve this.	The Council has a zero-tolerance approach in the way that it deals with any reports of damp and mould. The current process gives priority to damp and mould inspections, over less urgent matters. The topic is not currently included in the Council's Housing Strategy, but will be included when the strategy is reviewed later this year.	Include damp and mould issues in new Housing Strategy.
2	Landlords should consider whether they require an overall framework, or policy, to address damp and mould which would cover each area where the landlord may be required to act. This would include any proactive interventions, its approach to diagnosis, actions it considers appropriate in different circumstances, effective communication and aftercare.	The Council does not currently have a policy specifically for damp and mould. A new policy would demonstrate the Council's commitment to this issue.	Write a new Damp and Mould policy.
3	Landlords should review the accessibility and use of their systems for reporting repairs and making complaints to 'find their	Majority of repairs are reported via telephone, although reports through the online form are increasing. High number of repairs complaints are	Review a sample of damp and mould cases to identify missed opportunities for the issue to have been reported sooner.

	Housing Ombudsman Recommendation	Response	Proposed New Action
	silence’.	received, which demonstrates that tenants know how to make a complaint. Further work could be completed to consider when reports could have been made sooner, and why this was not done.	
4	Landlords should identify opportunities for extending the scope of their diagnosis within buildings, for example by examining neighbouring properties, to ensure the response early on is as effective as possible.	Under the Council’s current process wider issues, such as neighbouring properties and similar property types are considered.	n/a
5	Landlords should implement a data driven, risk-based approach with respect to damp and mould. This will reduce over reliance on residents to report issues, help landlords identify hidden issues and support landlords to anticipate and prioritise interventions before a complaint or disrepair claim is made.	The Council is currently reviewing how data is held in our housing management system and improving recording of information and reports available, for all repairs matters. The records and use of information for damp and mould will be considered as part of this review.	Introduce regular reporting on damp and mould works to identify patterns.
6	Where properties are identified for future disposal or are within an area marked for regeneration, landlords should proactively satisfy themselves that residents do not receive a poorer standard	This is currently not an issue for the Council as there are no tenanted properties identified for disposal. The Council will consider this if this situation arises in future.	n/a

	Housing Ombudsman Recommendation	Response	Proposed New Action
	of service or lower living conditions, that steps are taken to avoid homes degrading to an unacceptable condition and that they regularly engage and communicate with these residents.		
7	Landlords should avoid taking actions that solely place the onus on the resident. They should evaluate what mitigations they can put in place to support residents in cases where structural interventions are not appropriate and satisfy themselves they are taking all reasonable steps.	The Council uses an external specialist contractor to complete damp surveys. The reports provided give actions for both the Council and the tenant to add issues. If the issues are not structural the Council considers what other support can be provided, this can include referrals to our Financial Inclusion or Tenancy Sustainment Officers.	n/a
8	Together with residents, landlords should review the information, materials and support provided to residents to ensure that these strike the right tone and are effective in helping residents to avoid damp and mould in their properties.	Review of information has been undertaken, but input from tenants so far has been minimal. The Resident Involvement Group will be asked to review the information, including the tone.	Resident Involvement Group to be asked to review the information provided to tenants on damp and mould issues, including the tone used.
9	Landlords should be more transparent with residents involved in mutual exchanges and make the most of every opportunity to identify and	The Council inspects all properties prior to mutual exchange, and if any damp and mould issues are identified these will be addressed.	n/a

