



Monday, 30 October 2023

Dear Sir/Madam

A meeting of the Cabinet will be held on Tuesday, 7 November 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

A handwritten signature in black ink, appearing to read 'Ruth E Hyde'.

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 7 - 18)

Cabinet is asked to confirm as a correct record the minutes of the meeting held on 3 October 2023.

4. SCRUTINY REVIEWS (Pages 19 - 22)

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

5. REPORT OF THE MONITORING OFFICER

5.1 REPORT ON RIPA (REGULATION OF INVESTIGATORY POWERS ACT 2000) POLICY (Pages 23 - 62)

To seek Cabinet approval for the Regulation of Investigatory Powers Act 2000 ('RIPA') policy and to inform Members that none of the RIPA powers have been used in the last 12 months.

6. RESOURCES AND PERSONNEL POLICY

6.1 FRAUD POLICY REVIEW AND MONEY LAUNDERING POLICY REVIEW (Pages 63 - 84)

To approve the updated corporate policies relating to the prevention of fraud and corruption and money laundering.

6.2 MEDIUM TERM FINANCIAL STRATEGY 2023/24 TO 2027/28 AND BUSINESS STRATEGY 2024/25 (Pages 85 - 100)

This report presents an update on the Council's Medium Term Financial Strategy and highlights progress with the delivery of the Business Strategy.

6.3 ATTENDANCE MANAGEMENT POLICY REVIEW (Pages 101 - 124)

To review the operation of the attendance policy.

7. ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT

7.1 SECTION 106 ITPS RECEIPT AND ALLOCATION – ACCESS IMPROVEMENTS AT COVENTRY LANE (Pages 125 - 128)

To provide an update on received section 106 Integrated Transport (ITPS) funds and to recommend utilising some of these funds on access improvements off Coventry Lane in Bramcote and Stapleford.

7.2 APPLICATION FOR RETROFIT WORKS DEVOLUTION FUND (Pages 129 - 164)

To advise Cabinet that an application for grant funding has been made to the East Midlands Devolution Fund managed by Nottingham City Council for energy efficient retrofit works.

7.3 DECARBONISATION PLANS FOR PUBLIC BUILDINGS (Pages 165 - 168)

The purpose of the report is to agree funding to procure decarbonisation plans for the Council Offices, Bramcote Crematorium and Kimberley Depot.

8. HOUSING

8.1 SPEECH CALL UNITS AND LIFELINE SERVICE (Pages 169 - 172)

To seek Cabinet approval to begin a project to consider an alternative solution for Speech Call Units and the Lifeline Service.

9. COMMUNITY SAFETY

9.1 REVIEW OF CORPORATE ENFORCEMENT POLICY (Pages 173 - 194)

To advise Members of, and seek approval for, a revised Food Service Plan.

10. LEISURE AND HEALTH

10.1 HEALTH AND WELLBEING ACTION PLAN 2023-2026 REPORT (Pages 195 - 244)

To advise Members of the merger of the Health Action Plan with the Mental Health, the Dementia and the Tobacco Control Action Plans into one plan to reduce the number of action plans being managed and duplication creating efficiencies and to seek approval of the new Action Plan 2023 – 2026.

11. ENVIRONMENT AND CLIMATE CHANGE
- 11.1 TREE STRATEGY-MANAGEMENT STRATEGY FOR TREES IN COUNCIL OWNERSHIP 2023-2027 (Pages 245 - 270)
- To seek approval for the new Tree Strategy 2023-2027.
- 11.2 WASTE STRATEGY UPDATE -IMPLEMENTATION OF FOOD WASTE COLLECTIONS (Pages 271 - 286)
- To update Members on the progress of Broxtowe's Interim Waste Strategy and to inform on the impacts of kerbside food waste collections.
- 11.3 SMOKE CONTROL AREA REPLACEMENT AND SMOKE CONTROL PENALTY POLICY (Pages 287 - 318)
- To advise Members of the proposals to review the Smoke Control Order areas within the Borough and introduce a policy for the enforcement of these Orders.
- 11.4 BENCHMARKING BROXTOWE BOROUGH COUNCIL OWN OPERATION SCOPE 3 EMISSIONS (Pages 319 - 320)
- To seek approval to employ a consultant to undertake Scope 3 benchmarking for Broxtowe Borough Council's own operations.
12. ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT, ENVIRONMENT AND CLIMATE CHANGE, AND RESOURCES AND PERSONNEL POLICY
- 12.1 APPOINTMENT OF UNIVERSITY CONSULTANTS TO SUPPORT HOUSING DECARBONISATION (Pages 321 - 324)
- To seek approval for the appointment of consultants from the University of Nottingham to inform the Council's approach towards meeting 2050 net-zero carbon emissions targets.

13. CABINET WORK PROGRAMME (Pages 325 - 326)
- 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.
14. EXCLUSION OF PUBLIC AND PRESS
- The Committee 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 it involves the likely disclosure of exempt information as defined in paragraphs 1,2 and 3 of Schedule 12A of the Act.**
15. ENVIRONMENT AND CLIMATE CHANGE
- 15.1 BENCHMARKING BROXTOWE BOROUGH COUNCIL'S OWN OPERATION SCOPE 3 EMISSIONS APPENDIX (Pages 327 - 328)
16. ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT, AND RESOURCES AND PERSONNEL POLICY
- 16.1 APPOINTMENT OF UNIVERSITY OF NOTTINGHAM CONSULTANTS TO SUPPORT HOUSING DECARBONISATION - APPENDIX (Pages 329 - 344)
17. HOUSING AND RESOURCES AND PERSONNEL POLICY
- 17.1 AWARD OF CONTRACT FOR THE HOUSING MODERNISATION PROGRAMME (Pages 345 - 348)
18. RESOURCES AND PERSONNEL POLICY
- 18.1 REVIEW OF SENIOR SALARIES (Pages 349 - 354)

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CABINET

TUESDAY, 3 OCTOBER 2023

Present: Councillor M Radulovic MBE, Chair

Councillors: G Marshall (Vice-Chair)
R E Bofinger
C Carr
H J Faccio
J W McGrath
H E Skinner
P A Smith
V C Smith

An apology for absence was received from Councillor S A Bagshaw.

51 DECLARATIONS OF INTEREST

Councillor M Radulovic MBE declared a non-registerable interest in items 17.1, 17.2, 17.3 and 17.4, minute numbers 65.1, 65.2, 65.3 and 65.4 refer.

52 MINUTES

The minutes of the meeting held on 5 September 2023 were confirmed and signed as a correct record.

53 SCRUTINY REVIEWS

The work programme for Scrutiny Reviews was noted.

54 SCRUTINY REVIEW - MARKETS

Cabinet received the findings of the Overview and Scrutiny Committee Working Group's review into Markets.

The Overview and Scrutiny Committee Working Group reviewed this topic with the purpose of discovering the effectiveness of the team and to review whether footfall in town centres had improved.

Cabinet thanked the Overview and Scrutiny Committee for the work undertaken during the review.

RESOLVED that:

- 1. To produce an annual market service business plan looking at the performance of the markets, event planning, and revenue forecasts to ensure the market is resourced and supported.**
- 2. Explore options of evening markets to increase footfall with the night time economy and to link in with events within the Borough.**
- 3. Research the opportunity of holding quarterly stallholder/stakeholder group meetings for feedback, improvements and sharing ideas. To ensure communication between Stallholders and the Market Officer are improved.**
- 4. To improve advertisements of markets across the Borough including using the Council website, social media and market trader websites. To promote days and times of the markets and list stall details.**
- 5. Provide the opportunity of a stall for free to Charities, to be booked through the Markets Officer each week.**
- 6. Explore opportunities of promoting Markets in the North of Borough as events rather than weekly markets. This could include themed markets such as vegan, locally produced food, and craft stalls.**
- 7. Explore the opportunities presented through the redevelopment of Victoria Street Car Park, Stapleford Town Deal project, for mixed use opportunities. Ensuring links to, and opportunities for, market developments in the Town Centre and explore other opportunities of further creative spaces across the Borough.**
- 8. Increase the market layout within Beeston Square to include other areas of land that Broxtowe own, to create visibility from Public transport and provide additional income to the Council where possible.**
- 9. To consider whether the Council should increase the permit charge of hiring Beeston Square to the Beeston Farmers Market or to explore options of bringing the Saturday market in house and generate additional income into the Council.**
- 10. To consider the possibility of using empty building within town centres into pop up shops/restaurants and creative spaces as an indoor market concept.**

Reasons

This is in accordance with the Council's corporate values of continuous improvement and delivering value for money.

(Following the conclusion of the item Councillor V C Smith joined the meeting and confirmed that she had no interests to declare.)

54.1 GRANT AID REQUESTS FROM PARISH/TOWN COUNCILS

Cabinet considered requests for grant assistance within the protocol for the consideration of grant aid to Parish and Town Councils. Nuthall Parish Council had requested a grant of up to £2,290 towards the cost of traffic management for its Remembrance Sunday Parade, a request was made from Kimberley Town Council of up to £2,059 towards the cost of traffic management for its Remembrance Sunday Parade and a request from Eastwood Town Council for £2,250 towards the cost of cleaning two War Memorials in advance of the Annual Remembrance Service.

RESOLVED that the grants requests be approved accordingly:

1. **Nuthall Parish Council – £2,290**
2. **Kimberley Town Council – £2,059**
3. **Eastwood Town Council - £2,250**

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.

54.2 BUDGET TIMETABLE AND BUDGET CONSULTATION 2024/25

Cabinet considered the report on the budget timetable and budget consultation 2024/25. The budget consultation process proposed was similar to previous years, using a web-based survey that was publicised through social media. Promotional activity would include social media messages, 'email me' bulletins, press releases, website promotion and direct engagement with groups, organisations, and individuals on the Council's stakeholder map.

On consideration Members agreed a minor amendment to section 16 to include Watnall and Nuthall East & Strelley. A further amendment was agreed at section 18 to include a further age bracket between 65-74 and then 75+.

RESOLVED that the budget-setting process for 2024/25 and the Budget Consultation questionnaire, as amended, be approved.

Reason

Section 65 of the Local Government Finance Act 1992 places a duty upon local authorities to consult representatives of non-domestic rate payers before setting the budget. There is no specific statutory requirement to consult with residents, local authorities were placed under a general duty to inform, consult and involve representatives of local people when exercising their functions by Local Democracy.

55 ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT, LEISURE AND HEALTH, AND RESOURCES AND PERSONNEL POLICY

55.1 DURBAN HOUSE AND BRAMCOTE LEISURE CENTRE MAINTENANCE WORKS

Cabinet, in July 2023, had previously agreed to fund essential maintenance works at Durban House to make the building compliant and facilitate a letting at the property. However, more work than originally estimated is required on the building and inflationary contractor and supplier costs, had resulted in additional funding of £7,000 being required to complete these works.

RESOLVED that funding for essential maintenance works at Durban House and Bramcote Leisure Centre, be approved. A one-off revenue development budget of £12,000 will be required for this purpose to be funded from to be funded from General Fund Reserves in 2023/24.

Reason

The Council has a number of different repairing and maintenance liabilities, including specific contractual obligations arising from leased properties, as well as a general duty under occupier's liability legislation and Health and Safety legislation to keep the properties concerned in a safe condition. The repairs to be carried out will help ensure this. The proposals in this report relate to the maintenance of property held by the Council under various holding powers including The Local Government Act 1972 in relation to the discharge of the Council's various statutory functions under principally the Local Government Acts 1972, 2000 and 2003 and the Localism Act 2011.

56 ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT AND RESOURCES AND PERSONNEL POLICY

56.1 CAR PARK CHARGES

Members were informed that the current parking charges were introduced in 2010 for Council owned public car parks on the basis of 1-hour free, 2 hours at £1, 3 hours at £1.50 and £3 all day. However, charges were not introduced at three small car parks in Kimberley and one small car park in Eastwood on the basis that low usage would not justify the cost of installing pay and display machines.

On Consideration of the report, it was stated that Option 2 would be the preferred option as this would create turnover in towns at minimum cost to individuals, while also considering a shift toward public transport. It was stated that there was no intention to introduce charges at the car parks which were currently free within the Borough. Following discussion, Option 2 was amended to retain the free period for blue badges but remove the free period for electric vehicles. A further tariff to for 'visitors paying £3 for up to 6 hours' would be added. This would allow for visitors to use restaurant and cinema facilities without having to incur a charge of £15.

The changes would be communicated well in advance of the introduction in January 2024, through the Council's Communication Team and signage throughout the car parks.

RESOLVED that:

- 1. Option 2 as included in the report, as amended, be approved as follows:**
 - **Visitors with a blue badge free**
 - **Visitors paying £1 for up to 2 hours**
 - **Visitors paying £2 for up to 3 hours**
 - **Visitors paying £3 for up to 6 hours**
 - **Visitors paying £1 all day**
 - **Visitors paying £2 all day**
 - **Visitors paying £15 all day**
 - **Visitors using the train station multi-day tariff.**
- 2. Visitors with blue badges be eligible for free parking, while electric vehicles be charged for.**
- 3. Cabinet receive a further report to consider a mitigating option of permits at a concessionary rate being available for purchase by anyone who can provide proof of employment in Beeston.**

Reasons

Use of off-street car parks is now returning to pre-pandemic levels. The total cost of providing off-street car parking is around £294,000, with income generated currently at £255,000, leaving a net deficit of £39,000 to be met from the General Fund.

Options considered and rejected:

Option 1

No change to the existing tariffs resulting in approximately £38,750 needing to be met from the General Fund to cover the cost of the service.

Option 3 – Model based on introducing a 2-step tariff structure

Option 3 as included in the report would potentially result in additional income of approximately £342,000 (net of VAT). This is reduced from £370,700 after allowing an estimated 5% reduction in car park usage following the increase in charges and the cost of implementation £10,000.

Option 4 – Model based on introducing a three-step tariff structure

Option 4 as included in the report stated that as the issue of car parks being used as a park and ride facility is unlikely to arise other than in Beeston, Members gave consideration to a 3-step tariff option being introduced in Beeston only. An increase in the daily charge in Beeston to £10 may also impact people who work full-time in the town who currently pay £1 or £2 all day to park.

57 ENVIRONMENT AND CLIMATE CHANGE, AND RESOURCES AND PERSONNEL POLICY

57.1 CAPITAL PROGRAMME 2023/24 UPDATE-ALLOCATION OF SECTION 106 FUNDS FOR PARKS AND OPEN SPACES

Cabinet considered a report which sought approval for Section 106 (S106) open space contributions which were to be used to fund improvements to parks and open spaces and for their capital schemes. These would be included in the Capital Programme for the applicable years.

S106 developer contribution funds had been received by the Council for improvements within certain parks and open spaces. Once approved, the funds would need to be spent within a five-year period.

Whilst there were no exact restrictions on what the S106 funding must be spent on, the funding does have to be spent on the sites identified in the S106 agreements. When completed, the works would improve the Borough's open space and play areas for site users and would align with the following priorities highlighted in the Council's Play Strategy.

RESOLVED that the parks and open spaces improvement schemes for Beeston and Eastwood be added to the Capital Programme for 2023/24 at a combined cost of just over £130,000. These improvements will be funded by an allocation from respective 106 contributions.

Reason

Planning obligations are covered by Section 106 of the Town and Country Planning Act 1990 and known as Section 106 agreements. By law, planning obligations can only be required where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and in kind to the development. Payments can be made in the form of a capital or revenue contribution, as a lump sum or phased payments, due on defined dates or triggered as the development progresses. Local planning authorities are required to use the funding in accordance with the terms of the individual Section 106 agreement and if not spent by the date specified in the agreement must be returned to the developer.

58 ENVIRONMENT AND CLIMATE CHANGE

58.1 DECARBONISATION OF THE FLEET (TRANSITION TO BIOFUEL)

Members were informed that the Council had set an ambitious target of being carbon neutral by the end of 2027. In May 2022, Members approved an additional £42k budget to transition to Hydrotreated Vegetable Oil (HVO) in support of decarbonising the fleet and reducing the Council's carbon footprint. Following the approval of these funds, the price of both Diesel and HVO had increased significantly. The result of the price escalating was that the funds approved would not cover the transition to HVO. Consequently, the project was put on hold to allow the price to stabilise. Whilst the price was still significantly higher than in 2022, the market had now stabilised.

It was stated that the Council's plans for decarbonisation were ambitious. It was further stated that the use of biofuel was a transitional position in the face of an environmental crisis. Different approaches were necessary and even small solutions would be useful.

RESOLVED that the transition of the fleet to HVO biofuel be approved, with the estimated additional costs being contained within existing budgets in 2023/240.

Reason

HVO is compatible with all diesel vehicles from 2019 onwards and all refuse collection vehicles, irrespective of the year of manufacture. 46% of the fleet is HVO compatible. Based on fuel usage for 2022/23, the total tCO₂e savings each year would be in the region of 629 tCO₂e. This represents a 77% reduction in transport carbon emissions and an overall reduction of 26% in the Council's total carbon emissions.

59 HOUSING

59.1 FURNITURE RENTAL SCHEME

In December 2022 Cabinet approved a proposal for the Council to consider offering furnished tenancies. Following this approval, officers in the housing service contacted other housing organisations to gather examples and information. Very few organisations offer furnished tenancies. However, many were operating successful furniture rental schemes.

Initially the scheme would not be offered to every tenant, but those in need would be identified as part of the assessment completed prior to commencement of tenancy. It is likely that many of those who will benefit will be homeless applicants.

The charge for the furniture rental will be added as a service charge on the tenancy agreement. Confirmation has been obtained that the scheme would be fully eligible for Universal Credit and Housing Benefit. Therefore, tenants claiming these benefits would have the total cost of rental covered.

It was suggested that floor coverings be considered in the future through grants or a charitable scheme and reported to a future meeting.

RESOLVED that:

- 1. The Council implements a furniture rental scheme and;**
- 2. The service of a furniture rental company is procured.**

Reason

The aim of the Corporate Plan was to provide a good quality home for everyone. By providing support with furniture to reduce the burden financially to tenants would meet the priorities and objectives highlighted in the Corporate Plan.

60 COMMUNITY SAFETY

60.1 BROXTOWE CRIME REDUCTION ACTION PLAN 2023-2026

Members were advised of the merger of the Crime Reduction Action Plan with the Violence, Domestic Abuse and Violence Against Women and Girls, Anti-Social Behaviour, Child Criminal Exploitation, Child Sexual Exploitation Crime Prevention, Hate Crime, Substance Misuse, Modern Slavery and Counter Terrorism action plans into one plan, to reduce the number of action plans being managed and duplication creating efficiencies and to seek approval of the new Action Plan.

The item had been recommended to Cabinet after consideration by the Policy Overview Working Group and it was stated that due to the rise in shoplifting further consideration be given to addressing the issues.

RESOLVED that the Broxtowe Crime Reduction Action Plan 2023-26 be approved.

Reason

The Crime and Disorder Act 1998 (as amended) 2011, established partnerships between police, local authorities, fire and rescue authorities, probation services, and clinical commissioning groups. The purpose of these partnerships is to ensure that all these agencies work together to tackle local crime and disorder. The 1998 Act placed a central duty on these 'responsible authorities' to produce audits of the area's local crime problems and implement strategies to tackle them. Under s.6 of the Crime & Disorder Act 1998, the Council (with other partner authorities) has a duty to formulate and implement a plan for the reduction of crime and disorder in its area. By merging this plan with the other plans ensures a streamlined process.

60.2 MODERN SLAVERY AND HUMAN TRAFFICKING STATEMENT 2023

The Cabinet considered a report which sought approval for the annually reviewed and updated Modern Slavery Statement and for its inclusion on the website and the Home Office's published Modern Slavery statements. The Statement had been recommended to Cabinet by the Policy Overview Working Group.

RESOLVED that the Modern Slavery Statement 2023 be approved, and that in future years the report contains data from modern slavery outcomes relevant to Broxtowe managed through the Nottingham hosted modern slavery team, and that Councillors be reminded of opportunities for online training on modern slavery.

Reason

It is considered that Broxtowe Borough Council should be keen to raise awareness of slavery and human trafficking and as a large scale local employer and provider of services, should make its position of zero tolerance in respect of slavery and trafficking clear and unequivocal.

(Councillor G Marshall for this item left the room prior to discussion or voting thereon.)

60.3 VULNERABLE PERSON POLICY 2023

Members considered the Vulnerable Persons Policy which sets out the way in which Adults who are vulnerable but do not meet the threshold for safeguarding by the Multi-Agency Safeguarding Hub will be managed. The Policy had previously been considered by the Policy Overview Working Group.

RESOLVED that amendments to the Vulnerable Person Policy be approved.

Reason

The Council also has a legal responsibility to safeguard, promote wellbeing and protect vulnerable persons, this policy has regard to the relevant legislation as contained within it.

60.4 HATE CRIME POLICY

Members received the Hate Crime Policy which sets out the Council's commitment to tackling hate crime and hate incidents and how it supports this through its decision making, service delivery and by the actions it will develop to implement the Policy. The Policy had previously been considered by the Policy Overview Working Group.

RESOLVED that the revised Hate Crime Policy be approved.

Reason

By having a Hate Crime policy in place will build awareness, increase confidence in reporting and ensure correct procedures are followed.

61 CABINET WORK PROGRAMME

Cabinet considered the Work Programme, including potential key decisions that would help to achieve the Council's key priorities and associated documents.

RESOLVED that the Work Programme, including key decisions, be approved.

Reason

The items included in the Work Programme will help to achieve the Council's key priorities and associated objectives.

62 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, 4 and 7 of Schedule 12A of the Act.

63 HOUSING

63.1 AIDS AND ADAPTATIONS REQUEST

RESOLVED that the request for adaptations as detailed within the appendix to the report, be approved.

Reason

These works comply with the legal and statutory requirements in relation to the provision of housing adaptations for disabled people as set out in the Council's Aid and Adaptions for Council Owned Dwellings Policy.

63.2 RIGHT TO BUY REPAYMENT OF DISCOUNT

RESOLVED that:

- 1. The property detailed in the report is not exempt from the Right of First Refusal.**
- 2. The full discount should be repaid if the property is sold in accordance with the Housing Act 1985.**

Reason

The report acknowledges the wide discretion and notes that the Government considers it is justified to waive payment of the right to buy discount in circumstances where repayment would lead to demonstrable personal hardship. It is envisaged that this power will only be used in exceptional circumstances.

64 RESOURCES AND PERSONNEL POLICY

64.1 IRRECOVERABLE ARREARS

RESOLVED that the arrears in excess of £7,500 on national non-domestic rates, council tax, rents, housing/council tax benefit overpayment and sundry debtors as set out in the report be written off and to note the exercise of the Deputy Chief Executive's delegated authority under financial regulation 5.9 with the exemption of numbers 1.1, 1.2 and 1.7 within the report which were removed for further investigation.

Reason

The report has set out circumstances whereby debts can lawfully be written off by the council and these include circumstances when a debt is time barred, where the debtor is deceased or gone away or is unable to be traced. In such circumstances to pursue the debt would be a very difficult and costly exercise with little or no chances of success.

65 ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT, HOUSING, AND RESOURCES AND PERSONNEL POLICY

65.1 OPPORTUNITY TO PURCHASE ONE BLOCK OF SEVEN FLATS

RESOLVED that the purchase of seven dwellings, as detailed in the report, be approved, with a delegation given to the Deputy Chief Executive in consultation with the Vice-Chair of Cabinet to consider revisions to the financial figures based on the potential grant assistance from Homes England.

Reason

Pursuant to Section 9 of the Housing Act 1985 the Council may provide housing accommodation by acquiring houses. Section 24 of the Housing Act 1985 Act provides that the Council acting as a housing authority may make such reasonable charges as they may determine for the tenancy or occupation of their houses.

(Councillor M Radulovic MBE left the meeting before the commencement of the following items or voting thereon.)

65.2 OPPORTUNITY TO PURCHASE ON BLOCK OF FOUR FLATS

RESOLVED that the purchase of four dwellings, as detailed in the report, be approved, with a delegation given to the Deputy Chief Executive in consultation with the Vice-Chair of Cabinet to consider revisions to the financial figures based on the potential grant assistance from Homes England.

Reason

Pursuant to Section 9 of the Housing Act 1985 the Council may provide housing accommodation by acquiring houses. Section 24 of the Housing Act 1985 Act provides that the Council acting as a housing authority may make such reasonable charges as they may determine for the tenancy or occupation of their houses.

65.3 OPPORTUNITY TO PURCHASE FIVE NEW HOUSES

RESOLVED that the purchase of five dwellings, as detailed in the report, be approved, with a delegation given to the Deputy Chief Executive in consultation with the Vice-Chair of Cabinet to consider revisions to the financial figures based on the potential grant assistance from Homes England.

Reason

Pursuant to Section 9 of the Housing Act 1985 the Council may provide housing accommodation by acquiring houses. Section 24 of the Housing Act 1985 Act provides that the Council acting as a housing authority may make such reasonable charges as they may determine for the tenancy or occupation of their houses.

65.4 OPPORTUNITY TO PURCHASE ONE BLOCK OF 18 FLATS

RESOLVED that the purchase of 18 dwellings, as detailed in the report, be approved, with a delegation given to the Deputy Chief Executive in consultation with the Vice-Chair of Cabinet to consider revisions to the financial figures based on the potential grant assistance from Homes England.

Reason

Pursuant to Section 9 of the Housing Act 1985 the Council may provide housing accommodation by acquiring houses. Section 24 of the Housing Act 1985 Act provides that the Council acting as a housing authority may make such reasonable charges as they may determine for the tenancy or occupation of their houses.

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 21 September 2023. At the meeting the following items continued to be reviewed:

- D H Lawrence Museum
- Diversity and Inclusion at Broxtowe

Councillors K Woodhead, A W G A Stockwell and W Mee continue their work as the D H Lawrence Museum Working Group which aims 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, and with an expected outcome to understand the role of heritage for Broxtowe Borough Council. The Group aims to submit its report to the Overview and Scrutiny Committee on 23 November.

A further review has been commissioned into Diversity and Inclusion at the Council. The Working Group will be chaired by Shaun Dannheimer and will scope the topic at its first meeting which is yet to be arranged. It was envisaged that the review would be a long term project.

Cabinet will receive updates at each future meeting as to the progress of the Overview and Scrutiny Committee's work programme (included at the appendix), and 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

APPENDIX

1. Topics under review:

| Topic | Committee/Group | Start date | Proposed Cabinet submission |
|--|---|--------------|-----------------------------|
| D.H Lawrence Museum | Overview and Scrutiny Committee/Working Group | 11 July 2023 | 23 November 2023 |
| Diversity and Inclusion at the Council | Councillor S Dannheimer | TBC | TBC |

2. Topics Reserved for future consideration:

| | Topic | Topic suggested by | Link to corporate priorities/values |
|----|--|--|---|
| 1. | Disabled Facilities Grants | Councillor B C Carr | The Housing aim of a good quality home for everyone |
| 3. | Child Poverty | Overview and Scrutiny Committee | A strong caring focus on the needs of all communities |
| 4. | Budget Consultation | Overview and Scrutiny Committee | Continuous improvement and delivering value for money |
| 5. | Homes for Life | Councillor S J Carr agreed by Overview and Scrutiny Committee | The Housing aim of a good quality home for everyone |
| 6. | Building Control | Councillor B C Carr agreed by the Overview and Scrutiny Committee to put on hold. Awaiting the outcome of a report to Cabinet. | Continuous improvement and delivering value for money |
| 7. | Review the new system of Resident Engagement for Members | Cabinet | A strong caring focus on the needs of all communities |

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Report of the Monitoring Officer

REPORT ON RIPA (REGULATION OF INVESTIGATORY POWERS ACT 2000) POLICY1. Purpose of Report

To seek Cabinet approval for the Regulation of Investigatory Powers Act 2000 ('RIPA') policy and to inform Members that none of the RIPA powers have been used in the last 12 months.

2. Recommendation

1. **Cabinet is asked to RESOLVE that the RIPA Policy be approved.**
2. **Cabinet is asked to NOTE the outcome of the IPCO (Investigatory Powers Commissioners Office) inspection and that there has been no use of the RIPA powers in the last 12 months.**

3. Detail

The RIPA Policy document should be reviewed at least once a year by Members to ensure it remains fit for purpose.

Proposed minor amendments to the RIPA Policy are attached at appendix 1 and a change table is attached at appendix 2. No substantive changes have been proposed as the existing policy remains fit for purpose. Three very minor changes have been made, two of which are grammatical corrections and one to reflect the removal of Government Guidance.

The policy also requires Members to consider the use of the RIPA powers (on an annual basis) to ensure it is being used in accordance with the Council's policy. There has been no use of the RIPA powers since July 2015. This is due to the fact that these powers were only used by the Council in relation to the investigations into benefit fraud and this function was transferred to the Department of Work and Pensions in 2015.

The Council were inspected by the IPCO in August 2023 amongst other things this RIPA policy was also reviewed as part of their inspection. The only advice provided by the IPCO following the inspection was to implement a database and monitoring process to track online enquiries on subjects of interest, this is currently being implemented.

The response from the IPCO was that they were satisfied with the replies provided to their initial questions and this provided them with reassurance that on-going compliance with RIPA 2000 will be maintained, as a result no further inspection will be required this year, the next inspection is due in 2026.

4. Financial Implications

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

There are no financial implications to consider as part of this report.

5. Legal Implications

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

If the Council does not adopt a revised RIPA Policy and there is no common reference point, there is a risk that covert surveillance is inconsistently applied across different service areas. This might increase the risk of legal challenge and reduce the fairness and effectiveness of the Council's approach to covert surveillance. The adoption of a policy is considered to be best working practice and will also assist the Council to demonstrate that it has regard to the relevant legislation and Codes of Practice.

6. Human Resources Implications

Not applicable

7. Union Comments

Not applicable

8. Climate Change Implications

Not applicable

9. Data Protection Compliance Implications

No Data Protection concerns or points, in general RIPA supersedes Data Protection

10. Equality Impact Assessment

Not applicable

11. Background Papers

Nil,



Broxtowe
Borough
COUNCIL

**REGULATION OF INVESTIGATORY POWERS
ACT 2000 (RIPA) POLICY**

Contents

| | | |
|-----|--|---------|
| 1. | Introduction | Page 3 |
| 2. | Guidance – Part 1 – Direct Surveillance and CHIS | Page 5 |
| 3. | Scrutiny and Tribunal | Page 6 |
| 4. | Benefits of RIPA Authorisations | Page 8 |
| 5. | Definitions | Page 8 |
| 6. | When does RIPA apply? | Page 10 |
| 7. | Covert Human Intelligence Source | Page 12 |
| 8. | Authorisations | Page 14 |
| 9. | Duration and Cancellation | Page 21 |
| 10. | Reviews | Page 22 |
| 11. | Renewals | Page 22 |
| 12. | Central Register of Authorisations | Page 23 |
| 13. | Retention of Records | Page 24 |
| 14. | Complaints Procedure | Page 24 |

INTRODUCTION

Broxtowe Borough Council ("the Council") only carries out covert surveillance where such action is justified and endeavours to keep such activities to a minimum. It recognises the importance of complying with the Regulation of Investigatory Powers Act 2000 ("RIPA/the Act") when such an investigation is for the purpose of preventing or detecting crime or preventing disorder and has produced this guidance document to assist officers.

APPLICATIONS FOR AUTHORITY

An officer of at least the level of Head of Service (Authorising Officer) will consider all applications for authorisation in accordance with RIPA. Any incomplete or inadequate application forms (see Appendix A for forms) will be returned to the applicant for amendment. The Authorising Officer shall in particular ensure that:

- there is a satisfactory reason for carrying out the surveillance, and the serious crime threshold is met (see 6.2)
- any directed surveillance passes the 'serious crime' threshold
- the covert nature of the investigation is necessary
- proper consideration has been given to collateral intrusion
- the proposed length and extent of the surveillance is proportionate to the information being sought
- Chief Executive's authorisation is sought where legal / medical / clerical / parliamentary issues are involved or a juvenile covert human intelligence source is proposed.
- the authorisations are reviewed and cancelled
- the authorisations are sent to Legal Services for entry onto the Central Register.

Once authorisation has been obtained from the Authorising Officer, the Investigating Officer will attend the Magistrates' Court in order to obtain Judicial Approval for the authorisation.

Training

Each Authorising Officer shall be responsible for ensuring that relevant members of staff are aware of the Act's requirements.

The Head of Legal Service and Deputy Monitoring Officer shall ensure that refresher training is offered at least once a year to all directorates of the Council and also provide advice and training on request. Officers working in this area are also required to complete the e-learning training provided by the Council.

Central Register and Records

Legal Services shall facilitate and retain the Central Register of all authorisations issued by the Council. The Head of Legal Services and Deputy Monitoring Officer will monitor the content of the application forms and authorisations to ensure conformity and compliance with RIPA.

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

GUIDANCE – PART I

DIRECTED SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCE

1. Purpose

The purpose of this guidance is to explain:

- the scope of RIPA – Chapter 1 of Part II
- the circumstances where it applies
- the authorisation procedures to be followed – **Appendix B**.

2. Introduction

- 2.1 This Act came into force in 2000 is intended to regulate the use of investigatory powers exercised by various bodies including local authorities, and to ensure that they are used in accordance with the human rights legislation. This is achieved by the requirement for certain investigations to be authorised by an appropriate officer together with judicial approval. From 1 November 2012 local authority authorisations and notices under RIPA will only be given effect once an order has been granted by a Justice of the Peace. See **Appendices C and D** for Home Office Guidance.
- 2.2 The investigatory powers which are relevant to a local authority are directed covert surveillance and covert human intelligence sources ('CHIS') in respect of specific operations involving criminal offences that are either punishable, whether on summary conviction or indictment by a term of imprisonment of at least six months, or are related to the underage sale of alcohol and tobacco. The Act makes it clear for which purposes they may be used, to what extent, and who may authorise their use. There are Codes of Practice relevant to the use of these powers which are attached as **Appendix E**.
- 2.3 Consideration must be given, prior to authorisation as to whether or not the surveillance and associated collateral intrusion is **necessary** and **proportionate** i.e. whether a potential breach of the human rights legislation is justified in the interests of the community as a whole, or whether the information could be obtained in other ways.

2.4 A public authority may only engage the RIPA when in performance of its **core functions**, that is the specific public functions undertaken by the authority in contrast to the ordinary functions that are undertaken by every authority for example employment issues, contractual arrangements, etc.

3. **Scrutiny and Tribunal**

3.1 External

3.1.1 From 1 November 2012 the Council must obtain an Order from a Justice of the Peace approving the Grant or Renewal of any authorisation for the use of directed surveillance or Covert Human Intelligence Sources (CHIS) before the authorisation can take effect and the activity carried out. The Council can only appeal a decision of a Justice of the Peace on a point of law by the Judicial Review process.

3.1.2 The Investigatory Powers Commissioners Office (IPCO) a role established by the Investigatory Powers Act 2016 was set up to monitor compliance with RIPA. The IPCO OSC has “a duty to keep under review the exercise and performance by the relevant persons of the powers and duties under Part II of RIPA”, and the Surveillance Commissioner will from time to time inspect the Council’s records and procedures for this purpose.

3.1.3 In order to ensure that investigating authorities are using the powers accordingly, the Act also established an Investigatory Powers Tribunal (IPT) to hear complaints over the exercise of RIPA powers and breaches of the Human Rights Act. Applications will be heard on a judicial review basis. Such claims must be brought no later than one year after the taking place of the conduct to which it relates, unless it is just and equitable to extend this period.

The Tribunal rules of 2018 govern the IPT’s conduct it can:

- Quash or cancel any warrant or authorisation
- Order the destruction of any records or information obtained by using a warrant or authorisation
- Order the destruction of records or information held by a public authority in relation to any person.

- Award compensation

The Council has a duty to disclose to the IPT all documents they require if any Council officer has:

- granted any authorisation under RIPA
- engaged in any conduct as a result of such authorisation.

3.2 Internal Scrutiny

3.2.1 The Council will ensure that the Head of Legal Services and Deputy Monitoring Officer is responsible for:

- the integrity of the process in place within the Council to authorise directed surveillance and CHIS compliance with Part II of the 2000 Act and with the accompanying Codes of Practice
- engagement with the Commissioners and Inspectors when they conduct their inspections
- where necessary oversee the implementation of any post-inspection action plans recommended or approved by a Commissioner.

3.2.2 The elected members of the Council will review the authority's use of RIPA powers the Council's policy and guidance documents at least once a year. They will also consider internal reports on the use of the 2000 Act to ensure that it is being used consistently with the Council's policy and that that policy is fit for purpose. The members will not however be involved in making decisions on specific authorisations.

3.3 If an Officer is concerned that no authorisation has been obtained under RIPA for surveillance taking place then they should contact the Head of Legal to seek advice.

3.4 If an activity is deemed to be unauthorised it will be reported to the IPOC.

4. **Benefits of RIPA authorisations**

The Act states that, if authorisation confers entitlement to engage in a certain conduct and the conduct is in accordance with the authorisation, then it will be lawful for all purposes. Consequently, RIPA provides a statutory framework under which covert surveillance can be authorised and conducted compatibly with Article 8 of the Human Rights Act 1998 – a person's right to respect for their private and family life, home and correspondence.

Material obtained through properly authorised covert surveillance is admissible evidence in criminal proceedings.

Section 78 Police and Criminal Evidence Act 1984 allows for the exclusion of evidence if it appears to the court that, having regard to all the circumstances in which the evidence was obtained, the admission of the evidence would have such an adverse effect on the fairness of the proceedings that the court ought not to admit it. Evidence obtained through covert surveillance will not be excluded unless the test of unfairness is met.

5. Definitions

- 5.1 'Covert' is defined as surveillance carried out in such a manner that is calculated to ensure that the person subject to it is unaware that it is or may be taking place. (s.26 (9)(a)).
- 5.2 'Covert human intelligence source' (CHIS) is defined as a person who establishes or maintains a personal or other relationship with a person for the covert process of obtaining/providing access to/disclosing, information obtained through that relationship or as a consequence of the relationship (s.26 (8)).
- 5.3 'Directed surveillance' is defined as covert but not intrusive and undertaken:
- for a specific investigation or operations
 - in such a way that is likely to result in the obtaining of private information about any person
 - other than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorization under this Part to be sought for the carrying out of the surveillance (s.26(2)2)).

- 5.4 'Surveillance' includes monitoring, observing, listening, with or without the assistance of a surveillance device, and includes recording of any information obtained.
- 5.5 'Private information' includes, and possibly goes beyond, information relating to a person's private or family life, and aspects of business and professional life.
- 5.6 'Intrusive' surveillance is covert surveillance that is carried out in relation to anything taking place on any residential premises or in any private vehicle and involves the presence of an individual on the premises or in the vehicle or using a surveillance device. Broxtowe Borough Council may not authorise such surveillance.
- 5.7 'Authorising officer' in the case of local authorities these are specified as the Deputy Chief Executive (and more senior officers), Heads of Service, Service Managers or equivalent, responsible for the management of an investigation (see Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (SI 2010 No.521) As amended (from 1st November 2012) by the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources (Amendment) Order 2012 No. 1500. At Broxtowe Borough Council, they are nominated Heads of Service and above. (see Appendix F).
- 5.8 'Senior Responsible Officer' (see Appendix G) is responsible for:
- The integrity of the process in place within the public authority for the management of CHIS
 - Compliance with Part II of the Act and with the Codes
 - Oversight of the reporting of errors to the relevant oversight Commissioner and the identification of both the cause(s) of errors and the implementation of processes to minimize repetition of errors
 - Engagement with the IPCO inspectors when they conduct their inspections, where applicable
 - Where necessary, oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner.

Within local authorities, the senior responsible officer should be a member of the General Management Team team and should be responsible for ensuring that all authorising officers are of an appropriate standard in light of any recommendations in the inspection reports prepared by the IPCO. Where an inspection report highlights concerns about the standards of authorising officers, this individual will be responsible for ensuring the concerns are addressed.

5.9 'RIPA Co-ordinating Officer' (see Appendix H) is responsible for:

- Maintaining the central record and collation of documents
- Day to day oversight of the RIPA process
- Organising training in RIPA
- Raising awareness of RIPA within the Council.

6. When does RIPA apply?

6.1 RIPA applies where the directed covert surveillance of an individual or group of individuals, or the use of a CHIS is necessary for the purpose of preventing or detecting crime, (see below).

6.2 The Council can only authorise **Directed Surveillance** to prevent and detect a criminal offence if it is punishable, whether on summary conviction or indictment, by a period of imprisonment of at least six months, or would constitute an offence under:

(a) Section 146 Licensing Act 2003 (sale of alcohol to children)

(b) Section 147 Licensing Act 2003 (allowing the sale of alcohol to children)

(c) Section 147a Licensing Act 2003 (persistently selling alcohol to children)

(d) Section 7 of the Children and Young Persons Act 1933 (sale of tobacco, etc to persons under eighteen).

6.3 CCTV

The normal use of CCTV is not usually covert because members of the public are informed by signs that such equipment is in operation. However, authorisation should be sought where it is intended to use CCTV in a covert and pre-planned

manner as part of a specific investigation or operation, for the surveillance of a specific person or group of people. Equally a request, say by the police, to track particular individuals via CCTV recordings may require authorisation (from the police).

6.4 Special considerations in respect of social networking sites

The fact the digital investigations are routine, easy to conduct or apparently public does not reduce the need for authorisation. Any surveillance carried out on the internet must be carried out in accordance with this policy if the criteria are met.

Guidance issued by the Investigatory Powers Commissioners Office in connection with the use of Social Media offers the following:

“Authorising Officers must not be tempted to assume that one service provider is the same as another or that the services provided by a single provider are the same.

Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as “open source” or publicly available; the author has a reasonable expectation of privacy if access controls are applied. In some cases data may be deemed private communication still in transmission (instant messages for example). Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required. Repeat viewing of “open source” sites may constitute directed surveillance on a case by case basis and this should be borne in mind.

Providing there is no warrant authorising interception in accordance with section 48(4) of the 2000 Act, if it is necessary and proportionate for a public authority to breach covertly access controls, the minimum requirement is an authorisation for directed surveillance. An authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by a member of a public authority or by a person acting on its behalf (i.e. the activity is more than mere reading of the site’s content).

It is not unlawful for a member of a public authority to set up a false identity

but it is inadvisable for a member of a public authority to do so for a covert purpose without authorisation. Using photographs of other persons without their permission to support the false identity infringes other laws.

A member of a public authority should not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without authorisation, and without the consent of the person whose identity is used, and without considering the protection of that person. The consent must be explicit (i.e. the person from whom consent is sought must agree (preferably in writing) what is and is not to be done)."

7. Covert Human Intelligence Source

7.1 The RIPA definition (section 26) is anyone who:

- (a) Establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraphs (b) or (c);
- (b) Covertly uses such a relationship to obtain information or provide access to any information to another person; or
- (c) Covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship

Any reference to the conduct of a CHIS includes the conduct of a source which falls within (a) to (c) or is incidental to it.

References to the use of a CHIS are references to inducing, asking or assisting a person to engage in such conduct.

Section 26(9) of RIPA goes on to define:

- a purpose is covert, in relation to the establishment or maintenance of a personal or other relationship, if, and only if, the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of that purpose
- a relationship is used covertly, and information obtained as mentioned in 7 (c) above and is disclosed covertly, if, and only if it is used or as the case may

be, disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.

7.2 There is a risk that an informant who is providing information to the Council voluntarily may in reality be a CHIS even if not tasked to obtain information covertly. It is the activity of the CHIS in exploiting a relationship for a covert purpose which is ultimately authorised in the 2000 Act, not whether or not the CHIS is asked to do by the Council. When an informant gives repeat information about a suspect or about a family, and it becomes apparent that the informant may be obtaining the information in the course of a neighbourhood or family relationship, it may mean that the informant is in fact a CHIS. Legal advice should always be sought in such instances **before** acting on any information from such an informant.

7.3 Juvenile Sources

Special safeguards apply to the use or conduct of juvenile sources; that is sources under the age of 18 years. On no occasion should the use or conduct of a source under the age of 16 years be authorised to give information against their parents or any person who has parental responsibility for them. The duration of a juvenile CHIS is **one** month. The Regulation of Investigatory Powers (Juvenile) Order 2000 SI No 2793 contains special provisions which must be adhered to in respect of juvenile sources. Can only be authorised by Chief Executive or Deputy Chief Executive.

7.4 Vulnerable Individuals

A vulnerable individual is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of themselves, or unable to protect themselves against significant harm or exploitation. Any individual of this description should only be authorised to act as a source in the most exceptional circumstances. Can only be authorised by Chief Executive or Deputy Chief Executive.

7.5 Legal Advice

Please consult the Senior Responsible Officer and RIPA Co-ordinating Officer before taking any practical steps to authorise a CHIS.