	Housing Ombudsman Recommendation	Response	Proposed New Action
	address damp and mould, including visits and void periods.		
10	Landlords should ensure their strategy for delivering net zero carbon homes considers and plans for how they can identify and respond to potential unintended consequences around damp and mould.	The Council has plans to install Air Source Heat Pumps in new build properties. Consideration should be given to the advice given to tenants, and if this should be different for those with alternative heating systems	Add damp and mould to agenda for Housing Delivery Group so that this matter can be considered and progressed if required.
11	Landlords should review, alongside residents, their initial response to reports of damp and mould to ensure they avoid automatically apportioning blame or using language that leaves residents feeling blamed.	The Council's process does not apportion blame, and has been careful with the language used for some time. The Council have reviewed their approach to this prior to the publication of the report. However, the Council has not yet reviewed this with tenants.	Resident Involvement Group to be asked to review a sample of anonymised cases and provide feedback.
12	Landlords should consider their current approach to record keeping and satisfy themselves it is sufficiently accurate and robust. We would encourage landlords to go further and consider whether their record keeping systems and processes support a risk-based approach to damp and mould.	The Council is currently reviewing how data is held in our housing management system and improving recording of information and reports available, for all repairs matters. The records and use of information for damp and mould will be considered as part of this review.	n/a – action already included in point 5
13	Landlords should ensure that their responses to reports of damp and mould are timely and	The Council's process ensures that reports are dealt with promptly	n/a

	Housing Ombudsman Recommendation	Response	Proposed New Action
	reflect the urgency of the issue.		
14	Landlords should review the number of missed appointments in relation to damp and mould cases and, depending on the outcome of any review, consider what steps may be required to reduce them.	The Council has a low number of missed appointments each month, which are reviewed and reported. Reporting could be amended to confirm how many related to damp and mould.	Amend monthly reporting regarding appointments made and kept, so that the number relating to damp and mould is noted.
15	Landlords should ensure that their staff, whether in-house or contractors, have the ability to identify and report early signs of damp and mould.	The Council has provided training to visiting housing employees on identification of damp and mould. Currently looking at use of e-learning to ensure all employees receive regular training.	Implement BLZ course on damp and mould for visiting officers.
16	Landlords should take steps to identify and resolve any skills gaps they may have, ensuring their staff and contractors have appropriate expertise to properly diagnose and respond to reports of damp and mould.	Employees in the Repairs team have received in-depth training from an external provider. Where concerns are identified, reports are completed by an external specialist contractor.	n/a
17	Landlords should ensure that they clearly and regularly communicate with their residents regarding actions taken or otherwise to resolve reports of damp and mould. Landlords should review and update any associated processes and policies accordingly.	Regular information has been shared through Housing News bulletins. The Council's Allocations Policy has been updated to ensure that it reflects the needs of applicants experiencing damp and mould issues. New policy for damp and mould to be written.	n/a – action already included in point 2

	Housing Ombudsman Recommendation	Response	Proposed New Action
18	Landlords must ensure there is effective internal communication between their teams and departments, and ensure that one individual or team has overall responsibility for ensuring complaints or reports are resolved, including follow up or aftercare.	Repairs, Capital Works and Neighbourhoods work closely together to resolve issues. The Repairs team has overall responsibility to address and resolve issues.	n/a
19	Landlords should ensure that their complaints policy is effective and in line with the Complaint Handling Code, with clear compensation and redress guidance. Remedies should be commensurate to the distress and inconvenience caused to the resident, whilst recognising that each case is individual and should be considered on its own merits.	The Council's complaints policy is clear and effective and has been reviewed in line with the Complaint Handling Code.	n/a
20	Landlords need to ensure they can identify complex cases at an early stage, and have a strategy for keeping residents informed and effective resolution.	Initial assessment is completed by Repairs Inspectors. If the case is complex external advice will be sought from specialist company.	n/a
21	Landlords should identify where an independent, mutually agreed and suitably qualified surveyor should be used, share the	Reports produced by specialist external company are shared with tenants, and appointments provided for remedial works to be completed	n/a