7.6 Handler and Controller

There needs to be in place arrangements for the proper oversight and management of CHIS, including appointing individual officers as defined in section 29(5)(a) and (b) of the 2000 Act for each CHIS.

The Handler has day to day responsibility for:

- Dealing with the CHIS on behalf of the authority
- Directing the day to day activities of the CHIS
- Recording the information supplied by the CHIS, and
- Monitoring the CHIS's security and welfare.

The Handler will usually be a rank or position below that of the authorising officer.

The Controller will normally be responsible for the management and supervision of the "handler" and general oversight of the use of the CHIS.

8. Authorisations

8.1 Applications for directed surveillance

All application forms (**see Appendix A**) must have a Unique Operation Reference Number (URN) and must be fully completed with the required details to enable the Authorising Officer to make an informed decision. Sections 12 and 13 of the form must be completed by the Authorising Officer.

An authorisation under the 2000 Act will only ensure that there is a justifiable interference with an individual's Article 8 rights if it is **necessary** and **proportionate** for these activities to take place. Therefore, the grant of authorisation should indicate that consideration has been given to these points and no authorisation shall be granted unless the Authorising Officer is satisfied that the investigation is:

- **necessary** for either the prevention or detection of crime, involving a criminal offence punishable whether by summarily or on indictment by a maximum sentence of at least six months' imprisonment or related to the underage sale of alcohol or tobacco (see paragraph 6.2 for offences) Covert surveillance cannot be said to be necessary if the desired information can reasonably be

obtained by overt means, and

- **proportionate** - if the activities are necessary, the person granting the authorisation must believe that they are **proportionate** to what is sought to be achieved by carrying them out. This involves balancing the intrusiveness of the activity on the target and others (see 8.4 Collateral intrusion) who might be affected by it against the need for the activity in operational terms.

The method of surveillance proposed must not be **excessive** in relation to the seriousness of the matter under investigation. It must be the method which is the **least invasive** of the target's privacy.

The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means. All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair.

The **privacy** of innocent members of the public must be respected and collateral intrusion minimised – see 8.4 below.

It must be at an **appropriate** level (i.e. not excessive) and no other form of investigation would be appropriate.

8.2 Necessity

The authorising officer must be satisfied that the use of covert surveillance is necessary for one of the purposes specified in Section 28(3) of RIPA. In order to be satisfied, the conduct that it is aimed to prevent or detect must be identified and clearly described, particularly if it is questionable whether the serious crime criteria are met.

8.3 Proportionality

Proportionality is not only about balancing the effectiveness of covert methods over overt methods but of explaining why a particular covert method, technique or tactic is the least intrusive. It is insufficient to make a simple assertion or to say that the `seriousness` of the crime justifies any or every method available. It may be unacceptable to advance lack of resources or a potential cost saving as sufficient ground to use technological solutions which can be more intrusive than

a human being. This critical judgment can only be reached once all aspects of an authorisation have been fully considered. It will be helpful to consider the following elements:

- (i) That the proposed covert surveillance is proportional to the misconduct under investigation
- (ii) That it is proportional to the degree of anticipated intrusion on the target and others
- (iii) It is the only option, other overt measures having been considered and discounted.

The following elements of proportionality should therefore be considered:

- balancing the size and scope of the operation against the gravity and extent of the perceived misconduct
- explaining how and why the methods to be adopted will cause the least possible intrusion on the target and others
- that the activity is an appropriate use of the legislation and the only reasonable way, having considered all others, of obtaining the necessary result
- providing evidence of other methods considered and why they were not implemented.

The authorising officer should set out, in his own words, "*I am satisfied*" and "*I believe*" why he is satisfied or why he believes the activity is necessary and proportionate.

8.4 Collateral intrusion

The privacy rights of members of the public who are not the subject of the investigation, must be minimised and the surveillance must be carefully controlled so as to respect those rights.

The Authorising Officer must also take into account the risk of '**collateral intrusion**' i.e. intrusion on, or interference with, the privacy of persons other than the subject of the investigation, particularly where there are special sensitivities e.g. premises used by lawyers, MPs, doctors or priests e.g. for any form of medical or professional counselling or therapy. The application must include an **assessment** of any risk of collateral intrusion for this purpose.

Steps must be taken to avoid unnecessary collateral intrusion and minimise any necessary intrusion.

Those carrying out the investigation must inform the Authorising Officer of any unexpected interference with the privacy of individuals who are not covered by the authorisation as soon as these become apparent.

Where such collateral intrusion is unavoidable, the activities may still be authorised, provided the intrusion is considered proportionate to what is sought to be achieved.

8.5 Special consideration in respect of confidential information

Particular attention is drawn to areas where the subject of surveillance may reasonably expect a high degree of privacy e.g. where confidential information is involved.

Confidential information consists of matters subject to legal privilege, communication between a Member of Parliament and another person on constituency matters, confidential personal information or confidential journalistic material. (Sections 98-100 Police Act 1997).

8.6 Legal privilege

Generally, this applies to communications between an individual and his/her legal adviser in connection with the giving of legal advice in connection with or in contemplation of legal proceedings. Such information is unlikely ever to be admissible as evidence in criminal proceedings.

If in doubt, the advice of the Head of Legal Services and Deputy Monitoring Officer should be sought in respect of any issues in this area.

8.7 Confidential personal information

This is oral or written information held in (express or implied) confidence, relating to the physical or mental health or spiritual counselling concerning an individual (alive or dead) who can be identified from it. Specific examples provided in the codes of practice are consultations between a health professional and a patient, discussions between a minister of religion and an individual relating to the latter's **spiritual welfare** or matters of **medical or journalistic confidentiality**.

8.8 Confidential journalistic material

This is material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence.

It should be noted that matters considered to be confidential under RIPA may not necessarily be properly regarded as confidential under section 41 Freedom of Information Act.

Where confidential information as referred to in sections 8.4 to 8.8 is likely to be acquired, the surveillance may only be authorised by the Chief Executive, or, in her absence, a Chief Officer, and should only be authorised where there are exceptional and compelling circumstances.

8.9 Authorisations must be in writing.

The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources (Amendment) Order 2012 amended the 2010 Order - see the new 7A which states that the serious crime threshold of investigating criminal offences with a sentence of at least six months imprisonment and those offences related to the underage sale of alcohol and tobacco apply.

8.10 Notifications to Inspector/Commissioner

The following situations must be brought to the Inspector/Commissioner's attention at the next inspection:

- where an officer has had to authorise surveillance in respect of an investigation in which he/she is directly involved
- where a lawyer is the subject of an investigation or operation
- where confidential personal information or confidential journalistic information has been acquired and retained.

8.11 Applications for CHIS

The application is the same as for directed surveillance except that the serious crime threshold of investigating criminal offences with a sentence of at least six months imprisonment does not apply. The authorisation must specify the activities and identity of the CHIS and that the authorised conduct is carried out for the purposes of, or in connection with, the investigation or operation so specified.

There are additional requirements in s29(5) relating to responsibility for dealing with the source and maintenance of records relating to the source.

All application forms (**Appendix A**) must be fully completed with the required details to enable the Authorising Officer to make an informed decision.

In addition to the requirements of RIPA, the duties set out in the Source Records Regulations (S.I.2000/2725) must also be observed.

Please consult the Head of Legal Deputy Monitoring Officer before taking any practical steps to authorise a CHIS.

8.12 Judicial Approval of authorisations

Once the Authorising Officer has authorised the directed surveillance or CHIS, the Investigating Officer who completed the application form should contact the Magistrates Court to arrange a hearing for the authorisation to be approved by a Justice of the Peace.

The Investigating Officer or Authorising Officer will provide the Justice of the Peace with a copy of the original authorisation or notice and the supporting documents setting out the case. This forms the basis of the application to the

Justice of the Peace and should contain all information that is relied upon.

In addition the Investigator will provide the Justice of the Peace with two copies of a partially completed judicial application/order form.

The hearing must be in private (unless the Court otherwise directs) and the officer will be sworn in and present evidence as required by the Justice of the Peace. Any such evidence should be limited to the information in the authorisation. It is not sufficient for the local authority to provide oral evidence where this is not reflected or supported in the papers provided.

The Justice of the Peace will consider whether he/she is satisfied that, at the time the authorisation was granted or renewed or the notice given or renewed, there was reasonable grounds for believing that the authorisation or notice was necessary and proportionate and whether that continues to be the case. They will also consider whether the authorisation was given by the appropriate designated person at the correct level within the Council and whether (in the case of directed surveillance) the crime threshold has been met.

The Order Section of the above mentioned form will be completed by the Justice of the Peace and will be the official record of his/her decision. The local authority need to retain a copy of the form after it has been signed by the Justice of the Peace.

The Justice of the Peace can:

- (a) approve the Grant or of Renewal of an Authorisation or Notice, which means the authorisation will then be effective
- (b) refuse to approve the Grant of Authorisation or Notice, which means that the authorisation will not take effect but the Council could look at the reasons for refusal, make any amendments and reapply for judicial approval
- (c) refuse to approve the Grant of Authorisation or Renewal and quash the original authorisation. The Court cannot exercise its power to quash the authorisation unless the applicant has at least two business days from the date of the refusal to make representations.

Appeals

A local authority may only appeal a Justice of the Peace's decision on a point of law by making an application for judicial review in the High Court. The Investigatory Powers Tribunal (IPT) will continue to investigate complaints by individuals about the use of the RIPA techniques by public bodies, including local authorities. If, following a complaint to them, the IPT finds fault with a RIPA authorisation or notice it has the power to quash the Justice of the Peace's order which approved the grant or renewal of the authorisation or notice.

8.13 Working in partnership with the police

Authorisation can be granted in situations where the police rather than Broxtowe Borough Council require the surveillance to take action, as long as the behaviour complained of meets all criteria to grant and in addition is also of concern to the Council. Authorisation cannot be granted for surveillance requested by the police for a purely police issue.

9. **Duration and Cancellation**

- An authorisation for **directed surveillance** shall cease to have effect (if not renewed) 3 months from the date the Justice of the Peace approves the grant
- If renewed the authorisation shall cease to have effect 3 months from the expiry of the original authorisation
- An authorisation for **CHIS** shall cease to have effect (unless renewed) 12 months from the date the Justice of the Peace approves the grant or renewal
- An authorisation or renewal shall cease to have effect (unless renewed) 72 hours from the date of grant or renewal.

This does not mean that the authorisation should be given for the whole period so that it lapses at the end of this time. The Authorising Officer, in accordance with s.45 of the Act, must cancel each authorisation as soon as that officer decides that the surveillance should be discontinued. Authorisations should continue for the minimum period reasonable for the purpose they are given and in any event will not last longer than 3 months.

On cancellation, the cancellation form should detail what information has been obtained as a result of the surveillance activity. The forms should include the dates and times of any activity, the nature of the information obtained and its format, any associated log or reference numbers, details of where the information is to be held and the name of the officer responsible for its future management. Documentation of any instructions to cease surveillance should be retained and kept with the cancellation form.

10. Reviews

The Authorising Officer should review all authorisations at intervals determined by him/her. This should be as often as necessary and practicable. **The reviews should be recorded.**

If the directed surveillance authorisation provides for the surveillance of unidentified individuals whose identity is later established, the terms of the authorisation should be refined at review to include the identity of these individuals.

Particular attention should be paid to the possibility of obtaining confidential information.

11. Renewals

If for any reason a Review is not carried out on time the Head of Legal Services may cancel the authorisation. Notice of this cancellation must be given to the Authorising Officer immediately.

Any authorised officer may renew an existing authorisation on the same terms as the original at any time before the original ceases to have effect. The renewal must then be approved by a Justice of the Peace in the same way the original authorisation was approved. The process already outlined in paragraph 8.10 should be followed.

A CHIS authorisation must be thoroughly reviewed before it is renewed.

12. Central Register of authorisations

12.1 The authority must maintain the following documents:

- copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the authorised officer
- a record of the period over which the surveillance has taken place
- the frequency of reviews prescribed by the authorising officer
- a record of the result of each review of the authorisation
- a copy of any renewal of an authorisation and Order made by the Magistrates' Court together with supporting documentation submitted when the renewal was requested
- the date and time when any instruction to cease surveillance was given
- the date and time when any instruction was given by the Authorising Officer.

12.2. To comply with section 12.1 the Head of Legal Services and Deputy Monitoring Officer will hold the Central Register of all authorisations issued by an officer of Broxtowe Borough Council. A copy of every authorisation, renewal and cancellation issued should be lodged immediately with the Head of Legal Services and Deputy Monitoring Officer in an envelope marked 'Private and Confidential'.

Any original authorisations and renewals taken to the Magistrates' Court should be retained by the Council because the Court only keeps copies of the authorisations or renewals.

12.3 The Council must also maintain a centrally retrievable record of the following information:

- type of authorisation
- date the authorisation was given

- date the Approval Order was by the Justice of the Peace
- name and rank/grade of the authorising officer
- confidential information
- self authorisations
- unique reference number of the investigation/operation
- title (including brief description and names of the subjects) of the investigation/operation
- reviews
- details of renewal
- dates of any Approval Order for renewal given by the Justice of the Peace
- whether the investigation/operation is likely to result in obtaining confidential information
- date of cancellation.

These records will be retained for at least **3 years** and will be available for inspection by the Investigatory Powers Commissioners Office.

13. Retention of records

The authority must ensure that arrangements are in place for the secure handling, storage and destruction of material obtained through the use of directed surveillance. The Authorising Officers, through their relevant Data Controller, must ensure compliance with the appropriate data protection requirements under the UK General Data Protection Regulations (as defined in Part 1, section 3, paragraph 10 of the Data Protection Act 2018 (as amended)) and any relevant Codes of Practice relating to the handling and storage of material.

14. Complaints procedure

14.1 The Council will maintain the standards set out in this guidance and the Codes of

Practice (**See Appendices C and E**). The Investigatory Powers Commissioner has responsibility for monitoring and reviewing the way the Council exercises the powers and duties conferred by RIPA.

- 14.2 Contravention of UK General Data Protection Regulations may be reported to the ICO. Before making such a reference, a complaint concerning a breach of this guidance should be made using the Council's own internal complaints procedure. To request a complaints form, please contact the Complaints Officer, Council Offices, Foster Avenue, Beeston, Nottingham, NG9 1AB or telephone 0115 9177777 or submit an online complaint at www.broxtowe.gov.uk .

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

APPENDIX A

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..\Forms\renewal-directed-surveillance.doc

..\Forms\review-directed-surveillance.doc

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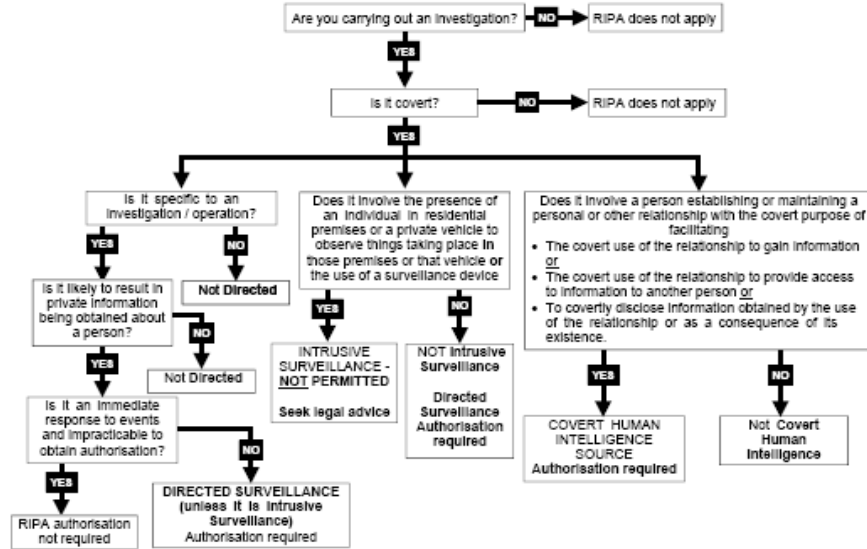
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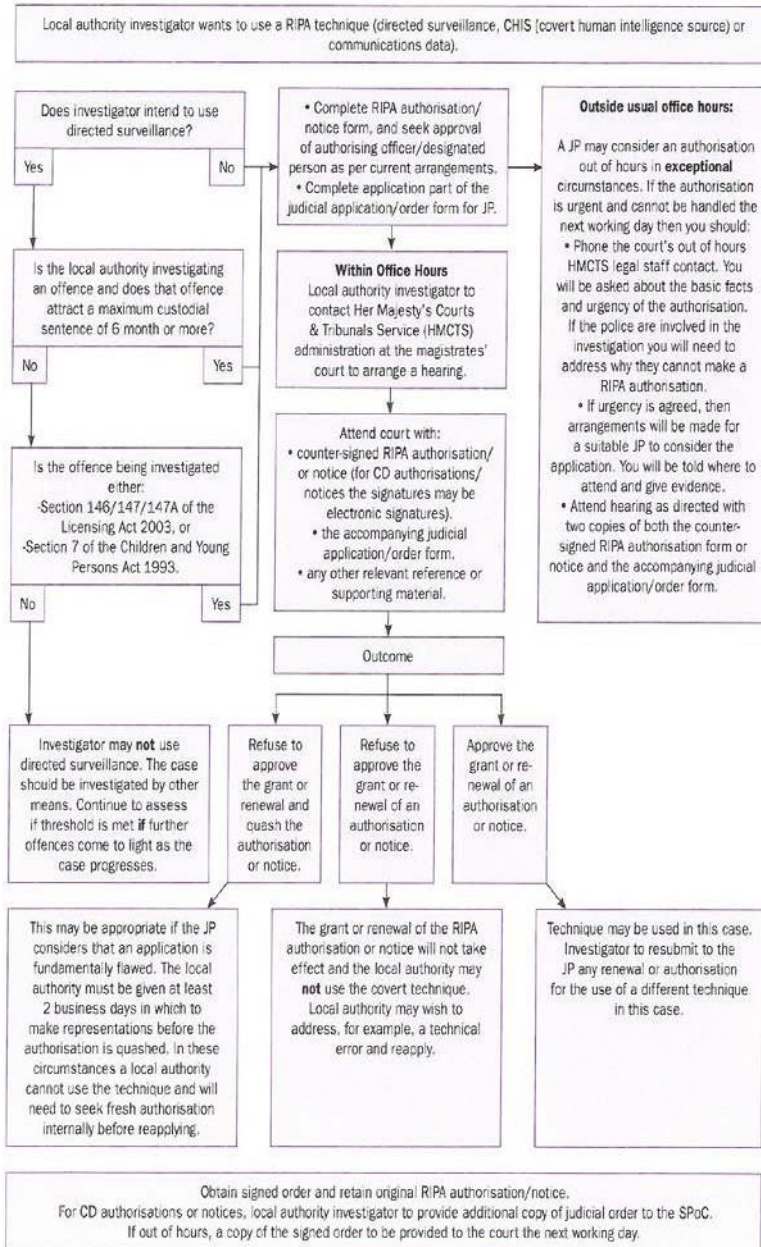
REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

APPENDIX B

DIRECTED SURVEILLANCE
Regulation of Investigatory Powers Act 2000 - Do you need Authorisation?



LOCAL AUTHORITY PROCEDURE: APPLICATION TO A JUSTICE OF THE PEACE SEEKING AN ORDER TO APPROVE THE GRANT OF A RIPA AUTHORISATION OR NOTICE



REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

APPENDIX C

[..local-authority-england-wales.pdf](#)

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

APPENDIX D

[..\magistrates-courts-eng-wales.pdf](#)

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

APPENDIX E

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384975/Covert_Surveillance_Property_Interference_web_2_.pdf

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

APPENDIX F

BROXTOWE BOROUGH COUNCIL'S AUTHORISING OFFICERS

CHIEF EXECUTIVE

DEPUTY CHIEF EXECUTIVE/SECTION 151 OFFICER

HEAD OF REVENUES AND BENEFITS

HEAD OF HOUSING

HEAD OF LEGAL AND DEPUTY MONITORING OFFICER

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

APPENDIX G

Senior Responsible Officer

Chief Executive

RIPA Co-ordinating Officer

Head of Legal Services and Deputy Monitoring Officer

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APPENDIX 2

| RIPA Policy Section | Suggested Change | Reason for Change |
|--|---|--------------------------------------|
| Scrutiny and Tribunal Paragraph at 3.1.2 Page 6 | Existing Text: The Investigatory Powers Commissioners Office (IPCO) a role established by the Investigatory Powers Act 216 was set up to monitor compliance with RIPA Suggested Text: The Investigatory Powers Commissioners Office (IPCO) a role established by the Investigatory Powers Act 2016 was set up to monitor compliance with RIPA | Grammatical error |
| Definitions paragraph 5.8 (5 th bullet point) Page 9 | Existing Text: Where necessary, oversight of the implantation of post-inspection action plans approved by the relevant oversight Commissioner. Suggested Text: Where necessary, oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner. | Grammatical error |
| Appendix E Page 32 | Deletion of second link on page | Government Link no longer available. |

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Report of the Portfolio Holder for Resources and Personnel Policy

FRAUD AND CORRUPTION PREVENTION POLICY AND MONEY LAUNDERING PREVENTION POLICY1. Purpose of Report

To approve the updated corporate policies relating to the prevention of fraud and corruption and money laundering.

2. Recommendation

Cabinet is asked to RESOLVE that the updated Fraud and Corruption Prevention Policy and the Money Laundering Prevention Policy be approved.

3. Detail

Fraud and corruption are a serious and ongoing threat to the financial health of the public sector. In its latest report, the Chartered Institute of Public Finance and Accountancy (CIPFA) estimates that fraud costs the public sector at least £40.3bn each year. Of this total, an estimated £7.3bn is specifically located within local government. The Council acknowledges the significant negative impact fraudulent and corrupt acts can have on the Council, the delivery of its Corporate Plan and the services provided to residents.

The Fraud and Corruption Prevention Policy and Money Laundering Prevention Policy were last reviewed by the Governance, Audit and Standards Committee in 2017. Although there have been no significant changes in the relevant legislation or regulatory framework since this time, it is considered good practice to review such corporate policies from time to time to ensure continued relevance and effectiveness.

Accordingly, the refreshed Fraud and Corruption Prevention Policy is presented in appendix 1 to this report, whilst the Money Laundering Prevention Policy is provided in appendix 2. A table of changes is presented in appendix 3, with the updated Equality Impact Assessments for both policies provided at appendices 4 and 5 respectively.

4. Financial Implications

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

Fraud and corruption perpetrated against the Council has a direct impact on the cost of providing services to the local community. The Fraud and Corruption Prevention Policy and the Money Laundering Prevention Policy are therefore vital in setting the framework which allows for positive counter fraud work to be undertaken across the Council. This in turn will complement and improve key

controls within systems and processes to mitigate against the risk of fraud and corruption.

5. Legal Implications

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

This policy provides a clear framework for the council to undertake necessary, legal and proportionate actions wherever the evidence supports an investigation into an allegation of fraud, and to seek recovery of defrauded monies through all possible legal means. The Council should satisfy itself that it is complying with the obligations out in the Policy and that it is doing all it can to prevent persons associated with it from committing acts of fraud, bribery or corruption.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

No comments.

7. Union Comments

The comments from the Unions were as follows:

No comments.

8. Climate Change Implications

The comments from the Interim Head of Environmental Services 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

The updated Equality Impact Assessments for both the Fraud and Corruption Prevention Policy and Money Laundering Prevention Policy are provided at appendices 3 and 4 respectively. No issues regarding equalities were noted in either assessment.

11. Background Papers

Nil.

APPENDIX 1

FRAUD AND CORRUPTION PREVENTION POLICY

1. INTRODUCTION

Fraud and corruption are a serious and ongoing threat to the financial health of the UK public sector. In its latest report, the Chartered Institute of Public Finance and Accountancy (CIPFA) estimates that fraud costs the public sector at least £40.3bn each year. Of this total, an estimated £7.3bn is specifically located within local government.

Broxtowe Borough Council acknowledges the significant negative impact fraudulent and corrupt acts can have on the Council, the delivery of its Corporate Plan and the services provided to residents.

This policy is intended to document the Council's approach to fraud and corruption prevention.

2. POLICY STATEMENT

The Council takes a zero-tolerance approach to fraud and corruption. The Council is committed to establishing a strong anti-fraud and corruption culture and will take all necessary steps to prevent, detect and punish fraudulent and corrupt acts.

Where a fraudulent or corrupt act is proven to have taken place, the Council will take all appropriate action against the perpetrator and pursue all available options to recover any losses.

3. DEFINITIONS

'Fraud' is the intentional distortion of financial statements or other records by persons internal or external to the Council which is carried out to conceal the misappropriation of assets or otherwise for gain.

Fraud could include deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, false representation, concealment of material facts and collusion. Fraud can be perpetrated by individuals both internal and external to the Council's business.

The Fraud Act 2006 creates a general offence of fraud and describes and defines three key types of fraud that are most relevant to the Council, its employees and its contractors:

- Fraud by false representation
- Fraud by failure to disclose information when there is a legal duty to do so
- Fraud by abuse of position.

In each case:

- The defendant's conduct must be dishonest;
- Their intention must be to make a gain; or cause a loss or the risk of a loss to another;
- No gain or loss needs actually to have been made;
- The maximum sentence is 10 years' imprisonment.

Under the Theft Act 1968:

- A person is guilty of theft if they dishonestly appropriate property belonging to another with the intention of permanently depriving the other of it; and 'thief' and 'steal' shall be construed accordingly.
- It is immaterial whether the appropriation is made with a view to gain, or is made for the thief's own benefit.

'Corruption' is the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person.

The Serious Fraud Office gives the following examples of corruption:

- Bribery – giving or receiving something of value to influence a transaction (see further on the Bribery Act 2010 below)
- Illegal Gratuity – giving or receiving something of value after a transaction is completed, in acknowledgment of some influence over the transaction
- Extortion – demanding a sum of money or goods with a threat of harm (physical or business) if demands are not met
- Conflict of Interest – where a Member or Officer has an economic or personal interest in a transaction (“the failure to disclose an interest in order to gain financial or other pecuniary benefit”).
- Kickback – a portion of the value of the contract demanded as a bribe by an official for securing the contract
- Corporate Espionage – theft of trade secrets, theft of intellectual property, or copyright piracy
- Commission/Fee – used by a company or individual to obtain the services of an agent/agency for assistance in securing a commercial contract.

The Bribery Act 2010 regards bribery and corruption as involving the offering and acceptance of a reward for doing something or perhaps not doing something that would usually occur in connection with contracts or decision making and includes offences such as:

- The offer, promise or giving of financial or other advantage to another person in return for the person improperly performing a relevant function or activity
- Requesting, agreeing to receive or accepting a financial or other advantage intending that, in consequence a relevant function or activity should be performed improperly.
- A commercial organisation responsibility for a person, associated with the organisation, bribing another person for the purpose of obtaining or retaining business for the organisation.

4. CULTURE

The Council believes that the majority of its customers, members, officers and other stakeholders act with integrity and behave honestly in all their dealings with the Council. It is anticipated that a small minority of individuals will commit dishonest acts towards the Council which will have a negative impact on the Council's ability to provide services to the public.

A number of policies and other documents are available which support individuals in their interactions with the Council. These include:

- Constitution
- Financial Procedure Rules
- Code of Conduct
- Procurement and Commissioning Strategy
- Public Contracts Regulations
- Whistleblowing Policy
- Grievance Policy and Procedure.

The Council recognises the importance of its Members and employees as a critical component in implementing this Fraud and Corruption Prevention Policy. Members and employees are positively encouraged to raise any concerns, however trivial they may appear, in accordance with the Fraud and Corruption reporting procedure detailed in section 5, below.

Regular training, updates and reminders will be provided to all Members and Officers to ensure that the whole Council remains vigilant to the threat posed by fraudulent and corrupt acts.

The Council commits itself, through its Members and Officers:

- to never offer, pay, make, seek or accept a personal payment, gift or favour in return for favourable treatment to influence a business outcome or gain a business advantage
- to ensure adherence to legal requirements, contracts procedure rules, financial procedure rules, codes of conduct and best practice.

- to decline illegal or inappropriate gifts and hospitality, cash or cash equivalents, loans or hospitality events/meals
- to carry out appropriate due diligence enquiries where there are suspicions about whether legitimate funds are being used to support business transactions
- not to violate intellectual property rights
- not to misappropriate or misuse information assets, particularly where this is contrary to the data protection legislation
- to identify conflicts of interest and ensure withdrawal from decision making that creates or could be seen to be creating a conflict of interest.

Officers will continually consider opportunities to be pro-active in mitigating potential fraud wherever possible, for example using system functionality to provide additional checks and balances.

5. REPORTING PROCEDURE

The Council's Financial Procedure Rules within its Constitution require that "officers shall ensure adherence to the Council's anti-fraud and corruption prevention policies and ensure that all suspected irregularities are reported accordingly. The Deputy Chief Executive shall be notified forthwith, by the respective Chief Officer, of any circumstances which suggest the possibility of irregularity affecting cash, stores or other property of the Council. Any irregularity shall be investigated and reported upon by the Chief Audit and Control Officer to the Deputy Chief Executive who shall, where appropriate, inform the Chief Officer of the circumstances concerned. If fraud or serious irregularity is disclosed, the matter shall be reported to the Chief Executive."

The process for reporting suspicions of fraudulent or corrupt acts within the Council is the same as that for reporting matters of general malpractice as outlined in Section 6 of the Council's Whistleblowing Policy. The Whistleblowing Policy provides assurance that an individual who reports concerns in good faith will not be at risk of suffering any form of retribution as a result even if those concerns are mistaken.

In order for an individual to be afforded the protections provided by the Whistleblowing Policy the steps outlined therein must be adhered to. Suspicions reported to Managers, Chief Officers, the Monitoring Officer or the Chief Executive under the process outlined in the Whistleblowing Policy which contain allegations (direct or indirect) of fraud or corruption should be referred onto the Chief Audit and Control Officer (via the Deputy Chief Executive as appropriate) to conduct initial enquires as outlined in section 6.3 below.

6. ROLE OF INTERNAL AUDIT

Internal Audit traditionally plays a preventative role in trying to ensure that systems and procedures are in place to prevent and deter fraud and corruption.

Internal Audit may be requested to investigate cases of suspected financial irregularity, fraud or corruption, in accordance with agreed procedures. The authority of the Deputy Chief Executive or his authorised representative to access premises, documents, records and explanations, if required for the purposes of the internal audit, is supported within the Financial Procedure Rules.

6.1 Risk Assessment

The Deputy Chief Executive, as the Council's Section 151 Officer, is responsible for the ongoing assessment of the risk to the Council of financial or other loss resulting from fraud and corruption.

Whilst the focus of this risk assessment will be the potential financial loss and/or disruption to services to the public, other important areas such as reputational risk and impact on employee welfare will also be considered.

An ongoing risk assessment is completed and maintained by the Chief Audit and Control Officer, in conjunction with Chief Officers and Senior Management across the Council, and will take into account published guidance and other information from Central Government, CIPFA, the National Fraud Initiative and other relevant organisations.

6.2 Detection and Prevention

The risk assessment will provide the basis for an ongoing detection and preventative audit work programme to be performed. Internal Audit will liaise with management to recommend changes in procedures to reduce risks and prevent losses to the Council.

6.3 Response

The role of Internal Audit is to act as a co-ordinating and investigating service for all non-benefit related fraud and corruption reports and to manage the Council's response to such reports. Benefit fraud alerts are reported to the Single Fraud Investigation Service (SFIS) operated by the Department for Work and Pensions. Referrals are made by the key point of contact: a post part-funded by SFIS within the Council's Benefits department.

Internal Audit will perform initial enquires to develop a complete understanding of the suspected fraudulent or corrupt activity as reported. This may involve interviewing the person making the report, other individuals and/or a review of corporate financial systems and/or other systems and records.

The Chief Audit and Control Officer will then recommend the appropriate response to the report, which may involve:

- Primary investigation by Internal Audit

- Referral to specialist third-party fraud investigators, including local authority partners
- Referral to the Police and/or the National Crime Agency.

Documents relating to the disclosure of fraud and corruption activity will be retained for a period of up to five years.

6.4 National Fraud Initiative

Internal Audit will act as the single point of contact for participation in National Fraud Initiative data matching programmes or similar such exercises. Internal Audit will be supported in this process by the respective Heads of Service and Service Managers with responsibilities for the service, system and function being subjected to review under the scheme.

7. REVIEW OF THE POLICY

This policy will be kept under periodic review by the Chief Audit and Control Officer and the outcome of that review will be presented to the Deputy Chief Executive. The approval of the policy shall be the responsibility of the appropriate Committee.

APPENDIX 2

MONEY LAUNDERING PREVENTION POLICY**1. SCOPE**

This policy applies to all Members and Officers of the Council and aims to maintain the high standards of conduct that exist within the Council by preventing criminal activity through money laundering. The policy sets out the procedures which must be followed to enable the Council to comply with its legal obligations.

2. DEFINITIONS

'Money Laundering' is the term used for a number of offences, which are established in Part 7 (sections 327 to 329) of the Proceeds of Crime Act 2002, and include:

- concealing, disguising, converting, transferring criminal property or removing it from the UK;
- entering into or becoming involved in an arrangement which you know or suspect facilitates the acquisition, retention, use or control of criminal property by or on behalf of another person;
- acquiring, using or possessing criminal property.

These are the primary money laundering offences and thus prohibited acts under the legislation. There are however two secondary offences, being:

- failure to disclose any of the three primary offences;
- tipping off a person or people who are, or who are suspected of being involved in money laundering, in such a way as to reduce the likelihood of their being investigated or prejudicing an investigation.

Potentially any Member or Officer of the Council could be caught by the money laundering provisions, if they suspect money laundering and become involved with it in some way and/or do nothing about it. This Policy sets out how any concerns should be raised.

Whilst the risk to the Council of contravening the legislation is low, it is important that Members and Officers are familiar with their responsibilities and appropriate and proportionate anti-money laundering procedures and reporting arrangements are put in place.

The legislation concerning money laundering includes:

- The Proceeds of Crime Act 2002
- The Serious Organised Crime and Police Act 2005
- The Money Laundering Regulations 2007, as revised by the Crime and Courts Act 2013 and the Serious Crime Act 2015.

- The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017.

This legislation contains a broad definition of money laundering and increased the range of activities covered by the statutory framework. As a result, the requirements impact on certain areas of local authority business and require local authorities to establish internal procedures to prevent the use of their services for money laundering.

3. POLICY STATEMENT

The Council is committed to the prevention, detection and reporting of money laundering and will do all it can:

- **to prevent the Council and its Members and Officers being exposed to money laundering;**
- **to identify the potential areas where money laundering may occur; and**
- **to comply with all legal and regulatory requirements, especially with regard to the reporting of actual or suspected cases.**

The Council expects all Members and Officers to be vigilant for the signs of money laundering and any employee who suspects money laundering activity must report this promptly to the Money Laundering Reporting Officer (MLRO).

4. MONEY LAUNDERING REPORTING OFFICER (MLRO)

The Deputy Chief Executive is the officer nominated to receive disclosures about money laundering activity within the Council. In his absence, notifications can be made to his nominated deputies being the Head of Finance Services and the Chief Audit and Control Officer.

5. OBLIGATIONS

The Council must:

- implement a procedure to enable the reporting of suspicions of money laundering;
- provide training to those considered most likely to encounter money laundering activities;
- maintain client identification procedures in certain circumstances;
- maintain robust record keeping procedures; and
- report any suspicious activity to the National Crime Agency (NCA).

The safest way to ensure compliance with the law is to apply these requirements to all areas of work undertaken by the Council. This means that all Members and Officers are required to comply with the reporting procedure set out below.

6. REPORTING ARRANGEMENTS

Any Member/Officer who suspects money laundering activity must report their suspicion promptly to the MLRO using the prescribed form in the appendix (although they may wish to first discuss their suspicions with the MLRO).

The sanctions for failure to report suspicious money laundering activity could include disciplinary action in line with the Disciplinary Policy procedure. For Members, the equivalent sanction will be a report to the Leader of the Council for further action such as a report to the Governance, Audit and Standards Committee.

The Member/ Officer must follow any subsequent directions of the MLRO and must not themselves make any further enquiries into the matter. They must not take any further steps in any related transaction without authorisation from the MLRO. The Member/Officer must not disclose or otherwise indicate their suspicions to the person suspected of the money laundering. They must not discuss the matter with others or note on the file that a report has been made to the MLRO in case this results in the suspect becoming aware of the situation.

The MLRO must promptly evaluate any disclosure report received to determine whether it should be reported to the NCA. If it is so determined to report the matter to the NCA it should be done promptly and in the prescribed manner.

The MLRO will commit a criminal offence if they know or suspect, or have reasonable grounds to do so, through a disclosure being made to them, that another person is engaged in money laundering and they do not disclose this as soon as practicable to the NCA.

Documents relating to the disclosure of money laundering activity will be retained for a period of no longer than five years.

7. CLIENT IDENTIFICATION

Where the Council is carrying out certain regulated activities, care needs to be taken to check the identity of the customer or client. This is known as carrying out customer due diligence. Regulated activity is defined as the provision 'by way of business' of advice about tax affairs, accounting services, treasury management, investment or other financial services, audit services, legal services, estate agency, services involving the formation, operation or arrangement of a company or trust, or dealing in goods wherever a transaction involves a cash payment of €15,000 or more (or equivalent).

The Council currently has a ceiling of £5,000 in respect of any single cash payment transaction (subject to approval of the MLRO or his nominated deputies).

Although it is not expected that work of the Council will fall under the definition of “relevant business”, Officers must be aware of the need to carry out appropriate checks on new partners in accordance with any guidance issued.

Each section conducting relevant business must maintain records of:

- client identification evidence obtained; and
- details of all relevant business transactions carried out for clients for at least five years.

This is so that they may be used as evidence in any subsequent investigation into money laundering. Although the specific detail of the records to be kept is not prescribed in law they must be capable of providing an audit trail during any subsequent investigation. In practice, the Council will be routinely making records of work carried out for clients in the course of normal business and these should suffice in this regard.

8. CONCLUSION

The requirements concerning anti-money laundering procedures may be satisfied in a number of ways and this policy has been written so as to enable the Council to meet those requirements in a way that is proportionate to the risk to the Council of contravening the legislation.

9. REVIEW OF THE POLICY

This policy will be kept under review by the Deputy Chief Executive. The approval of the policy shall be the responsibility of the appropriate Committee.

APPENDIX 3

TABLE OF CHANGES

Fraud and Corruption Prevention Policy

| Policy Section | Proposed Change | Reason for Change |
|------------------------|--|--|
| 1. Introduction | <p><u>Delete:</u> “The latest report from the Chartered Institute of Public Finance and Accountancy (CIPFA) estimates that almost £300 million each year is lost as a result of fraudulent acts both against and within local authorities and other public sector organisations.”</p> <p><u>Replace with:</u> “In its latest report, the Chartered Institute of Public Finance and Accountancy (CIPFA) estimates that fraud costs the public sector at least £40.3bn each year. Of this total, an estimated £7.3bn is specifically located within local government.”</p> | To reflect latest data available from the Chartered Institute of Public Finance and Accountancy. |
| 4. Culture | <p><u>Add:</u> “Officers will continually consider opportunities to be pro-active in mitigating potential fraud wherever possible, for example using system functionality to provide additional checks and balances.”</p> | To provide for ongoing improvement of counter-fraud measures throughout the Council. |
| 5. Reporting Procedure | <p><u>Delete:</u> “The Council’s Financial Procedure Rules within its Constitution require that “the Deputy Chief</p> | To reflect revised wording of the Council’s Financial Procedure Rules. |

| Policy Section | Proposed Change | Reason for Change |
|----------------|--|-------------------|
| | <p>Executive shall be notified forthwith, by the Chief Officer of the department concerned, of any circumstances which suggest the possibility of irregularity affecting cash, stores or other property of the Council. Any irregularity shall be investigated and reported upon by the Chief Audit and Control Officer to the Deputy Chief Executive who shall, where appropriate, inform the Chief Officer of the circumstances concerned. If fraud or serious irregularity is disclosed the matter shall be reported to the Chief Executive”.</p> <p><u>Replace with:</u> The Council’s Financial Procedure Rules within its Constitution require that “officers shall ensure adherence to the Council’s anti-fraud and corruption prevention policies and ensure that all suspected irregularities are reported accordingly. The Deputy Chief Executive shall be notified forthwith, by the respective Chief Officer, of any circumstances which suggest the possibility of irregularity affecting cash, stores or other property of the Council. Any irregularity shall be investigated and reported upon by the Chief Audit and Control Officer to the Deputy Chief Executive who shall, where appropriate, inform the Chief Officer of the circumstances concerned. If fraud or serious irregularity is disclosed, the matter shall be reported to the</p> | |

| Policy Section | Proposed Change | Reason for Change |
|----------------|-------------------|-------------------|
| | Chief Executive.” | |

Money Laundering Prevention Policy

| Policy Section | Proposed Change | Reason for Change |
|----------------|---|--|
| 2. Definitions | <u>Add:</u> “The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017.” | To add reference to additional relevant secondary legislation. |

APPENDIX 4

EQUALITIES IMPACT ASSESSMENT – FRAUD AND CORRUPTION PREVENTION POLICY

Directorate: **Deputy Chief Executive**

Lead officer responsible for EIA: **Chief Audit and Control Officer**

Name of the policy or function to be assessed: **Fraud and Corruption Prevention Policy**

Names of the officers undertaking the assessment: **Chief Audit and Control Officer**

Is this a new or an existing policy or function? **Existing**

1. What are the aims and objectives of the policy or function?

Fraud and corruption are a serious and ongoing threat to the financial health of the UK public sector. In its latest report, the Chartered Institute of Public Finance and Accountancy (CIPFA) estimates that fraud costs the public sector at least £40.3bn each year. Of this total, an estimated £7.3bn is specifically located within local government.

Broxtowe Borough Council acknowledges the significant negative impact fraudulent and corrupt acts can have on the Council, the delivery of its Corporate Plan and the services provided to residents.

This policy is intended to document the Council's approach to fraud and corruption prevention.

2. What outcomes do you want to achieve from the policy or function?

The policy defines the Council's tolerance and approach to fraud and corruption. It also provides the framework for the formal procedures that should be followed in the event of suspected fraud and/or corrupt activity being identified and reported.

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

The Council, its Officers and Members, local residents and third party organisations including suppliers, contractors and the voluntary sector.

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

The Council, its General Management Team, Officers and Members. As an 'internal' policy, the wider population are not directly considered to be stakeholders.

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

None. There has been no prior collection of quantitative data relating to fraud and corrupt activity and its relationship to the different equality strands.

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

None. There has been no prior collection of qualitative data relating to fraud and corrupt activity and its relationship to the different equality strands

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

The policy is an existing policy and provides the framework for the formal procedures that should be followed in the event of suspected fraud and/or corrupt activity being identified and reported. It is considered that the policy has been, and will continue to be, applied equally across the different equality strands. As such, no such consultation has been carried out.

8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?

No.

Does the policy or function target or exclude a specific equality group or community?

No.

Does it affect some equality groups or communities differently? If yes, can this be justified?

No.

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

Yes.

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

No.

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

No.

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

None.

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: None.

Disability: None.

Gender: None.

Gender Reassignment: None.

Marriage and Civil Partnership: None.

Pregnancy and Maternity: None.

Race: None.

Religion and Belief: None.

Sexual Orientation: None.

10. Head of Service:

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 of Head of Finance Services: 

APPENDIX 5

EQUALITIES IMPACT ASSESSMENT – MONEY LAUNDERING PREVENTION POLICY

Directorate: **Deputy Chief Executive**

Lead officer responsible for EIA: **Chief Audit and Control Officer**

Name of the policy or function to be assessed: **Money Laundering Prevention Policy**

Names of the officers undertaking the assessment: **Chief Audit and Control Officer**

Is this a new or an existing policy or function? **Existing**

1. What are the aims and objectives of the policy or function?

The Money Laundering Prevention Policy aims to maintain the high standards of conduct that exist within the Council by preventing criminal activity through money laundering. The policy sets out the procedures which must be followed to enable the Council to comply with its legal obligations.

2. What outcomes do you want to achieve from the policy or function?

The policy will help to ensure that the Council is meeting with its legal obligations and assist in the establishment of formal procedures that should be followed in the event of suspected money laundering activity.

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

The Council, the designated Money Laundering Reporting Officer (MLRO) and his nominated deputies, Officers, Members and local residents.

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

The Council, the designated MLRO and his nominated deputies, Officers and Members. As an 'internal reporting' policy, the wider population are not directly considered to be stakeholders.

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

None. There has been no prior collection of quantitative data relating to money laundering activity and its relationship to the different equality strands

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

None. There has been no prior collection of qualitative data relating to money laundering activity and its relationship to the different equality strands.

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

This is a revision and update of an existing policy and provides guidance as to the procedures that should be followed in the event of a suspected money laundering event. It is considered that the policy has been, and will continue to be, applied equally across the different equality strands. As such, no such consultation has been carried out.

8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?

No.

Does the policy or function target or exclude a specific equality group or community?

No.

Does it affect some equality groups or communities differently? If yes, can this be justified?

No.

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

Yes.

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

No.

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

No.

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

None.

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: None.

Disability: None.

Gender: None.

Gender Reassignment: None.

Marriage and Civil Partnership: None.

Pregnancy and Maternity: None.

Race: None.

Religion and Belief: None.

Sexual Orientation: None.

10. Head of Service:

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 of Head of Finance Services: 

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Report of the Portfolio Holder for Resources and Personnel Policy

MEDIUM TERM FINANCIAL STRATEGY 2023/24 TO 2027/28 AND BUSINESS STRATEGY 2024/251. Purpose of report

This report presents an update on the Council's Medium Term Financial Strategy and highlights progress with the delivery of the Business Strategy.

2. Recommendation

Cabinet is asked to RESOLVE that the updated Medium Term Financial Strategy and the Business Strategy 2024/25 be approved.

3. Detail

As reported to Cabinet on 4 July 2023, there was an underspend of £2.089m on the General Fund revenue budget in 2022/23 resulting in a General Fund balance of £6.387m as at 31 March 2023. This was predominantly due to a variety of underspends, additional income, budget carry forwards, changes in provisions, government grants and effective financial management across the Council.

There are a number of significant issues concerning local government finance that will have a major impact upon the financial position of this Council. These include the prevailing economy; the financial impact of inflation on pay and prices; uncertainty on the outcome of financial settlements from central government; and the delayed Fair Funding Review that intends to review the level of Business Rates retention. Further details of these and how they may impact upon the General Fund, Housing Revenue Account and the Capital Programme are set out in appendix 1.

It is also important to highlight two significant budget pressures continuing to impact on the Council's 2023/24 and 2024/25 budgets, namely the level of pay awards (the 2023/24 pay award has not yet agreed by the unions) and the significant inflationary cost of energy, fuel, construction and property services.

The Medium Term Financial Strategy (MTFS) is the Council's key financial planning document. An updated MTFS based upon the latest information and assumptions is set out in appendix 2.

In order to address the financial challenges facing the Council, a Business Strategy is maintained that sets out initiatives that will be pursued to reduce costs, generate additional income and/or improve services. A number of these initiatives have already been implemented and were taken into account in the production of the 2023/24 budget. Further details of the Business Strategy 2024/25 are set out in appendix 3 for consideration.

4. Financial Implications

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

The financial implications are included in the report narrative and appendices.

5. Legal Implications

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

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

6. Human Resources Implications

There were no comments from the Human Resources Manager.

7. Union Comments

There were no Union comments in relation to this report.

8. Climate Change Implications

The Council's response to Climate Change is a key consideration as part of the budget setting process.

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 there is no change to policy an equality impact assessment is not required.

11. Background Papers

Nil

APPENDIX 1

1. General Fund Revenue BudgetIntroduction

There was an underspend of £2.089m on the General Fund revenue budget in 2022/23 resulting in a General Fund balance of £6.387m as at 31 March 2023. This was predominantly due to a variety of underspends, additional income, budget carry forwards, changes in provisions, government grants and effective financial management across the Council.

There are a number of significant issues concerning local government finance that will have a major impact upon the financial position of both this Council and others, especially the significant impact of inflation on pay, energy, fuel, construction, property and other commodities. The rate of inflation (CPI), having peaked at over 11%, was still running at 7.9% in June. It is forecast to continue to remain well above the 2% Bank of England target into 2024/25.

The Chancellor of the Exchequer has not yet announced any details on local government funding. It is difficult at this stage to determine exact impact on the Council's future financial position and it is expected that any additional spending will be targeted at health and social care. As such, the assumptions within the Medium Term Financial Strategy (MTFS) assume modest increases in the Council's spending plans for future years, although some growth allowance for the current inflationary pressures has been made in the short-term. Also, no further information is available on the Fair Funding Review, which is intended to review the level of Business Rates retention. A further uncertainty is the high level of inflation, impacting on the economic and financial environment. It is difficult to assess accurately financial forecasts and will be subject to revision as more information becomes available.

There are two significant budget pressures highlighted that will impact on the Council's 2024/25 budget. Firstly, the cost of the forecasted pay awards in both 2023/24 and 2024/25 and secondly the financial impact of the 'cost of living crisis' with rising interest rates and high levels of inflation on energy, fuel, construction and property prices.

The MTFS is the Council's key financial planning document. An updated MTFS based upon the latest information and assumptions is set out further below in appendix 2. In order to address the financial challenges facing the Council, a Business Strategy is maintained that sets out initiatives that will be pursued to reduce costs, generate additional income and/or improve services. Further details of the Business Strategy 2024/25 are set out below in appendix 3.

Financial Settlement 2024/25

The Chancellor of the Exchequer has announced that he will present the Autumn Statement 2023 to Parliament on 22 November 2023. The finer details of the local government financial settlement for 2024/25 will then follow in December. As such, the most reasonable planning assumptions have been made the when refreshing the MTFs.

Central government's financial settlement allocates funding to its priority areas over the medium term such as health, housing, environment, defence, local government and welfare spending. Additional monies have previously been allocated to health and it is anticipated that any additional funds for local government will be directed to demand led services such as adult social care and children's services.

The MTFs, at this stage, does not assume the receipt of any additional government grant funding relating to the cost of living inflationary pressures.

National Non Domestic Rates

National Non-Domestic Rates (NDR) is more commonly referred to as 'business rates'. The removal of some central government grants and significant reductions in New Homes Bonus (NHB), along with the rules limiting increases in Council Tax, mean that business rates have become an increasingly significant funding stream for the Council. The need to develop the business rates base across the Borough is important for the Council.

The Nottinghamshire authorities are part of a Business Rates Pool. This allows business rates income that would otherwise have been returned to central government to be retained within the county. It also provides a safety net for local authorities whose income falls below a defined level.

The current Business Rates Retention Scheme sees 50% of the business rates collected retained by the precepting bodies and 50% returned to central government. The Government had announced plans to move towards 75% local retention of business rates from 2020/21, but this has not taken place as the Fair Funding Review has not yet been completed. The current Nottinghamshire Business Rates Pool has continued in 2023/24 and, at this stage, it is expected that the Pool will continue into 2024/25 and beyond.

Membership in the Nottinghamshire Business Rates Pool has allowed the Council to maximise the benefits of public and private capital investment in the Borough which, in turn, has generated significant business rate growth. Furthermore, the Council continues to benefit from investing more resources to ensure that business premises are identified and properly rated.

Fair Funding Review / Business Rates Review

The Government is expected to undertake a Fair Funding Review to accompany the move towards 75% business rates retention. It is not possible at this stage to profile what, if any, impact this may have upon the Council. However, it would appear that priority in any redistribution exercise is likely to go to those authorities with social care responsibilities. The Business Rates Retention Scheme has continued into 2023/24.

New Homes Bonus

The Council's income from New Homes Bonus (NHB) has reduced considerably in recent years from a peak of £829k in 2016/17 to just £19k in 2021/22. The NHB allocation to Broxtowe for 2023/24 was £132k due to some growth in domestic properties. This settlement did not benefit from earlier legacy payments which have now fallen out.

No further new allocations of NHB have been assumed for the 2024/25 settlement, although the MTFS does assume that NHB funding will remain at 2023/24 levels across the period.

Council Tax and the Tax Base

For the purposes of the MTFS, the Council Tax increases have been calculated based upon a 2% price increase. Any potential for further increases in Council Tax charges are considered further in the attached Business Strategy.

The Council Tax Base for 2024/25 will be presented to Cabinet on 9 January 2024. In recent years the Council Tax Base has increased by around 1% over the previous year and this has been assumed again for the MTFS.

Other Funding Opportunities

The Council will continue to strive to make the most of new funding opportunities available for both capital investment projects and ongoing revenue costs.

The Council was successful in its bid for the Government's Towns Deal funding to regenerate Stapleford, with £21.1 million being received for development projects in Stapleford over a five-year period.

The Council was also successful in its bids for a significant allocation of £16.5 million secured investment for Kimberley from the Levelling Up Fund. from the government's Levelling-Up Fund for investment in Kimberley ('Kimberley Means Business') and for an allocation from the UK Shared Prosperity Fund.

There will also be further funding opportunities across the region, following the government's support of a devolution deal for Nottinghamshire and Derbyshire. The £1.14bn devolution deal will provide the region with a guaranteed income stream of £38m per annum for the D2N2 area over a 30-year period.

The Council is also a key partner of the East Midlands Development Corporation, alongside other local authorities, as it seeks to secure funds for the development of life-changing plans to transform the Borough for the future. The EMDC has attracted positive investment from the government to support work in connection with the EMDC propositions.

The above demonstrates that the Council is striving to make the most of these funding opportunities for capital investment; working successfully in partnership to attract funding; and is at the forefront of some of the most strategic economic development opportunities in the East Midlands.

2. Housing Revenue Account (HRA)

The Government has previously announced that rents can be increased by CPI plus 1% each year from 2020/21 for the following five years. This is reflected in the annual update of the financial model that accompanies the 30-year HRA Business Plan.

The 30-year HRA Business Plan has recently been reviewed. A progress update report on the Plan, including the HRA medium-term financial position, is due to be presented to Cabinet in November 2023.

In view of current economic conditions with high inflation, the Government capped the increase in rents to a 7% ceiling for 2023/24. From 2024/25 onwards, the current guidance is that rent caps will increase by CPI (at September of the previous year) plus 1.5% annually. This guidance may be subject to change.

In order to maintain a sufficient balance on the HRA it has been necessary to reduce costs or increase income. Alternative strategies have been developed, including changes in other sources of income, such as garage rents and leaseholder charges, reduction in management costs through, for example, returning to in-house provision of voids works and electrical testing and the re-phasing of planned capital expenditure over the lifetime of the plan.

The removal of the capital borrowing cap has allowed for new-build housing projects to be funded, subject to viability and business case. There are numerous variables which affect the financial model, including the level of property 'Right to Buy' sales (RTB) and new builds achieved over the next 30 years as well as changes in the level of interest rates and inflation. There is also significant extra pressure on the HRA budget caused by increased emphasis on regulatory compliance and higher legislative standards for buildings.

The financial model makes assumptions about the levels of housing stock but these have tended to assume a level of RTB in single figures. The numbers of RTB sales since 2014/15 were 26; 27; 20; 39; 37; 17; 16; 34 and 29 in 2022/23.

The Council has appointed an Interim Housing Delivery Manager to accelerate the delivery of the approved housing delivery plan, which includes new-build, housing acquisitions and re-modelling of existing housing stock.

3. Capital Programme

Regular updates on progress with the approved Capital Programme are provided to General Management Team and to Members. This will occasionally include capital budget variation reports to Cabinet as and when required.

There has been pressure on delivering the Capital Programme, with delays on individual schemes being attributed to a number of factors including a lack of internal resources to deliver (both financial and non-financial); a shortage of available contractors; supply chain issues; and the impact of rising price inflation in the construction industry.

There has also been a lack of capital resources, in terms of capital receipts and/or unrestricted grants that can be applied to General Fund schemes. This is limiting progress with delivering some reserve schemes in the Capital Programme which have been unable to proceed at present due to the lack of a source of funds.

Whilst funding resources may not have been readily available, the General Fund Capital Programme has been boosted by significant capital grants earmarked towards schemes associated with the Stapleford Towns Fund, Kimberley Means Business (Levelling-Up Fund) and the UK Shared Prosperity Fund.

All new borrowing on both General Fund and HRA schemes, including Housing Delivery, needs to be prudential, affordable and sustainable. Any new scheme which requires prudential borrowing will be subjected to stringent review and will need to have a robust and supported business case before progressing. The base budget currently meets the anticipated borrowing costs for the existing Capital Programme.

APPENDIX 2

GENERAL FUND FINANCIAL PROJECTIONS 2023/24 TO 2027/28

| | Revised Estimate <u>2023/24</u> £'000 | Estimate <u>2024/25</u> £'000 | Estimate <u>2025/26</u> £'000 | Estimate <u>2026/27</u> £'000 | Estimate <u>2027/28</u> £'000 |
|--|--|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| BASE BUDGET | 14,329 | 15,225 | 15,596 | 16,025 | 16,553 |
| CHANGES TO BASE | | | | | |
| Revenue Developments – Net changes in year not required going forward | 613 | (654) | - | - | - |
| Inflation – Pay Award/JE Outcomes | 283 | 556 | 290 | 295 | 301 |
| Inflation – Energy and Fuel Prices Included | 128 | 128 | 27 | 23 | 24 |
| Inflation – Price Others Included | 104 | 104 | 82 | 92 | 94 |
| Increased Fees and Charges (General) Included | (58) | (58) | (59) | (59) | (60) |
| Capital Borrowing Costs – MRP and Interest Included | 295 | 295 | 88 | 176 | (35) |
| BUDGET REQUIREMENT BEFORE SPECIAL EXPENSES | 15,225 | 15,596 | 16,025 | 16,553 | 16,877 |
| Beeston Special Expenses | 25 | 25 | 25 | 25 | 25 |
| BUDGET REQUIREMENT | 15,250 | 15,621 | 16,050 | 16,578 | 16,902 |
| FINANCED BY: | | | | | |
| NNDR Business Rates | 3,796 | 3,896 | 3,935 | 4,014 | 4,094 |
| NNDR Share of Previous Years Collection Fund Deficit | - | - | - | - | - |
| NNDR Section 31 Grants | 2,815 | 2,919 | 2,977 | 3,037 | 3,098 |
| NNDR Growth Levy/Safety Net to/from Pool | (1,303) | (1,332) | (1,359) | (1,386) | (1,414) |
| NNDR Returned Levy from Notts Business Rates Pool | 800 | 800 | 800 | 800 | 800 |
| Council Tax | 6,347 | 6,539 | 6,736 | 6,940 | 7,149 |
| CT Share of Previous Years Collection Fund Surplus | (49) | - | - | - | - |
| Government Grant - Revenue Support Grant | 121 | 127 | 127 | 127 | 127 |
| Government Grant - Services Grant | 117 | 117 | 117 | 117 | 117 |
| Government Grant - New Homes Bonus | 132 | 132 | 132 | 132 | 132 |
| Government Grant - CSP Funding Guarantee | 362 | 369 | 377 | 384 | 392 |
| Beeston Special Expenses | 25 | 25 | 25 | 25 | 25 |
| TOTAL RESOURCES | 13,163 | 13,592 | 13,867 | 14,190 | 14,520 |
| DEFICIT/(SURPLUS) TO BE MET BEFORE MOVEMENT IN RESERVES | 2,087 | 2,029 | 2,182 | 2,388 | 2,382 |
| MOVEMENT IN RESERVES | | | | | |
| Movement into Earmarked Reserves | - | 30 | 30 | 30 | 30 |
| Movement from Earmarked Reserves | (253) | - | - | - | - |
| PLANNED (SURPLUS)/DEFICIT AFTER MOVEMENT IN RESERVES TO BE FUNDED FROM GENERAL FUND BALANCE | 1,834 | 2,059 | 2,212 | 2,418 | 2,412 |

| | Revised Estimate <u>2023/24</u> £'000 | Estimate <u>2024/25</u> £'000 | Estimate <u>2025/26</u> £'000 | Estimate <u>2026/27</u> £'000 | Estimate <u>2027/28</u> £'000 |
|--|--|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| FORECAST BALANCES - 31 MARCH | | | | | |
| General Fund Opening Balances | 6,387 | 4,553 | 2,494 | 282 | (2,136) |
| In-year Net Movement in Reserves | (1,834) | (2,059) | (2,212) | (2,418) | (2,412) |
| General Fund Closing Balances | 4,553 | 2,494 | 282 | (2,136) | (4,548) |
| BALANCE OF RESERVES | | | | | |
| Minimum Balance | 1,500 | 1,500 | 1,500 | 1,500 | 1,500 |
| Available Reserves | 3,053 | 994 | (1,218) | (3,636) | (6,048) |
| (Figures in bold - below minimum balance) | | | | | |
| Earmarked Reserves Opening Balance | 1,361 | 1,108 | 1,072 | 1,102 | 1,132 |
| In-year Net Movement in Reserves | (253) | (36) | 30 | 30 | 30 |
| Earmarked Reserves Closing Balance | 1,108 | 1,072 | 1,102 | 1,132 | 1,162 |
| Council Tax Base | 34,862 | 35,211 | 35,563 | 35,918 | 36,278 |
| Basic Council Tax | £182.06 | £185.70 | £189.42 | £193.20 | £197.07 |
| Change on previous year | 2.95% | 2.0% | 2.0% | 2.0% | 2.0% |

APPENDIX 3

BUSINESS STRATEGY

Since 2015 the Council has developed a Business Strategy which is designed to ensure that it will be:

- Lean and fit in its assets, systems and processes
- Customer focused in all its activities
- Commercially-minded and financially viable
- Making best use of technology.

A number of initiatives within the Business Strategy have been implemented and have resulted in either reduced costs or additional income and/or improved services for the Council.

The Business Strategy is complemented by the Commercial Strategy, which seeks to implement a more business-like approach to service analysis and delivery. A number of initiatives within both the Business Strategy and the Commercial Strategy have been implemented.

The latest refreshed Business Strategy proposals for 2024/25 are set out below and will be incorporated within the Medium Term Financial Strategy once agreed. A number of these proposals will arise from discussions with officers and will require further detailed engagement and development.

BUSINESS STRATEGY 2024/25 AND 2025/26 PROPOSALS

| Proposal | Business Impact | Financial Impact – Additional Income/ Reduced Expenditure |
|----------------------------|---|--|
| 2024/25 Proposals | | |
| Business Rates Growth | Assessment of a reasonable target based on the latest economic forecasts, local knowledge and estimated performance of property inspectors. Previously factored in the larger industrial units (A610), Beeston Business Park and Cinema development. | £100,000 additional income |
| Garden Waste Income | Expected similar volumes of service users in 2023/24 and 2024/25 with a nominal increase in the subscription price of £3 per annum. | £100,000 additional income |
| Trade Waste Income | Potential growth in the number of service users and prices for 2024/25. | £10,000 additional income |
| Leasing of Council Offices | Lease of newly refurbished office space to public, voluntary or private sector organisations, taking advantage of businesses re-locating out of other nearby office buildings. A ground floor letting to a charity has been secured. Further opportunities for letting will be investigated following the refurbishment of the ground floor and 'zoning'. | £10,000 additional income |
| Council Tax increase | Assuming that the Government's Council Tax increase referendum limits are retained at the same level as recent years, then a Council Tax increase at £5 for a Band D equivalent equates to an increase of around 3% compared to the current MTFS which included a 2% rise for 2024/25. | £60,000 additional income (MTFS assumes 2%, whilst £5 increase Band D provides to an additional 1% rise). |

| Proposal | Business Impact | Financial Impact – Additional Income/ Reduced Expenditure |
|------------------------------------|--|--|
| Staffing efficiencies | <p>Leverage technology and the use of new software, taking advantage of vacancies to restructure to save money, manage vacancies and reduce administration. Where possible, the Council will aim to bring together and consolidate services under fewer senior managers where turnover allows and services can be improved.</p> <p>The staffing budget currently includes a turnover savings target of £500,000 (3.6% of GF salary budget). In view of the inflationary increases in the overall salaries budget it is recommended to increase this target to £600,000 (4.1% of anticipated GF salary budget).</p> | £100,000 increase in the savings target |
| Beeston Phase 2 development income | Rental income to include new operators and a full review of the rental budget. The total additional income will be confirmed as part of the forthcoming budget setting process. | £100,000 additional income |
| Car Parking Income | Proposals for charging to be developed, including abolishing the free hour. Link to reduced carbon emissions, improved air quality and providing resources for investment. Current net cost of Parking Services is subsidised by the taxpayer at circa £100,000 per annum. | £270,000 additional income |
| Planning Income | <p>Additional income expected dependent on speed of development and the new planning fee structure. A 5% increase in planning fees would generate additional income of around £28,000 of income.</p> <p>There is also a government consultation about increasing planning fees between 25% and 35% (the latter for major applications) and then linking fees to inflation (CPI) going forward. If this was to happen, an additional £100,000 might be anticipated.</p> | <p>£28,000 additional income</p> <p>There is potential for a further £100,000 if government proposals on planning fees materialises.</p> |
| Housing - Lifeline Income | Potential income from the additional marketing of lifeline. The Commercial Manager will pursue this opportunity. | £5,000 additional income |

| Proposal | Business Impact | Financial Impact – Additional Income/ Reduced Expenditure |
|--|--|--|
| Homelessness – Reduce bed and breakfast. | Effective management of homelessness with the aim of reducing the use of bed and breakfast accommodation may generate a saving on the current base budgets. | £65,000 saving target |
| Bramcote Crematorium | <p>Potential additional income from pet cemetery and natural burials, following the development and implementation of a new marketing strategy for Bramcote Bereavement Services.</p> <p>The impact of the new cremators on energy savings also needs to be considered with an anticipated 2024/25 installation. It is anticipated that the cost of borrowing for the new cremators will be offset by energy savings and the additional income generated. Fee income is directly impacted by the prevailing death rate. While the market share is currently being maintained, the business has not grown yet to the degree necessary – meaning that any borrowing costs may need to be covered from the annual surplus distribution.</p> | Potential additional income and savings |
| Reduced Overtime | Remote working has impacted on overtime and this needs to be investigated further. | Any potential savings may be offset by challenges in recruiting to vacant posts. |
| Procurement | Re-packaging and re-tendering contracts will bring efficiencies and savings, which will be predominantly capital savings. | Capital budget savings |

| Proposal | Business Impact | Financial Impact – Additional Income/ Reduced Expenditure |
|--|---|---|
| Reshape the Leisure Offer | <p>Current cost of the annual leisure management fee paid to Liberty Leisure Limited is £519,000. Proposal to reduce the management fee to £369,000 in 2024/25. This can be achieved by implementing the efficiency review of the company, carried out by 'active-4-today', which identified additional savings and income totalling £300,000. It is assumed that 50% of the review will be implemented in 2024/25.</p> <p>It is recognised that there will be an increased licence cost for LLL at Kimberley Leisure Centre.</p> <p>LLL held general reserves of £486,889 as at 31 March 2023.</p> | £150,000 saving from further reduction in the management fee |
| ICT Broadband | Broadband savings from re-negotiation of contract. | £30,000 saving |
| Additional Voluntary Contributions (Pension) | Savings on National Insurance employer contributions as a result of pension fund Additional Voluntary Contributions | £5,000 saving |
| Grant Aid to Parish and Town Councils | A review of grant aid provided to parish and town councils, and consideration of bid writer to support parish and town councils accessing various external grants thereby allowing a reduction in Council's grants. | Potential saving |
| Council Tax Single Persons Discount | Completion of the Single Persons Discount review in 2023, it is expected that additional Council Tax income can be achieved. | £7,000 additional income |
| Reviews of Fees and Charges | Further management reviews of service fees and charges schedules to maximise revenues. | Potential additional income |
| | Total 2024/25 savings and additional income identified | £1040,000 |

| Proposal | Business Impact | Financial Impact – Additional Income/ Reduced Expenditure |
|---|--|--|
| 2024/25 – 2025/26 Proposals subject to commercial negotiations | | |
| Sale of Crematorium Land (capital receipt) | Commercial negotiations with a developer to sell land adjacent to Bramcote Crematorium. Any proceeds would be shared 50/50 with Erewash Borough Council. The site has planning approval for housing. | Revenue savings arising from the use of capital receipts can replace borrowing costs (MRP and interest) and result in revenue savings. |
| Tram Compensation | Tram compensation negotiations with Nottingham City Council have been completed, with final balance of settlement anticipated in 2023/24. | Provide resources for the capital programme. |
| Sale of the 'Argos' block in Beeston Square | Following Cabinet approval on 4 September 2023, commercial negotiations will progress with a developer on converting the 'Argos' block into a medical centre. This could generate a significant capital receipt. | Revenue savings arising from the use of capital receipts to replace borrowing costs (MRP and interest). |

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Report of the Portfolio Holder for Resources and Personnel Policy

REVIEW OF ATTENDANCE MANAGEMENT POLICY

1. Purpose of Report

To review the operation of the attendance policy.

2. Recommendation

The Policy Overview Working group RECOMMENDS to Cabinet that they NOTE the policy with no alterations at this time.

3. Detail

The attendance Management Policy has been in operation since 2019. The Policy is attached as appendix 1.

Appendix 2 sets out some current workforce data on absence with trends relating to short and long term absence, including reasons for absence.

On the whole progress is being made in reducing sickness absence, with this year's performance currently projected to be significantly improved on last years. There are overall positive trends in reducing absence through mental ill health.

The Council has used the ill health retirement route more of late for some employees who have had long term absence. Although this takes longer, (and therefore more absence leave is recorded), because of the process which has to be followed which involves the pensions authority and various medical requirements, it generally results in more beneficial outcomes for employees. The consistent application of the current policy is thought to be the key to continued progress, and that it would be unhelpful to change the policy at this point.

There is no requirement to provide a change table as no new changes are being considered to the policy.

4. Financial Implications

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

There are no additional financial implications to consider at this policy review stage. It is acknowledged that an effective Attendance Management Policy, which can have a positive impact on reducing sickness absence, should in turn help to reduce the pressure on the Council's pay budgets.

5. Legal Implications

There were no comments from the Monitoring Officer or the Head of Legal Services.

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 comment.

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 as no changes have been made to the policy.

11. Background Papers

Nil.



Broxtowe
Borough
COUNCIL

ATTENDANCE MANAGEMENT POLICY

CONTENTS

| | |
|---|-----------|
| Section One | 4 |
| 1. Introduction..... | 4 |
| 2. Equality Impact Assessment | 4 |
| 3. General Principles of Absence Management | 4 |
| 3.1 Aims | 4 |
| 3.2 Scope | 5 |
| 3.3 Principles..... | 5 |
| 3.4 Confidentiality..... | 5 |
| 3.5 Equal Opportunities..... | 5 |
| 3.6 Right to be accompanied..... | 5 |
| 3.7 Medical Advice | 6 |
| 3.8 Attendance at Meetings and Occupational Health appointments | 6 |
| 3.9 Abuse of the Attendance Management Policy..... | 6 |
| 4. Roles and Responsibilities | 6 |
| 4.1 Manager’s Role | 6 |
| 4.2 Human Resources’ Role | 7 |
| 4.3 Employee’s Role | 7 |
| 4.4 Occupational Health | 7 |
| Section Two | 8 |
| 5. Pay and Leave | 8 |
| 5.1 Sick Pay Entitlement | 8 |
| 5.2 Sickness and annual leave..... | 8 |
| 5.3 Sickness during a period annual leave/bank holiday..... | 9 |
| 5.4 Sickness during period of Flexi Leave..... | 9 |
| 5.5 Sickness during the Working Day..... | 9 |
| 5.6 Carrying over unused leave..... | 9 |
| 6. Unauthorised Absence | 10 |
| Section Three | 10 |
| 7. Types of Absence..... | 10 |
| 7.1 Sickness Absence Notification | 10 |
| 7.2 Elective/Cosmetic Surgery | 11 |
| 7.3 Time off for fertility treatment..... | 11 |
| 7.4 Hospital/GP/Dental/Optician appointments | 12 |
| 7.5 Work Related Ill-Health or Injury..... | 12 |
| 7.6 Maintaining Contact..... | 12 |
| 7.7 Return to Work | 12 |
| 7.8 Phased returns to work and alternative duties..... | 13 |
| 8. Completion of a Return to Work Interview | 13 |
| Attendance Management Formal Procedure | 14 |

| | |
|---|-----------|
| Section Four | 14 |
| 9. Trigger procedures | 14 |
| 9.1 Trigger levels | 14 |
| 9.2 Employees with more than one contract | 14 |
| 9.3 Adjusting Trigger Levels | 14 |
| 10. Stage One - Attendance Management Meeting | 14 |
| 10.1 Issuing of Notification of Concern/Letter of Support | 15 |
| 11. Stage Two Attendance Management Meeting..... | 15 |
| 12. Stage Three Attendance Management Meeting | 16 |
| Section Five | 17 |
| 13. Management of Long Term Sickness | 17 |
| 13.1 Likelihood of recovery | 17 |
| 13.2 No likelihood of recovery | 18 |
| 13.3 Dismissal on Grounds of Capability..... | 18 |

ATTENDANCE MANAGEMENT POLICY

Section One

1. Introduction

Broxtowe Borough Council recognises that high levels of attendance at work make a significant contribution to the achievement of its vision to deliver efficient and effective services.

The Council accepts its obligations in respect of employees experiencing ill health. This policy will ensure that sickness absence is dealt with fairly and that decisions are made based on the information available at that time.

This policy should be read in conjunction with the following related policies:

- Stress Management
- Flexible Working
- Alcohol and Substance Misuse at Work
- Capability Policy and Procedure

2. Equality Impact Assessment

An Equality Impact Assessment of this policy has been undertaken to ensure that the implications of its introduction do not cause adverse impact or discrimination against different groups of employees within the organisation.

3. General Principles of Absence Management

3.1 Aims

The aims of this Attendance Management Policy are to:

- provide a framework to support employees who are unable to work due to sickness and assist them back to work as quickly as possible
- reduce the impact on other employees when covering for colleagues who are absent due to sickness
- improve and maintain the good attendance of employees in order to minimise the cost and effects of sickness absence and to maximise operational efficiency in all areas.
- ensure the reason for sickness absence are understood in each case and investigated where necessary

3.2 Scope

This policy applies to all Council staff with the exception of people who are within their probationary period.

Probationers' sickness absence will be dealt with as part of their probation reviews.

3.3 Principles

Any employee subject to the Attendance Management Policy will be fully consulted and made fully aware of the Council's position throughout the process. Support will be offered in all instances, but an employee who is subject to this policy should be aware that this is a formal procedure and that failure to provide a regular effective service may result in the individual's employment being at risk.

Throughout this policy the Council assumes that ill health is genuine unless there is evidence to the contrary. The reasons for taking formal action will therefore relate to the capability of an employee to do their job within the expectations of the service and not because of their illness.

3.4 Confidentiality

All parties involved in these procedures must ensure that they maintain the confidentiality of the process. Wider disclosure may be necessary where there is a duty of care e.g. a manager has a concern for the wellbeing of an employee. The requirements of the General Data Protection Regulations 2016, the Data Protection Act 2018 and Access to Medical Reports Act 1988 must be followed.

3.5 Equal Opportunities

Sickness absence will be managed in a non-discriminatory way and in accordance with the Council's Equal Opportunities Policy. The requirements of the General Data Protection Regulations 2016, the Data Protection Act 2018 and Access to Medical Reports Act 1988 will also be adhered to.

Certain medical conditions may potentially affect different racial groups in different ways e.g. sickle-cell anaemia. Similarly, an absence may be prolonged or affected due to treatment being related to the demands of a particular faith or religion.

3.6 Right to be accompanied

Employees have the right to be accompanied by a trade union representative or work colleague at all formal meetings. The representative/companion can on behalf of the employee address the hearing to put and sum up the

employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The representative/companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it, or prevent the employer from explaining their case.

3.7 Medical Advice

Medical advice may be requested by Management via Occupational Health at any time during the management of sickness absence or if there are concerns about an employee's health whilst they are at work. Occupational Health may consult the employee's general practitioner or another specialist consultant. The employee may also provide additional medical information produced by a medical expert which they consider to be relevant.

3.8 Attendance at Meetings and Occupational Health appointments

If an employee does not attend a management meeting or an Occupational Health appointment which they have been notified of without good reason managers may make a decision based on the information available in their absence

3.9 Abuse of the Attendance Management Policy

If an employee abuses the Attendance Management Policy in any way e.g. exploits the sick pay provision; fails to follow the sickness notification procedure; refuses to attend meetings with management and/or Occupational Health appointments, disciplinary action may be taken in accordance with the Disciplinary Policy.

4. Roles and Responsibilities

The General Management Team has overall responsibility for the effective operation of this policy and to ensure its' compliance within the statutory framework. The day to day responsibility for operating the policy and ensuring its maintenance and review is with the Human Resources Manager.

4.1 Manager's Role

To be responsible for recording and monitoring absence;
To ensure employees know the correct absence and notification procedures;
To be a point of contact when employees are off work;
To provide information to the employee regarding their sickness record;
To undertake return to work interviews;
To be aware of the triggers and take action accordingly when these triggers are reached;

To make employees aware of support mechanisms available such as the Employee Assistance Programme and Occupational Health where appropriate;

To consider reasonable adjustments eg a phased return from long-term sickness absence and implement where appropriate;

To know an employee's circumstances and, where possible, become aware of problems at an early stage;

To provide a safe working environment for staff.

4.2 Human Resources' Role

To provide managers with guidance and support, as and where required, throughout the process;

To provide employees with advice on the policy and their entitlements;

To provide information to the employee regarding their sickness;

To advise the manager on the most appropriate course of action for the employee;

To advise on what further information should be sought eg from Occupational Health and the Employee Assistance Programme

4.3 Employee's Role

To tell their manager if they have any health issues which may affect their ability to do their role

To follow the timescales for the Sickness Notification Procedure and sending in Fit For Work Notes

To maintain regular contact with their manager

To attend meetings with management and to attend Occupational Health appointments as required

To not undertake any activity whilst absent from work through illness/injury which could aggravate their illness/injury or delay their recovery and therefore their return to work

To not undertake any other work, whether paid or unpaid, or similar to own duties that may aggravate the illness of injury or delay recovery and therefore return to work.

To not visit their work place without first contacting the manager to ensure that somebody is available to see them.

4.4 Occupational Health

To provide specialist medical advice to managers and employees;

To identify where an underlying medical condition exists and provide advice in relation to the condition and the employee's work;

To provide advice on reasonable adjustments, phased returns, redeployment to be considered

To provide advice about the possibility of ill health retirement

To support the employees return to work and their continued attendance at work.

Section Two

5. Pay and Leave

5.1 Sick Pay Entitlement

Sickness pay will be made in accordance with the National Conditions of Service and the scheme applies equally to all permanent and temporary employees where they possess eligibility by length of service.

During first year of service (continuous local government), one month's full pay and (after completing four months' service), two months' half pay.

During second year of service, two months' full pay and two months' half pay.

During third year of service, four months' full pay and four months' half pay.

During fourth and fifth year of service, five months' full pay and five months' half pay.

After five years' service, six months' full pay and six months' half pay.

If an employee reports sick following the notification of an investigation or whilst suspended the above provisions will still apply.

If a period of sickness absence is or appears to be occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages are or may be recoverable, you must immediately notify Payroll and the Insurance Team of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it and all relevant particulars that we may reasonably require. If we require you to do so, you must co-operate in any related legal proceedings and refund to us that part of any damages or compensation you recover that relates to lost earnings for the period of sickness absence as we may reasonably determine, less any costs you incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to us shall not exceed the total amount we paid to you in respect of the period of sickness absence.

You will retain the use of any benefits in kind such as mobile telephone] for the first 2 weeks after which they shall be at our discretion.

Any employer and employee pension contributions will continue subject to the relevant scheme rules during any period of Council sick pay or SSP.

5.2 Sickness and annual leave

Employees continue to accrue leave and bank holiday entitlements during a period of sickness.

Employees are allowed to book leave whilst they are certified as sick following advice from their GP that a holiday will aid their recovery and recuperation.

5.3 Sickness during a period annual leave/bank holiday

If an employee falls ill during a period of annual leave/bank holiday, they may be entitled to have some or all of their annual leave reinstated if they provide a GP's fit note to certify the illness and they have followed the correct procedures for reporting sickness i.e. making contact with their manager on the first day of absence.

5.4 Sickness during period of Flexi Leave

If an employee falls ill during a period of flexi leave they may be entitled to have their flexi leave balance reinstated where they provide a GP's fit note to certify the illness and they follow the correct procedures for reporting the sickness. No more than 11 hours can be carried over into the next flexi period.

5.5 Sickness during the Working Day

Employees who become ill during the morning and leave work (following permission from the manager or other responsible officer) will be credited with that morning for flexi purposes. Where the employee was due to work in the afternoon (or the rest of shift as appropriate) this will be recorded as sickness.

Employees who become ill in the afternoon and leave work following permission, will be credited with that afternoon. Employees on flexi-time will be credited time in accordance with the flexi-time scheme. Where the absence continues into the next day (and beyond) the notification procedures outlined above must be complied with i.e. the next day will be classed as day 1 for sickness reporting purposes.

Where a pattern of absence shows that an employee is regularly working part of a day then seeking permission to leave work or leaves work without permission, this will be regarded as a conduct issue and will be dealt with under the Disciplinary Policy.

5.6 Carrying over unused leave

On their return to work employees will be allowed to take outstanding leave subject to operational requirements.

If an employee has not been able to take their full leave year's entitlement due to their sickness absence they are entitled to carry over the statutory leave allowance of 28 days minus the days of contractual annual leave they have already taken. This carried over leave balance must be taken in full during the following leave year or it will be lost.

Employees moving onto half pay during their period of sickness should be encouraged to use their annual leave to bring their pay up to their full entitlement.

6. Unauthorised Absence

Absences will be regarded as unauthorised absences when an employee is absent from their place of work:

- without authorisation
- without personally informing their manager (or deputy) within the required notice on their first day of absence as stated in the procedure guide
- when failing to submit fit notes covering all sickness absences in accordance with the required procedure

When an employee fails to contact their manager to advise them of their absence, the manager will contact the employee to find out why they have not attended work. This should not be treated as a substitute for reporting sickness absence.

Employees may not receive pay for relevant periods if they fail to notify their manager of sickness absence or where their absence is not covered by the appropriate certification.

Unauthorised absence is misconduct and will be dealt with through the Disciplinary Policy.

Section Three

7. Types of Absence

Employee's absence generally falls into 3 categories: long-term, frequent and short term or a combination of these. The management of long-term absences is covered in section 5

Frequent short term absences are normally sporadic, attributable to minor ailments and which in many cases are unconnected. However, cases of frequent short-term absence where there is evidence to support the view that sickness absence may not be genuine should be dealt with under the Disciplinary Policy as a matter of poor attendance constituting misconduct

The Council recognises that there may be occasions when some employees might feel it necessary to cite sickness absence as the reason for not attending work when this may not be the case. Managers and employees are reminded of the leave and flexible working provisions in these circumstances.

7.1 Sickness Absence Notification

All staff should follow the Sickness Notification Procedure in Form [AN4](#) found on the intranet. Failure to follow this procedure may result in sick pay being delayed or disallowed and may lead to action being taken under the relevant Disciplinary Policy when an employee is failing to follow the procedures.

Where an employee does not feel able to advise their manager of the nature of their sickness absence, they may make contact with HR to discuss their absence confidentially and HR will advise appropriate manager accordingly.

Emails or text messages will not be accepted as notification and will be regarded as failure to inform the Council correctly.

Where an employee is unable to make contact personally due to exceptional circumstances, it is acceptable for them to make arrangements for someone else to notify the Council on their behalf as soon as possible (eg partner/parent). However, where someone else has made the initial contact, the employee must also make direct contact with the manager as soon as possible thereafter.

If an employee has had frequent short term absences they may be required to produce a fit note on the first day of absence for a specified period of time. In these circumstances failure to obtain a fit note on the first day would result in the employee not being paid for that day or any subsequent days when the appropriate notification procedure had not been followed.

7.2 Elective/Cosmetic Surgery

The Council defines an elective procedure as a non-essential surgical procedure which the employee chooses to undergo for personal reasons, for example cosmetic surgery or laser eye treatment.

Non-essential surgery which has been medically advised or prescribed by an employee's doctor or consultant will not be considered as an elective procedure.

Elective and cosmetic surgery appointments (including laser eye surgery) and ensuing recovery periods must be recorded as annual leave.

If any complications arise following the surgery and a fit note is provided, then the employee will be entitled to sick pay.

7.3 Time off for fertility treatment

There is no statutory right for employees to take time of work to undergo IVF treatment and IVF treatment appointments will be treated in the same way as other medical appointments.

Following the implantation of fertilized eggs, the woman is regarded as being pregnant and she is protected under the Equality Act 2010. If the IVF is unsuccessful, the protected period ends two weeks after she is informed that the IVF was not successful.

7.4 Hospital/GP/Dental/Optician appointments

Any of the above appointments which an employee needs to attend must be taken in accordance with the Council's flexi-time rules and should not be recorded as sickness absence. Managers may ask to see written proof of appointments (see Flexible Working Hours Guidelines).

7.5 Work Related Ill-Health or Injury

If an employee or manager believes that ill health or injury has been caused by work, the employee should complete the Council's accident report form as soon as possible and send it to the Health and Safety section.

If an employee has not completed an accident report form and subsequently believes that their ill health or injury is caused by work, they should report this in writing to their manager setting out the reasons why they believe the work has contributed or caused their ill health or injury and the reason for the delay in reporting this.

7.6 Maintaining Contact

The employee and the Manager will maintain contact as agreed once an employee is covered by a fit note and keep them informed of their progress and their likely return to work date. Employees must contact their manager before their fit note expires in order to confirm either that they will be obtaining another fit note or their return to work date.

Employees who do not maintain regular contact will be contacted by their manager to check on their progress. Additionally, employees who are on long-term sickness absence be invited to regular welfare meetings as outlined in Section 5.

Where an employee indicates that they are absent due to stress at work, the manager must inform HR and then make contact with the employee as soon as reasonable and follow the guidance in the Stress Management Policy as it may be necessary to carry out an individual Stress Risk Assessment.

7.7 Return to Work

An employee is no longer required to obtain a GP's fit note stating they are fit to return to work. An employee may choose to return to work before their medical fit note expires and without the requirement for any alterations. However in some cases it may be necessary to conduct a Health and Safety risk assessment before a return to work can be confirmed. In these circumstances the employee will not be able to return to work until HR and the manager are satisfied that appropriate support is in place to facilitate their return to work and the employee will therefore remain on sick leave.

7.8 Phased returns to work and alternative duties

A phased-return must only be agreed if the employee either provides a medical certificate identifying 'altered hours, amended/alternative duties, a phased basis or with reasonable adjustments', or similar advice from the Council's Occupational Health provider.

The length of the 'altered hours, amended/alternative duties, a phased basis or with reasonable adjustments' is not prescribed and depends on the circumstances of the case, and/or operational requirements.

Medical advice is only a recommendation and the Manager, in consultation with Human Resources will determine whether the recommendations can be implemented. Operational requirements will be taken into consideration. In some cases, not all recommendations will be feasible to implement.

In some cases, Human Resources will ask Health and Safety to undertake a Risk Assessment in order to finalise a decision. If adjustments cannot be accommodated, employees may have to remain on sick leave and be asked to seek further medical advice.

Where a GP or Occupational Health states that an employee may be fit for work on 'altered hours, amended/alternative duties, a phased basis or with reasonable adjustments', this advice can only be implemented with the manager's agreement. Following advice from HR a meeting should be arranged with the employee to discuss whether the GP's recommendations are reasonable and can be implemented. In some cases it may be necessary for Health and Safety to complete a risk assessment before a decision can be made.

8. Completion of a Return to Work Interview

A return to work interview must be held between the manager and employee as soon as possible following every sickness absence and within three working days of return at the latest. A return-to-work interview enables us to confirm the details of your absence. It also gives you the opportunity to raise any concerns or questions you may have, and to bring any relevant matters to our attention.

Where it is not possible for a return to work interview to be undertaken by the line manager within this timescale (because, for example, they are absent from work on leave), the responsibility will then transfer to another manager within the department either at the same level or above.

Attendance Management Formal Procedure

Section Four

9. Trigger procedures

9.1 Trigger levels

When an employee has had:

- *4 or more occasions of absence in a rolling year*
- *absences totalling 10 or more working days (separate or continuous) in a rolling year*
- *any pattern of absence causing concern*

they will be placed within the formal Attendance Management Procedure.

Note there is an additional procedure for dealing with long-term absences.

9.2 Employees with more than one contract

If an employee has more than one part-time contract any instances of sickness absence must be dealt with separately and not cumulatively. An employee can therefore trigger at different times for each contract and may receive a sanction for one or both contracts

9.3 Adjusting Trigger Levels

In certain cases, for example, if an employee is absent with sickness which is pregnancy, maternity related, major longer-term illnesses and conditions the manager should still monitor the absence using these procedures. Where the level of absence hits the trigger levels or becomes long term, the manager must consult with HR with regard to managing the non-attendance and supporting the employee. A decision may be made to adjust trigger levels. In some cases, medical advice from the Council's Occupational Health provider will be sought.

10. Stage One - Attendance Management Meeting

When a trigger point has been reached, the employee will be required to attend a Stage One attendance management meeting with their manager on *their return to work*. The meeting is not disciplinary in its purpose and is intended to provide the manager with the opportunity to review the circumstances surrounding the employee's absence levels before a decision is made whether or not to issue a Notification of Concern or Letter of Support.