	Housing Ombudsman Recommendation	Response	Proposed New Action
	outcomes of all surveys and inspections with residents to help them understand the findings and be clear on next steps. Landlords should then act on accepted survey recommendations in a timely manner.	as soon as possible.	
22	Where extensive works may be required, landlords should consider the individual circumstances of the household, including any vulnerabilities, and whether or not it is appropriate to move resident(s) out of their home at an early stage.	The Council will always consider whether a decant is required. The decision will be made considering individual circumstances. The Council has an approved Decant Policy. In some situations, it may be more appropriate to offer the household a permanent move to another property. This is possible in accordance with the Allocations Policy. So far, this has been used on two occasions.	n/a
23	Landlords should promote the benefits of their complaints process and the Ombudsman to their residents as an appropriate and effective route to resolving disputes.	The Council does not currently promote the complaints process or the Ombudsman service.	Housing to work with Corporate Communications team to appropriately promote the benefits of the complaints process and the Ombudsman service.
24	Landlords should continue to use the complaints procedure when the pre-action protocol has commenced and until legal proceedings have been issued to maximise the opportunities to	The Council continues to use the complaints procedure to try to resolve issues promptly and without the need for legal action.	n/a

	Housing Ombudsman Recommendation	Response	Proposed New Action
	resolve disputes outside of court. Landlords should ensure their approach is consistent with our jurisdiction guidance and their legal and complaint teams work together effectively where an issue is being pursued through the complaints process and protocol.		
25	Landlords should consider how best to share learning from complaints and the positive impact of changes made as a result within the organisation and externally. Systems should allow the landlord to analyse their complaints data effectively and identify themes, trends and learning opportunities.	The Council reviews complaints and the learning points identified. Complaint trends and improvements made are shared in Housing Management Team meetings. Changes made to services following complaints are included in the Annual Report.	n/a
26	Landlords should ensure they treat residents reporting damp and mould with respect and empathy. The distress and inconvenience experienced by residents in this area is some of the most profound we have seen, and this needs to be reflected in the tone and approach of the complaint handling.	The Council's approach ensures that tenants are treated with empathy and respect when reporting damp and mould.	n/a

Report of the Leader of the Council

CABINET WORK PROGRAMME

1. Purpose of Report

Cabinet is asked to approve its Work Programme, including potential key decisions that will help to achieve the Council’s key priorities and associated objectives.

2. Recommendation

Cabinet is asked, that the Work Programme, including key decisions, be approved.

3. Detail

The Work Programme for future meetings is set out below.

3 October 2023	<ul style="list-style-type: none"> • Budget Consultation 2024/25 • Irrecoverable Arrears *Exempt • Vulnerable People’s Policy Review* • Corporate Plan Consultation Responses* • Annual Monitoring Report Planning • Modern Slavery Statement * • Hate Crime Policy Review* • Broxtowe Crime Reduction Action Plan 23-26 • House Building Delivery Plan Update • Grants to Voluntary and Community Organisations • Transition to HVO* • Car Parking Charges* • Lifeline Service* • Furnished Tenancies* • ICT Contracts *Exempt • Acquisition of Properties* • Right to Buy Repayment of Discount *exempt • EG Section 106 Funds*
7 November 2023	<ul style="list-style-type: none"> • Grants to Voluntary and Community Organisations • Medium Term Financial Strategy and Business Strategy* • Regulation of Investigatory Powers Act Annual Report • Waste Strategy (update on food waste implementation by 2027) • Tree Strategy* • Review of Policy on Provision of Sanitary Accommodation in Food Premises*

	<ul style="list-style-type: none"> • Smoke Control Area Replacement and Smoke Control Penalty Policy* • Attendance Management Policy Review • HRA 30-year Business Plan * • People Strategy 2023-26* • Environmental Health Restructure *Exempt • External Review of Pay Policy Differentials * Exempt • Room Hire Policy
5 December 2023	<ul style="list-style-type: none"> • Garden Waste Subscription Fee* • Environment Fees and Charges* • Pride in Parks: Survey and Proposals (progress update) * • Green and Blue Infrastructure Strategy Review (update on progress) * • Review of Enforcement Policy* • Asset Management Plan* • Toilet Strategy* • Health Action Plan* • ASB Policy* • New Corporate Plan 2024-2028*

Key decisions and Exempt Items are marked with *

4. Legal Implications

The terms of reference are set out in the Council's constitution. It is good practice to include a work programme to help the Council manage the portfolios.

5. Background Papers

Nil.

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