At least five working days' notice of the meeting must be given to the employee together with informing them of the right to be accompanied by a trade union representative or work colleague.

The manager will then determine whether to issue a Notification of Concern. Should a Manager wish to issue a Letter of Support due to the employee being covered by the Equality Act 2010 or pregnancy, maternity-related, major longer-term illnesses or conditions, advice must be sought from Human Resources before issuing the Letter of Support.

10.1 Issuing of Notification of Concern/Letter of Support

The decision should be given orally at the meeting if possible and must be confirmed in writing within five working days of the meeting. Managers must include any actions and identify any agreed reasonable adjustments needed to support the employee in improving their attendance and also make clear that, if attendance levels do not improve, then this may lead to the next stage of the procedure.

A first Notification of Concern or a Letter of Support will remain active and on the employees' file for six months from the date of the *return to work*. The employee's attendance will be reviewed periodically by the manager and, if the employee has not taken any more sickness absence during this time, then the Notification of Concern or Letter of Support will lapse at the end of the six months.

Employees may appeal against the issuing of a first Notification of Concern or Letter of Support by writing to their manager within five working days of receipt of the written decision. The appeal will be heard by the relevant Head of Service or Chief Officer as appropriate. After this hearing, there is no further right of appeal at Stage One.

If the employee activated a further trigger whilst a Stage 1 Notification of Concern or Letter of Support is active, the manager will hold a Stage Two Attendance Management Meeting.

11. Stage Two Attendance Management Meeting

A Stage Two meeting will be convened if the employee activates another trigger whilst a Notification of Concern or Letter of Concern is active. *The meeting will take place once the employee has returned to work.*

The Stage Two meeting, which again will not be disciplinary in its purpose, will provide the manager with the opportunity to establish all the facts and review the circumstances surrounding the employee's absence levels before a decision is made whether or not to issue a Second Notification of Concern.

At least five working days' notice of attendance must be given to the employee informing them of the right for them to be accompanied at the meeting by a trade union or work colleague. A HR Officer *must* also attend.

The decision should be given orally at the meeting if possible and confirmed in writing within five working days of the meeting. Managers must include any actions and identify any agreed reasonable adjustments needed to support the employee in improving their attendance and also make clear that, if attendance levels do not improve, then this *will* lead to the next stage of the procedure.

The issuing of a Second Notification of Concern will remain active for 12 months from the date of the *return to work*. During this time the manager will review the employee's attendance regularly. If the employee's absence reduces below the trigger level after six months the second Notification of Concern will reduce to the level of a First Notification of Concern.

Employees may appeal against the issuing of a Second Notification of Concern by writing to their manager within five working days of receipt of the written decision. The appeal should state the full grounds of the reason for the appeal. Their manager will arrange for the appeal to be heard by a relevant Head of Service or Chief Officer as appropriate. After this hearing, there is no further right of appeal at Stage Two.

If the employee triggers whilst a Stage 2 Notification of Concern or Letter of Support is live, the manager will hold a Stage Three Attendance Management Meeting.

12. Stage Three Attendance Management Meeting

If the employee triggers during the first six months after a Second Notification of Concern or Letter of Support has been issued, the manager should then consult with HR before preparing a management report for consideration by the Head of Service (or Chief Officer) at a Stage Three attendance management meeting.

Although a Stage Three meeting is not disciplinary in its nature, it will be held in a similar format to the Council's Capability and Disciplinary Policies, the manager dealing with the case up to this point will present their summary of the case to a Head of Service (or Chief Officer) who will chair the hearing and will be the Deciding Officer.

At least seven working days' notice will be given to the employee together with the right to be supported at the meeting by a trade union representative or work colleague. The Employee will also be informed that dismissal could be an outcome of the hearing.

The Deciding Officer should consider the option of redeployment on a permanent or temporary basis (if a suitable existing position is available) or adaptation of working methods and environment, if it is felt that this may improve attendance, before making a decision to dismiss.

Where *the Deciding Officer* makes a decision not to dismiss, clear justification for not doing so must be recorded together with any support or other actions

to be taken. A follow-up meeting must then also be arranged (normally within 6 weeks of the Stage Three meeting) in order to review the case further.

The decision should be given orally at the meeting if possible and confirmed in writing within 5 working days of the meeting.

If, however, the *Deciding Officer* feels that the employee's attendance is still a matter of concern for the future and there are insufficient mitigating circumstances for the continued level of absence, they may choose to dismiss the employee with appropriate notice where they believe there is clear justification for doing so.

An employee who has been dismissed at Stage 3 is entitled to appeal against the decision by writing to the *HR Manager* within five working days of the letter confirming their dismissal. The appeal will be heard by the Licensing and Appeals Committee. The employee will have the right to be accompanied by a trade union representative or work colleague. Licensing and Appeals may choose to reinstate the employee or uphold the decision of the Deciding Officer.

Section Five

13. Management of Long Term Sickness

If an absence exceeds 4 weeks, the employee must be invited in writing to an informal welfare meeting with their manager.

The meeting is to consider the period of absence under review; the nature of the employee's illness; and the potential implications of this for their return to work (ie the potential length of the absence and any longer-term impact of their condition); whether an Occupational Health referral is appropriate, what mechanisms are in place to support the employee during their absence, and any support that will help them prepare for their return.

Automatic referral Occupational Health of all long term sickness cases is not necessary (eg where an employee is absent for a specified period of time due to a broken limb). Consideration needs to be given to the cause of absence, the timing of the referral, and whether a response from the Occupational Health Service will be useful in determining future action.

Further welfare meetings should take place as deemed necessary given the circumstances of each case, but consideration should be given to meeting every 30 days.

13.1 Likelihood of recovery

Where the information considered suggests that there is a likelihood of recovery and return to work within a reasonable timeframe, then the outcomes of this long-term sickness absence meeting may include:

A provisional date for return to 'normal working'

A provisional date for a phased return to normal duties

A provisional date for returning on alternative duties

A provisional date for return to their previous role, but with temporary or permanent adjustments in working arrangements, in recognition of the individual's health condition. Such adjustments will be made in order to ensure compliance with the Equality Act 2010 as well as the Council's wider commitments to equality and diversity;

Consideration of permanent redeployment to another post which may be at a different grade or different terms and conditions of employment;

13.2 No likelihood of recovery

The underlying principle when managing long term absence cases is to balance the Council's needs against the circumstances of the employee concerned. There is no requirement for manager to wait indefinitely for an employee who is on long-term sick leave to return to work or to be placed on a particularly Attendance Management Stage before considering particular action. At a certain point, managers in consultation with HR are entitled to decide that they are no longer able to accommodate the consequences of an employee's long term sickness absence and that it is not reasonable to wait any longer the employee to return to work.

Where the information considered does suggests that there is no likelihood of the employee recovering and returning to work within a reasonable timeframe, advice should be sought from Occupational Health. If the employee is in the pension scheme Occupational Health should be asking for an opinion about whether the employee would qualify for ill health retirement

Enquiring about ill health retirement does not imply that the relevant pension scheme will accept an application for the employee to receive a pension on health grounds.

A formal meeting should be then arranged to consider whether dismissal on the grounds of capability is appropriate.

The Council has signed a Dying To Work Charter, preserving employment for any employee who has been diagnosed with a terminal illness. All employment benefits such as Death in Service will maintained for the duration of their employment.

No employee who has been diagnosed with a terminal illness will be dismissed because of their condition.

13.3 Dismissal on Grounds of Capability

Any decision to dismiss on grounds of incapacity due to sickness/ill-health is separate from any application or decision to award an ill-health pension and

there is no requirement to delay proceeding with a capability dismissal until a decision is made about ill health retirement.

Termination of employment on the grounds of capability will be considered as last resort, if the following criteria are satisfied:

contact and assistance, or attempted contact, has been made and provided throughout the employee's absence;

where the employee has failed to make contact despite attempts by managers, a decision to dismiss will be based on all available information;

adequate medical evidence is available which indicates a return to work is unlikely within a reasonable time frame;

the employee has been fully consulted and given an opportunity to respond at each stage;

consideration for suitable alternative employment has been exhausted;

any feasible modifications to the working area and/or role have been exhausted;

ill health retirement has been considered

The procedure to be followed will be as described in the Capability Policy

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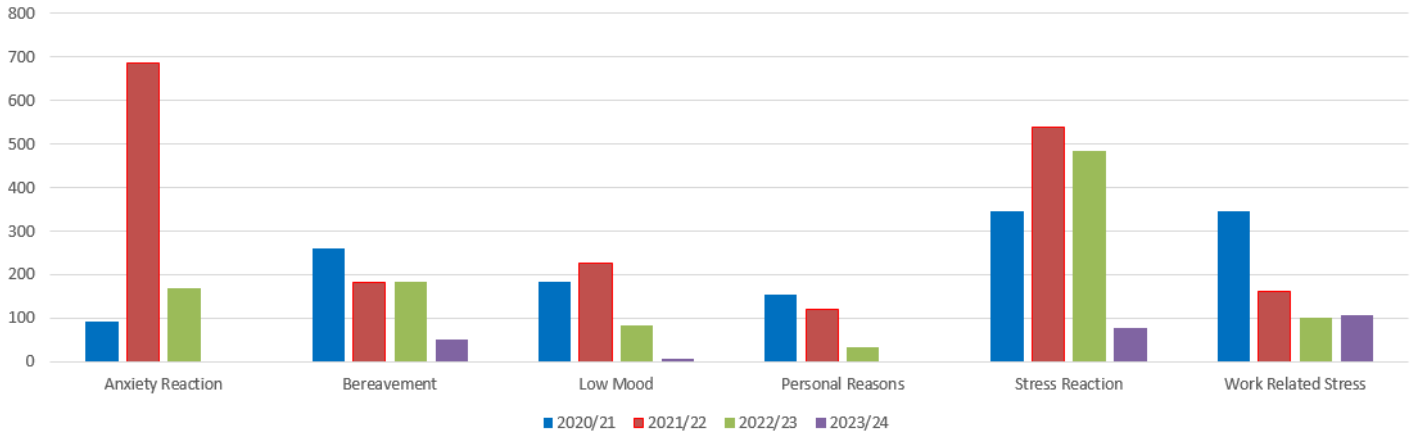
APPENDIX 2

Mental Health – All Departments Quarter 1 2023/24

Mental Health



Broxtowe Borough Council - Mental Health



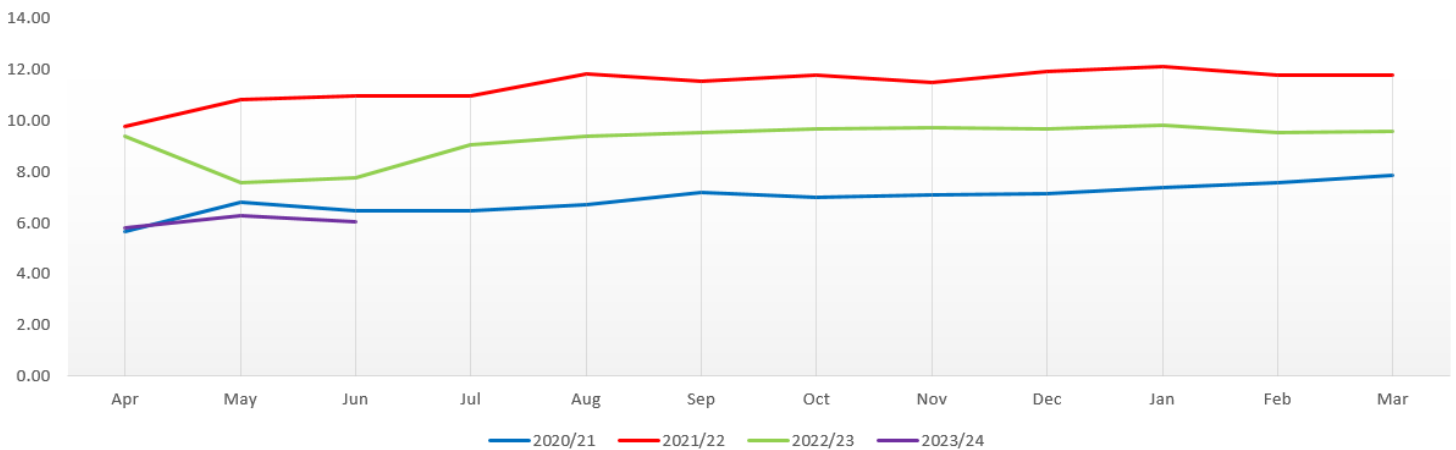
| | Anxiety Reaction | Bereavement | Low Mood | Personal Reasons | Stress Reaction | Work Related Stress | Total |
|---------|------------------|-------------|----------|------------------|-----------------|---------------------|-------|
| 2020/21 | 92 | 259 | 185 | 154 | 345 | 347 | 1382 |
| 2021/22 | 686 | 182 | 225 | 119 | 539 | 162 | 1913 |
| 2022/23 | 170 | 185 | 84 | 32 | 485 | 102 | 1058 |
| 2023/24 | | 50 | 6 | | 79 | 107 | 242 |

Short / Long Term Sickness Combined – All Departments Quarter 1 2023/24

Short/Long Term Sickness

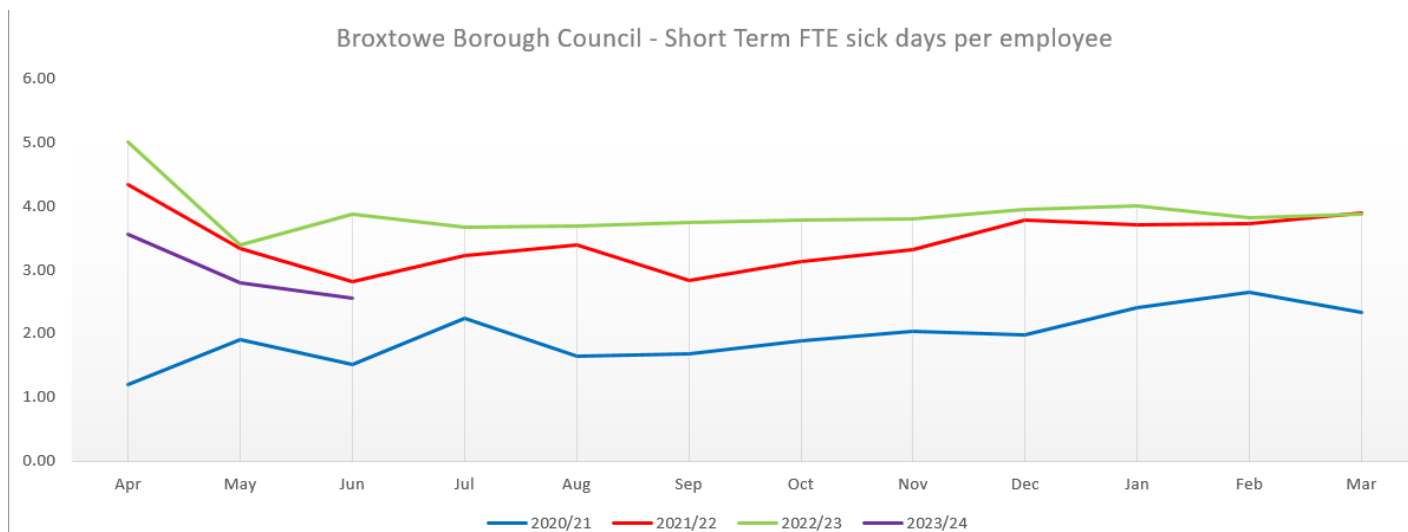


Broxtowe Borough Council - FTE days sick per employee



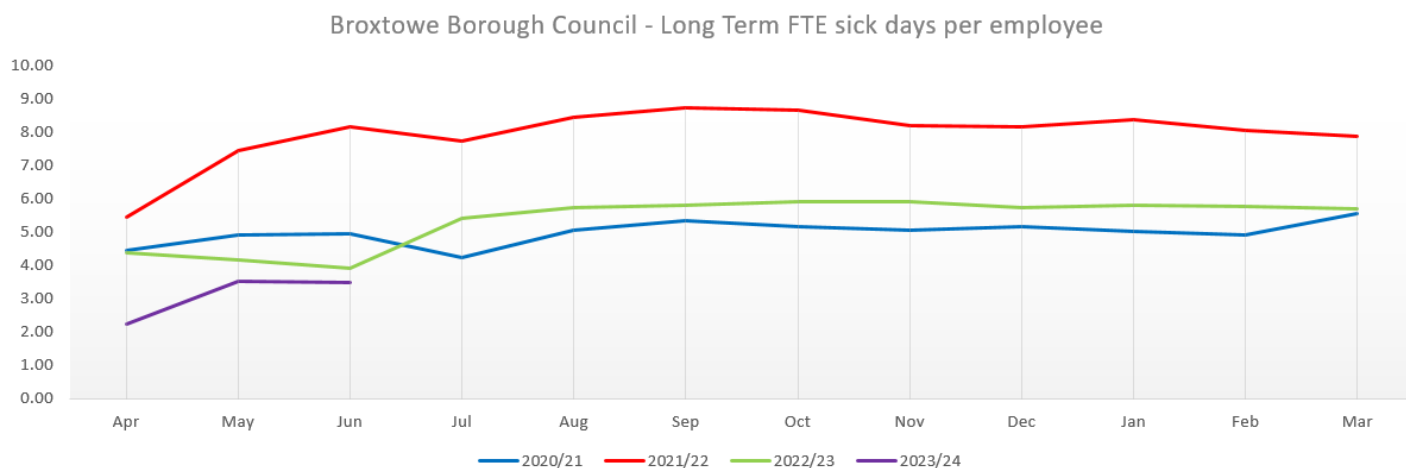
| | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar |
|---------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| 2020/21 | 5.65 | 6.82 | 6.48 | 6.48 | 6.70 | 7.20 | 7.03 | 7.08 | 7.13 | 7.41 | 7.57 | 7.89 |
| 2021/22 | 9.79 | 10.81 | 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 |
| 2023/24 | 5.80 | 6.30 | 6.06 | | | | | | | | | |

Short Term Sickness – All Departments Quarter 1 2023/24



| | 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 | 3.4 | 3.87 | 3.66 | 3.69 | 3.74 | 3.78 | 3.8 | 3.95 | 4.00 | 3.81 | 3.88 |
| 2023/24 | 3.55 | 2.79 | 2.56 | | | | | | | | | |

Long Term Sickness – All Departments Quarter 1 2023/24



| | 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 |
| 2023/24 | 2.25 | 3.51 | 3.49 | | | | | | | | | |

Report of the Portfolio Holder for Economic Development and Asset Management, and Resources and Personnel Policy**SECTION 106 ITPS RECEIPT AND ALLOCATION – ACCESS IMPROVEMENTS AT COVENTRY LANE****1. Purpose of Report**

To provide an update on received section 106 Integrated Transport (ITPS) funds and to recommend utilising some of these funds on access improvements off Coventry Lane in Bramcote and Stapleford.

2. Recommendation

Cabinet is asked to note the receipt of a Section 106 ITPS Contribution and RESOLVE that the proposed funding allocation for access improvements at Coventry Lane be approved. The combined cost of £80,000 will be added to the Capital Programme in 2023/24 to be funded by an allocation from Section 106 contributions.

3. Available funding

The Council has received Section 106 Integrated Transport (ITPS) funds and is proposing to utilise some of these funds on access improvements off Coventry Lane in Bramcote. Any S106 funds received should be spent on mitigating the impact of the development to which they serve. In this regard the payment needs to be spent on transport links.

As part of the wider S106 agreement, two other contributions will be provided; one specifically being spent on road infrastructure improvements and the other amount has been sent to Nottinghamshire County Council for improvements to local bus services. It is therefore suggested that these funds are utilised on improving nearby pedestrian links.

The following S106 ITPS sum has been received in relation to the housing development at Field Farm, Ilkeston Road, Stapleford (ref. 20/00116/FUL).

- £137,500 as an Integrated Transport Contribution (second instalment from three in total) to be spent solely towards provision of the Integrated Transport Measures. Integrated Transport Measures are designed to encourage less use of the private car by improving and making safer facilities for pedestrians, cyclists and public transport users in the area. This sum is due to be index linked and it is expected to rise to £159,583, however this exact figure is still being finalised.

It is proposed to allocate £80,000 of this funding to improve access off Coventry Lane in Bramcote/Stapleford. Further details are provided in the appendix

4. Financial Implications

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

The Section 106 Integrated Transport Contribution received would provide the necessary funding for the proposed access improvement scheme.

There is currently no budget provision in the Capital Programme 2023/24 for the proposed schemes. If Members were minded to approve a funding allocation to the access improvement scheme at Coventry Lane (totalling £80,000 as outlined in the appendix), this would be added to the Capital Programme 2023/24 and be fully funded by the respective Section 106 contributions.

5. Legal Implications

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

Any S106 contributions should be spent on works that can help alleviate or mitigate part of the impact of the development to which it relates. Following revisiting the original agreement I am comfortable that these monies can be allocated in this way.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

Not applicable.

7. Union Comments

The Union comments were as follows:

Not applicable.

8. Data Protection Compliance Implications

Not applicable.

9. Equality Impact Assessment

Not applicable.

10. Background Papers

Nil.

APPENDIX

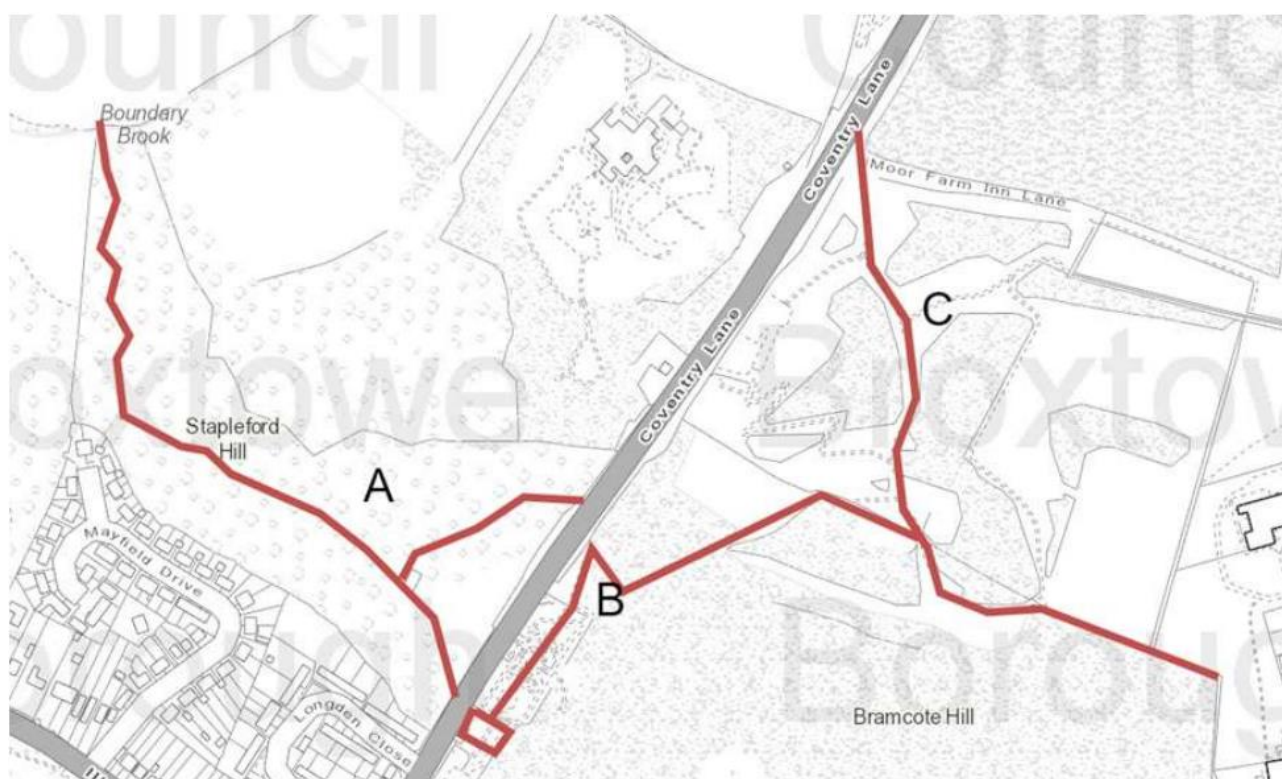
COVENTRY LANE ACCESS IMPROVEMENTS

Members will be familiar with the Field Farm development at Ilkeston Road, Stapleford.

The S106 funding received has to be used for “*measures designed to encourage less use of the private car by improving and making safer facilities for pedestrians, cyclists and public transport users in the area.*”

The below paths are currently of a consolidated stone construction, works would be to seal the surface with a hot rolled tarmac finish to create a more accessible, weather resistant and durable surface.

- A) Provide a year-round pedestrian link on Stapleford Footpath 24, connecting new developments to Coventry Lane and Bramcote Hills Park (Stapleford North Ward) – estimate £25,000.
- B) Provide tarmac surfaced disabled parking bays and an accessible surfaced route through the Walled Garden at Bramcote Hills Park, linking to wider surfaced path networks (Bramcote Ward) – estimate £35,000.
- C) Create a surfaced, accessible path through the former quarry site with connectivity to wider surfaced path networks (Bramcote Ward) – estimate £20,000.



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Report of the Portfolio Holder for Economic Development and Asset Management**APPLICATION FOR RETROFIT WORKS DEVOLUTION FUND**1. Purpose of Report

To advise Cabinet that an application for grant funding has been made to the East Midlands Devolution Fund managed by Nottingham City Council for energy efficient retrofit works.

2. Recommendation

Cabinet is asked to NOTE the application for funding from the East Midlands Devolution grant fund and RESOLVE that, subject to the grant award being approved, the scheme to complete retrofit energy efficiency works at Scalby Close, Eastwood be approved. The additional capital cost of £583,500 will be added to the Capital Programme 2023/24 and be fully funded by the capital grant.

3. Detail

The Council has applied for grant funding of £583,500 from the East Midlands Devolution fund to help carry out retrofit work on thirty-five bungalows at Scalby Close in Eastwood to make them more energy efficient. These works will involve loft insulation, eaves insulation, roof line upgrades, roof covering replacement and thermal upgrade to gable end walls. Works are expected to commence on site upon grant approval in November 2023 and anticipated to be completed by February 2024.

The grant funding application is attached in the appendix.

4. Financial Implications

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

A grant application totalling £583,500 has been submitted to the East Midlands Devolution grant fund to enable the retrofit works at Scalby Close in Eastwood. The proposed scheme will only commence upon the successful award of a grant.

The additional capital cost of £583,500 will be added to the approved Capital Programme for 2023/24 and be fully funded by the capital grant.

5. Legal Implications

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

Whilst there are no direct legal implications arising from this report the taking of such action is lawful under the general power of competence in Section 1 of the Localism Act 2011.

6. Human Resources Implications

Not applicable.

7. Union Comments

Not applicable.

8. Climate Change Implications

36% of the borough's carbon emissions comes from domestic heating and lighting (Source: BEIS. UK local authority and regional estimates of carbon dioxide emissions 2021 – released 2023). Improving the energy efficiency of the thirty-five bungalows on Scalby Close, Eastwood using the East Midlands Retrofit funding will not only help to lower energy bills for the residents but it will help to reduce their carbon footprint as well. This aligns with the Council's Climate Change and Green Futures strategy, which sets out to align to the UK's net zero commitment of 2050 for the borough.

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 applicable.

11. Background Papers

Nil

Grant Confirmation Document

Project Name: East Midlands Domestic Retrofit

Project Sponsor:

Between:

- 1. Nottingham City Council**
- 2. Broxtowe Borough Council**

Dated this *****

CONTROLLED

| | | |
|-----|--|----|
| 1. | DEFINITIONS..... | 4 |
| 2. | INTERPRETATION..... | 6 |
| 3. | OVERVIEW OF THE SCHEME | 7 |
| 4. | THE RECIPIENT’S OBLIGATIONS | 7 |
| 5. | THE FUNDER’S OBLIGATIONS..... | 8 |
| 6. | EVENTS OF DEFAULT | 8 |
| 7. | WITHHOLDING PAYMENT AND REPAYMENT | 9 |
| 8. | TERMINATION AND BREACH..... | 10 |
| 9. | RECOVERY OF SUMS DUE | 10 |
| 10. | ASSIGNMENT AND SUB-CONTRACTING | 11 |
| 11. | QUALITY | 11 |
| 12. | CONFIDENTIALITY | 11 |
| 13. | WAIVER | 11 |
| 14. | VARIATION | 11 |
| 15. | SEVERABILITY | 12 |
| 16. | FORCE MAJEURE | 12 |
| 17. | INTELLECTUAL PROPERTY RIGHTS..... | 12 |
| 18. | PUBLICITY | 12 |
| 19. | SUBSIDY CONTROL..... | 12 |
| 20. | PUBLIC PROCUREMENT | 13 |
| 21. | NON-DISCRIMINATION | 14 |
| 22. | FREEDOM OF INFORMATION ACT (FOIA) AND DATA PROTECTION..... | 14 |
| 23. | HEALTH AND SAFETY | 15 |
| 24. | DISPUTE RESOLUTION | 16 |
| 25. | ENTIRE AGREEMENT | 16 |
| 26. | RIGHTS OF THIRD PARTIES | 16 |
| 27. | EXCLUSION..... | 16 |
| 28. | CONFLICT OF INTEREST | 17 |
| 29. | ANTI-CORRUPTION/BRIBERY | 17 |
| 30. | NOTICES..... | 17 |
| 31. | LAW..... | 17 |
| | SCHEDULE 1 - THE PROJECT..... | 18 |
| | SCHEDULE 2 - PAYMENT | 20 |
| | SCHEDULE 3 – KPI’S AND OUTPUTS | 23 |
| | SCHEDULE 4 – PROJECT TIME PLAN | 24 |
| | SCHEDULE 5 MONITORING AND EVALUATION REQUIREMENTS | 24 |
| | APPENDIX 1: MONITORING FORMS..... | 28 |
| | SCHEDULE 6 - INFORMATION SHARING AGREEMENT..... | |

THIS CONFIRMATION OF GRANT is made on the date appearing on the front page of this document and is made between:

- (1) **NOTTINGHAM CITY COUNCIL** as Funder (managing the funding distribution), whose principle place of business is at Loxley House, Station Street, Nottingham, NG2 3NG (“**the Funder**”); and
- (2) **BROXTOWE BOROUGH COUNCIL**– Foster Avenue, Beeston, Nottingham, NG9 1AB, (**the “Recipient”**)

BACKGROUND:

- A The Funder, in exercising its statutory powers, has received confirmation of in principle grant funding from the-e Lead Funder in respect of the Project.
- B The Funder has agreed to make the Grant available to the Recipient for the purposes of financially assisting the Project subject to the terms of this agreement.
- C This agreement sets out the terms and conditions on which the Grant is made by the Funder to the Recipient in respect of the Project.
- D These terms and conditions are intended to ensure that the Grant is used for the purpose for which it is awarded.

1. DEFINITIONS

1.1. In this Confirmation Document the following words shall have the following meanings:

| | |
|---|--|
| | |
| “Applicable Legislation” | any Law relating to the Project including the Environmental Information Regulations 2004 the Freedom of Information Act 2000 and the Equality Act 2010. |
| “Application” | The Recipient’s application for Grant. |
| “Approval” and “Approved” | the written approval of the Funder. |
| “Confirmation Document” | this document including the schedules and appendices attached to it. |
| “Condition Period” | the period of ten years from the date of this Confirmation Document. |
| “Condition” | a condition of this Confirmation Document. |
| “Confidential Information” | any information which has been designated as confidential by either Party in writing or that ought to be considered as confidential (however it is conveyed or on whatever media it is stored) including information which relates to the business, affairs, properties, assets, trading practices, services, developments, trade secrets, Intellectual Property Rights, know-how, personnel, customers and suppliers of either Party, all personal data and sensitive personal data within the meaning of the Data Protection Act 2018 and commercially sensitive information in accordance with the Freedom of Information Act 2000. |
| Constituent Councils | Derbyshire County Council, Derby City Council, Nottinghamshire County Council, Nottingham City Council |
| “ Data Protection Legislation” | (i)The General Data Protection Regulation as enacted into English law by the Data Protection Act 2018, as revised and superseded from time to time (GDPR); (ii) Directive 2002/58/UK as updated by Directive 2009/136/UK; and (iii) any other laws and regulations relating to the processing of personal data and privacy which apply to a party and, if applicable, the guidance and codes of practice issued by the relevant data protection or supervisory authority. |
| “Delivery Partner” | any third party or parties appointed or funded by the Recipient to deliver the Project using the Grant. |
| EMCCA | East Midlands County Combined Authority |
| “Environmental Information Regulations” or “EIR” | the Environmental Information Regulations 2004 (SI 2004/3391) together with any guidance and/or codes of practice issued by the Information Commissioner or relevant government department in relation to such regulations. |
| “Encumbrance” | any mortgage, charge, pledge, lien or other encumbrance. |
| “Event of Default” | as described in clause 6. |

| | |
|---------------------------------------|---|
| “FOIA” | as described in Clause 12.2. |
| “Grant” | the grant in the maximum amount payable to the Recipient under this Confirmation Document, in the proportions and on the dates as set out in the Schedules. |
| “Grant Conditions” | the MoU and any related documents issued to the Funder by the Lead Funder, including from time to time, agreed changes to the Grant Conditions and any subsequent grant determination letters and other related documents issued by the Lead Funder to the Funder. |
| “Insolvent” | if the Recipient is unable to pay debts as they fall due, or is deemed under Applicable Law to be so, or that it has an excess of liabilities over assets (taking into account contingent and prospective liabilities) and/or the “winding up” of a person include, where such person is or comprises a person other than a company (as defined in the Companies Act 1985), any corresponding process applicable to that person. |
| “Intellectual Property Rights” | Means any patent, copyright, design right, registered design, database right, trade mark, service mark, know-how, utility model, unregistered design or, where relevant, any application for such right, know-how, trade or business name, domain name or other similar right or obligation whether registerable or not or other industrial or intellectual property right subsisting in any territory or jurisdiction in the world and “Intellectual Property” shall be construed accordingly. |
| “Lead Funder” | Derbyshire County Council on behalf of the four Constituent Council, who will form the East Midlands Mayoral Combined County Authority, if approved. |
| “MOU” | the Mobilisation Grant Offer Letter dated XXXXXXXX 2023 and issued by the Lead Funder to the Funder in connection with the mobilisation payment for the Scheme. |
| “Output” | as described in the Schedules to this Confirmation Document. |
| “Party” | a party to this Confirmation Document and “Parties” shall be construed accordingly. |
| “Project” | the project described in Schedule 1 and anything necessary to carry out the Project. |

2. INTERPRETATION

- 2.1. References to Parties and other persons include their successors and permitted assigns, except where the context requires otherwise.
- 2.2. References to a “Clause” or “Schedule” are references to a clause of, or a schedule to this Confirmation Document unless otherwise provided. Clause headings are for ease of reference only.
- 2.3. References to this or any other document or statute are references to them in force for the time being and as amended, varied, supplemented, consolidated or re-enacted from time to time and include any schedules or annexes to such document

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and, in the case of statutes, any delegated legislation. Where there are two or more persons comprised in the “Recipient” then those persons are jointly and severally responsible and liable for all obligations expressed to be assumed by the Recipient in this Confirmation Document, including for any repayment of Grant or other payment obligation.

- 2.4. “including” shall be construed so as not to limit the generality of any words or expressions in connection with which it is used.

3. OVERVIEW OF THE SCHEME

In preparation for the Combined Authority the Department for Levelling Up, Housing and Communities (DLUHC), has allocated a total of £18m of capital funding to Derbyshire County Council as the Lead Funder on behalf of the four Constituent Councils who will form part of the EMCAA, if approved.

4. THE RECIPIENT’S OBLIGATIONS

- 4.1. The Recipient will carry out the Project in the manner set out in Schedule 1.
- 4.2. The Recipient will be reimbursed as agreed and set out in Schedule 2.
- 4.3. The Recipient will deliver the Targets and Outputs as set out in Schedule 3.
- 4.4. The Recipient will co-operate with the Monitoring and Evaluation requirements more particularly described in Schedule 5.
- 4.5. The Recipient shall:
- 4.5.1. not, other than as agreed by the parties and described in Schedule 1, during the Condition Period without the Funder’s consent, create or permit to subsist any Encumbrance on any of its interest in any of its assets or revenues relating to the Project except for liens arising by operation of Law;
 - 4.5.2. not, other than as agreed by the parties and described in Schedule 1, during the Condition Period without the Funder’s consent (not to be unreasonably withheld) enter into any sale, transfer, lease or other disposal of any or all of its interest in any of the Project assets;
 - 4.5.3. ensure that it has adequate insurance against any actions, claims or demands which may be made against it in respect of the death or injury of any person, or loss of any kind arising to any person who implements, participates in or directly benefits from the Project;
 - 4.5.4. comply with all relevant Applicable Legislation; and
 - 4.5.5. not, at any time during or after the term of the Condition Period, divulge any Confidential Information relating to the performance of this Confirmation Document or the business affairs of the Funder of which the Recipient is, or may become, aware of.
- 4.6. The Recipient acknowledges that the Funder is subject to the Grant Conditions. The Recipient agrees that it shall, and that it shall ensure that the Delivery Partners shall:
- 4.6.1. provide such assistance as the Funder reasonably requires to enable it to comply with the Grant Conditions;
 - 4.6.2. not take any action, or fail to take any action that would put the Funder in breach of the requirements of the Grant Conditions (regardless of the

enforceability of the Grant Conditions as between the Funder and the Lead Funder);

- 4.6.3. not take any action or make any omission that causes or may be likely to cause (whether on its own or as part of a series of acts or omissions committed by the Recipient and/or other parties) or contribute to the Funder to fail to meet the key performance indicators which it is subject to under the MoU;
- 4.6.4. not take any action or make any omission that causes or would be likely to have a negative impact on the Lead Funder's delivery confidence assessment undertaken in accordance with the MoU;
- 4.6.5. comply with any processes, procedures and/or ways of working established by the Funder in relation to the Grant or the Project including in relation to information sharing and any other relevant matters in connection with the Grant or Project;
- 4.6.6. undertake its delivery of the Project, and ensure that any Delivery Partners undertake their duties in a manner consistent with the Code of Conduct and report any breaches or suspected breaches of the Code of Conduct to the Funder immediately on becoming aware of such breach or suspected breach;
- 4.6.7. comply with all rules, requirements and limitations relating to the use of the Grant set out within the MoU as if they applied directly to the Recipient.
- 4.6.8. The Recipient accepts and agrees that it shall be responsible for the acts and/or omissions of its Delivery Partners, its subcontractors and the subcontractors of its Delivery Partners as if they were the acts and/or omissions of the Recipient.
- 4.6.9. The Recipient shall include terms in its agreements with Delivery Partners and subcontractors which give the Recipient sufficient rights to enable the Recipient to comply with its obligations under this agreement.

5. THE FUNDER'S OBLIGATIONS

Subject to this Confirmation Document, and provided always that the Funder has received sufficient funds from the Lead Funder within the life of the Project, the Funder will pay the Recipient in the manner and the amounts set out in Schedule 2.

6. EVENTS OF DEFAULT

- 6.1. Without prejudice to the other provisions of this Confirmation Document, the following events shall be Events of Default:
 - 6.1.1. **Insolvency** – the Recipient becomes Insolvent;
 - 6.1.2. **Misuse of Grant** – The Recipient applies the Grant otherwise than for the purpose of the Project;
 - 6.1.3. **Poor progress** - successful completion of the Project in accordance with the Project time plan becomes, in either the Funder's reasonable opinion, unlikely to occur;
 - 6.1.4. **Breach of obligation** – at any time, the Recipient fails to perform and observe any obligation owed to the Funder under this Confirmation

Document, or under any deed or document supplemental to this Confirmation Document, or creating security pursuant to it;

- 6.1.5. **Change of the Project's purpose in accordance with this Confirmation Document** – if at any time, the proposed or actual use or operation of the Project ceases to materially comply with the Project particulars as stated in Schedule 1;
- 6.1.6. **Fraud** – if at any time, the Recipient has acted fraudulently in relation to this Confirmation Document or the Project or any of the beneficiaries or sub-contractors of the Recipient have acted fraudulently in respect of the Project; or
- 6.1.7. **Material misrepresentation** – if at any time any representation or statement made by or on behalf of the Recipient in this Confirmation Document, the Recipients Application, or in any document referred to in or delivered under this Confirmation Document is not true and accurate in any material respect when made or deemed repeated, whether deliberately or not.

7. WITHHOLDING PAYMENT AND REPAYMENT

- 7.1. The Lead funder and / or Funder may withhold any or all of the payments of funding, and/or require part of, or the entire amount of funding to be repaid, if:
 - 7.1.1. an Event of Default has occurred;
 - 7.1.2. in the Funder's reasonable opinion, insufficient measures are being taken to investigate and resolve any reported irregularity;
 - 7.1.3. the funding exceeds European Union Subsidy Control limits to the extent that any funding paid should not have been paid, or if a decision of the European Commission or of the European Court of Justice requires payment to be withheld or recovered; or
 - 7.1.4. there is an unsatisfactory report from Funder's auditors indicating fundamental uncertainty, a disagreement or a limitation in Funder's auditors reasonable opinion, an inability to form an opinion, or a report that the statement of funding usage does not give a true and fair view; or
 - 7.1.5. The Recipient, being an unincorporated body, is dissolved or being an incorporated body passes a resolution that it should be wound up, is ordered by the High Court to be wound up, has an administrator appointed by order of the Court, has a receiver or administrative receiver appointed over the whole or any part of its assets, or being a company is struck from the register at Companies House;
 - 7.1.6. in the Funder's reasonable opinion, the Recipient fails to comply with any requirement of this Confirmation Document;
 - 7.1.7. any necessary consents, (including without limitation planning permission) have not been obtained in relation to the Project;
 - 7.1.8. a charge is taken on an asset financed wholly or partly from Grant monies, without the agreement in advance of Funder;
 - 7.1.9. there is a change in ownership or control of the Recipient other than as set out in this Confirmation Document under the heading 'Background';
 - 7.1.10. in the Funder's reasonable opinion, there is significant change in the nature or scale of the Project; or

8. TERMINATION AND BREACH

- 8.1. If either Funder or the Recipient materially breaches the provisions of this Confirmation Document (which shall include an Event of Default) then:
- 8.1.1. if the breach is capable of remedy the party not in breach may serve notice on the other, specifying a period of not more than 28 working days in which the breach is to be remedied and may not then terminate this Confirmation Document during that period in respect of that breach. If the breach is not remedied within that period, the matter will be referred to mediation in accordance with the dispute resolution procedure set out below;
 - 8.1.2. if the breach is not capable of remedy, then the party not in breach may terminate this Confirmation Document by giving immediate written notice;
 - 8.1.3. if the Recipient breaches the provisions of this Confirmation Document, the Funder may withhold any sum due, or at any time thereafter due, to the Recipient pending remedy of the breach, but this shall not prejudice the Funder's other rights under this Confirmation Document, or otherwise existing at law; or
- 8.2 if the output's set out in this Confirmation Document have not been met, or, are unlikely to be met, or, are unlikely to be met (and such breach shall be considered as an Event of Default).

9. RECOVERY OF SUMS DUE

- 9.1. The Funder may, by notice in writing to the Recipient, set-off against any liability of the Recipient to repay monies to it under this Confirmation Document (whether liquidated or un-liquidated and whether actual or contingent) the amount of any payment owed or payable by the Funder to the Recipient.
- 9.2. Any overpayment by the Funder to the Recipient shall be a sum of money recoverable by the Funder from the Recipient.
- 9.3. The Recipient shall make any payments due to the Funder without any deduction.
- 9.4. The payment of the Grant by the Funder under this Confirmation Document is believed to be outside the scope of Value Added Tax, but if any Value Added Tax shall become chargeable, then all payments of funding shall be deemed to be

inclusive of all Value Added Tax, and the Funder shall not be obliged to pay any Value Added Tax over and above the agreed funding.

10. ASSIGNMENT AND SUB-CONTRACTING

- 10.1. The Recipient may not assign the whole or any part of their rights nor delegate the whole or any part of their obligations under this Confirmation Document without the prior written consent of the Funder.
- 10.2. This Confirmation Document shall benefit and be binding on the Parties, their respective successors and assigns or other body which may become the successor of DLUHC or such similar Government Department.

11. QUALITY

Where operation in accordance with a quality standard has been confirmed by the Recipient Application, the Recipient shall at all times comply with that quality standard and shall maintain accreditation with any relevant quality standard authorisation body relevant to the Project. To the extent that a standard of work has not been specified in relation to the Project, the Recipient shall use the best applicable techniques and standards and carry out the Project with all reasonable care, skill and diligence and in accordance with good practice.

12. CONFIDENTIALITY

- 12.1. All documents and information received by the Recipient during or in connection with the performance of the Project from the Funder, or any person employed by them, shall be held in confidence.
- 12.2. Such documents and information shall not be disclosed by the Recipient or their staff or agents, to any other person without the permission of the Funder unless a duty to disclose to that person is imposed under statute or by court order or under the Freedom of Information Act 2000 (“**FOIA**”).
- 12.3. The Recipient shall each take all reasonable steps to ensure that its staff are aware of and comply with this obligation of confidence.
- 12.4. The Funder may disclose such information concerning the Project and the Recipient to third parties as it thinks fit, except for Confidential Information.

13. WAIVER

The failure of any Party to insist upon strict performance of any provision of this Confirmation Document or the failure of any Party to exercise any right or remedy shall not constitute a waiver of that right or remedy and shall not cause a diminution of the obligations established by this Confirmation Document. No waiver shall be effective unless it is expressly stated to be a waiver and communicated to the other Parties in writing.

14. VARIATION

- 14.1 In the event that the Parties agree that changes to the Project are required (for example, to add or remove an activity or Output, to increase or decrease the quantity of an activity or Output, or to change the order in which the activities are to be performed or the locations where the activities are to be provided) then such changes (including any change in the amount or timing of funding) will be negotiated between

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the Parties. Any changes to the Project will be recorded in writing by the Parties and appended to this Confirmation Document.

15. SEVERABILITY

- 15.1. If any provision of this Confirmation Document is held invalid, illegal or unenforceable for any reason by any court of competent jurisdiction, such provision shall be severed and the remainder of the provisions of the Confirmation Document shall continue in full force and effect as if the Confirmation Document had been executed with the invalid, illegal or unenforceable provision eliminated.
- 15.2. In the event of a holding of invalidity so fundamental as to prevent the accomplishment of the purpose of the Confirmation Document the Funder and the Recipient will immediately commence negotiations in good faith to remedy the invalidity.

16. FORCE MAJEURE

Neither Party shall be liable for failure to perform its obligations under this Confirmation Document if such failure results from national war, emergency regulation or any other circumstances beyond that Party's reasonable control and during such event, no further payments shall be made to the Recipient.

17. INTELLECTUAL PROPERTY RIGHTS

- 17.1. The Parties agree that all rights, title and interest in or to any information, data, reports, documents, procedures, forecasts, technology, know-how, and any other Intellectual Property Rights whatsoever owned by the Parties before the Commencement Date or developed by any Party during the Condition Period, shall remain the property of that Party.
- 17.2. Where the Funder has provided the Recipient with any of its Intellectual Property Rights for use in connection with the Project (including without limitation its name and logo), the Recipient shall, on termination of this Confirmation Document, cease to use such Intellectual Property Rights immediately and shall either return or destroy such Intellectual Property Rights as requested by the Funder within 14 days of such a request.

18. PUBLICITY

- 18.1. The Recipient and the Funder may promote their association with the Project as they think fit.
- 18.2. The Recipient can install and maintain at each location where the project is based or operates, such signs, commemorative material and other promotional material indicating the involvement of the EMCAA with the project.

19. SUBSIDY CONTROL

- 19.1. All grant funding is subject to Subsidy Control rules which are part of the Trade and Cooperation Agreement and the Recipient will need to confirm that their project is compliant with these Subsidy Control rules as the Funder accepts no liability with regard to this.

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- 19.2. The Recipient shall comply with and shall ensure that all Delivery Partners shall comply with, all Subsidy Control Rules, and shall ensure that all requirements of the Subsidy Control Rules are met in relation to the Project.
- 19.3. The Recipient shall not take any action or fail to take any action, or (insofar as it is reasonably within its power) permit anything to occur that will cause the Funder to be in breach of its obligations under the Subsidy Control Rules.
- 19.4. The Recipient shall provide such reasonable assistance as is requested by the Funder to enable the Funder to comply with its obligations under the Subsidy Control Rules and shall provide information to demonstrate the compliance of the Project when requested by the Funder. No payments shall be made to the Recipient if a decision of a court or any body with responsibility for enforcing the Subsidy Control Rules imposes a requirement for the Funder to withhold and/or recover any funding from the Recipient, or for the Recipient to repay any funding to the Funder.
- 19.5. The Funder may vary or withhold any or all of the payments and/or require repayment of any Grants already paid or a proportion thereof, together with interest from the date of payment, if:
 - 19.5.1. the representations and warranties made by the Recipient under this agreement do not remain materially true and correct;
 - 19.5.2. variation, repayment, or recovery is, in the reasonable opinion of the Funder, required under or by virtue of the Subsidy Control Rules; or
 - 19.5.3. the Funder or the Recipient is otherwise required to vary, repay, or recover such funding in whole or in part by a court or any body with responsibility for enforcing the Subsidy Control Rules,and the interest rate payable by the Recipient will be set by the Funder at a level sufficient for the Funder to comply with any such recovery, requirement or obligation.
- 19.6. The Recipient shall ensure that its Delivery Partners are subject to terms equivalent to those set out in Clauses 19.2 to 19.5.

20. PUBLIC PROCUREMENT

- 20.1. The Funder as a public body is subject to the Public Contracts Regulations 2015 in respect of the way in which it purchases goods, services and works. As a non-departmental public body it is also keen to promote good practice in purchasing, and follows its own fair purchasing procedures where the amounts expended are below the thresholds for the Public Contracts Regulations 2015 to apply. The Funder is also keen for the organisations it funds to act fairly when spending grant funding.
- 20.2. Accordingly, when spending money on the Project, the Recipient shall comply (as required) with the Public Contracts Regulations 2015 (or such equivalent legislation as applicable from time to time) and in addition, follow their own financial regulations as well as advertising requirements on the East Midlands Procurement Portal www.eastmidstenders.org and Contracts Finder www.gov.uk/contracts-finder

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20.3. For organisations which do not have their own Procurement policies, at the beginning of their respective processes, it is recommended that the Recipient adopts the following procedures according to the estimated value (inc. VAT) of the contract:

| Estimated Value for Goods and Services | Tender Action Required | Advertising Requirements |
|---|-------------------------------|--|
| Below £50,000 | Seek three quotations | None |
| £50,000-£177,897 , | Formal tender | Advertise tender and award notice through East Midlands Procurement Portal or equivalent |
| Above £177,897 | Formal tender | Advertise tender and award notice on Contracts Finder and Find a Tender (FTS) (Works Contracts advertise on FTD for requirements above £4,447,447 ex VAT)) |

20.4. The Recipient must then make a decision to purchase on the basis of best value (the optimum combination of whole life costs and the quality to meet that Party's requirements). The Recipient will also keep records of its decisions and make these available to the Funder upon request.

21. NON-DISCRIMINATION

- 21.1. The Recipient shall not unlawfully discriminate within the meaning and scope of any law, enactment order or regulation relating to discrimination (whether in race, gender, religion, disability, sexual orientation, age or otherwise) in employment purchasing or the provision of services.
- 21.2. The Recipient will provide its Equal Opportunities Policy to the Funder on request.

22. FREEDOM OF INFORMATION ACT (FOIA) AND DATA PROTECTION

- 22.1. The Recipient acknowledges that the Funder are subject to the requirements of FOIA and EIR, and the Recipient (and any sub-contractors or agents) shall assist and cooperate with the Funder to enable the Funder to comply with any information disclosure requirements including providing a copy of all information in its possession or power in the form that the Funder requires within five working days (or such other longer period as may be specified) of the Funder requesting that information.
- 22.2. The Recipient will use their best endeavours to ensure that requests under the FOIA made direct to the Recipient are transferred to the Funder as soon as practicable after receipt.
- 22.3. The Funder shall at its sole discretion and without liability determine whether information considered to be by the Recipient as commercially sensitive information and/or any other information:
 - 22.3.1. is exempt from disclosure in accordance with the provisions of the FOIA or the EIR;

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- 22.3.2. is to be disclosed in response to a request for information, and the Recipient shall not respond directly to a request for information unless expressly authorised to do so by the Funder.
- 22.4. The Recipient acknowledges that the Funder may, under section 45 of FOIA, (and in accordance with the document titled 'Freedom of Information Code of Practice' and published under Gov.uk and updated as at July 2018), be obliged under FOIA or the EIR to disclose information without consulting with the Recipient, or following consultation with the Recipient, and having taken their views into account.
- 22.5. The Recipient shall ensure that all information produced in the course of the Project, or relating to the Project, is retained for disclosure and shall permit the Funder to inspect such records as requested from time to time.
- 22.6. The Recipient acknowledges that any lists or schedules provided by it outlining Confidential Information, are of indicative value only, and that the Funder may nevertheless be obliged to disclose Confidential Information.
- 22.7. Where the Recipient is also subject to FOIA and EIR, the Funder shall provide reasonable assistance to it to ensure the Recipient's compliance with its obligations under such legislation.
- 22.8. Both parties shall comply with all applicable requirements of and all their obligations under the Data Protection Legislation which arise in connection with the Agreement.
- 22.9. The Recipient must comply with all applicable requirements of the Data Protection Legislation which arise in connection with this Agreement.
- 22.10. The Recipient agrees to assist the Funder in securing a compliant data transfer and processing arrangement, including signing such Information Sharing Agreement as may be set out by the Funder and in addition, where appropriate, anonymising any personal data that it provides to the Funder prior to transfer. No Grant shall be paid until the Funder has received the Recipient's signed Information Sharing Agreement and the Funder is satisfied in its absolute discretion with such other data protection measures as have been taken by the Recipient (without the Funder accepting liability for the adequacy of such measures).
- 22.11. The Recipient shall comply at all times with the terms of the Information Sharing Agreement.
- 22.12. The Recipient will indemnify the Funder in full and on demand in respect of any losses that the Funder may suffer as a result of any breaches of Clauses 22.9 – 22.11 by the Recipient.

23. HEALTH AND SAFETY

- 23.1. If legally required to do so, the Recipient will ensure that they comply with all Health and Safety legislation and will provide their up to date Health and Safety Policy Statements to the Funder on request.
- 23.2. In circumstances where the Recipient or its respective staff are present on the Funder premises, the Recipient will promptly notify the Funder of any health and safety

hazards which may arise during that time, including any incident causing any personal injury or damage to property which could give rise to personal injury.

24. DISPUTE RESOLUTION

24.1. If any dispute arises between the parties out of or in connection with this Confirmation Document or the performance, validity or enforceability of it ("**Dispute**") then the parties shall follow the procedure set out in this clause:

24.1.1. either party shall give to the other written notice of the Dispute, setting out its nature and full particulars ("**Dispute Notice**"), together with relevant supporting documents. On service of the Dispute Notice, each party's authorised representative shall attempt in good faith to resolve the Dispute; and

24.1.2. if the authorised representatives are for any reason unable to resolve the Dispute within 30 days of service of the Dispute Notice, the Dispute shall be referred to the respective parties' Director of Finance and ICT (for the Funder) or Chief Executive Officer (or equivalent) (for the Recipient) who shall attempt in good faith to resolve it.

24.2. If the Dispute is unable to be resolved in accordance with clause 24.1 above, then the parties agree to enter into mediation in good faith to settle the Dispute in accordance with the CEDR Model Mediation Procedure. Unless otherwise agreed between the parties within 20 Business Days of service of the Dispute Notice, the mediator shall be nominated by CEDR. To initiate the mediation, a party must serve notice in writing ("**ADR notice**") to the other party to the Dispute, referring the dispute to mediation. Unless otherwise agreed between the parties, the mediation will start not later than 20 Business Days after the date of the ADR notice.

24.3. No party may commence any court proceedings under clause 31.2 in relation to the whole or part of the Dispute until 20 Business Days after service of the ADR notice, provided that the right to issue proceedings is not prejudiced by a delay.

24.4. If the Dispute is not resolved within 20 Business Days after service of the ADR notice, or either party fails to participate or ceases to participate in the mediation before the expiry of that 20 Business Days day period, the Dispute shall be finally resolved in accordance with clause 31.2.

25. ENTIRE AGREEMENT

This Confirmation Document constitutes the entire agreement between the Parties relating to the subject matter of the Confirmation Document. This Confirmation Document supersedes all prior negotiations, representations and undertakings, whether written or oral, except that this Clause shall not exclude liability in respect of any fraudulent misrepresentation.

26. RIGHTS OF THIRD PARTIES

Save as expressly set out in this Confirmation Document, a party that is not a Party to this Confirmation Document shall have no rights under it.

27. EXCLUSION

Nothing in this Confirmation Document nor in any other document shall impose any obligation or liability upon the Funder with respect to any actions or obligations or

liability assumed or incurred by the Recipient whether under this Confirmation Document, statute or otherwise insofar as permitted by Law.

28. CONFLICT OF INTEREST

- 28.1. The Recipient shall take appropriate steps to ensure that neither the Recipient, nor any employee, servant, agent or supplier, is placed in a position where there is or may be an actual conflict, or a potential conflict, between the pecuniary or personal interests of the Recipient, or such persons under the provisions of the Confirmation Document.
- 28.2. The Recipient will disclose to the Funder full particulars of any such conflict of interest which may arise. The provisions of this clause shall apply during the continuance of the Project and any period of Monitoring and Evaluation.

29. ANTI-CORRUPTION/BRIBERY

The Funder shall be entitled to terminate the Project and recover from the Recipient, the amount of any funding given if, at any time, it shall become known to the Funder that the Recipient has offered or given or agreed to give any inducement or reward to any person or company in relation to the obtaining of the funding or the execution of this Confirmation Document.

30. NOTICES

- 30.1. Any notice or other communication which is to be given by any Party to another Party shall be given by letter (sent by hand, post, Recorded Delivery or Special Delivery service), or electronic mail (confirmed in either case by letter).
- 30.2. Such letters shall be addressed to the other Parties at the addresses set out in this Confirmation Document. Provided the relevant communication is not returned as undelivered, the notice or communication shall be deemed to have been given two (2) working days after the day on which the letter was posted, or four (4) hours, in the case of electronic mail or sooner where the other Party acknowledges receipt of such letters, or item of electronic mail.

31. LAW

- 31.1. This Confirmation Document and any disputes or claims arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) are governed by, and construed in accordance with, the law of England.
- 31.2. The Parties irrevocably agree that the courts of England have exclusive jurisdiction to settle any dispute or claim that arises out of or in connection with this Confirmation Document or its subject matter or formation (including non-contractual disputes or claims).

SCHEDULE 1 - THE PROJECT

This project is to deliver domestic energy efficiency and low carbon retrofit activities within East Midlands Mayoral Combined Authority area. The Midlands Net Zero Hub (MNZH) is funded by the Department for Energy Security and Net Zero as part of the governments clean growth strategy and is hosted by Nottingham City Council. The project will be delivered by the Local Authorities in the region and reported through the MNZH.

The Local Authorities and Housing Associations with support from the MNZH are in the process of delivering three major retrofit programmes, Local Authority Delivery 2 (now concluded), Sustainable Warmth and Social Housing Decarbonisation Fund. The work supports the government's national commitment to reach Net Zero 2050 commitment.

Intervention is needed to help bridge the funding gap that currently exists where households who need support but are not receiving support due to the stringent criteria of the national funding schemes. The intervention will also better allow a place based approach enabling Local Authorities in the region to identify key areas of need, or fill in the gaps of existing programmes. Funds could also be utilised for additional measures in properties that further increases EPC rating and prevents repeat visits under future schemes minimising disruption and maximising benefits for the occupiers.

The funding is to be split equally amongst the 15 District and Borough Councils of the region and the 2 City Councils.

The objectives of the scheme are:

- 85 Whole House Retrofit approach scaled with all compliant required SAP measures installed (Target of 5 homes per LA)
- 600 PAS2035 compliant measures installed (Target of 36 per LA)
- Improved health and wellbeing for home occupiers through a pre and post survey
- Reduced consumption and lower carbon footprint
- Reduced number of households below an EPC C
- Average Standard Assessment Procedure (SAP) improvement

The scheme will also provide the following:

- To make further improvements on properties undergoing work through different schemes, reducing the need for repeat visits over a longer period of time. This is more cost and time efficient, and reduces interruptions to the households.
- To fill in the gaps where place based schemes are being rolled out at street and estate level, making sure properties within defined areas are not "left behind".
- To alleviate match funding pressures faced by other schemes.
- To enable properties to proceed that could not be supported through previous schemes due to rising material costs that exceed scheme cost cap.
- To enable a target, placed based approach.
- To demonstrate their ability to deliver successfully when provided with greater flexibility and control on the funding criteria.

Local Authorities are already in delivery mode, so this support will be an extension to work already ongoing and will offer Local Authorities the opportunity to return to households that have not aligned with current grant conditions, enabling a better service for citizens and giving the Local Authorities a greater chance to reduce fuel poverty in their areas.

A delivery plan for each LA demonstrating how they will reach their target within their allowance for each Local Authority will need to be provided by each LA prior to commencement of the work.

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Appendix 1 to this Schedule comprises of the file entitled [Grant Conditions] which is embedded in the word version of this document and included in this document BELOW

APPENDIX 1 – GRANT CONDITIONS

|

SCHEDULE 2 - PAYMENT**1. TOTAL GRANT FUNDING**

- 1.1. The total sum payable to the Recipient under this Confirmation Document is £583,500. This cannot be varied without the written consent of the Funder.
- 1.2. A funding schedule will be agreed for each Project and such evidence of eligible expenditure will be required on a monthly basis.
- 1.3. The eligible expenditure to date will need to be submitted by the Chief Financial Officer and verified as correct.
- 1.4. Only costs considered in line with the attached "Project costs", identified in Schedule 1, should be included.
- 1.5. The Recipient will report immediately to the Funder any suspicions that funding has been overpaid, or that any financial mismanagement of the funding, or fraud, may have taken place.
- 1.6. For the purposes of this Confirmation Document, "financial year" shall mean the twelve month period, commencing on the 1st of April and ending on the 31st of March.

2. ELIGIBLE EXPENDITURE

- 2.1 The following items are **not** classed as eligible expenditure:
 - 2.1.1 overheads allocated or apportioned at rates materially in excess of those used for any similar work carried out by the Parties;
 - 2.1.2 notional expenditure;
 - 2.1.3 payments for activity of a political nature;
 - 2.1.4 depreciation, amortisation and impairment of assets purchased with the help of the Grant;
 - 2.1.5 provisions;
 - 2.1.6 contingent liabilities;
 - 2.1.7 contingencies;
 - 2.1.8 profit made by the Recipient;
 - 2.1.9 dividends;
 - 2.1.10 interest charges unless under an approved State Aid scheme;
 - 2.1.11 service charges arising on finance leases, hire purchase and credit arrangements;
 - 2.1.12 costs resulting from the deferral of payments to creditors;
 - 2.1.13 costs involved in winding up a company;
 - 2.1.14 payments for unfair dismissal;
 - 2.1.15 payments into private pension schemes;
 - 2.1.16 payments for un-funded pensions;
 - 2.1.17 compensation for loss of office;

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- 2.1.18 bad debts arising from loans to employees, proprietors, partners, directors, guarantors, shareholders or a person connected with any of these;
- 2.1.19 payments for gifts and donations;
- 2.1.20 entertainments;
- 2.1.21 reclaimable VAT;
- 2.1.22 statutory fines and penalties;
- 2.1.23 criminal fines and damages;
- 2.1.24 legal expenses in respect of litigation;
- 2.1.25 expenditure on activities of a political or exclusively religious nature;
- 2.1.26 expenditure supported from other government sources, local authority Grants, charges paid by leaseholders, or EU funding, to the extent that the combined Grants and other support total more than 100% of the Project or scheme costs;
- 2.1.27 expenditure on works or activities which any person has a statutory duty to undertake, except where there is strong justification in terms of the regeneration outputs or impacts that will result, e.g. in the case of beneficial activity brought forward, or carried out in a way which best promotes sustainable regeneration as a result of Grant support;
- 2.1.28 any liability arising out of negligence; or
- 2.1.29 payments made in advance of need.

3. OUTPUT PROFILE

- 3.1 Allocation of Grant is also subject to the Recipient having delivered the Outputs specified (if any) in accordance with the Targets and Output set out in Schedule 3.
- 3.2 The Recipient will need to complete, on a monthly basis, a return of Outputs delivered to date to enable the Funder to fulfil the Lead Funder's monitoring requirements to Department of Levelling Up, Housing and Communities (DLUHC) (or such equivalent government department from time to time).
- 3.3 In the event that the Recipient are unable to achieve the Output targets, then such Parties will notify the Funder as soon as possible and will use their best endeavours to reschedule delivery with the Funder's agreement, but the Lead Funder reserves the right to consider such an occurrence to be an Event of Default.
- 3.4 Notwithstanding anything else set out in this Confirmation Document, the Funder may propose alternative monitoring requirements in the event that the Lead Funder is required to monitor grant funding in a different way by DLUHC or such equivalent government department from time to time). In such circumstances the Lead Funder shall vary this Confirmation Document in accordance with its terms.

4. GRANT PAYMENTS

- 4.1 The Recipient will receive its Grant allocation based on its monthly claim. The Recipient shall be required to complete the monitoring forms on a monthly basis

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and provide an up to date monitoring report when required in accordance with Clause 3 above.

- 4.2 The Recipient will need to provide the Funder with bank details for the account in which it wishes the Grant to be paid into. This shall be provided to the Funder in letter format using the Recipients letter headed paper. They will also need to set themselves up on the Funders payment system.
- 4.3 Payment will be made within 30 working days of evidence of the payment date agreed
- 4.4 The grant profile below is based on the projects estimated expenditure profile as given in their business case. This will be updated in-line with the approved delivery plan.

| | June | Sept | Dec | March 2024 | Total |
|---------|----------|----------|----------|------------|----------|
| 2023-24 | | £116,700 | £203,300 | £160,000 | £583,500 |
| 2024-25 | £103,500 | | | | |

SCHEDULE 3 – KPI'S AND OUTPUTS

1. KEY PERFORMANCE INDICATORS – TARGETS AND OUTPUTS

1.1 The Recipient will deliver the Outputs as shown in the following Output Profile:

| | Eligible homes signed up to receive measures- 685 | | Whole Retrofits completed- 85 | | Other measures installed*- 600 | | Number of homes that improve to a EPC band C or above- 411 | | Number of homes that have been improved by at least 1 EPC band from a starting SAP 1-54 rating (EPC-EFG)-170 | |
|----------------|---|--------|-------------------------------|--------|--------------------------------|--------|--|--------|--|--------|
| | Forecast | Actual | Forecast | Actual | Forecast | Actual | Forecast | Actual | Forecast | Actual |
| 2023/24 | | | | | | | | | | |
| Q1 | 0 | | 0 | | 0 | | 0 | | 0 | |
| Q2 | 0 | | 0 | | 0 | | 0 | | 0 | |
| Q3 | 30 | | 0 | | 30 | | 30 | | 30 | |
| Q4 | 5 | | 0 | | 5 | | 5 | | 5 | |
| 2024/25 | | | | | | | | | | |
| Q1 | | | | | | | | | | |
| Q2 | | | | | | | | | | |
| Q3 | | | | | | | | | | |
| Q4 | | | | | | | | | | |
| | | | | | | | | | | |

1.2 The Recipient must provide relevant evidence to support the output achievement.

SCHEDULE 4 – PROJECT TIME PLAN

1.1 The Recipient will complete the project as set out in schedule 1 of this document

| 2023/24 | Key milestones from the Business Case e.g. Planning Permission granted, work commences on site etc. |
|-----------|---|
| Quarter 1 | |
| Quarter 2 | |
| Quarter 3 | All homes signed up to receive measures. Other measures work begins (Loft insulation, Eaves insulation, roof line upgrades, roof covering replacement, gable end walls thermal upgrade) |
| Quarter 4 | Other measures work completes |
| 2024/25 | |
| Quarter 1 | |
| Quarter 2 | |
| Quarter 3 | |
| Quarter 4 | |

SCHEDULE 5 MONITORING AND EVALUATION REQUIREMENTS

1. Monitoring

- 1.1 The Project will be monitored until all outputs are achieved.
- 1.2 The Recipient is required to provide to the Funder a monthly report; the reports are to be provided by completing the Monitoring Form.
- 1.3 The Recipient may be subject to monitoring visits by the Funder on a routine basis and in the event of any queries arising
- 1.4 The Recipient will keep a record of all capital assets purchased using the Project funding and will retain the record for a period of seven years after the final payment or closure of the Project.
- 1.5 The Recipient shall permit officers (who have been duly authorised by the Funder in writing) such reasonable access to its employees, agents, premises, facilities and records, for the purpose of discussing, monitoring and evaluating the Recipient's (and any consultant or sub-contractors') performance of their obligations under this Confirmation Document and shall, if so required, provide appropriate oral or written explanations of them.
- 1.6 The Recipient will promptly provide all reasonable assistance required by the, Lead Funder, DLUHC (or such other equivalent government department from time to time), the National Audit Office, to monitor, review and verify compliance

by the Recipient with its obligations in this Confirmation Document, including reasonable access to its premises, documents and records for this purpose.



2. Evaluation

- 2.1 Projects will be evaluated at the end of the DLUHC spend period or the end of the project . A proforma report will be provided at the time. For this reason the Recipient will:
 - 2.1.1 retain all original documents relating to the implementation of the Project and its costs for seven years after payment of the final amount of funding;
 - 2.1.2 co-operate in respect of evaluation visits by, the Funder, or any other such party that the Funder have appointed, during the time in which Outputs are required;
 - 2.1.3 make staff available for interview if requested.

SCHEDULE 6 – INFORMATION SHARING AGREEMENT

Schedule 6 To this agreement comprises of the file entitled (Information Sharing Agreement - XXXXXXXXX) containing the Information Sharing Agreement which is (i) embedded in the word version of this document BELOW.*

**At this stage an ISA is not anticipated to be a requirement as the reporting does not require personal data to be included. This schedule will remain dormant unless there is a change in reporting requirements from the Funder at which point a variation will be completed and this schedule will be updated accordingly.*

| | |
|---|--|
| <p>Signed for and on behalf of Nottingham City Council</p> <p>as the Funder</p> | <hr/> <p> Director</p> <p>Date:</p> |
| <p>Signed for and on behalf of The Recipient by its duly authorised representative</p> |  |
| | <p>Zulf Darr (Deputy Chief Executive & Section 151 officer)</p> <p>28 Sept 2023</p> |

APPENDIX 1: MONITORING FORMS

| | |
|---------------------------------|--|
| Project Name | Scalby Close roof Insulation works |
| Sponsor Name | Zulf Darr |
| Monitoring Period | Monthly |
| Contact Name for queries | Name: Head of Asset Management Tel: [REDACTED] Email: Mohammed.Habib@Broxtowe.gov.uk |

Monitoring Forms
To be completed within 10 working days of the end of the month

| | Eligible homes signed up to receive measures-685 | | Whole Retrofits completed-85 | | Other measures installed*-600 | | Number of homes that improve to a EPC band C or above-411 | | Number of homes that have been improved by at least 1 EPC band from a starting SAP 1-54 rating (EPC-EFG)-170 | |
|----------------|--|--------|------------------------------|--------|-------------------------------|--------|---|--------|--|--------|
| | Forecast | Actual | Forecast | Actual | Forecast | Actual | Forecast | Actual | Forecast | Actual |
| 2023/24 | | | | | | | | | | |
| Q1 | 0 | | 0 | | 0 | | 0 | | 0 | |
| Q2 | 0 | | 0 | | 0 | | 0 | | 0 | |
| Q3 | 30 | | 0 | | 30 | | 30 | | 30 | |
| Q4 | 5 | | 0 | | 5 | | 5 | | 5 | |
| 2024/25 | | | | | | | | | | |
| Q1 | | | | | | | | | | |
| Q2 | | | | | | | | | | |
| Q3 | | | | | | | | | | |
| Q4 | | | | | | | | | | |

Project Progress against Delivery Plan

Project milestones and outputs have been agreed at the project outset in your project delivery plan (as set out in Schedules 5).

Progress against these milestones will need to be reviewed regularly with the monitoring officer. Progress updates are required quarterly in the following format for milestones, outputs and expenditure.

If a milestone or output slips into a future quarter or year, it needs to be recorded as delayed and highlighted in the new quarter/year in which it has slipped to. This delay, the reasons behind it and mitigating actions need to be discussed with the monitoring officer and should be reflected in the project risk summary report if the delay will result in greater risk to the project. There should be a more detailed set of milestones and deliverables set out for the current financial year in question.

| 2023/24 | Key milestones/deliverables from delivery plan scheduled to be achieved | Status (achieved or delayed) |
|----------------|--|-------------------------------------|
| Q1 | | |
| Q2 | | |
| Q3 | All homes signed up to receive measures. Other measures work begins (Loft insulation, Eaves insulation, roof line upgrades, roof covering replacement, gable end walls thermal upgrade) | |
| Q4 | Other measures work completes | |
| 2024/25 | | |
| Q1 | | |
| Q2 | | |
| Q3 | | |
| Q4 | | |

Narrative – Milestones and/or Outputs Achieved

- I. Please provide an explanation for delays in the delivery of milestones/outputs that were due to this period
- II. Is there any slippage anticipated for future milestones/outputs?
- III. How will any slippage be corrected so that the agreed project timeline and expenditure profiles are not affected?

Please set out your responses to the questions above.

Issues

Please record any live critical issues with the project that require resolution. You should ensure that these are discussed with the monitoring officer for your project. These should include specific issues that affect expenditure and the delivery of the outputs as detailed in the other part of the monitoring report.

Summary report of significant issues

| Description of Issue (include date raised) | Severity of issue. | Actions being taken and progress being made. |
|--|--------------------|--|
| | | |
| | | |

Add extra columns if applicable.

Future Changes to the Project

Have there been, or is there likely to be, any significant changes from the details given in your original application?

Yes

No

Please give details of these changes

| |
|--|
| |
|--|

Notes

The provisions in the Grant Offer Letter relating to the Freedom of Information Act 2000 and the Data Protection Act 2018 apply to the contents of this return when completed.

You are reminded that:

- (i) you must notify us immediately if the circumstances of the Project change. (This refers particularly to any of the events listed in the Grant Offer Letter Schedule which deals with "Withholding and Repayment of Grant")

I certify that to the best of my knowledge and belief:

- 1) The information in this form is true and correct.
- 2) At the time of this return I reasonably believe that the Outputs set out in the agreed and signed grant offer letter will be met.

Section 151 Officer/Finance Director's Signature

Name (block capitals):

| | |
|--|--|
| | |
|--|--|

Date

| | |
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Report of the Portfolio Holder for Economic Development and Asset Management

DECARBONISATION PLANS FOR PUBLIC BUILDINGS

1. Purpose of Report

The purpose of the report is to agree funding to procure decarbonisation plans for the Council Offices, Bramcote Crematorium and Kimberley Depot.

2. Recommendation

Cabinet is asked to RESOLVE that funding to provide decarbonisation plans for three Council owned buildings, as outlined in the report, be approved. A one-off revenue development budget of £15,600 is required for this purpose to be funded from an allocation from the Local Area Energy Plan (LAEP) budget with the balance to be funded from General Fund Reserves in 2023/24.

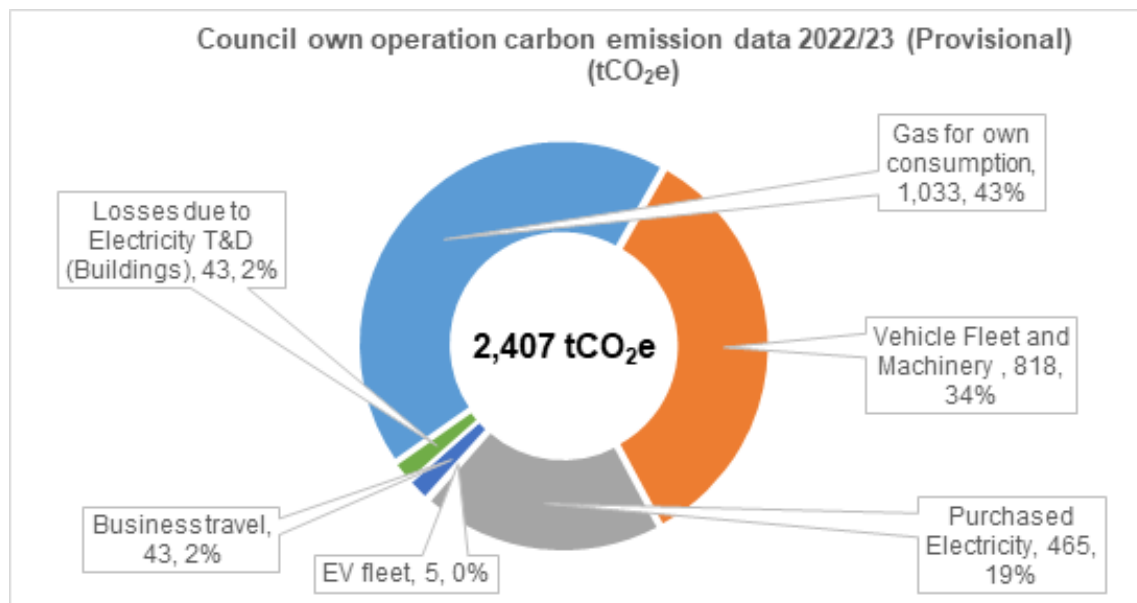
3. Detail

The Asset Management and Environment teams recently explored submitting a bid to the latest round of the Public Sector Decarbonisation Scheme. Unfortunately, the bid was not submitted due to the scheme's eligibility requirements, and the high risk that the bid would be unsuccessful. Despite this, the work has highlighted the lack of decarbonisation planning in place for the Council's key buildings.

Quotations have been obtained to develop decarbonisations plans for the Council Offices, Kimberley Depot and Bramcote Crematorium. Bramcote Leisure Centre has been left out at this stage due to its planned replacement. As part of the plans, fabric first measures (i.e. insulation), renewable power generation and decarbonisation of heating systems will be explored. A detailed roadmap to decarbonisation will be included.

Using the provisional data for 2022/23 below, 62% of the Council's own operation carbon footprint comes from heating and lighting its own asset buildings. The decarbonisation plans will be used to develop schemes to achieve Broxtowe's Carbon Neutral by 2027 target. It will also provide a head start to develop bids for future funding opportunities.

The cost of the decarbonisation plans for the three buildings is £15,600 and the proposed funding is provided in the financial implications comments below.



4. Financial Implications

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

The cost of the scheme to provide decarbonisation plans for the three buildings (Council Offices, Kimberley Depot and Bramcote Crematorium) is £15,600. It is proposed that this cost is partially funded by redirecting £7,000 from the Local Area Energy Plan (LAEP) budget which is no longer required as the Council has received funding for LAEP staffing support from Fast Followers grant. The remaining balance of £8,600 would be met directly from General Fund reserves.

5. Legal Implications

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

Whilst there are no direct implication arising from this report, the Climate Change Act 2008 imposes a target on Central Government to be carbon neutral by 2050. The Council has, set an earlier target of 2027, by having decarbonisation plans for each of the Council key assets will achieve this.

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 the Waste and Climate Change Manager were as follows:

Having heat decarbonisation plans for each of the Council's three key assets is important for several reasons. Firstly, it allows the Council to take control of its energy consumption, reducing the Council's carbon footprint. By implementing energy-efficient measures and investing in renewable energy sources, the Council can significantly reduce the amount of carbon emissions being emitted. Secondly, a heat decarbonisation plan will help the Council to become more resilient to the effects of climate change. As global temperatures rise, Council buildings need to be able to adapt and withstand extreme weather conditions. Finally, a heat decarbonisation plan can help the Council save money on its energy bills. By reducing energy consumption and investing in renewable energy sources, the Council can significantly reduce its reliance on fossil fuels, whilst at the same time lowering energy costs.

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 Applicable

11. Background Papers

Nil

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Report of the Portfolio Holder for Housing

SPEECH CALL UNITS AND LIFELINE SERVICE

1. Purpose of Report

To seek Cabinet approval to begin a project to consider an alternative solution for Speech Call Units and the Lifeline Service.

2. Recommendation

Cabinet is asked to RESOLVE that a project to investigate alternatives to the current arrangements for Speech Call Units and Lifeline Services be approved.

3. Detail

Tunstall Healthcare have supplied speech call units for the Council for over 20 years. These units are hard wired in each of the Council's 1,100 Independent Living properties. Tunstall Healthcare also provide the monitoring service. If a tenant has a problem, they can pull a cord or press a pendant and are connected to a service centre where a call centre operative has the tenant's details and is able to deal with the issue. This could include contacting emergency services, contacting a next of kin or providing reassurance or advice. Each tenant pays a contribution towards the cost, the remainder is paid by the Housing Revenue Account.

In addition to the service provided to our tenants, the Council also sells units to private customers, through our Lifeline Service. This service is managed by a full time Lifeline Co-ordinator who takes initial enquiries, visits properties to fit equipment and deals with any queries or concerns.

As at 31 August 2023, there are 801 private customers with Lifeline units fitted by the Council. Private customers are charged the full amount of the service. The current charge for a speech call unit is £3.93 per week. The Council also offer a Lifeline Plus service, which includes a falls detector for £5.90 per week. Only a small number of customers pay for this additional service. Once the employee and admin costs are deducted, annual profit is approximately £22,000. Income is paid into the General Fund.

The housing service has worked with the Commercial Manager and Communications team to increase the promotion of the Lifeline service with an aim to increase the number of customers and income for the General Fund. Research of competitors that has been undertaken has shown that the Council's current Lifeline offering is limited and expensive compared to others.

Historically there was little competition on the market. Within the social housing sector, most landlords had Tunstall Healthcare equipment fitted within their properties. However, over the last few years, new alternative products and services have become available. Many of these involve using portable units, similar to a tablet, rather than hard-wired equipment. Some landlords have changed to using these services and report good results.

There are many possibilities for improving the service offered to our tenants and private customers and also to ensure that the service to private customers is financially viable going forward. Some of the new services allow customers to use their pendants outside of the home. As these do not rely on hard-wired technology, customers can contact the service centre whenever they require assistance. In comparison our current service only works within the home. There are also additional services, such as monitoring of customer activity and mobility, which allows the service centre to identify a potential issue rather than wait for the customer to report it.

In addition to this there is also the opportunity for the Council to consider offering a visiting service to private customers, similar to our Independent Living Service for housing tenants. Initial research has found that although there are other landlords working on similar services, this is not something which is currently available locally.

There have been many examples where the use of this service has ensured the emergency services have been called. There are also many residents that contact Tunstall to help them outside of office hours and are reliant on the service. Therefore, any move away from the current arrangement to a new provider needs to be carefully considered and managed.

The work required to move to a new provider will be significant. This will include removal of hard wired equipment and installation of new equipment in 1,100 properties; procurement of a new contract; identifying and resolving any Data Protection Act 2018 issues with the sharing of personal information with a new provider; communication with tenants and their families and support for tenants to use the new system. It is likely that at an appropriate time the Council will need to employ a temporary project manager to undertake the work required.

If Cabinet approve the proposal to begin this project, further reports will be brought to Cabinet for approval as the project progresses and decisions are required.

4. Financial Implications

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

There are no additional financial implications to consider at this stage. The Lifeline service currently generates an annual net income of £22,000 into the

General Fund. Any significant budget implications to be considered as part of the option appraisal, 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:

There are no direct legal implications arising from this report.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:
Not applicable

7. Union Comments

The Union comments were as follows:
Not applicable

8. Climate Change Implications

There were 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 applicable

11. Background Papers

Nil

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Report of the Portfolio Holder for Community Safety

REVIEW OF CORPORATE ENFORCEMENT POLICY1. Purpose of report

To advise Members of, and seek approval for, a revised Food Service Plan.

2. Recommendation

Cabinet is asked to RESOLVE that the updated corporate enforcement policy be approved.

3. Detail

The main purpose of local government enforcement activity is to protect the public, the environment, consumers and legitimate businesses by ensuring that legal requirements are met and that everyone acts/operates within the law. It does not just mean taking formal action, such as prosecution, but includes a wide range of actions and measures, including giving help or advice to make sure that things are as they should be. Broxtowe Borough Council generally endeavours to support both businesses and individuals to meet their legal obligations before considering any kind of enforcement action.

The intention of the Policy is to ensure that any enforcement action is compliant with the relevant legislation, codes of practice and government guidance. Also that any such action is transparent and accountable, proportionate, targeted, consistent in approach, and appropriate.

The policy starts from the premise that most businesses and individuals want to comply with the law. Help and support will be provided to enable them to meet their legal obligations without unnecessary expense, while more formal action will be considered against those who flout the law or act irresponsibly. It seeks to assist officers in the decision making process, and to ensure a consistent approach when using the range of enforcement tools available to them. It will ensure that there is a transparently fair process adopted with regard to decision making and to the selection and application of enforcement options, as well as to the consideration of circumstances relevant to those options.

The main changes in the revised policy are the references to the use of civil penalties for breaches of private sector housing legislation. A copy of the revised policy and the table of changes are shown in the appendices.

4. Financial implications

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

There are no additional financial implications to consider with activity being contained within existing budgets. Any significant budget implications going forward, 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 policy is compliant with the general principles and objectives of national regulatory guidance and legislation, with Officers giving due consideration to detailed regulatory provisions relevant to that case when determining appropriate action on resolving a breach. The Council is also required to follow the provisions of the Code for Crown Prosecutors, which have been incorporated into the Enforcement Policy.

6. Human Resources implications

The comments from the Human Resources Manager were as follows:

Not Applicable

7. Union comments

The Union comments were as follows:

Not Applicable

8. General Data Protection Regulation compliance implications

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

9. Equality Impact Assessment

As this is a refresh with only a minor change to an existing policy an equality impact assessment is not required.

10. Background Papers

Nil



**Broxtowe
Borough**

C O U N C I L

Enforcement Policy

September 2023

Cabinet November 2023

CONTENTS

| Section | Page number |
|--|--------------------|
| 1 Introduction | 2 |
| 2 Objective | 2 |
| 3 Link to Corporate Plan | 2 |
| 4 Areas covered | 3 |
| 5. Principles of enforcement | 3 |
| 6 Enforcement options | 5 |
| 7 Delegation of authority | 12 |
| 8 Officers' powers of entry | 12 |
| 9 Training and appointment of officers | 13 |
| 10 Shared regulatory roles | 13 |
| 11 Responsibilities | 14 |
| 12 Complaints | 14 |
| 13 Contacting the Council | 14 |
| 14 Review of policy | 15 |

1.0 Introduction

The main purpose of local government enforcement work is to protect the public, the environment, consumers and legitimate businesses by making sure that legal requirements are met and that everyone acts/operates within the law. It does not just mean taking formal action, such as prosecution, but includes a wide range of actions and measures, including giving help or advice to make sure that things are as they should be. Broxtowe Borough Council (the Council) will generally endeavour to support both businesses and individuals to meet their legal obligations before considering any kind of enforcement action.

The Legislative and Regulatory Reform Act 2006 (2006 Act) requires local authorities to have regard to the Principles of Good Regulation when exercising a specified regulatory function.

The Regulators' Code (Department for Business Innovation and Skills – April 2014), came into force in April 2014 and regulators must have regard to the Code when developing policies and operational procedures that guide their regulatory activities.

The Council fully supports the principles set out in the 2006 Act and the Regulators' Code and has set out within this Enforcement Policy the procedures to be adopted by all services and officers exercising any enforcement functions. The Council is committed to services which are courteous and helpful and seeks to work with individuals and businesses, wherever possible, to help them comply with the law. The Council, nevertheless, acknowledges the need for firm action against those who flout the law and put consumers and others at risk. The Council expects all officers taking enforcement decisions to take this policy as a guide when making their decision. Every case must be decided on its own individual facts. Officers must ensure that if they depart from the policy when they make their decision, they can provide reasons for doing so.

This document represents the Council's Enforcement Policy, and supersedes any previous corporate policy statements on enforcement. It may be supplemented in some cases, by more specific and detailed service policies.

2.0 Objective

The Council will endeavour to carry out its enforcement functions in an equitable, effective, efficient, practical and consistent manner.

3.0 Link to Corporate Plan

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".

4.0 Areas covered

The relevant legislation and guidance specifies areas of enforcement to which the Principles of Good Regulation apply. These do not include all the services provided by the Council. However, the Council will adopt the provisions of this policy in all its enforcement activity. Although not an exhaustive list, the service areas falling within the scope of this policy include:

- Environmental health and private sector housing
- Licensing
- Planning
- Waste and recycling services
- Revenues and benefits
- Tenancy services
- Communities/Anti-social behaviour

Additional specific enforcement policies and procedures may be available for specific service areas.

5.0 Principles of enforcement

5.1 Overview

The Council believes in the principles of good enforcement, as set out in the 2006 Act. Those principles are that regulatory activities should be carried out in a way which is:

- transparent
- accountable
- proportionate
- consistent
- targeted

The Council will observe any requirements of national bodies and, where practicable, national good practice guidance.

Where appropriate, services will provide enforcement advice and information in accessible formats.

The Council will seek to employ the provisions of the Regulators' Code, the main principles of which are detailed in sections 5.2 to 5.7 below.

5.2 Regulators should carry out their activities in a way that supports those they regulate to comply and grow

Effective and well-targeted regulation is essential in promoting fairness and protection from harm. The Council will ensure that enforcement is proportionate and flexible enough to allow and encourage economic progress, and provide help and encouragement to businesses in order that they can meet regulatory requirements more easily.

5.3 Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views

The Council will endeavour to create effective consultation and feedback opportunities to enable continuing cooperative relationships with businesses and other interested parties. The aim will be to ensure that employees provide a courteous and efficient service to businesses and seek the comments and views of regulated businesses. The Council has established and published a comprehensive complaint procedure which is available to any aggrieved party. This can be accessed on the website at www.broxtowe.gov.uk

In response to non-compliance that is identified, officers will clearly explain what the non – compliant item or activity is, the advice being given and the action required or decision taken, and the reasons for these. Opportunity will be provided to discuss any such actions that need to be taken and any appeal process available.

5.4 Regulators should base their regulatory activities on risk

Risk assessment will underpin our approach to planned regulatory activity (comprising inspections, data collection, advice and support, and enforcement and sanctions). Efforts and resources will be targeted where they will be most effective and risks will be rated to regulatory outcomes. Risk assessment will be based on relevant available data and consider the combined effect of:

- the potential impact of non-compliance on regulatory outcomes;
- any intelligence received and
- the likelihood of non-compliance (where we will take into account past compliance and potential future risks and willingness to comply).

Due regard will be taken when dealing with juveniles or other vulnerable people. Each case will be determined on its own merits taking into consideration the requirements of the governing legislation and relevant sources of evidence. In the case of a person suspected of being vulnerable, the case must be discussed with a senior manager to determine the appropriate action.

5.5 Regulators should share information about compliance and risk

To help target resources and activities and minimise duplication, information will be shared with other enforcement agencies wherever possible.

5.6 Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply

The aim will be to ensure that businesses are provided with, or signposted to, clear and accessible information on legal requirements relating to their operations. Targeted and practical information will be provided through a variety of means including on-site visits, telephone advice and online guidance (both national and local). Officers will endeavour to distinguish between legal requirements and advice or guidance which seeks to improve the basic level of compliance. The response to a request for advice will normally be to provide such advice and to help secure compliance rather than directly triggering enforcement action.

5.7 Regulators should ensure that their approach to their regulatory activities are transparent

Standards of performance within individual service areas will be reported on regularly. The choice of enforcement action will be justified to relevant interested parties, and enforcement action will be undertaken in a transparent, fair and consistent manner.

6.0 Enforcement options

The Council recognises the importance of achieving and maintaining consistency in its approach to enforcement. For many areas of its enforcement activity, government guidance already exists in the form of Codes of Practice, Practice Guidance, Planning Policy Guidance, and Government Circulars etc. There may also be local or regional Codes of Practice which have been produced to promote consistency in enforcement activity. When making enforcement decisions, officers must have regard to any relevant national or local guidance as well as the provisions of the Human Rights Act 1998, Equalities Act 2010, and this Enforcement Policy.

When considering what action should be taken, the Council will look to:

- Be proportionate to the nature of the offence and the harm caused
- Change the behaviour of the offender
- Eliminate any financial gain or benefit from non-compliance
- Address the harm caused by regulatory non-compliance, where appropriate
- Deter future non-compliance
- Be responsive and consider what is appropriate for the particular offender and regulatory issue.

6.1 Prevention

The Council believes that the first step in enforcement is to promote good practice, ensure policy compliance and prevent contravention of the law by raising awareness and promoting good practice. Methods of achieving this include training courses, seminars, special promotions, the issuing of press releases, newsletters, the Council's web site, the production of leaflets and other forms of written guidance and opportunities presented by day to day contact with businesses and other customers. This approach will be applied when officers are unaware of any specific contraventions of the law.

6.2 No action

There are circumstances where contraventions of the law may not warrant any action being taken. Consideration will be given to whether the resultant cost of action would outweigh the detrimental impact of the contravention. A decision of no action may also be taken where formal enforcement is inappropriate in the circumstances, such as where a trader has ceased to trade, or on medical grounds or if the offender is frail and formal action would seriously damage their well-being. In such cases the offender and any complainant will be advised of the reasons for taking no action.

6.3 Informal action and advice

For minor breaches of the law, verbal or written advice may be given. In such cases any contraventions of the law will be clearly identified and advice on how to put them right given. This advice will include a timeframe for compliance. Offenders will also

be advised of any relevant 'good practice'. Where good practice advice is issued, any actions required to remedy any breach of law and what is advice only will be clearly defined. Offenders will be made aware that failure to comply with any information, action or advice given could result in an escalation of enforcement action.

Informal action will be considered when:

- the act or omission is not serious enough to warrant formal action
- from the individual's or business's past history we can reasonably expect that informal action will achieve compliance
- the officer has high confidence in an individual or business proprietor
- the consequences of non-compliance will not pose a significant risk to public health, public safety, the environment or animal welfare.

6.4 Formal action

Circumstances where formal action will be considered include (but are not restricted to) situations where:

- There is a significant contravention of legislation
- The wording of legislation requires the Council to take a specified action
- An informal approach has failed
- There is a history of non-compliance with informal action
- There is a lack of confidence in the successful outcome of an informal approach
- Standards are generally poor, suggesting a low level of awareness of, and compliance with, statutory responsibilities
- The consequences of non-compliance, for health, safety, the environment, animal welfare or other Council priorities, are unacceptable and/or immediate
- Effective action needs to be taken quickly in order to remedy conditions which are deteriorating
- A wilful disregard for the law is evident
- A significant financial benefit or commercial advantage has arisen as a result of the unlawful activity,
- The victim(s) is vulnerable
- The victim(s) have been targeted specifically because they are vulnerable
- Formal action is expected to achieve the desired outcome without incurring expense or inconvenience that is disproportionate to the risks
- Legal requirements, relevant formal guidance, or other Council policies or strategies require formal action to be taken
- A charge applied by a Fixed Penalty or Civil Notice has not been paid and there is provision in the legislation to prosecute for the original offence

Formal action can take any form that the Council is empowered by legislation to take. The following list details some formal action which can be used but is not exclusive.

6.4.1 Statutory notices

Certain legislation that the Council enforces provide for the service of 'statutory notices' on individuals, businesses and other organisations requiring them to meet specific legal obligations. Where a statutory notice is served, the method of

appealing against the notice and the timescale for doing so will be provided in writing at the same time. A contact name at the Council will also be given. The notice will explain what is wrong, the legal contravention(s), what is required to put things right and what the likely consequences are if the notice is not complied with. In some cases, a statutory notice can be served to prevent the occurrence or recurrence of a problem e.g. a noise nuisance. In most cases, failure to comply with a statutory notice will result in more severe formal action being taken. In some cases, there will be a charge made as a result of serving the notice.

6.4.2 Prohibition / stop notices and injunctions

Prohibition Notices, Emergency Prohibition Notices, Planning Enforcement Notices, Closing Orders, Stop Notices or Injunctions, can be issued in some circumstances, including where:

- there is an imminent risk of injury to health or safety or welfare
- there is serious hazard to residential premises
- there is an imminent risk of serious environmental pollution
- the consequences of not taking immediate and decisive action, to protect the public, would be unacceptable
- an unauthorised development is unacceptable and is causing serious harm to public amenity near to the site, or where there has been breach of a condition notice
- unauthorised development is unacceptable, and continuing work is or may cause irreversible damage, and remedial action is not a satisfactory option
- the guidance criteria on when prohibition may be appropriate are met
- the Council has no confidence in the integrity of an unprompted offer by a proprietor to close premises voluntarily, or stop using any equipment, process or treatment associated with the imminent risk
- a proprietor is unwilling to confirm in writing his/her unprompted offer of a voluntary prohibition
- it would be the most effective remedy available.

Offenders will be made aware of any right of appeal they may have against any action taken. The act of serving a prohibition/stop notice or injunction does not prevent the Council from also deciding to prosecute depending on the seriousness of the circumstances that led to the serving of that notice.

6.4.3 Work in default

In general, it is the responsibility of others to achieve compliance with the law. In certain cases, the Council may undertake work to achieve compliance on behalf of others, and may seek a warrant to gain entry to land or premises to do so. This may occur if the responsible person fails to comply, cannot comply by virtue of genuine hardship, or is unable to comply by virtue of being absent. In these cases, the Council's costs will be recovered from the responsible person. If the costs cannot be recovered, they will usually be placed as a charge against the property, if the relevant legislation allows, to be recovered at a later date.

This kind of formal action will be considered (but is not restricted to) occasions where:

- A statutory notice requiring work to be undertaken has not been complied with

- Immediate work is required and it is not practicable to contact the responsible person, or they are not willing to respond immediately
- Delay in action being taken presents an ongoing significant risk to the health, safety and or welfare of persons, the environment or animals.
- There is no responsible person e.g. burial or cremation of a deceased person with no next-of-kin

6.4.4 Fixed penalty notices

These are notices that apply a fixed penalty for specific offences, such as littering, emission of smoke within a smoke control area, not providing documentation or certification as required etc. The notice will describe the method of payment and the options and timescales for doing so. Failure to make a payment will result in prosecution for the original offence, unless there are exceptional circumstances or alternative action is prescribed by the legislation.

6.4.5 Simple caution

A simple caution (previously known as a formal caution) may be issued as an alternative to a prosecution and will be considered during any decision to prosecute. Cautions will be issued to:

- deal quickly and simply with less serious offences
- divert less serious offences away from the courts, or
- reduce the chances of repeat offences.

To safeguard the suspected offender's interests, the following conditions will be fulfilled before a caution is administered:

- there must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction, and
- the suspected offender must admit the offence, and
- the suspected offender must understand the significance of a caution and give an informed consent to being cautioned.

A caution is a serious matter which will influence any future decision should the company or individual offend again. It can be referred to in any subsequent court proceedings, but this will not apply if the caution was issued more than three years before. Where the offer of a caution is refused, a prosecution will generally be pursued.

No pressure will be applied to a person to accept a caution.

6.4.6 Civil penalties

A civil penalty is a financial penalty imposed by a local housing authority on an individual or organisation as an alternative to prosecution for certain housing offences under the Housing Act 2004, a breach of a banning order under the Housing and Planning Act 2016 or offences relating to smoke under the Clean Air Act 1993 and waste under the Environmental Protection Act 1990. Reference to the Council's agreed policy will be made to determine if this course of action is appropriate and the financial level of any penalty. Some legislation requires this course of action as a sanction for breaches, for example the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

6.4.7 Compulsory purchase

The Housing Act 1985 allows the local authority to acquire under-used or ineffectively used property for residential purposes if there is a general housing need in the area. In addition, the Town and Country Planning Act 1990 (as amended) allows local authorities to acquire land or buildings if acquisition will allow improvements or redevelopment to take place.

Compulsory purchase may be used as the enforcement route for returning empty homes to use.

6.4.8 Management orders

In certain circumstances, the Council has the power to take over the management of residential properties.

6.4.9 Demand for payment

The Council will ensure early contact is made to minimise large debts accumulating and ensure the debtor does not suffer from unnecessary hardship. However, the Council will consider the use of Enforcement Agents where demands for payment are outstanding.

6.4.10 Licensing and registration – breach of conditions

The Council issues licences and approvals for a variety of activities including hackney carriages, gambling, caravan and camping sites, food premises, selling alcohol and providing entertainment, horse riding, animal boarding kennels, skin piercing activities, permitted pollution control activities, catteries, pet shops, keeping of dangerous wild animals and houses in multiple occupation etc. There are usually specific conditions which control how facilities at the premises are managed and provided, or how the business is operated.

The Council will work with applicants to help them to understand what is required to gain approval through pre-application advice, published guidelines, and post-application discussion. Applications may be approved as they are submitted, varied by agreement and then approved, approved subject to conditions, or rejected.

Where grant /refusal of a licence is through a committee or hearing, the applicants will be advised of the relevant process for this. Applicants, or their agents, will always be notified, in writing, of the outcome of their application, including the reasons if rejected. Details of any rights of appeal will be provided at the time the decision is notified.

After issue of a licence, permission, or registration, if there has been a relatively minor incident where conditions have not been met and the duty holder is willing to take the necessary action to put things right, a verbal or written warning will usually be issued first. If there are serious failures to meet the conditions or if the informal approach failed to make the necessary improvements, consideration will be given as to whether or not a licence will be renewed, withdrawn, suspended, or revoked. The duty holder will be entitled to make a statement to support their case.

If there is a serious incident where licensing or registration conditions have not been met, the Council will consider the matter in line with the conditions relating to prosecutions and if appropriate, start legal proceedings. In some cases, there may be a need to suspend a licence or approval until the relevant Committee or panel can consider the matter.

There are a number of separate policies relating to licensing, for example, Statement of Licensing Policy, Gambling Act Statement of Principles, Hackney Carriage and Private Hire Licensing Policy, etc.

6.4.11 Imposition of an administrative penalty

Where an allegation of benefit fraud has been investigated and officers are satisfied an offence has been committed but the offender does not admit to committing an offence it may, dependent upon the severity of the offence and other factors of the case, be considered appropriate to offer the offender the opportunity to pay an Administrative Penalty rather than prosecute. The Council will pursue full repayment of any benefit overpaid and recoverable in addition to any administrative penalty.

6.4.12 Seizure and forfeiture proceedings

Certain legislation enables authorised officers to seize goods, equipment, animals or documents, where they may be required as evidence for possible future court proceedings or to prevent further offences from being committed. When items are seized an appropriate receipt will be given to the person from whom the items are taken. The decision to seize items will be at the discretion of the investigating officer, subject to the requirements of the legislation.

In certain circumstances officers will make an application to the Magistrates' Courts for forfeiture of the goods. Forfeiture may be used in conjunction with seizure and / or prosecution, where there is a need to dispose of the goods, vehicles or equipment to prevent them being used to cause a further problem or to prevent them re-entering the market place.

6.4.13 Proceeds of crime applications (POCA)

Applications may be made under the Proceeds of Crime Act 2002 for confiscation of assets in appropriate cases. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct. Proceedings are conducted according to the civil standard of proof. The Council will seek to recover proceeds of crime in appropriate circumstances.

6.4.14 Enforced sale

In certain circumstances, following a charge put on a property for works in default or for Council Tax arrears, the local authority can exercise a statutory power of sale to recover the money it is owed. This power may be considered in certain circumstances, for example bringing empty homes back into use or dealing with unsafe premises.

6.4.15 Prosecution

The Council recognises that the decision to prosecute is significant and could have far reaching consequences on the offender.

The decision to undertake a prosecution will normally be taken by the Council's Solicitor in consultation with the relevant Director/Head of Service after receiving a recommendation from the investigating officer(s).

All relevant evidence and information will be considered before deciding upon a prosecution in order to enable a consistent, fair and objective decision to be made. The Council will have regard to the Director of Public Prosecution's Code for Crown Prosecutors, which means that the following criteria will be considered:

- Whether the standard of evidence is sufficient for there to be a realistic

- prospect of conviction
- Whether the prosecution is in the public interest

The public interest test will be considered in each case where there is enough evidence to provide a realistic prospect of conviction. The Council will consider whether there are public interest factors tending against prosecution which clearly outweigh those tending in favour, or it appears more appropriate in all the circumstances to divert the person from prosecution.

To determine the public interest test the following questions should be considered:

a) How serious is the offence committed?

The more serious the offence, the more likely it is that a prosecution is required. When deciding the level of seriousness, the Council will include amongst the factors for consideration the suspect's culpability and the harm to the victim.

b) What is the level of culpability of the suspect?

The greater the suspect's level of culpability, the more likely it is that a prosecution is required. Culpability is likely to be determined by the suspect's level of involvement, the extent to which the offending was planned, and whether there are previous convictions.

c) What are the circumstances of and the harm caused to the victim?

The greater the vulnerability of the victim the more likely it is that a prosecution is required. A prosecution is also more likely if the offence has been committed against a victim who was a person serving the public. The Council will take into account the views of the victim and the impact it would have on the victim and families.

d) Was the suspect under the age of 18 at the time of the offence?

The best interests and welfare of the child or young person must be considered including whether a prosecution is likely to have an adverse impact on his or her future prospects that is disproportionate to the seriousness of the offending.

e) What is the impact on the community?

The greater the impact of the offending on the community the more likely it is that a prosecution is required. In considering this question, prosecutors should have regard to how "community" is an inclusive term and is not restricted to communities defined by location

f) Is prosecution a proportionate response?

Consideration will be given as to whether prosecution is proportionate to the likely outcome, and in doing so the following may be relevant to the case:

- The cost to the Council, especially where it could be regarded as excessive when weighed against any likely penalty
- Cases should be capable of being prosecuted in a way that is consistent with principles of effective case management

g) Do sources of information require protecting?

In cases where public interest immunity does not apply, special care should be taken when proceeding with a prosecution where details may need to be made public that

could harm sources of information. It is essential that such cases are kept under review.

In deciding on the public interest the Council will make an overall assessment based on the circumstances of each case.

Where there has been a breach of the law leading to a work-related death, the Council will liaise with the police, Coroner and the Crown Prosecution Service (CPS) and, if there is evidence of corporate manslaughter, will pass the case to the police or, where appropriate, to the CPS and /or the Health and Safety Executive (HSE)

6.4.16 Other considerations in respect of formal action

The Council will consider the desirability of using formal enforcement in the case of a person who is elderly or is, or was at the relevant time, suffering from significant mental or physical ill health. It will balance this with the need to safeguard others, taking into account the public interest.

The Council is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults. As such, consideration will be given to the Safeguarding Children Policy and Safeguarding Adults Policy when considering what enforcement action to take.

The Council will have regard to the Crown Prosecution Service Public Policy Statements on dealing with cases which involve victims and witnesses who have a learning disability and victims and witnesses who have mental health issues.

The Council's approach to the collection of Local Taxes (Council Tax and Business Rates) and in the recovery of overpaid Housing and Council Tax Support, is one which seeks to strike a balance between the need to maximise income to the Council and the desire not to cause further hardship to the poorest within the community.

Regard will be had to relevant protocols and policies, such as the pre-eviction protocol and the rent collection policy and procedures when taking enforcement action to enforce debt.

7.0 Delegation of authority

The Council's Scheme of Delegation specifies the extent to which enforcement powers are delegated to officers. Whilst delegation is mainly to Heads of Service or specified officers in conjunction with the Head of Legal Services, in some specific circumstances the decision to take enforcement action lies with the relevant Council Committee.

8.0 Officers' powers of entry and obstruction

Enforcement officers have a wide variety of duties and have to act as investigators. This is supported by strong powers of entry, seizure and inspection contained in various statutes. If individuals or businesses obstruct officers or refuse to provide

information, they could be subject to criminal sanctions. Officers use these powers at their discretion with the support of the Council who will uphold them.

Officers will use their powers of entry only when necessary, but usually to carry out an inspection of premises or in the process of an investigation. The Council will always support officers who act in good faith. This includes consideration of prosecuting those individuals who obstruct or assault officers during investigations or inspections.

If the legislation allows, officers may examine premises and articles, remove articles, label samples, request information, issue enforcement notices and may, in some instances, be accompanied by other persons. In appropriate cases a warrant from a Magistrate may be obtained to obtain entry to premises.

9.0 Training and appointment of officers

All officers undertaking enforcement duties will be suitably trained and qualified so as to ensure that they are fully competent to undertake their enforcement activities.

The Council supports the principle of continuing professional development and will ensure that all officers are given relevant additional in-post training to maintain up to date knowledge and skills. This will be highlighted through their learning and development plan as part of their performance review. Officers will carry an identity card and their authorisation with them at all times. Authorisation will be dependent on qualifications, experience and competency in addition to any statutory restrictions.

10.0 Shared regulatory roles

Where the Council has a complementary regulatory role or is required to inform an outside regulatory agency of an incident or occurrence it will do so.

Such external agencies include (but are not restricted to):

- Police
- Fire Authority
- Food Standards Agency
- Health and Safety Executive
- Environment Agency
- DEFRA
- County Council services
- Other councils
- HMRC
- The Gangmaster and Labour Abuse Authority (GLAA)

Officers will attempt to co-ordinate visits and actions with other agencies to achieve the most efficient and effective outcomes and to minimise inconvenience for those who are being visited, inspected, or subject to other enforcement action.

Wherever possible, in situations where there is a shared enforcement role, the most appropriate authority will, by mutual agreement, carry out the enforcement. Other agencies may also be authorised to act on behalf of the Council in some cases.

Exchange of information with other enforcement teams within the Council will take place wherever applicable. Liaison will also take place between relevant

services and Members within the Council to avoid potential conflicts of interest.

11.0 Responsibilities

Effective implementation of this policy is the responsibility of the relevant Head of Service.

Team managers will be responsible for its implementation on a day to day basis. Each officer within these teams will be responsible for applying it in relation to specific cases.

12.0 Complaints

Any person dissatisfied with the service they have received should let the Council know.

The Council is committed to providing quality services and any suggestions and criticism about any aspect of the service will assist in the process of continuous improvement. Most problems can be resolved in the first instance with the Council employee who has been dealing with the matter, or their supervisor.

Confidentiality will be respected subject to any requirement to disclose information (for example if it is necessary to do so in order to investigate the complaint, or to provide information to the Local Government Ombudsman).

However, the Council will not normally investigate anonymous service complaints.

If this fails to resolve the situation, a formal complaint can be made using the Council's Complaints Procedure. This can be done by phone, on-line, letter, e-mail or in person. Once a formal complaint is received, the Council will acknowledge receipt, in writing within five working days. A manager will investigate the complaint and will normally reply to in writing, within 10 working days, either giving a full answer or an indication of the likely time scale for the provision of a full answer.

Advice of what further action can be taken if the complainant remains dissatisfied will also be included. The Complaints Procedure can be viewed on the Council's web site at: www.broxtowe.gov.uk

13.0 Contacting the Council

By telephone

A contact telephone number is given on any correspondence sent out. Alternatively, telephone 0115 917 7777.

In person

At the Council Offices, Foster Avenue, Beeston, Nottingham NG9 1AB

In writing

Write to the following address: Broxtowe Borough Council, Council Offices, Foster Avenue, Beeston, Nottingham NG9 1AB

By e-mail

Environmental health health@broxtowe.gov.uk

Private sector housing psh@broxtowe.gov.uk

| | |
|------------------------------|--|
| Licensing | licensing@broxtowe.gov.uk |
| Legal and Planning | legalmail@broxtowe.gov.uk |
| Waste and recycling services | Refuse@broxtowe.gov.uk |
| Council tax | Billing@broxtowe.gov.uk |
| Benefits | benefits@broxtowe.gov.uk |
| Communities | spc@broxtowe.gov.uk |
| Tenancy services | hps@broxtowe.gov.uk |
| Corporate Complaints | complaints@broxtowe.gov.uk |

14.0 Review of policy

This policy document will be reviewed every three years or sooner should legislation or guidance change. Minor changes will be approved by the Chief Environmental Health Officer in consultation with the Portfolio Holder for Community Safety. More substantial changes will require cabinet approval.

APPENDIX 2

| Section | Summary of Changes | Reason for Change |
|-------------|--|---|
| Page 1 | New Date of policy. | Revised Policy date |
| Section 4 | Addition of line: Additional specific enforcement policies and procedures may be available for specific service areas. | Recognises other departments may also have policies on different enforcement options that need to be considered in addition to the overarching enforcement policy. |
| Section 5.4 | Addition that assessment of risk may also consider: any intelligence received. | Recognition that intelligence from other agencies and other sources may influence enforcement action undertaken. |
| Section 6.3 | Addition of animal welfare to factors non-compliance will not compromise. | Animal welfare was not specifically covered in previous enforcement policies, but is a strand that requires specific consideration. |
| Section 6.4 | <p>Addition of animal welfare to the consequences of non-compliance.</p> <p>Addition of the following as factors for the consideration of formal action.</p> <ul style="list-style-type: none"> • A wilful disregard for the law is evident • A significant financial benefit or commercial advantage has arisen as a result of the unlawful activity, • The victim(s) is vulnerable • The victim(s) have been targeted specifically because they are vulnerable. • Effective action needs to be taken quickly in order | <p>Animal welfare was not specifically covered in previous enforcement policies, but is a strand that requires specific consideration.</p> <p>Addition of factors that are seen as 'aggravating' and need to be taken into account in any enforcement decision.</p> |

| Section | Summary of Changes | Reason for Change |
|----------------|--|--|
| | <p>to remedy conditions which are deteriorating</p> <p>Addition of Civil Penalty</p> <ul style="list-style-type: none"> A charge applied by a Fixed Penalty or Civil Penalty Notice has not been paid and there is provision in the legislation to prosecute for the original offence | <p>To take into account newer options for Civil and financial penalties available in specific legislation</p> |
| Section 6.4.2 | <p>Addition: or welfare after imminent risk to health and safety</p> | <p>Welfare a factor that needs to be considered</p> |
| Section 6.4.3 | <p>Addition: Delay in action being taken presents an ongoing significant risk to the health, safety and or welfare of persons, the environment or animals.</p> | <p>Animal welfare was not specifically covered in previous enforcement policies, but is a strand that requires specific consideration.</p> |
| Section 6.4.4 | <p>Addition: emission of smoke within a smoke control area, not providing documentation or certification as required etc.</p> | <p>Reflects new legislative requirements</p> |
| Section 6.4.5 | <p>Remove the Central Register of Cautions as there is no requirement to keep this.</p> | <p>There is no longer a central register of cautions maintained by local authorities.</p> |
| Section 6.4.10 | <p>Addition: gambling, skin piercing activities, permitted pollution control activities, pet shops, keeping of dangerous wild animals.</p> <p>Addition: Where grant /refusal of a licence is through a committee or hearing, the applicants will be advised of the relevant process for this.</p> | <p>Addition of all areas regulated</p> <p>Clarifies where a separate process exists in the enforcement options that this will be followed.</p> |

| Section | Summary of Changes | Reason for Change |
|----------------|---|--|
| Section 6.4.12 | Addition: animals | Animals not specifically mentioned previously but covered by our enforcement activities. |
| Section 6.4.14 | Addition: or dealing with unsafe premises. | Clarifies action can be taken in relation to unsafe practices or premises. |
| Section 6.4.15 | Update Attorney General with Director of Public Prosecution | Designation of Office changed. |
| Section 10 | Addition: Food Standards Agency, DEFRA, HMRC Deletion: Utility Providers | Specific inclusion of main bodies that we overlap or share enforcement responsibilities with |
| Section 12.0 | Addition: online Deletion: fax | To reflect that contact can be made online and that faxes no longer used. |
| Section 13 | Addition: complaints@broxtowe.gov.uk | Updated relevant team |
| Section 14 | Replacement of Committee with Cabinet | Updated to reflect correct title. |

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Report of the Portfolio Holder for Leisure and Health

HEALTH AND WELLBEING ACTION PLAN 2023 – 2026 REPORT

1. Purpose of Report

To advise Members of the merger of the Action Plans for Health, Mental Health, Dementia, Tobacco Control, Learning Disability, Child Poverty, Older People, Armed Forces, Children and Young People and Access to Food into one plan to reduce duplication and the number of action plans being managed creating efficiencies and to seek approval of the new Action Plan 2023 – 2026.2026.

2. Recommendation

Cabinet is asked to RESOLVE that:

1. **The Health Action Plan 2023 – 2026 be approved.**
2. **That future Health and Wellbeing action plans are aligned and merged be approved.**

3. Detail

The Broxtowe Health Partnership (BHP) is a multi-agency partnership between the Borough Council, local health services, and voluntary organisations and is a sub group of the Broxtowe Local Strategic Partnership (LSP).

It aims to create wide ranging opportunities for improved health and wellbeing in the borough by co-ordinating the engagement and involvement of public, voluntary, community and private sector agencies.

The group is made up of representatives of a number of partner agencies who come together to create and deliver the action plan. Approximately 20 agencies regularly attend the meetings which are usually held three times a year. However, many more organisations are kept up to date on the work of the group by way of regular e-mail notifications.

The new Health and Wellbeing Action Plan 2023 – 2026 is attached at the appendix

4. Financial Implications

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

There are no additional financial implications to consider with activity being contained within existing budgets. Any significant budget implications going forward, 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:

There are no direct legal implications arising from this report.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:
Not applicable

7. Union Comments

The Union comments were as follows:

Not applicable

8. Data Protection Compliance Implications

There are no Data Protection issues.

9. Equality Impact Assessment

Not applicable

10. Background Papers

Nil



Broxtowe
Borough
COUNCIL

HEALTH AND WELLBEING ACTION PLAN 2023 – 2026

**This action plan is intended as a live document
which will be augmented throughout its lifespan**

**Please note; most actions target multiple sections of the action plan but
to prevent duplication they have been placed in the most appropriate
section**

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|---------------------------|-----|---|--|--|
| MENTAL HEALTH | | | | |
| Improve procedures | | Communities Update Staff threats to Suicide 6 Point Plan in line with Working from Home Policy | 2023 | 2023 Threats to Suicide and Self Harm 6 Point Plan updated Published on the Intranet Published in Members Matters Published in Employee News COMPLETED |
| | | Communities Update procedures to refer all safeguarding cases to the CCP for overview by multi-Agency Panel and referral into panel as cases where appropriate | 2023 Within Departmental Budgets | 2023 July Procedure updated COMPLETED |
| Support Agencies | | Finance Financially support the CAB Mental Health Hub in Eastwood | 2023 2024 2025 2026 £35,000 Borough Council Grant Funding | 2023 Approved July COMPLETED 2024 2025 2026 |
| Raise Awareness | | Communities Raise awareness of national campaigns and promote through | 2023 2024 2025 | 2023 05/23 MHAW cake sale held in May. 09/23 Suicide awareness information shared and Zero |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|---|-----|--|---|--|
| and Signpost to Services | | the Councils social media / newsletters and the Broxtowe Health and Learning Disability Partnership World Mental Health Day (Oct) World Suicide Prevention Day (Sept) Mental Health Awareness Week (MHAW) Zero Suicide Alliance training | 2026 Within Departmental Budgets | Suicide Alliance Training shared 2024 2025 2026 |
| | | Communities Support design of NottAlone.org.uk website for adults who can then find support for their mental health. Raise awareness through our social media, newsletters and partnership distribution lists | 2024 Within Departmental Budgets | 2024 Launch to public 2024 |
| | | Communities Promote the use of leisure centres, parks, walk and talk groups and open green spaces, to explain the positive impact on mental wellbeing / reduce social isolation and loneliness / increase physical activity to improve mental wellbeing | 2023 2024 2025 2026 Within Departmental Budgets | 2023 Physical activity to improve mental health discussed at the Broxtowe Health and Learning Disability Partnership (January) 2024 2025 2026 |
| | | Communities Raise awareness of appropriate | 2023 2024 | 2023 New Improving Access to Psychological Therapies |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|-----------|-----|---|--|---|
| | | <p>helplines and websites to help people to find the nearest mental health support or service in their area through the Councils mental health support web page, social media / newsletters and the Broxtowe Health and Learning Disability Partnership</p> <p>Nottinghamshire Mental Health Helpline</p> <p>Nottinghamshire Crisis Line</p> <p>Every Mind Matters</p> <p>NHS Choices</p> <p>Every turn</p> | <p>2025</p> <p>2026</p> <p>Within Departmental Budgets</p> | <p>(talking therapies) service from April.</p> <p>Web page updated and information shared</p> <p>2024</p> <p>2025</p> <p>2026</p> |
| | | <p>Communities</p> <p>Reduce social isolation and loneliness by promoting befriending services and social inclusion projects</p> | <p>2023</p> <p>2024</p> <p>2025</p> <p>2026</p> <p>Within Departmental Budgets</p> | <p>2023 raised awareness of befriending services through the Broxtowe Health and Learning Disability Partnership, shared invite to services to have article in Broxtowe Matters. Recently started attending meetings of the Nottinghamshire Tackling Loneliness Collaborative (TLC)</p> <p>2024</p> <p>2025</p> <p>2026</p> |
| | | <p>Communities</p> <p>Develop and promote the Live Well Together campaign which will include mental health promotional initiatives.</p> | <p>2023</p> <p>2024</p> <p>2025</p> <p>2026</p> | <p>2023</p> <p>Promotion of health and wellbeing initiatives is now embedded into the Council's ongoing communications and engagement programme.</p> <p>Recent campaigns have focused on the cost of living,</p> |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|------------------------|-----|---|---|---|
| | | Objectives of this scheme are: 1. Increase the profile of key services to show that the Council takes a proactive approach to helping residents live better lives. 2. Help residents to live well across the full range of factors which impact on wellbeing. 3. Enable residents to make positive choices to improve their own wellbeing. 4. Signpost to partner services and celebrate the success of partners and local people in these areas. 5. Support the Borough's recovery from COVID-19. | Within Departmental Budgets | as well as linking physical and mental wellbeing with the Council's carbon reduction platform, Green Rewards. The Council's Communications and Engagement Strategy and Cultural Strategy, both adopted in 2023, include actions on increasing engagement with various groups such as those with dementia, disabilities and mental health issues. Internally, wellbeing information is included weekly as part of the Employee Briefing and supported with business signage around specific national campaigns and service developments. 2024 2025 2026 |
| Provide Support | | Finance Identify support to address the causes of poor mental health for those referred and signpost to services Debt Relationships Unemployment Loneliness homelessness | 2023 2024 2025 2026 Within Departmental Budgets | 2023 Broxtowe Borough Council Funded Eastwood Citizens Advice Broxtowe's Nottinghamshire Mind Wellbeing Hub project to provide support and free, confidential advice for people experiencing poor mental health. Delivered four cost of living roadshow events across Broxtowe (Stapleford, Eastwood, Beeston, Kimberley). CAB delivered 32 "Days of Action" to tackle the cost of living. Days of Action: https://citizensadvicebroxtowe.org.uk/2023/05/30/days-of-action/ |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|-----------|-----|---|--|--|
| | | | | August newsletter: https://citizensadvicebroxtowe.org.uk/2023/07/27/newsletter-august-2023/ 2024 2025 2026 |
| | | Communities Dedicate a Children and Young Persons Partnership meeting to consider young people's mental health and support services | 2023 2024 Within Departmental Budgets | 2023 CYP lead exploring mental health with Broxtowe Youth Voice. Partnership meeting planned to look at social media and impacts through negative role models misogyny and Andrew Tate 2024 Agenda Item |
| | | Communities Support the development of Durban House as a place to support mental wellbeing | 2023 Within Departmental Budgets | 2023 LUF rejected Grant to do repairs agreed Community interest company awaiting lease agreement Repairs start date tbc 2024 Open ground floor |
| | | Housing Provide additional support to people with mental health issues to access housing particularly with homeless applications through the Mental Health Navigator | 2023 2024 2025 2026 Within Departmental | 2023 The Housing Options team review each homelessness application for any additional support that an applicant may require, this can include referrals for external support. The team will also adapt our usual service if required in response to any mental health issues identified, this includes offering temporary accommodation in situations where it would not usually |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|-----------|-----|---|---|---|
| | | | Budgets | be offered. 2024 2025 2026 |
| | | Communities Work with schools to understand mental health trigger points in young people Review exam stress and anxiety measures and their effectiveness | 2025 Within Departmental Budgets | 2025 |
| | | Communities Engage with ethnic communities through a programme of community events to raise awareness, increase tolerance and reduce exclusion | 2023 2024 2025 2026 Within Departmental Budgets | 2023 refugee event in July celebrating our refugee and asylum seeking community. 2024 2025 2026 |
| | | Communities Promote and raise awareness of appropriate helplines and websites to help people to find the nearest mental health support / service in their area and also to find support for whatever may be the cause of the mental health issue e.g., debt / finance issues. Such helplines and | 2023 2024 2025 2026 Within Departmental Budgets | 2023 Ongoing promotion has continued as part of the Live Well campaign Mental Health Awareness Week is part of the Council's promotions calendar. 2024 2025 2026 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|-----------|-----|---|---|---|
| | | websites include: <ul style="list-style-type: none"> • Nottinghamshire Mental Health Helpline • Nottinghamshire Crisis Line • Every Mind Matters • NHS Choices This will include promotion of national promotion days such as World Mental Health Day | | |
| | | Human Resources Employee Mental Health Champions Group | 2023 2024 2025 2026 Within Departmental Budgets | 2023 2024 2025 2026 |
| | | Independent Living Activities Coordinators delivering activities and support in Independent Living Schemes | 2023 2024 2025 2026 Within Departmental Budgets | 2023 Activities team increased to 3 Activities Co-ordinators Large number of indoor and outdoor activities for tenants. 662 activities were run during quarter 1 2024 2025 2026 |
| | | Independent Living Create an I-Plan for Council tenants in Independent Living | 2023 2024 2025 | 2023 I-Plan completed for each Independent Living tenant Support discussed |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|-------------------|-----|---|---|--|
| | | dwelling | 2026 Within Departmental Budgets | Tenants signposted to the most appropriate support 2024 2025 2026 |
| | | Communities Provide agency support and overview for mental health cases referred through the Complex Case Panel | 2023 2024 2025 2026 Within Departmental Budgets | 2023 Jan = 3 Feb = 3 Mar = 3 Apr = 4 May = 3 Jun = 4 July = 10 Sept = 14 Oct = Nov = Dec = 2024 Jan = Feb = Mar = Apr = May = Jun = July = Sept = Oct = Nov = Dec = 2025 Jan = Feb = Mar = Apr = May = Jun = July = Sept = Oct = Nov = Dec = 2026 Jan = Feb = Mar = Apr = May = Jun = July = Sept = Oct = Nov = Dec = |
| Leadership | | Human Resources Maintain participation in the Mindful Employer Charter. | 2023 2025 Within Departmental Budgets | 2023 Renewed membership April 2023 2025 Renewal date due in May 2025 |
| | | Communities Maintain membership of the Nottinghamshire Suicide Prevention Network attending meetings and supporting | 2023 2024 2025 2026 | 2023 Membership maintained Regular attendance at network meetings 2024 2025 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|-----------|-----|---|---|---|
| | | countywide actions locally | Within Departmental Budgets | 2026 |
| Training | | Communities Provide face to face Safeguarding sessions for members on induction Update safeguarding adults and safeguarding Childrens training for staff and members on Broxtowe Learning Zone. | 2023-2024 Within Departmental Budgets | 2023 Members induction training held June – 1 member attended COMPLETED 2024 |
| | | Communities Identify mental health training opportunities within the wider Broxtowe Partnership including related training such as Mental Health Making Every Contact Count, Self-harm and suicide prevention, Zero Suicide Alliance training, suicide bereavement training (Harmless brochure attached) | 2023 2024 2025 2026 Within Departmental Budgets | 2023 Officer from Your Health Your Way has completed mental health Making Every Contact training. Exploring sessions for Broxtowe Health & Learning Disability Partnership and also NW Broxtowe Mental Health Network. Free self-harm training for community and voluntary sector partners delivered by Harmless Zero Suicide Alliance training promoted through the Broxtowe Health and Learning Disability Partnership and shared with Human Resource dept. 2024 2025 2026 |
| | | Health and Safety Provide Mental Health First Aid training for managers | 2023 2024 2025 2026 | 2023 Sessions delivered to all managers COMPLETED 2024 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|-----------|-----|---|---|--|
| | | | Within Departmental Budgets | 2025 2026 |
| | | <p>Communities Deliver local actions relating to Public Health Plans:</p> <p>To promote Nottinghamshire wide suicide prevention, self-harm and mental health and wellbeing communications and campaigns widely across Broxtowe, including support with any 'on street' communication campaigns</p> <p>To support suicide prevention engagement with local communities / population groups to respond to any need identified through the Nottingham and Nottinghamshire Real Time Surveillance of Suspected Suicide System (discussion to be had with Nottinghamshire County Council Public Health Team)</p> <p>To promote any opportunities for</p> | <p>2023 2024 2025 2026</p> <p>Within Departmental Budgets</p> | <p>2023 attend Nottingham & Nottinghamshire Mental Health Communications Group. Meeting to be arranged with Public Health to understand Real Time Surveillance System* Funding opportunities shared through the Broxtowe Health and Learning Disability Partnership – not just mental health</p> <p>2024 2025 2026</p> |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|--|-----|--|------------------------------|---|
| | | community grants relating to suicide prevention, self-harm and mental health and wellbeing to the community and voluntary sector within Broxtowe | | |
| DEMENTIA | | | | |
| Promote Services and Raise Awareness of Support | | Communities Promote National Dementia Awareness Week and raise awareness of events | 2023 2024 2025 2026 | 2023 Promotion of DAW and events COMPLETED 2024 2025 2026 |
| | | Communities Use Broxtowe Borough Council social media platforms and newsletters to raise awareness of dementia friendly initiatives, information and advice | 2023 2024 2025 2026 | 2023 09/23 Promotion of events and workshops, memory café, dementia wellbeing service, 2024 2025 2026 |
| | | Communities Raise awareness of the Discretionary Dementia Grant from the Disabilities Facilities Grants (DFG) fund for adaptations / assistive technology to make homes dementia friendly | 2023 2024 2025 2026 | 2023 The Council has adopted the countywide standards to the Disabled Facilities Grants policy 2024 2025 2026 |
| | | Communities Refresh Broxtowe Borough Council Dementia webpage | 2023 2024 2025 | 2023 by end of year to complete review / update of content 2024 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|---|-----|--|------------------------------|--|
| | | | 2026 | 2025 2026 |
| | | Communities Raise awareness through advice and signposting stands at events | 2023 2024 2025 2026 | 2023 Green Festival 23/10/23 2024 2025 2026 |
| Increase Support for Patients and Carers | | Communities Deliver Dementia Friends Information Sessions to community, voluntary organisations and businesses across Broxtowe | 2023 2024 2025 2026 | 2023 52 dementia friends created 2024 2025 2026 |
| | | Communities Support Independent Living Open Days for International Day of Older Persons on 1 October each year. Raise awareness through the Health and Learning Disabilities Partnership inviting partners to have an advice and information stand. Communities advice, signposting and information stand at the event Support Equality and Diversity events with stands providing information, signposting and advice | 2023 2024 2025 2026 | 2023 <ul style="list-style-type: none"> • Regency Court, Beeston 3/10/23 10am-12pm • Cloverlands Court, Watnall – 11/10/23 10am-12pm • Gutersloh Court, Stapleford – 17/10/23 1pm-3pm 2024 2025 2026 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|-----------------|-----|---|------------------------------|--|
| | | Communities Deliver local actions from the South Nottinghamshire Place Based Partnership | 2023 2024 2025 2026 | 2023 Joint actions to be agreed. Awaiting Government Long Term Condition Strategy which will include dementia 2024 2025 2026 |
| | | Communities Support delivery of the Nottingham West Primary Care Network Community Care Transformation project | 2023 2024 2025 2026 | 2023 100 day Cycles 31/08/23 Stapleford Memory Café first meeting 13/09/23 and meets fortnightly. 2024 2025 2026 |
| | | Estates New dementia-friendly signage on ground floor of council offices will be considered as part of the New Ways of Working Project | 2024 | 2024 |
| | | Communities Promote awareness and take up of Carer's allowance and attendance allowance entitlement | 2023 2024 2025 2026 | 2023 at dementia friend information sessions. In discussion with carers at interviews supporting the dementia community care transformation project. 2024 2025 2026 |
| Training | | Communities Refresh and raise awareness of BLZ e-learning to help employees | 2023 2024 2025 | 2023 BLZ promoted to staff. 09/23 refresh started |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|--|-----|---|---|---|
| | | become more aware of the needs of people living with dementia | 2026 | 2024 2025 2026 |
| HEALTH | | | | |
| Support Residents To Improve Their Health | | Communities Raise awareness of Your Health Notts (YHN) services: Weight management Increasing exercise Reducing alcohol intake | 2023 2024 2025 2026 Within Departmental Budgets | 2023 Broxtowe YHN post vacant. Services promoted 2024 2025 2026 |
| | | Communities Support Leisure to raise awareness of the Active Lifestyle Programme and actions within the Get Active Strategy. This can be achieved through agenda items at the Health and Learning Disability Partnership meetings and information sent through the distribution list | 2023 2024 2025 2026 Within Departmental Budgets | 2023 Broxtowe Health & Learning Disability Partnership 01/23 dedicated discussion on physical activity levels in Broxtowe. At all meetings partners are invited to give ongoing updates Active lifestyle programme information shared at the Health and Learning Disability Partnership and through distribution list 2024 2025 2026 |
| | | Communities Raise awareness of Active Travel through the Health and Learning Disability Partnership | 2023 2024 2025 2026 | 2023 01/23 discussed at the Health and Learning Disability Partnership meeting. Mapping in progress 2024 2025 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|-----------------------------------|-----|--|---|--|
| | | Map cycle & walking groups in Broxtowe and promote to increase physical activity levels through Council social media / newsletter platforms and Broxtowe Matters | Within Departmental Budgets | 2026 |
| | | Communities Develop a Green Social Prescribing model for Broxtowe. (refers people to local, non-clinical, nature-based activities to help improve their physical and mental health) | 2024 Within Departmental Budgets | 2024 03/23 Draft available |
| | | Communities Raise awareness of digital training to tackle the 'digital divide' and reduce health inequalities through partnership with NHS Digital Inclusion team | 2023 2024 2025 2026 Within Departmental Budgets | 2023 Raised awareness of NHS Digital Inclusion Officers through partnership meetings / distribution lists and inviting to attend events. Partners have offered their venues to host drop in sessions throughout the year 2024 2025 2026 |
| Reduce Health Inequalities | | Communities Support the Local Design Team in Eastwood to develop Integrated Neighbourhood working | Overall allocation over 2 years is £712,000 approx. | 2023 07/23 Integrated Neighbourhood Workshop 08/23 funding approved for pilot covering South Nottinghamshire - to note there is no allocated amount of funding for each area. It really depends on the priorities set and the interventions you want to work on where costs may be incurred. Year 1 £268K and Year |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|--|-----|---|---|--|
| | | | | 2 £444K Community Conversations being planned 2024 2025 2026 |
| ACCESS TO FOOD | | | | |
| Increase Access to Sustainable Food | | <p>Communities Deliver actions locally from the Nottingham & Nottinghamshire Sustainable Food Network</p> <p>The Network is a forum to discuss some of the key challenges and opportunities in our food system and where residents and organisations can work together to improve access to affordable healthy food</p> | <p>2023 2024 2025 2026</p> <p>Within Departmental Budgets</p> | <p>2023 A new Sustainable Food Strategy Group has been set up to oversee the Sustainable Food Network it will develop the first Food Insecurity JSNA and development of Nottinghamshire Food Plan (the Nottinghamshire Plan addresses ambitions of the Health and Wellbeing Boards healthy and sustainable places themes) 2024 2025 2026</p> |
| | | <p>Communities Set up a Food Club in Eastwood, Stapleford and Chilwell</p> | <p>2023/24 £7,210 Eastwood £7,900 Chilwell NCC Food Redistribution Grants</p> | <p>2023 Grant application for Chilwell successful. St Barnabas Church Chilwell started 20/03/23. Grant application for Eastwood Successful. Eastwood St Mary's Church will host the food club in Eastwood, however, FareShare has put a temporary pause on new memberships due to the cost of living, Brexit and war in Ukraine. FareShare will no longer deliver food to clubs that are within a 6-mile radius of</p> |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|--|-----|---|---|--|
| | | | | their Nottingham depot from October 2023. Currently looking at solutions to this. The next round of NCC cost of living funding opens October 2023 |
| | | Communities Support Food Banks | 2023 2024 2025 2026 Within Agency Budgets | 2023 Citizens Advice Broxtowe working in partnership with Hope to reduce the need for foodbanks through income maximisation and money advice. Signposting food banks to funding opportunities. 2024 2025 2026 |
| | | Communities Support the delivery of Healthy Options Takeaway (HOT) project. In partnership with Environmental Health identify suitable food premises to introduce to the scheme for possible accreditation. | 2023 2024 2025 2026 Within Departmental Budgets | 2023 Meeting held to redesign delivery and plan the relaunch the scheme 2024 Sign up food business operators to the scheme 2025 2026 |
| Increase Access to Healthy Food | | Communities Raise awareness of and reduce food waste including promotion of the annual Food Waste Action Week in March | 2023 2024 2025 2026 Within | 2023 03/23 Food Waste Action week information shared with partnership distribution lists and Communications Team 2024 2025 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|--|-----|---|---|--|
| | | | Departmental Budgets | 2026 |
| | | Communities Sign up organisations / food businesses to the Breastfeeding Friendly Project. This reduces the stigma of feeding in public and isolation for mothers | 2023 2024 2025 2026 Within Departmental Budgets | 2023 Presentation at the Primary Care Board in February to sign up GP practices. Libraries are currently being renewed to refresh the County Councils membership. 2024 Link to the Healthy Options Takeaway premises sign up 2025 2026 |
| Reduce Food Waste | | Communities Raise awareness of and reduce food waste including promotion of the annual Food Waste Action Week in March | 2023 2024 2025 2026 Within Departmental Budgets | 2023 03/23 Food Waste Action week information shared with partnership distribution lists and Communications Team 2024 2025 2026 |
| SMOKING CESSATION AND TOBACCO CONTROL | | | | |
| Reduce Smoking and Vaping | | Communities Deliver Broxtowe actions of the Nottinghamshire Tobacco Control Alliance The Tobacco Control Alliance has | 2023 2024 2025 2025 | 2023 Illicit Tobacco and CYP groups created. Public Health reviewing local profiles and data 2024 2025 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|-----------|-----|--|---|--|
| | | been refreshing the strategic work around the tobacco control agenda. Working groups are being created around the themes of Smokefree Environment, Illicit tobacco, Service Provider and Children and Young People Group (CYP). To explore Local Tobacco Control Profile data as to verified data sources on prevalence figures and other sources of information to use moving forward | Within Departmental Budgets | 2025 |
| | | Communities Create stop smoking clinic in Beeston Council Offices when the need is established | 2023 2024 2025 2026 Within Departmental Budgets | 2023 Need established by Your Health Notts - Contact to be made with YHN when reception renovation work completed 2024 2025 2026 |
| | | Communities Identify best practice interventions for smoking and vaping uptake of non-smoking young people in schools | 2023-2024 Within Departmental Budgets | 2023 New task and finish group set up to explore smoking / vaping in schools 2 nd meeting of group in September 2024 |
| | | Communities Re-pledge the Councils commitment to the Nottingham and | 2023-2024 Within | 2023 April 2023 COMPLETED |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|---------------------------------------|-----|--|---|--|
| | | Nottinghamshire Tobacco Control Declaration | Departmental Budgets | |
| Communications | | Communities Reactively investigate and enforce smokefree complaints | 2023 2024 2025 2026 Within Departmental Budgets | 2023 No complaints received but advice given to enquiries about the Smokefree legislation. Attending Pubwatch meetings and supporting Licensing Officer on joint night visits with Police to premises. 2024 2025 2025 |
| Enforcement | | Communities Reactively investigate and enforce smoke Free complaints | 2023 2024 2025 2026 Within Departmental Budgets | 2023 09/23 No complaints received Advice given to enquiries about the Smoke Free legislation. Attending Pub Watch meetings to provide support and advice 2024 2025 2025 |
| LEARNING DISABILITIES | | | | |
| Increase Support and Access to | | Communities Support Learning Disability Warm Space pilot in Kimberley to become a social inclusion place of | 2023-2024 BBC Warm Space Fund | 2023 £250 allocated from 2022/23 Warm Spaces fund to support buying of games / crafts suitable for those with a learning disability. |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|-----------|-----|---|---|--|
| Services | | welcome by sharing information / posters with the Broxtowe Partnership through distribution lists and through Communications Team channels | | Posters shared with partnership distribution lists, our newsletters and social media Raised awareness of the pilot at the learning disability roadshows |
| | | Communities Raise awareness of Learning Disability initiatives across Broxtowe through the Health and Learning Disability Partnership, Council social media / newsletter platforms Breakaway project Pulfriction On Up Kimberley warm space Roadshows | 2023 2024 2025 2026 Within Departmental Budgets | 2023 Learning Disability Roadshows held: Chilwell - January Kimberley –March Eastwood – May Stapleford – July Beeston – September Event to review outcomes / successes being planned for December Health and Learning Disability Partnership meetings held January, April, July November Promotional flyers shared with distribution list and Communications Team a month and week in advance of each roadshow. Projects share information through the partnership and attend the partnership meeting when possible and offering updates. 2024 2025 2026 |
| | | Communities Raise awareness of support for those living with Autism and ADHD Through the Health and Learning | 2023 2024 2025 2026 | 2023 Agenda item / speakers for Health and Learning Disability Partnership meeting in November being planned |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|--|-----|---|---|--|
| | | Disability Partnership, Council social media / newsletter platforms | Within Departmental Budgets | 2024 2025 2026 |
| | | Communities Raise awareness of Disability Confident employers and opportunities for those living with long term conditions into employment, skills and training by supporting / attending the Employment and Skills Partnership | 2023 2024 2025 2026 Within Departmental Budgets | 2023 07/23 shared action within Employment & Skills Partnership. 09/23 discussed Disability Confident employers and request for stall holders for physical disability and health event being planned for 30 November in Stapleford. This will support people with disabilities or long term conditions into work 2024 2025 2026 |
| OLDER PEOPLE | | | | |
| Increase Support for Older People | | Communities Promote support for long term conditions e.g., diabetes, lung disease, heart disease, cancer through the Health and Learning Disability Partnership, Council social media / newsletter platforms Signpost residents to support services | 2023 2024 2025 2026 Within Departmental budgets | 2023 "Broxtowe Together" Diabetes event held 24/05/23 Know Your Numbers campaign for hypertension Population Health Management Newsletters Disability event being planned in November 2024 2025 2026 |
| Support | | Communities Reducing admissions for hip | 2023 – 2024 | 2023 09/23 1yr Pilot project from the Primary Care Network. |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|---|-----|---|---|--|
| Healthy Aging | | fractures through promotion of falls awareness and exercise in the elderly. Project information to be shared through the Health and Learning Disability Partnership, Council social media / newsletter platforms | £14,493 from Sports England to LLeisure to run the wise moves service on behalf of the Primary Care Network | Sustainability will depend on the success of the pilot 2024 |
| | | Communities Reduce Social Isolation and Loneliness by raising awareness of all befriending services available for residents through the Health and Learning Disability Partnership, Council social media / newsletter platforms and Broxtowe Matters | 2023 2024 2025 2026 Within Departmental budgets | 2023 Partners requested to submit articles for Broxtowe Matters winter edition and newsletters. 2024 2025 2026 |
| Reduce Loneliness and Social Isolation | | Communities Transform Warm Spaces developed in 2022 due to the cost of living crisis into Places of Welcome to reduce social isolation and loneliness | 2023 – 2024 £1,050 budget carried forward from 22/23 | 2023 In partnership with RCVS meetings in Aug and Sept 2023 with providers to discuss way forward and plans for winter 2023/24. 2024 |
| Increase support for carers | | Communities Raise awareness of carers roadshows, National Carers Week and carers support across Broxtowe via the Health and | 2023 2024 2025 2026 | 2023 09/23 Carers week promoted. Tuvida monthly newsletter shared including lists of all carers activities for the month. 2024 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|---|-----|--|---|---|
| | | Learning Disability Partnership, Council media and newsletters Signpost carers to support | Within Departmental budgets | 2025 2026 |
| CHILDREN AND YOUNG PEOPLE | | | | |
| Promote Diversity and Reduce Intolerance in Young People | | Communities. Plan and deliver 1 White Ribbon event per year that has a C&YP focus | 2023 2024 2025 2026 Within departmental budgets | 2023 Working group established. Events planned for November to attend Beeston Youth and Community Centre session on creativity and White Ribbon. 2024 2025 2026 |
| Promote Healthy Relationships in Young People | | Communities. Work in Partnership with NSPCC & BWP to increase awareness of Saying No / Consent in partnership with the NSPCC Pants Campaign. | 2023 2024 2025 2026 Within departmental budgets | 2023 07/23 Event at Beeston Youth Community Centre with HEYA with around 70 women and children in attendance. NSPCC packs distributed. 2024 2025 2026 |
| | | Equation. Deliver Equate Programme a targeted intervention for young people | 2023 2024 2025 2026 | 2023 06/23 Full equate packages delivered to Chilwell School and Hall Park Academy 2024 2025 2026 |
| | | Broxtowe Womens Project. | 2023 | 2023 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|--|-----|---|---|--|
| | | Engage with 1 sports club a year per year to promote issues around Domestic Abuse, Healthy Relationships and the White Ribbon Campaign | 2024 2025 2026 | 06/23 BWP working with Notts FA COMPLETED 2024 Potential to work with Ridewise 2025 2026 |
| | | Communities. Identify and refer children and young people into Neighbourhood Safeguarding and Disruption Meetings creating action plans around the individual to reduce the risk of violence, and criminality. Escalate cases to the County Child Criminal Exploitation Panel where appropriate. | 2023 2024 2025 2026 Within departmental budgets | 2023 Jan = 1 Feb = 2 Mar = 2 Apr = 3 May = 4 Jun = 4 July = 7 Aug = 4 Sep = 4 Oct = Nov = Dec = 2024 Jan = Feb = Mar = Apr = May = Jun = July = Aug = Sep = Oct = Nov = Dec = 2025 Jan = Feb = Mar = Apr = May = Jun = July = Aug = Sep = Oct = Nov = Dec = 2026 Jan = Feb = Mar = Apr = May = Jun = July = Aug = Sep = Oct = Nov = Dec = |
| Safeguard Children and Young People | | Communities. Identify and refer children and young people into the Multi Agency Child Sexual Exploitation Panel (MASE) to reduce the risk of child sexual exploitation (CSE). | 2023 2024 2025 2026 Within | 2023 Jan = 0 Feb = 0 Mar = 0 Apr = 1 May = 1 Jun = 0 July = 0 Aug = 0 Sep = 0 Oct = Nov = Dec = 2024 Jan = Feb = Mar = Apr = |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|--|-----|--|---|--|
| | | Attend CSE Strategy meetings creating action plans around the individual to reduce the risk of CSE. | departmental budgets | May = Jun = July = Aug = Sep = Oct = Nov = Dec = 2025 Jan = Feb = Mar = Apr = May = Jun = July = Aug = Sep = Oct = Nov = Dec = 2026 Jan = Feb = Mar = Apr = May = Jun = July = Aug = Sep = Oct = Nov = Dec = |
| | | Communities. Engage with CYP around the Borough to identify; Mental health support and needs. Training and support needs for mental health and physical well-being. Organise a sub group meeting to discuss | 2023 2024 2025 2026 Within departmental budgets | 2023 05/23 Talk to local school on mental health awareness during mental health awareness week. 05/23 Interactive presentation on mental health and physical wellbeing delivered to Broxtowe Youth Voice. 06/23 Discussed changes to sub group meetings to support engagement and feedback from children and young people 2024 2025 2026 |
| Consultation and Hearing the Childs Voice | | Communities. Support Broxtowe Youth Voice in promoting initiatives, campaigns and presentations. | 2023 2024 2025 2026 Within departmental | 2023 05/23 Discussed updating BYV webpage on Broxtowe website. Awaiting content. 2024 2025 2026 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|---|-----|---|---|--|
| | | | budgets | |
| | | Communities. Work collaboratively with the Children's Centre Service and Healthy Families Team to raise awareness of early help services available for children from conception to age 5. | 2023 2024 2025 2026 Within departmental budgets | 2023 06/23 Shared information on service provided and signposting. 05/23 Meeting to discuss collaborative ways of working. 2024 2025 2026 |
| Raise Awareness of Support Services to Young People and Their Families | | Communities. Support the development of the Family Hub model, through membership of the Family Hubs Steering Group. Invite the Family Hub Development Manager to present to the C&YP group. | 2023 2024 2025 2026 Within departmental budgets | 2023 02/2023 Attending group and sharing awareness in CYP meetings of updates. 2024 2025 2026 |
| | | Communities. Develop promotional material to engage young people from age 13 to use the NHS App promoting access to NHS services for young people independently from 13. Distributed to CYP network. | 2023 2024 2025 2026 Within departmental budgets | 2023 06/23 Worked with NHS app team to distribute a flyer for young people to access the app 2024 2025 2026 |
| | | Communities. Work with the Youth Service to promote events and sign post to | 2023 2024 2025 | 2023 05/23 Potential to deliver a community garden project at Eastwood Community centre. Exploring options with |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|---|-----|--|---|--|
| | | services. Identify needs and barriers to support. Promote activities in the Borough. | 2026 Within departmental budgets | council and other agencies. Arranging visits to the centres to find out what would benefit the young people attending. 2024 – Maintain regular contact with youth centres in Broxtowe 2025 2026 |
| | | Environment. Review any issues of violence and knife crime at the Parks and Green Spaces in the Borough. Work with Communities Team and Police if any areas are identified | 2023 Within departmental budgets | 2023 06/23 Parks teams working with Chayah to do walks around parks in Broxtowe. 4 walk events over the year. A visit the national justice museum later on the year on the choices and consequences exhibition. |
| Provide a Safe Environment for Children and Young People | | Communities. Work with the Children’s Centre Service and the Healthy Families Team to cascade child safety messages throughout the year across the Council’s networks and social media channels; Safe Sleeping Sun Safety Water Safety Highlight awareness days throughout the year and share with Broxtowe C&YP network and social media channels. | 2023 2024 2025 2026 Within departmental budgets | 2023 Promoting information via Email Me Bulletins and communications team on safety awareness. 06/23 Child safety awareness week promoted. 2024 2025 2026 |
| | | Supporting Families Team NCC. | 2023 | 2023 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|-----------|-----|---|---|--|
| | | Run a training session and awareness seminar on Reducing Parental Conflict. Improve signposting to parents and increase awareness of parental conflict. | | 06/23 RPC service presentation delivered at Children and Young Peoples meeting. 05/23 RPC content made accessible in library provision. Training for staff on One Plus One digital. 02/23 Attending RPC champion meetings. Looking to work with school and library provisions on promoting RPC training for parents. 06/23 RPC presentation at the C&YP meeting |
| | | Communities. Engage with young people involved in or at risk of being involved in Crime and ASB through outreach in Beeston | 2023 2024 2025 2026 Within departmental budgets | 2023 06/23 ASB schools talk at Beeston Fields Primary School. 05/23 ASB activities and talk delivered The Lanes Primary School. |
| | | Transform Training. OPERATION POTASSIUM + In response to youth ASB in Beeston Town Centre Outreach engagement with young people involved in or at risk of being involved in Crime and ASB. | 2023 2024 | 2023 07/23 £21,777.21 funding application to the PCC successful 15 young people engaged All parents engaged All young people attending weekly sessions or have home visits All young people now in some form of education Significant decrease in reports and severity of offending 2024 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|------------------------------|-----|--|--|---|
| | | Equation. Great Project delivered to 10 Broxtowe schools. | 2023 | 2023 01/23 Chetwynd Primary School Yr5 06/23 Sunnyside Primary Yr5 05/23 Brinsley Primary School Awaiting response from 23 Primary schools in Broxtowe |
| | | Change Grow Live. Raise awareness of C&YP using substances and C&YP impacted by substance misuse within families Distribute information to the C&YP network. | 2023 2024 2025 2026 | 2023 08/23 awaiting new post in Sept 23 for relevant CGL contact. 05/23 Substance misuse presentation on children and young people's services distributed COMPLETED 2024 2025 2026 |
| | | Chayah. Develop a short video highlighting the full consequences of violence and knife crime. Distribute to 6 x secondary schools. | 2023 | 2023 01/23 Video completed and out to Broxtowe schools before Easter COMPLETED |
| Promote Breastfeeding | | Communities. Work with NCC Public Health, the Children's Centre Service and Notts Healthcare Trust's Infant Feeding Co-ordinator to deliver the Breastfeeding Friendly in the | 2023 2024 2025 2026 Within | 2023 02/23 Breastfeeding friendly project presented at the Primary Care Network Board Meeting. Breastfeeding application forms sent to to GP surgeries and LLeisure for reaccreditation. COMPLETED |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|----------------------------------|-----|---|---|--|
| | | Community accreditation in community settings across the Borough, providing a safe and welcoming space for mums to breastfeed their babies. | departmental budgets | 2024 2025 2026 |
| Reduce Homelessness | | Broxtowe Youth Homelessness. Deliver Home Street Home project to George Spencer Academy and The Bramcote School. | 2023 | 2023 03/23 Bramcote School 01/23 George Spencer COMPLETED |
| Promote Physical Activity | | Communities. Engage with local groups to support them to embed physical activity into their offer/provision | 2023 2024 2025 2026 Within departmental budgets | 2023 Planning a review as currently this occurs on a needs basis. 2024 2025 2026 |
| | | Communities. Identify training opportunities for partners, front line Employees and elected members and distribute to network. | 2023 2024 2025 2026 Within departmental budgets | 2023 06/23 Brain Story resources and training promoted. 2024 2025 2026 |
| Workforce Developme- | | Communities. Raise awareness with partners of the Small Steps Programme. | 2023 Within | 2023 06/23 NBS presented at C&YP meeting COMPLETED |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|-----------------|-----|---|---|---|
| nt and Training | | | departmental budgets | |
| | | Communities. Raise awareness with partners of the Equation school work programme. Hold a promotional meeting at the council offices for schools to attend promoting the equation offer | 2023 Within departmental budgets | 2023 08/23 Planning meeting with Equation offer with the new lead for CYP from Equation. 01/23 Resources sent when reaching out to schools on Equation and their work offer. |
| | | Nottinghamshire County Council. Provide prevention support to school staff through training, advice and signposting for; Covid Vaccination Online Safety Domestic Abuse Mental Health Harmful Sexual Behaviour Female Genital Mutilation Social Media | 2023 2024 2025 2026 | 2023 02/23 Service offered to children and young people impacted by Domestic Abuse. 02/23 International day of zero tolerance for FGM training 02/2023 Sexual Abuse and Sexual Violence awareness week – 6-12 th February signposting 02/23 – Safer Internet day – School engagement events. 02/23 – Healthy minds Children mental health week & Training. 03/23- The rise of Andrew Tate and other influencers- How to protect and respond to online misogyny and hate speech – 23 rd March 04/23 – Harmful Sexual Behaviour training 09/23 – Social media discussion event as part of the CYP network led by Broxtowe Council 2024 2025 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|--|-----|--|---|--|
| | | | | 2026 |
| | | Communities. Ensure sufficient consideration is given to opportunities available to young people within the Employment and Skills Group. Identify opportunities in employment and skills for young people. Careers hub in Broxtowe to email communities officer with weekly school events. | 2023 Within departmental budgets | 2023 05/23 weekly contact with careers hub in Broxtowe to discuss roles in school's opportunities such as mock interviews and job fairs. Weekly emails on opportunities in Broxtowe 03/23 Stapleford job fair COMPLETED |
| Increase Education, Training and Skills | | Communities. Ensure sufficient consideration is given to opportunities available to young people within the Employment and Skills Group. Identify opportunities in employment and skills for young people. Careers hub in Broxtowe to email communities officer with weekly school events. | 2023 Within departmental budgets | 2023 05/23 weekly contact with careers hub in Broxtowe to discuss roles in school's opportunities such as mock interviews and job fairs. Weekly emails on opportunities in Broxtowe 03/23 Stapleford job fair COMPLETED |
| CHILD POVERTY | | | | |
| Reduce Debt and | | Housing Financial Inclusion. Reduce debt through providing support and advice to families | 2023 2024 2025 | 2023 2024 2025 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|-----------------------------|-----|---|---|---|
| Support Families | | requiring financial assistance. | 2026 Within departmental budgets | 2026 |
| | | Finance. Grant to Citizen's Advice Broxtowe to Reduce debt and support the voluntary sector to provide services and support for families | 2023 2024 2025 2026 | 2023 Grant awarded to CAB |
| | | Communities. Support Nottinghamshire County Council to deliver the Nottinghamshire Best Start Strategy 2021 – 25 delivering local activity. | 2024 2025 2026 Within departmental budgets | 2024 2025 2026 |
| Reduce Child Poverty | | Communities. Support food banks to remain sustainable to deliver food support. Refer vulnerable families in crisis to food bank services to ensure access to food. | 2023 2024 2025 2026 Within departmental budgets | 2023 Nottinghamshire Food Network are identifying support mechanisms 2024 2025 2026 |
| Reduce Food | | Communities. Support the delivery of Nottinghamshire County Council's | 2023 2024 2025 | 2023 6/23 HAF Steering group meeting 5/23 Comms out to schools with high proportion of free |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|-----------|-----|--|---|--|
| Poverty | | Holiday Activities and Food Programme. Identify gaps in service and promote the scheme to agencies working with Children and Young People. Promote the scheme to families and encourage take up. | 2026 Within departmental budgets | school meals. 3/23 Programme providers finalised. Identifying if priority area needs are being met. 2024 2025 2026 |
| | | Broxtowe Womens Project. Co-ordinate monthly warm spaces and food parcels for families who are / have experienced Domestic Abuse | 2023 2024 2025 2026 Within departmental budgets | 2023 09/23 BWP co-ordinates a monthly drop in for coffee and a monthly 'Walk & Talk' session – 1 north and 1 south of Broxtowe – food and toiletry essentials are available at all these sessions. Events in the week prior to each school holiday and BWP give out larger food parcels and activity packs for the children. Family activities during the holiday so that families can come along to a free event and know that refreshments are available. 2024 2025 2026 |
| | | Communities. Support food clubs to set up and deliver accessible, affordable food. Refer vulnerable families into food club services to support families in accessing affordable food. | 2023 2024 2025 2026 Within | 2023 Successful funding application to NCC Food Redistribution Fund Chilwell food club opened in March 2023 and has approx. 80 families / individuals registered. Eastwood food club will be based at St Mary's Church. |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|-----------|-----|--|------------------------------|---|
| | | | departmental budgets | Unfortunately, FareShare have paused new memberships to their scheme and awaiting this being lifted to set up the food club. Raised awareness of the Chilwell club through social media channels, Elected Members and partnership distribution lists. The Children Centre continue to refer families to the club 2024 2025 2026 |
| | | Cllr Williamson. Provide access to food for families in need through Brinsley Food Bank | 2023 2024 2025 2026 | 2023 2024 2025 2026 |
| | | Cllr Macrae. Provide access to food for families in need through and Stapleford Community Group | 2023 2024 2025 2026 | 2023 Stapleford Community Group via the #StaplefordFoodProject supplying food to Stapleford Youth Club Stapleford Community Group working with Early Years Pre-School and Nursery to supply food via the #StaplefordFoodProject to help tackle holiday hunger during the summer holidays 2024 2025 2026 |
| | | Cllr Macrae. Provide access to food for children in need through Stapleford | 2023 2024 2025 | 2023 2024 2025 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|--|-----|--|---|---|
| | | Community Group | 2026 | 2026 |
| | | Housing Tenancy Sustainment. Reduce the likelihood of homelessness through providing support to families at risk of homelessness. | 2023 2024 2025 2026 Within departmental budgets | 2023 09/23 39 cases opened 17 cases closed 2024 2025 2026 |
| Reduce Risk of Families Becoming Homeless | | Finance. Support Broxtowe Youth Homelessness financially to deliver 'Home Sweet Home' homelessness advice programme in schools. Reduce homelessness in young people. | 2023 2024 2025 2026 | 2023 07/23 Working with Broxtowe Youth Homelessness to promote programme to schools. 2024 2025 2026 |
| | | Housing. Work with other agencies to support families through quarterly Welfare Reform Meetings. | 2023 2024 2025 2026 Within departmental budgets | 2023 Meeting dates 04/23, 07/23 - next meeting 11/23 2024 2025 2026 |
| Support Families to be Resilient | | Communities, Revenue and Benefits and Housing. Reduce debt through referring families to the Household Support | 2023 2024 2025 2026 | 2023 41 white good referrals made. 103 referrals for food vouchers payments. 2024 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|-----------|-----|--|---|---|
| | | Fund and the Fuel Voucher scheme. HSF referrals also made to support families with white goods. Charity referrals made to support families when furniture is required | Within departmental budgets | 2025 2026 |
| | | Housing. Reduce debt through supporting families to furnish their homes through the Housing Furniture Project. | 2024 2025 2026 Within departmental budgets | 2024 2025 2026 |
| | | Communities. Work collaboratively with NCC Families Information Service to promote childcare funding support across the Borough. Signpost information to the CYP network and appropriate communication channels. | 2024 2025 2026 Within departmental budgets | 2024 2025 2026 |
| | | Housing. Provide targeted advice to families through attendance at Play Days. | 2023 2024 2025 2026 Within | 2023 09/23 Families Supported 54 2024 2025 2026 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|--|-----|--|---|--|
| | | | departmental budgets | |
| | | Cllr Macrae. Provide access to shoes for children in need through Stapleford Community Group | 2023 2024 2025 2026 | 2023 Stapleford Community Group working with Shoe Aid to provide footwear to local youngsters in need. Working with partner agencies to identify those in need 2024 2025 2026 |
| | | Housing. Upgrade housing stock through retrofitting insulation to solid wall housing. | 2023 2024 2025 2026 Within departmental budgets | 2023 2024 2025 2026 |
| Provide Better Housing for Families | | Private Sector Housing Work with Landlords to bring rented properties up to national standards. | 2023 2024 2025 2026 Within departmental budgets | 2023 2024 2025 2026 |
| | | Housing Create 22 rented and 4 shared ownership units at Field Farm for | 2024 2025 2026 | 2024 2025 2026 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|--|-----|--|---|------------------------------|
| | | families. | Within departmental budgets | |
| | | Private Sector Housing Provide access to grant funding Disabled Facilities Grants for children and young people with disabilities. | 2023 2024 2025 2026 Within departmental budgets | 2023 2024 2025 2026 |
| Enable Children with Disabilities to Remain in the Family Home | | Environment Upgrade 3 play areas for children and families in 2023-24 | 2023 2024 Within departmental budgets | 2023 2024 |
| Increase Access to Safe Play Spaces and Improve Access to Safer | | Neighbourhoods and Prosperity. Create safer cycling routes in Stapleford and Kimberley joining up the cycle networks to improve health and increase safety for young people on the roads. | 2023 2024 Within departmental budgets | 2023 2024 |
| | | Neighbourhoods and Prosperity. Create cycle training facility in | 2023 | 2023 Opened 08/04 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|-----------------------------------|-----|--|---|------------------------------|
| Cycling | | Stapleford to increase safety for young people on the roads. | Within departmental budgets | COMPLETED |
| | | Neighbourhoods and Prosperity. Create a community space for young people in Stapleford to provide diversionary activities. | 2023 2024 Within departmental budgets | 2023 2024 |
| | | Revenues and Benefits. Reduce debt through providing a demand led Discretionary Housing Payment (DHP) scheme to families. | 2023 2024 2025 2026 Within departmental budgets | 2023 2024 2025 2026 |
| Reduce Poverty in Families | | Revenues and Benefits. reduce debt. Through providing a Council Tax Support Scheme to families. | 2023 2024 2025 2026 Within departmental budgets | 2023 2024 2025 2026 |
| | | Human Resources. Offer apprenticeships within the Council to young people to reduce | 2023 2024 2025 | 2023 2024 2025 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|---|-----|---|---|--|
| | | unemployment and increase skills and aspirations. | 2026 Within departmental budgets | 2026 |
| Increase Access to Training and Increase Skills and Improve Life Chances | | Human Resources. Provide work placements to schools, colleges and Universities including working with organisations and special schools to increase skills and aspirations and demonstrate the Borough Council as a Disability Confident Employer. | 2023 2024 2025 2026 Within departmental budgets | 2023 2024 2025 2026 |
| | | Neighbourhoods and Prosperity. Create a library learning facility for entry level skills and training in Stapleford to increase skill and aspirations. | 2023 2024 Within departmental budgets | 2023 2024 |
| | | Communities. Support the Life Chances Strategic Partnership through delivering local activity. | 2023 2024 2025 2026 Within departmental budgets | 2023 2/23 Attended meeting and provided feedback on Cost of Living Events to take place in March 2023 2024 2025 2026 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|--|-----|--|---|---|
| | | Finance. Manage a small grants scheme to voluntary and community sector groups to provide support to families and young people in the community. | 2023 2024 2025 2026 Within departmental budgets | 2023 Play and Praise youth project £250 Support through Sport Youth sports £1,250 Stapleford community association £3,000 Transform Training OP POTASSIUM+ Youth ASB £3,303 Beeston Repair Café £250 2024 2025 2026 |
| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
| ARMED FORCES | | | | |
| Support Veterans in the Local Community | | Democratic Services. Appoint and armed forces champion annually to promote their cause and provide leadership. | 2023 2024 2025 2026 Within departmental budgets | 2023 Champion identified and appointed 05/23 Cllr Milan Radulovic COMPLETED 2024 2025 2026 |
| | | Communities. Maintain close links with local armed forces charities. Support Forces in the Community to be involved in appropriate multi-agency task groups to ensure the voice of veterans and their issues are captured. | 2023 2024 2025 2026 Within departmental budgets | 2023 Forces in the Community are attending multi-agency meetings. 2024 2025 2026 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|-----------------------------|-----|--|---|---|
| | | Human Resources. Apply for the armed forces employer recognition silver award and promote the armed forces employer recognition scheme. | 2023 2024 2025 2026 Within departmental budgets | 2023 Silver award achieved and will be received by 04/23 COMPLETED 2024 2025 2026 |
| | | Finance. Grant funding for refurbishment of Royal British Legion | 2022/2023 | 2023 £6,000 grant secured Refurbishment undertaken COMPLETED |
| | | Cllr Macrae. Royal British Legion Fundraising | 2023 | 2023 Royal British Legion Poppy Stand in the Stapleford Aldi Store and collection boxes in pubs and businesses in Stapleford |
| Support for Veterans | | Cllr Macrae. Act as point of contact and support for issues in a relaxed environment. | 2023 | 2023 Veterans and members of the Armed Forces supported through Stapleford Combined Services Club, The Con Club, Derby Road, Stapleford the 1st Sunday of each month 11am Veterans and members of the Armed Forces supported through Breakfast Clubs at Two4Tea, Derby Road, Stapleford the 2nd Saturday of each month 10am COMPLETED |
| | | Housing. Rehouse ex-service personnel in the Borough Councils specialist | 2023 2024 2025 | 2023 2024 2025 |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|---------------------------|-----|--|---|--|
| | | accommodation in Stapleford when vacancies arise | 2026 Within departmental budgets | 2026 |
| Meet Housing Needs | | Housing. Prioritise housing waiting list and continue to offer preference to ex-service personnel and their families through the Council's housing register | 2023 2024 2025 2026 Within departmental budgets | 2023 2024 2025 2026 |
| | | Communities. Update Armed Forces training on BLZ and promote through Employee Matters. | 2024 Within departmental budgets | 2024 |
| Training | | Communities. Promote and publicise armed forces events/projects/initiatives to resident, employees and partners. | 2023 2024 2025 2026 Within departmental budgets | 2023 06/23 Boots and Beret awards event promoted 2024 2025 2026 |
| Comms | | Communities. Develop and maintain an armed forces webpage on the Borough Councils website including | 2023 Within departmental | 2023 Webpage developed The updated action plan will be added to the website following committee approval |

| OBJECTIVE | REF | ACTION | DUE/FUNDING | UPDATE |
|-----------|-----|---|---|--|
| | | appropriate links and promotion of Armed Forces Community Covenant. | budgets | |
| | | Communities. Maintain database of agencies and contacts for dissemination of information to a virtual Armed Forces Community Covenant Group. | 2023 2024 2025 2026 Within departmental budgets | 2023 2024 2025 2026 |
| | | Communities. Promote the Veterans Together network annually to the wider community. | 2023 2024 2025 2026 Within departmental budgets | 2023 Information disseminated COMPLETED 2024 2025 2026 |
| | | Communities. Produce an annual briefing note for Members Matters and employee news circulated to all staff and elected members about the armed forces covenant and signposted to E-Learning. | 2023 2024 2025 2026 Within departmental budgets | 2023 Members Matters article circulated COMPLETED 2024 2025 2026 |

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Report of the Portfolio Holder for Environment and Climate Change

TREE STRATEGY - MANAGEMENT STRATEGY FOR TREES IN COUNCIL OWNERSHIP 2023-20271. Purpose of Report

To seek approval for the new Tree Strategy 2023-2027.

2. Recommendation

Cabinet is asked to RESOLVE that the Tree Strategy be approved and adopted.

3. Detail

Broxtowe Borough Council made a commitment to become carbon neutral by the end of 2027. Forming part of the Climate Change and Green Futures programme, commitments have been made around the management and planting of trees. It has therefore been necessary to develop a Tree Strategy for trees in Council ownership that would ensure the appropriate management and maintenance of existing trees along with the promotion of suitable tree planting initiatives.

Increasing the tree coverage within the Borough is a key part of the Council's Climate Change and Green Futures Programme. This new strategy will provide a strategic framework to manage, develop and enhance the Council's tree stock.

Trees are a vital aspect of life on our planet. They not only absorb and sequester carbon dioxide from the atmosphere yielding oxygen in return, but they also filter particulate, gaseous and noise pollution. In addition, they stabilise soil, provide shelter from strong winds and ultraviolet radiation, encourage and support biodiversity (even after the tree has died); increase social value and encourage wellbeing.

However, trees can also be a source of conflict, both perceived and actual. Fear of damage, the deposit of leaves, berries and other natural detritus, encroachment into property and obstruction of light are all potential problems associated with trees.

The new strategy (attached in appendix 2) outlines how the Council will maintain a healthy, safe stock of trees and enhance tree coverage across the Borough (as far as is reasonably practicable).

The Tree Strategy was reviewed at the Policy Overview Working Group on 5 October 2023. The group recommended adoption of the strategy but with the following amendments:

- Addition of a Communication Strand to the stakeholder engagement table.
- Inclusion of Nottinghamshire County Council and Broxtowe Borough Council responsibilities in relation to trees.

- Inclusion of a Biodiversity Net Gain statement and signposting to appropriate strategies.

These have now been captured within the revised Tree Strategy.

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 Head of Legal were as follows:

The Council has a legal duty to manage and maintain all trees on Council-owned land, in parks and open spaces. The Tree Strategy sets out standards for the management of the tree resource under the stewardship of the Council which comply with nationally recognised codes of practice and will mitigate the risk (e.g. of insurance claims) as well as helping to protect trees and woodlands as a valuable natural asset to Broxtowe.

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

Comments are contained within the report.

9. Data Protection Compliance Implications

No Applicable

10. Equality Impact Assessment

As this is a new policy, an equality impact assessment is included in appendix 1 of this report.

11. Background Papers

Nil

APPENDIX 1

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.
- 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: | Executive Director | Lead officer responsible for EIA | Head of Environment |
| Name of the policy or function to be assessed: | Tree Strategy - Management Strategy for Trees in Council Ownership 2023-2027 | | |
| Names of the officers undertaking the assessment: | Head of Environment | | |
| Is this a new or an existing policy or function? | New Strategy | | |
| <p>1. What are the aims and objectives of the policy or function?</p> <p>The strategic aims for the Tree Strategy are:</p> <ol style="list-style-type: none"> To provide a framework for tree management, which will enhance their value and improve: <ul style="list-style-type: none"> Landscape Enhancement. Biodiversity. Physical Environmental Benefits. Climate Change Mitigation and Adaptation. Health and Wellbeing. To engage and educate residents, green space users, employees and contractors on the sustainable management principles and maintenance regimes for the Borough's tree stock. This will be achieved using a variety of platforms and methodologies including; social media, Green Festivals, direct email, Green Rewards, leaflets and posters. Provide appropriate communications to all stakeholders regarding the implementation of any tree work. Replenish and increase the Borough's tree stock; fostering environmental resilience and sustainability. | | | |

5. Undertake effective woodland maintenance by removing selected trees, in order for the woodland to mature and to support a diverse range of habitats and ecosystems.
6. Fulfil the Council's legal obligations as a tree owner by addressing safety and maintenance issues effectively.
7. Utilise external funding to support tree planting programmes within the Borough.
8. Maintain an accurate database of tree assets and appropriate maintenance / survey arrangements.
9. Calculate the sequestration value of the Council's tree assets to inform the Climate Change and Green Futures Strategy.

2. What outcomes do you want to achieve from the policy or function?

To protect and enhance the environment for future generations.

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

Everyone who lives or works in the Borough of Broxtowe.

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

Members
 General Management Team (GMT)
 Employees in the Council
 Residents
 Businesses
 Community Groups
 Nottinghamshire County Council
 Town and Parish Council's
 Forestry Commission
 Local Nature Partnership
 Local Wildlife Trusts

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

- Over 132,000 trees have been planted across the Borough since 2008
- 26% of the Borough has tree canopy cover.
- The Council manages 94 hectares of mixed woodland.
- The council spends around £150k each year on planting, protecting and managing our trees.
- 168 Tree Preservation Orders (TPO's) across the Borough.

A monitoring system to capture further tree data will be developed over the next six months.

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

Qualitative data regarding trees is captured from residents and other key stakeholder enquires via email, phone calls and the Council's website. Data is also obtained through the Council's Parks and Open Spaces Survey's and will be used to inform any revision of the Tree Strategy.

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

The Tree Strategy forms part of the broader Climate Change and Green Futures Strategy. Consultation on this wider strategy took place in June and July of 2023. Feedback from residents indicated that they wished to see an increase in tree planting efforts across the Borough. This has been captured within the action plan.

Internal Stakeholder consultation has also been undertaken.

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

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

Yes

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

No

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

Yes - Sets out a clear framework for the management and maintenance of trees.

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

None

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: No known actions required.

Disability: No known actions required.

Gender: No known actions required.

Gender Reassignment: No known actions required.

Marriage and Civil Partnership: No known actions required.

Pregnancy and Maternity: No known actions required.

Race: No known actions required.

Religion and Belief: No known actions required.

Sexual Orientation: No known actions required.

Executive 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: Executive Director



Tree Strategy

Management Strategy for Trees in Council Ownership 2023-2027

DRAFT

Contents

| | | |
|----|---|----|
| 1 | VISION STATEMENT | 2 |
| 2 | WHY DO WE NEED A TREE STRATEGY? | 2 |
| 3 | SCOPE OF THE STRATEGY | 2 |
| 4 | POLICY CONTEXT | 2 |
| 5 | OBJECTIVES | 3 |
| 6 | KEY HIGHLIGHTS | 4 |
| 7 | STAKEHOLDERS | 5 |
| 8 | GOVERNANCE | 6 |
| 9 | STAKEHOLDER ENGAGEMENT | 6 |
| 10 | TREE PRESERVATION ORDERS (TPO'S) | 9 |
| 11 | TREE PLANTING | 9 |
| 12 | ACTION PLAN | 11 |
| 13 | REFERENCES | 15 |
| 14 | APPENDIX 1 – TREE CANOPY COVER ACROSS THE BOROUGH | 16 |

DRAFT

1 Vision Statement

To take proactive measures in managing trees, aiming to enhance and safeguard the environment, establish green spaces and effectively mitigate against the impacts of climate change.

2 Why do we need a Tree Strategy?

Trees have an immense value and need to be protected and correctly managed for a number of reasons:

- They have a vital role to play in mitigating climate change by absorbing carbon dioxide and releasing oxygen.
- They act as natural air filters, improving air quality and reducing pollution.
- They provide habitat for wildlife, supporting biodiversity and preserving ecosystems.
- They contribute to the overall health and well-being of communities by enhancing aesthetics, providing shade, and reducing urban heat island effects.
- A Tree Strategy ensures that existing trees are appropriately managed, promotes tree planting initiatives, and ensures that trees are integrated within the planning process.

As the public’s perception and awareness of the importance of trees develops, it is imperative that the Council has robust mechanisms in place for the management of existing tree stock and considers ways in which to increase canopy cover across the Borough in the future.

3 Scope of the Strategy

This strategy is designed to be a framework for the management of trees owned and managed by Broxtowe Borough Council, detailing the guiding principles by which arboricultural decisions are influenced.

The Council are responsible for trees on land such as the parks and open spaces. Trees growing from pavements or public highway verges are usually the responsibility of Nottinghamshire County Council Highways department.

The level of tree canopy cover across the Borough is detailed in the appendix.

The Tree Strategy will be reviewed annually, in line with the Climate Change and Green Futures Strategy to ensure that it is relevant, and meets all legislative requirements.

4 Policy Context

The Council’s requirement for a Tree Strategy is underpinned by policy at a National, Regional and Local level and is detailed in Table 1.

| National | Regional | Local |
|--|--|--|
| 25 Year Environment Plan England Tree Action Plan 2021–24 | Greater Nottingham Strategic Plan Nature for climate fund | Part 1 of the Local Plan (the Aligned Core Strategy) Part 2 of the Local Plan Corporate Plan |

| National | Regional | Local |
|---|----------|---|
| Part VIII of the Town and Country Planning Act 1990 as amended and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012 Section 192 of the Planning Act 2008 Climate Change Act 2008 Environment Act 2021 | | Business Plans Climate Change and Green Futures Strategy |

Table 1: National, Regional and Local Policies

5 Objectives

The Tree Strategy provides the Council with a framework to manage its own tree assets with the aim to achieve the following objectives:

1. To provide a framework for tree management, which will enhance their value and improve:

Landscape Enhancement

Trees form an important component of the landscape. They provide form, colour, texture and movement, changing with the seasons. Trees can be important local landmarks giving a sense of continuity and place. They can help provide privacy, frame the appearance of buildings and screen eyesores.

Biodiversity

Trees, particularly indigenous species, can provide valuable support to a range of wildlife. Trees can provide food, shelter, nesting and roosting sites, particularly for invertebrates, birds and bats.

Physical Environmental Benefits

In urban areas, trees help to modify the climate by providing shade from the sun, reducing wind speeds and reducing the extremes of temperature. They are important in reducing air pollutants and helping to absorb noise.

Climate Change Mitigation and Adaptation

Tree planting serves as a powerful tool for mitigating the impacts of climate change, particularly in relation carbon sequestration and mitigating flooding.

Trees are key in capturing and storing (sequestering) Carbon Dioxide, the most prevalent Greenhouse Gas. On average, a tree absorbs anywhere between 10 and 40kg of CO₂ per year (Source: Ecotree How much CO₂ does a tree absorb? (2023)).

Trees also play a crucial role in regulating water cycles and mitigating flood risks acting as natural flood barriers. They help prevent soil erosion, slow down and absorb floodwaters, protecting vulnerable areas from severe inundation and their canopies intercept rainfall, reducing the intensity of precipitation hitting the ground and minimising the chances of flash floods.

Health and Well-being

“Trees boost our physical and mental health in so many ways... Research has shown that chemicals called phytoncides, released by plants and trees, strengthen our immune, hormonal, circulatory and nervous systems when we breathe them in. Trees also improve our quality of life - offering relief from the symptoms of anxiety and depression”. (Source: Woodland Trust. Why we need Trees (2023)).

2. To engage and educate residents, green space users, employees and contractors on the sustainable management principles and maintenance regimes for the Borough's tree stock. This will be achieved using a variety of platforms and methodologies including; social media, Green Festivals, direct email, Green Rewards, leaflets and posters.
3. Provide appropriate communications to all stakeholders regarding the implementation of any tree work.
4. Replenish and increase the Borough's tree stock; fostering environmental resilience and sustainability.
5. Undertake effective woodland maintenance by removing selected trees, in order for the woodland to mature and to support a diverse range of habitats and ecosystems.
6. Fulfil the Council's legal obligations as a tree owner by addressing safety and maintenance issues effectively.
7. Utilise external funding to support tree planting programmes within the Borough.
8. Maintain an accurate database of tree assets and appropriate maintenance / survey arrangements.
9. Calculate the sequestration value of the Council's tree assets to inform the Climate Change and Green Futures Strategy.

6 Key Highlights

- In 2022/23, the Council planted over 4,000 trees, that's over 132,000 planted since 2008 (more than one tree for every resident in the Borough).
- 26% of the Borough has tree canopy cover. (Appendix 1)
- The Council manages 94 hectares of mixed woodland.
- The Council spends £150k each year on planting, protecting and managing trees.

- 168 Tree Preservation Orders (TPO's) across the Borough.

7 Stakeholders

Identifying key stakeholders is crucial in helping to provide strategic direction and in the delivery of actions captured in the Tree Strategy. It ensures that the right people are involved in the planning and implementation process and that their needs and interests are taken into account. Key Stakeholders for the Tree Strategy are identified in figure 1.

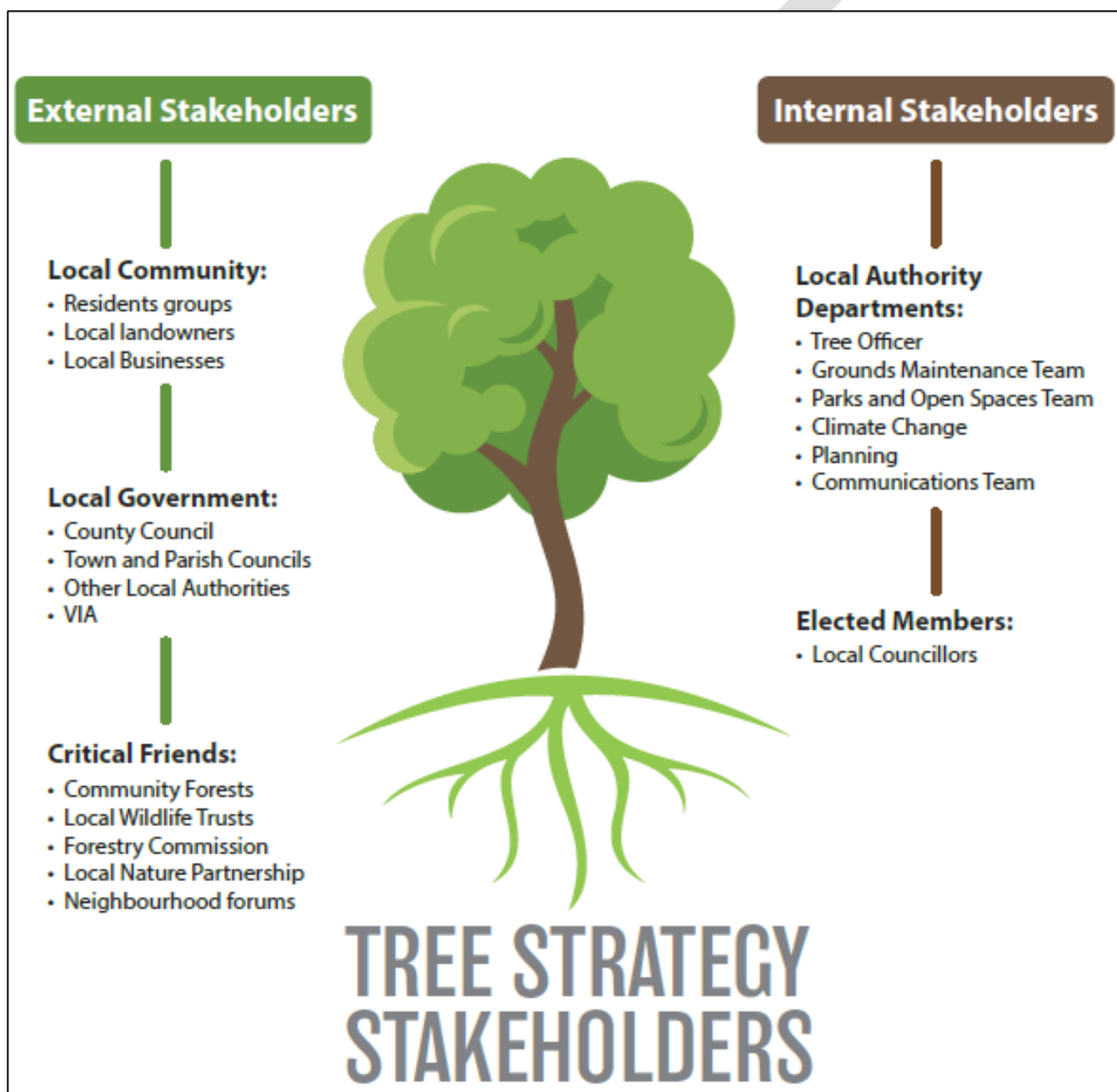


Figure 1: Key Stakeholders

Adapted from: DEFRA, Forestry Commission and the Tree Council - TREES AND WOODLAND STRATEGY TOOLKIT (2022)

8 Governance

The Council currently operates under a Cabinet system with a Lead Portfolio Holder for each priority area within the Council. Represented on the Cabinet is a Portfolio Holder for Environment and Climate Change.

Within the Council, the Tree Strategy for the Council's own trees is managed and delivered (in the main) by the Parks and Open Spaces Team.

Reports on progress will take place via the Climate Change and Green Futures Board, which meet on a quarterly basis. This group provides updates on progress to the General Management Team and the Portfolio Holder for Environment and Climate Change.

9 Stakeholder engagement

Keeping stakeholders informed with regards to any potential tree works ensures that there is an awareness of the reasons, requirements and timeframes for these to be carried out.

Tree Management and Maintenance

The tables below specify how the maintenance work requests are prioritised by the Council. The tables also detail expected timescales for undertaking the work.

Once a tree has been assessed and the appropriate level of work determined, an instruction is passed to the Council's tree team or nominated contractor to complete the work within the relevant timescale.

The Council will employ arboricultural techniques to maintain the oldest and most prominent trees located within the Borough.

The Council will address any tree enquiry in the following way:

| |
|---|
| 1. REQUEST - Contact made from member of public, agency or other stakeholder. |
| 2. ASSESS - Tree officer will visit site to assess any work that may be required. An update is provided to enquirer as to outcome of the inspection. |
| 3. INSTRUCT - If any works are identified, then an instruction is sent to tree team/contractor with appropriate timescale of completion. |
| 4. COMMUNICATE – Ensure all relevant stakeholders have been informed of when the works are due to take place. |
| 5. WORK - After the works have been completed then a follow up visit or scheduled re-inspection is undertaken. |

Once the Tree Officer has been on site to assess the tree/s, they will prioritise the works required using the categories highlighted in Table 2.

| Category | Description | Timescale to undertake action |
|----------|---|---------------------------------------|
| 1 | Tree poses serious threat - hazardous tree/fallen tree etc. | Immediate (within 24 hours) |
| 2 | Tree causing or likely to cause physical damage – to property etc. | Within one month. This |

| Category | Description | Timescale to undertake action |
|----------|---|--|
| 3 | Work to allay a potential future threat – dying/diseased tree, or self-seeded poor specimens, growing in an unsuitable location. | excludes trees that may be subject to an insurance claim, where it needs to be proved beyond reasonable doubt that the tree is responsible for the damage. |
| 4 | Work to manage a legal nuisance e.g. blocked access. | |
| 5 | Routine maintenance | In line with good arboricultural practice. Target time within 5 months of receiving initial request. |

Table 2: Tree work prioritisation categories and expected timeframes

What is routine maintenance?

Routine tree maintenance is the process of inspecting, pruning and maintaining trees to keep them healthy and safe. The following includes details of issues where consideration would be made for pruning/maintenance:

- Fallen or snapped branches.
- Low branches (below head height or affecting access).
- Trees touching properties.
- Trees obscuring lights on paths within parks or Council owned land.
- Low sprouting growth from the trunk or base of the tree (known as epicormic growth).

Timescale for undertaking routine maintenance work

The process for assessing work and the relevant timescales are detailed in Table 2. This is intended to provide guidance on the standards that the public can expect. However, timescales may need to be adjusted due to weather conditions, budget constraints and existing workloads. Trees that pose a serious threat or are causing physical damage will be dealt with in line with the timescales indicated in Table 3.

The Tree Officer will advise complainants on any appropriate works and corresponding timescale.

| Operation | Timescale |
|--|----------------------------|
| Enquiry received and assessment made by Tree Officer. Some requests may not require a visit by the Tree Officer and will be added direct to the work list. | Up to 4 weeks |
| Works scheduled and issued to tree team or contractor. Where possible works will be grouped into geographical batches and allocated in packages rather than as one-off jobs. | Up to 8 weeks |
| Tree contractor/Broxtowe Borough Council Tree Team complete works | Up to 10 weeks |
| Maximum total time to undertake routine maintenance. | 22 weeks (5 months) |

Table 3: Timescale for undertaking routine maintenance work

Situations where work on a tree maybe delayed

Most tree works will take place alongside a visual ecological inspection to ensure that the tree is clear of wildlife. However, there may be occasions where works needs to be stopped or delayed due to nesting birds or roosting bats.

Instances where tree works may not be undertaken

The Council receives many requests that it is not legally required to address. These requests are classified as non-legal nuisance. Work to resolve the following issues is not undertaken unless it forms part of routine maintenance:

- Effects on TV reception (either satellite or terrestrial television)
- Effects on solar panels
- Obstruction of views
- Minor or seasonal 'nuisances' such as:
 - Honeydew (dripping sap)
 - Bird droppings
 - Leaf, fruit or flowers fall

Whilst the Council acknowledges that these issues can be frustrating, these challenges are outweighed by the substantial environmental benefit that trees provide.

Removal of Council Owned Trees

The Council will never undertake unnecessary works to trees, because to do so would require the allocation of scarce resources.

The Council will not remove trees unless it is for one of the following reasons:

- Trees that are considered dead, dying or dangerous. A professional assessment and detailed inspection will be carried out on a trees condition to ascertain if the tree is either:
 - **Dead** – a tree that has no growth present within the crown.
 - **Dying** - a tree that is in the process of irreversible decline.

- **Dangerous** – biological and/or mechanical defects are noted, and the likelihood of failure is deemed high.
- Removal of trees to benefit adjacent trees, for example trees in groups on parks/open spaces that are being suppressed by adjacent trees.
- Trees that are proven (beyond reasonable doubt) to be the sole cause of subsidence to property.
- Occasionally, exceptional circumstances may arise that are not covered by the previous points (or self-seeded poor specimens, growing in an unsuitable location). In such circumstances either the Head of Environmental Services, nominated deputy or the Head of Housing (Housing owned land) will assess the tree and a decision will be made as to whether works on the tree are required or if it needs to be felled.

Trees will not be removed for the following reasons:

- To increase light penetration to properties.
- To improve a view.
- To alleviate any of the situations listed in the non-legal nuisance category.

10 Tree Preservation Orders (TPO's)

“A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity.” (Source: Tree Preservation Orders and trees in conservation areas. Gov.UK 2014) TPOs are issued by Local Authorities and can be applied to individual or groups of trees. The purpose of a TPO is to protect trees that are of, special value, old, rare or have historical / cultural significance.

TPO trees are usually mature, of good form and, most importantly, can be clearly seen from a public area.

It should be noted that residents must not undertake work to Council owned trees, trees which may be in a conservation area or that may have a TPO order on them without the express permission of the Council.

Further information on TPO's, including a register of all TPO's in the Borough can be found on the Council's website: <https://www.broxtowe.gov.uk/for-you/parks-and-nature-conservation/trees-and-hedges/tree-preservation-orders/>

11 Tree Planting

The Environment Act 2021 has set out the key components of mandatory biodiversity net gain (BNG) for planning permissions granted in England. Sites will have to deliver at least 10% BNG from January 2024. Tree planting will play a valuable role in facilitating and enhancing this initiative. Detail and actions on BNG are captured in the Council's Climate Change and Green Futures strategy.

To align with the Council's commitment to climate change and becoming carbon neutral by the end of 2027, there is the constant need to replenish and expand the Borough's tree stock.

Broxtowe Borough Council invests in new tree planting each year on public spaces, and also in its woodlands and hedgerows.

Broxtowe Borough Council, as part of its drive to address climate change and be responsible for its tree stock has planted over 132,000 since 2008, that's more than one for every resident in the Borough.

The Council's tree planting schedule is undertaken during the winter months (between November and the end of February). This takes into account the most arboriculturally appropriate time for planting trees during dormancy. However, trees may be planted outside this time and if such instances occur, trees are given suitable aftercare.

In line with standard horticultural practice, newly planted trees will be watered for the first three years to ensure that they stay healthy and have the best possible chance of establishing.

In order to suppress weeds and retain moisture the Royal Horticultural Society (RHS) recommends mulching around the base of new trees. The Council will evaluate the effectiveness of undertaking this practice moving forward. Consideration though will need to be given to cost and resources.

Wherever possible, trees that are felled by the Council shall be replaced with an appropriate species in the next planting season, except in cases where it is deemed unsuitable to plant a replacement in the same place. In such situations, wherever possible, an alternative position shall be sought within the Borough.

The planting of new trees shall only be undertaken in situations where it is assessed that the Council has the **RIGHT TREE for the RIGHT PLACE**. This means before a tree is planted, the area selected for planting will be assessed. This is to ensure that a complimentary tree species is selected and the planting of the tree shall not have a negative effect upon:

- The public's safe, free movement within the public highway.
- Utility supplies and equipment, or any other similar services.
- The integrity, use and enjoyment of private property.
- Existing biodiversity.

Tree planting will entail the selection of any suitable species to maximise its long term retention. It may also be unsuitable to replant with a like-for-like species. This is where the former tree has died of a particular disease or has been removed due to growing in a dangerous position or be found to be causing damage.

Since January 2023, all tree stock for the Council is sourced from British nurseries and is UK grown. This is to remove the risk of importing invasive species such as Oak Processionary Moth (OPM), or the fungus causing Ash dieback.

In local nature reserves and woodlands, only native species will be planted and will be of UK provenance.

12 Action Plan

| Ref | Action | Target for 2024/25 | Responsible Officer | Cost |
|-----|---------------------------------|--|-------------------------------|------|
| 1 | Monitoring and data management | <p>Create a monthly monitoring report that will capture the following:</p> <ul style="list-style-type: none"> - Number of trees planted. - Number of trees receiving maintenance. - Number of trees removed. - Number of TPO's issued. - Number of TPO maintenance works. <p>Using GIS mapping, estimate the total number of trees under Council ownership.</p> <p>Establish a carbon sequestration value for Council owned natural assets.</p> <p>Calculate the amenity value for Council trees.</p> | Parks and Open Spaces Manager | £ |
| 2 | Tree Management and Maintenance | <p>Ensure that all maintenance works takes place within the relevant pre-agreed timescales.</p> <p>Deal with all dangerous trees within 24 hours after receiving the report.</p> <p>Routine tree assessments will be carried out within four weeks.</p> | Parks and Open Spaces Manager | ££ |

Page 264

| Ref | Action | Target for 2024/25 | Responsible Officer | Cost |
|-----|---|---|--|------|
| 3 | Planting and establishment of new trees | <p>Plant 3,000 trees, 10% of which will be drought tolerant.</p> <p>Provide 800 trees for the free tree scheme, utilising the Green Rewards Platform as a method for qualification. Consider other sustainable plant options for residents who do not have enough room in their garden for a tree.</p> <p>Identify 1 area and install a pocket orchard.</p> <p>Identify and create one new woodland.</p> <p>Establish an appropriate aftercare programme for new trees (especially during periods of extreme heat and drought).</p> <p>Explore external funding opportunities to help support the tree planting programmes.</p> <p>Look for opportunities to increase Council owned tree canopy cover across the Borough.</p> <p>All trees to receive three years' aftercare after planting.</p> <p>Increase tree canopy cover by 1% per annum.</p> | Parks and Open Spaces Manager/Climate Change Manager | £££ |
| 4 | Enhance Biodiversity | Plant Black Poplars and re-wild the Erewash flood plain at Toton. | Head of Environmental Services/ Parks and Open Spaces Manager | £££ |

| Ref | Action | Target for 2024/25 | Responsible Officer | Cost |
|-----|--|--|--|------|
| | | <p>Evaluate the effectiveness the mulching around the base of new trees. Undertake a trial for benchmarking.</p> <p>Work with stakeholders to identify trees with the best biodiversity potential (including veteran trees) and look at ways to incorporate these into yearly planting plans.</p> <p>If safe to do so, don't clear away felled or fallen trees.</p> | | |
| 5 | Climate Change Adaptation and Mitigation | <p>Identify opportunities to increase urban tree canopy to reduce urban heat islands.</p> <p>Identify opportunities to diversify woodlands so that they are more resilient to natural hazards such as wildfires and storms.</p> | Head of Planning and Economic Development/Parks and Open Spaces Manager. | £ |
| 6 | Communication and Stakeholder Engagement | <p>Work with the Communications Team to ensure that sustainable management principles and maintenance regimes are clearly communicated to all key stakeholders.</p> <p>Engage with community groups to identify three woodland enhancement planting project.</p> <p>Undertake regular tool box talk training sessions on tree maintenance with the Grounds Maintenance team.</p> | Head of Environmental Services/ Parks and Open Spaces Manager/ Communications, Cultural and Civic Services Manager | £ |

| Ref | Action | Target for 2024/25 | Responsible Officer | Cost |
|-----|---------------------------------------|--|---|------|
| 7 | Pests and disease management in trees | <p>Maintain awareness of emerging tree pests and diseases and adapt management practices accordingly.</p> <p>Undertake proactive inspections on trees for pests and diseases.</p> <p>Ensure and obtain relevant documentation that all trees purchased for the Council are UK native species, grown in the UK.</p> | Head of Environmental Services/ Parks and Open Spaces Manager | ££ |
| 8 | Health and Wellbeing | <p>To increase the number of residents taking part in the 'switch off' action on the Green Rewards platform by 5%.</p> <p>Produce a Green Social prescribing model in relation to health and wellbeing for the Borough.</p> <p>Utilise wood from routine maintenance work, to support activities such as basket making and supporting structures for gardens and allotments.</p> | Chief Communities Officer/ Communications, Cultural/Civic Services Manager/Parks and Open Spaces Manager | £ |

Page 267

| | | |
|---------|-------------|------------|
| £ - Low | ££ - Medium | £££ - High |
|---------|-------------|------------|

13 References

DEFRA, Forestry Commission and the Tree Council - TREES AND WOODLAND STRATEGY TOOLKIT (2022)

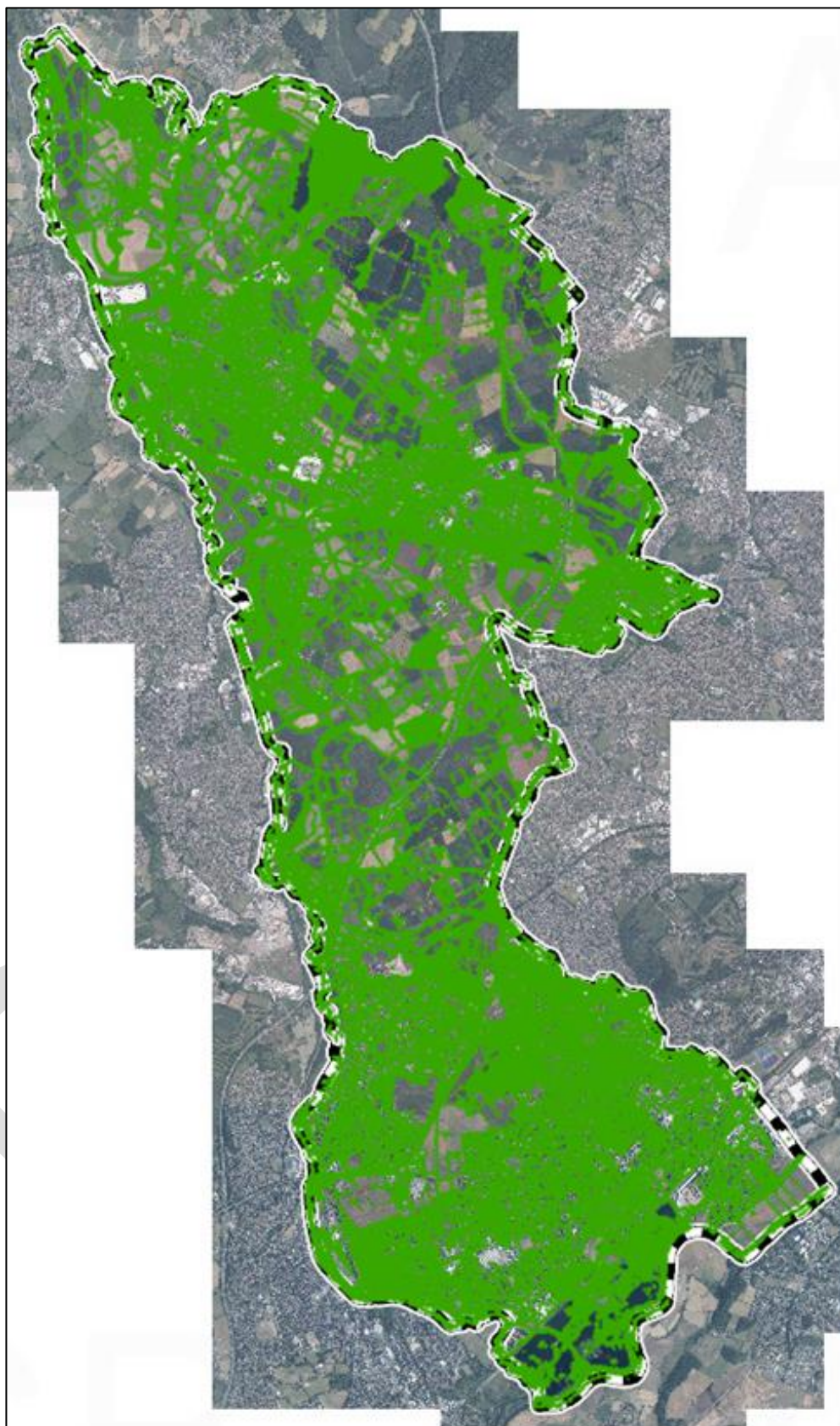
Ecotree: How much CO₂ does a tree absorb? <https://ecotree.green/en/how-much-co2-does-a-tree-absorb#answer> referenced 11 September 2023.

Gov.UK Tree Preservation Orders and trees in conservation areas. <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas> referenced 15 September 2023

Woodland Trust: Why we need trees. <https://www.woodlandtrust.org.uk/trees-woods-and-wildlife/british-trees/benefits/> referenced 11 September 2023.

DRAFT

14 Appendix – Tree Canopy cover across the Borough



***Tree Canopy Cover: 26%**

This has been calculated using Ordnance Survey's MasterMap. The Borough's canopy cover is estimated to be 21.4 square kilometers. The total area of the Borough is calculated at 81.08 square kilometers.

The maps small scale does not accurately reflect the 26% tree canopy cover.

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Report of the Portfolio Holder for Environment and Climate Change

WASTE STRATEGY UPDATE – IMPLEMENTATION OF FOOD WASTE COLLECTIONS1. Purpose of Report

To update Members on the progress of Broxtowe's Interim Waste Strategy and to inform on the potential impacts of kerbside food waste collections.

2. Recommendation

Cabinet is asked to NOTE the potential costs for the implementation of kerbside food waste collections and RESOLVE that the increase in the refuse freighter fleet at a cost of £84,150, whilst waiting for a round review to be undertaken, be approved.

3. Detail

In September 2021 the Council approved an Interim Waste Strategy which was to be reviewed and an action plan compiled once the Environment Bill had received Royal Assent. The Environment Act was mandated in November 2021; however, the exact requirements and timeframes are yet to be announced.

One of the key outcomes anticipated from the Environment Act was the introduction of consistent waste and recycling collections and a mandate for local authorities to collect food waste from the kerbside on a weekly schedule.

In September 2023, the Government announced that the 'Consistency in Recycling' programme had been changed to 'Simpler Recycling'. The detail regarding this policy name change is still to be released but it would appear that the new scheme favours a comingled rather than source separated approach to recycling collections.

Mandated weekly food collections looks likely to continue and will need to be implemented by October 2027. These collections will be a positive step change towards increasing recycling rates and reducing carbon emissions. It is not yet known what level and type of funding support is available from the Government 'New Burdens Fund' but the costs associated with the implementation of these household kerbside collections are significant and are detailed in appendix 1.

Under the new requirements, all non-household premises (such as businesses and schools), must also make arrangements to have food waste collected. As with domestic waste, there is a duty for the Council to have arrangements in place for the collection of commercial waste, which it does via a chargeable trade waste service. However, businesses and schools have the option of choosing another service provider for their waste collections.

The Council may need to offer food waste collections to businesses and schools. A separate report evaluating the possible cost implementations will be prepared once further details on funding have been received.

Uncertainty over the details of consistent recycling collections and the implementation of food waste has meant that a much needed round review for the Borough's waste collection rounds is currently on hold.

Delaying the round review has meant that there is a need to maintain a holding pattern over current waste and recycling rounds, many of which are at capacity due to new housing developments. An increase in garden waste subscribers has also meant that additional resource to support collections is now required. A business case for the additional resource is detailed in appendix 2.

4. Financial Implications

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

The costs associated with the implementing mandated weekly kerbside food waste collections will be considerable. Without significant financial support from central government by way of 'New Burdens Fund, the resources required both in terms of capital outlay and ongoing revenue costs would be a huge commitment and additional budget pressure for the Council. Progress will be carefully monitored and any capital and revenue budget implications will be factored into the Council's Medium Term Financial Strategy and budget plans.

In terms of the proposal regarding an additional refuse vehicle to the fleet, the annual operating cost of the freighter and its crew (agency) is estimated at £84,150. If Members were to approve the proposal, it is anticipated that any part-year costs in the current financial year would be absorbed in existing budgets. The additional revenue costs of running the vehicle and team in 2024/25 would be factored into the budget setting process.

5. Legal Implications

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

The Environment Act 2021 ('the Act') supports the Government's 25-year environmental plan. Its purpose is to cover 'the gap' created by the UK's departure from the EU and subsequent leaving behind of environmental protections put in place by the EU. The Act intends to ensure there are effective environmental protections in place and make sure accountability is embedded within UK environmental law going forward. Section 57 of the Act replaces the whole of Section 45A of the Environmental Protection Act 1990. It now requires recycling streams to be collected separately unless it is not technically or economically practicable to do so or there is no significant environmental benefit.

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

Comments are contained within the report.

9. Data Protection Compliance Implications

Not Applicable

10. Equality Impact Assessment

Not Applicable

11. Background Papers

Options Appraisal Report WRAP

APPENDIX 1

KERBSIDE COLLECTION OF FOOD WASTE AND CONSISTENT COLLECTIONSConsistent Collections

Local authorities continue to wait for detail on the consistent recycling reforms, which has meant that planning for the new kerbside recycling collections has been difficult. In September, the Government announced that it had renamed the 'Consistency in Recycling' programme to 'Simpler Recycling'. The detail regarding this policy name change is still to be released but it would appear that the new scheme favours a comingled approach.

Due to a lack of information available at the present time the Council has based analysis on what is currently known in order to make appropriate provision within the medium term financial plan (MTFS).

The concept of having a core set of materials collected from every household and business was introduced in the 'Our Waste Our Resources: A Strategy for England', published in December 2018. Part of this Strategy was to create a mandate to collect a consistent set of recyclables across all local authorities, along with the introduction of a weekly collection of food waste.

To assist with the preparation, Nottinghamshire County Council applied for funding from Waste Resources Action Programme (WRAP), to employ a specialist waste consultant to appraise the most appropriate, effective and consistent options for each district and the County.

As an output, Broxtowe Borough Council received its own individual appraisal report, considering seven potential modelling options for recycling and food waste collections. Each of the options were scored on the following three criteria:

- Impact on recycling performance
- Financial Impact
- Carbon emission savings

The report from WRAP combined both the 'Consistency in Recycling' changes and the food waste collections. Given that there is uncertainty over the 'Consistency in Recycling' collections, it has been necessary to separate and update the financial impacts of both changes so that planning for their introduction can begin.

Report recommendation

The requirements detailed in the WRAP recommendation may have changed under the new policy direction 'Simpler Recycling', as this seems to favour a co-mingled approach to collections. Details regarding this are yet to be received.

The information provided in this report, comes from analysis undertaken before the potential policy change and may therefore need to change following additional guidance.

The WRAP report highlighted option five as the preferable delivery model for consistent recycling. This would entail the delivery to all households of an additional 240 litre wheeled bin for the collection of paper and card. Glass would no longer be collected separately and would be collected co-mingled with other dry recycling materials. This, along with an introduction of kerbside food waste collections, could potentially lead to the Borough having a recycling rate of 45.1% (The Council currently has a recycling rate of 37%)

The programme of collections over a four-week period are detailed in table 1 and would be as follows:

| Week | Kerbside Material Collected |
|------|--|
| 1 | Black-lidded bin and Food waste |
| 2 | Co-mingled recycling (Green Bin) Plastic/Cans/Glass and Food waste |
| 3 | Black-lidded bin and Food Waste |
| 4 | Bin for Paper and Card and Food Waste |

Table 1: Option five collection detail

Garden waste would continue to be collected as a subscription service, fortnightly (April to November) and then monthly (December to February).

Not considering the implementation of food waste at this point, the consistent recycling collections would:

- Utilise the current collection pattern and infrastructure for recycling collections.
- Require the delivery an additional 240 litre bin for paper and card to each householder.
- Separate glass collections will cease and this material will be collected with other dry recycling material.

Indicative costs for the additional 240 litre bin would be in the region of **£1,331,000** (this does not include delivery and distribution). On-going replacement and new development costs are estimated at around **£60,500** per annum.

How will the schemes be funded?

In October 2021, the government declared the availability of a £295 million 'New Burdens Fund' for local authorities to implement food waste collection programmes.

These funds will be allocated on a formula based system rather than individual local authorities submitting applications to bid for the money. However, due to recent inflationary rate rises, the likely cost for vehicles and containers is expected to exceed those projected in 2022. It remains unclear whether the Government's funding has kept pace with inflation, and the Treasury has yet to disclose the amount each local authority will receive or if the local authority will need to bridge any funding shortfalls for these new initiatives.

It has been made clear that the 'New Burdens Fund' is intended to cover capital costs, which includes the procurement of vehicles and containers. What is not clear

is whether the Council will need to shoulder any ongoing revenue or transitional costs.

The Government plans to finance these new services and collection modifications through the planned introduction of the Extended Producer Responsibility scheme. Extended Producer Responsibility for packaging will see producers pay for the cost of recycling their products supporting the polluter pays principle. This scheme will require all packaging material producers to contribute to the costs of collection, disposal, and recycling. However, the specifics of how the funds generated by this scheme will be distributed to collection and disposal authorities remain unconfirmed and the scheme has now been delayed until October 2025.

Food Waste Collections

Whilst there is uncertainty over the consistent recycling element of kerbside collections, there has been confirmation that weekly food waste collections will commence in **October 2027**. This was delayed from the initial April 2025 commencement date, due to contractual issues with Veolia. The County Council applied to DEFRA for a transitional agreement to delay the start date of collections and this was carried out in consultation with the Districts and Boroughs.

How will food waste be collected?

Vehicles

Since the WRAP report was written, resources have increased in price since the initial capital estimates. WRAP estimated the Council would require eight, 7.5 tonne food waste vehicles including one spare. Each vehicle is currently priced at £100,000, depending on specification, giving a total indicative spend of **£800,000** on food waste vehicles.

This spend will need to be captured in the up-coming capital programme, as the vehicles will need to be ordered at least a year in advance. This is because other Councils will have a similar implementation date so will be competing for similar resources. It is also anticipated that vehicle prices will have increased by the time of ordering.

The operational running costs for these vehicles is estimated at **£165,000** per year (not including employee costs).

The purchase of additional food waste vehicles will also need to be added to future capital programmes to support new housing development activities across the Borough.

Food Waste Caddies

Residents will be issued with two containers for their food waste.

- 7 litre kitchen caddy that would be kept inside the home.

- 23 litre out door caddy. This would be presented for collection outside of the property.

Costs for the containers

Prices were obtained recently from a caddy supplier. Indicative prices for 57,000 caddies are shown in table 2:

| Caddy Type | Cost per unit with a logo |
|-------------------------|---------------------------|
| 23 litre external caddy | £5.20 |
| 7 litre internal caddy | £2.00 |

Table 2: Unit cost for 57,000 caddies

Indicative costs for caddies during the initial roll out of the scheme are shown in the table 3 below.

| Factor | Caddy with a logo |
|--|-------------------|
| Households in the Borough | 51,480 |
| Additional 10% for new developments/broken caddies | 5,148 |
| Total caddies required | 56,628 |
| Estimated 7 litre Kitchen Caddy cost | £113,250 |
| Estimated 23 litre outdoor caddy cost | £294,450 |
| Total cost of caddies | £407,700 |

Table 3: Indicative cost for indoor and outdoor food caddies

Year 2 on-going revenue costs are based on the following:

- 2.5% new developments
- 2.5% general replacement through wear and tear.

Pricing for the for caddies are shown in table 4 below.

| Factor | With a logo |
|---|----------------|
| 5% new development and replacement stock (based on 51,480 households) | 2,574 |
| Estimated 7 litre Kitchen Caddy cost | £5,150 |
| Estimated 23 litre outdoor caddy cost | £13,400 |
| Total cost | £18,550 |

Table 4: Replacement costs

If caddies were purchased not only for the initial roll out but for on-going replacements as part of a countywide procurement process, economies of scale could be achieved.

Caddy Liners

Research by WRAP has shown that there is a strong link between food waste participation rates and the provision of free caddy liners.

| Factor | Metrics |
|--|----------------|
| Households in the Borough | 51,480 |
| Additional 10% | 5,148 |
| Total caddy liners rolls required for Year 1 | 56,628 |
| Cost per roll (52 bags) | £0.90 |
| Estimated total cost of caddy liners for Year 1 | £50,950 |

Table 5: Caddy liner costs

The anticipated cost for caddy liners in year 1 is **£50,950**. There will also be the on-going revenue costs if liners are to be provided free of charge. A decision would be required from Members on continued free liner provision, although it is recommended that for the first year liners are provided free of charge. Indications are that liners will not be covered by the 'New Burdens Fund'.

Distribution costs to all households for the caddies and liners also need to be considered; however, these are difficult to estimate at this stage.

Additional employee costs

Each of the food waste vehicles will operate with a driver and one loader.

To ensure that all seven round plus the spare round have adequate cover for annual leave, training and sickness days, 20 employees will be required at an estimated cost of **£635,000** per annum.

At least one additional mechanic (or equivalent resource) will be required in the garage to support with the extra vehicles. This would be at a cost of **£41,300** per annum.

To help to support with the role out of additional food waste collections an additional back office employee will be required to help with engagement and promotion. This would be a permanent position at an estimated cost of **£38,150** per annum.

Indicative **additional** employee costs after **year 1**, would be in the region of **£714,450**.

Communications

To ensure effective community engagement and participation, WRAP recommends a communications package expenditure of **£75,000** over the course of the first year which covers both the 'Consistency in Recycling' and kerbside food waste changes. It is anticipated that the communication budget would remain unchanged if only food waste collections were rolled out, this is because the 'Consistency in Recycling' and food waste collection information and messaging would have been bundled together.

Cost summary associated with the initial roll out of kerbside food collections

Table 8 below highlights the initial indicative implementation costs for food waste. Given that the collections will not be in place for a further four years, it is expected that prices will be subject to inflationary rises.

The costs below do not include an initial delivery to households. This is because the methodology for undertaking this has not yet been agreed, so is difficult to estimate.

| Item | Cost |
|--|-------------------|
| 8 x 7.5 food waste vehicles | £800,000 |
| Vehicle running costs for 8 food waste vehicles | £165,000 |
| Food caddies (7 litre and 23 litre) | £407,750 |
| Food caddy liners | £50,950 |
| Employee Costs (additional) | £714,450 |
| Communications | £75,000 |
| Route optimisation software/route planning support | £50,000 |
| Installation of an additional fuel tank in the Depot | £50,000 |
| Total | £2,313,150 |

Table 6: Initial kerbside food waste capital and revenue costs

Capital Costs

| Item | Cost |
|--|-------------------|
| Eight 7.5 tonnes food waste vehicles | £800,000 |
| Food caddies (7 litre and 23 litre) | £407,750 |
| Installation of an additional fuel tank in the Depot | £50,000 |
| Total | £1,257,750 |

Table 7: One off capital costs.

Although not confirmed, it is expected that the capital funding available through 'New Burdens Fund' will be not be adequate to cover all the kerbside food waste costs.

As such, no capital borrowing costs have been included at this stage. It has been assumed that all capital outlay on new vehicles and other equipment will be fully funded by capital grant from the 'New Burdens Fund'. Any shortfall in grants may require the Council to undertake prudential borrowing to fund the purchases. This would incur capital financing costs (Minimum Revenue Provision and interest on borrowing) and impact upon ongoing revenue costs.

Revenue Costs

| Item | Cost |
|--|-------------------|
| Employee costs (additional) | £714,450 |
| Vehicle running costs for 8 food waste vehicles | £165,000 |
| Communications | £75,000 |
| Food caddy liners | £50,950 |
| Route optimisation software/support for route planning | £50,000 |
| Total | £1,055,400 |

Table 8: One off revenue costs

Indicative on-going revenue costs

Table 9 below, highlights the indicative on-going revenue costs for kerbside food waste collections. The Extended Producer Responsibility scheme may cover some of these costs going forward but any detail on the scheme is still to be released and the scheme itself has been delayed until 2025.

| Item | Cost |
|---|-----------------|
| Employee Costs | £714,450 |
| Vehicle running costs for 8 food waste vehicles | £165,000 |
| Food caddies (7 litre and 23 litre) | £18,550 |
| Food caddy liners* | £50,950* |
| Communications | £10,000 |
| Maintain Route optimisation software | £15,000 |
| Total | £973,950 |

Table 9: Indicative on-going revenue cost

*A decision will need to be taken regards the continued provision of free caddy liners.

It should be noted that all costs that have been highlighted in the report are indicative and will be subject to inflation. A replacement programme for the food waste vehicles will also need to be considered and captured at an appropriate time within the vehicle capital replacement programme.

Other points for considerationDepot Capacity

Kimberley Depot currently has the capacity to accommodate the eight additional food waste vehicles required for the food waste collections. However, the site would need reconfiguring to accommodate these vehicles and the necessary supporting infrastructure, (including that for the additional employees).

In line with the Council's Climate Change and Green Futures Strategy, the new food waste vehicles would ideally be electric. This would necessitate an upgrade to the Depot's electrical infrastructure to support the charging needs of these vehicles.

Given the question mark over the long term viability of the Kimberley Depot site, due to its identification as potential housing development land within the Local Plan, an evaluation of the site is necessary. The feasibility study would need to consider the logistical implications of increased traffic to the site, not only for the Council's own fleet but for the additional employees that would be required to deliver the service.

10-day Contingency for Fuel

The Civil Contingencies Act, also known as the CCA, was introduced in 2004 following a review of emergency planning arrangements, as a result of the fuel crisis and severe flooding in 2000. The Act establishes a framework for civil protection in the UK. It imposes a clear set of roles and responsibilities on those organisations preparing for and responding to emergencies.

Local authorities are a category one responder and as such the Council need to ensure that it has ten days' worth of fuel for its fleet at all times.

Currently, the fuel tank on site at Kimberley Depot holds 27,000 litres of fuel. The fleet currently uses 1,000 litres of fuel per day and with an additional nine vehicles (eight food waste and one refuse freighter) stock is likely to require at least weekly ordering and delivery to meet the ten-day contingency requirement.

The installation of an additional fuel tank will need to be explored. It is anticipated that the cost of the tank, plus all the infrastructure works required will be in the region of **£50,000**.

Operating licence implications

The Council currently has an operating licence that covers up to 28 vehicles (over 3.5 tonnes). At this point in time, there are 20 vehicles on the licence (21 if the additional freighter resource is agreed). This covers 18 refuse freighters, one cage vehicle and a Grounds Maintenance van. The additional food waste vehicles will mean that the licence is taken over its maximum. The Council will therefore need to apply to the Traffic Commissioner to vary the operating licence. A process that will cost **£400** and take six to eight weeks to process.

Waste disposal

The disposal point for food waste is currently unknown. Discussions have highlighted the possibility of utilising Kimberley Depot as a drop off point. Further discussions with the County Council and Veolia will be required if this is to be a viable option. The Environment Agency will also need to be consulted, as this may require a variation on the Depot's site licence.

Any other sites identified for disposal may have an impact on vehicle running costs.

Round Review

In 2018, Broxtowe's waste and recycling routes underwent a full review, which was a paper based exercise utilising existing Environment administration employees. Routes were optimised making them more efficient and balanced but they also included additional capacity to allow for the inclusion of new developments. This covered a three to five-year period.

Since the review in 2018, no further adjustments have been made to the routes. It is now evident that these routes need to be reviewed once more. This is as a result of:

- A number of new housing developments.
- More people working from home.
- Imbalance between the waste and recycling rounds.
- Increase in the number of garden waste subscribers.

Whilst undertaking a round review now could potentially increase the productivity of each route and in doing so may identify opportunities to stand down one or more vehicles on each collection day. The uncertainty over the details of consistent recycling collections and the implementation of food waste has delayed the round review from taking place. From a work programme perspective, it is both economical and prudent to undertake these changes at the same time.

Undertaking an effective and efficient review of round planning would require additional employee resource and the possible use of route optimisation software. It is anticipated that this would cost in the region of **£50,000**. A business case will be formalised and presented to Cabinet once details are released on the new recycling rounds.

Delaying the round review, has meant that there is a need to maintain a holding pattern over current rounds, many of which are at capacity. Paired with an increase in new developments and garden waste subscribers a request to have an additional refuse vehicle and team to operate it has now become necessary.

This is to ensure that all households continue to receive their collection services without disruption. The business case for this additional resource is detailed in Appendix 2.

Carbon savings

"The Carbon Waste and Resources Metric (Carbon WARM) has been developed by WRAP and provides a relative measure quantifying net carbon emissions (CO₂e) relative to a default (landfill). The assessment compares the carbon associated with the treatment routes of the materials collected and the carbon impacts of the vehicle fleet relative to the baseline" (WRAP Options Appraisal Report - Report presenting the results from an options appraisal of waste and recycling collections for Broxtowe Borough Council – December 2022).

Based on the introduction of kerbside food waste, WRAP calculated that there would be a 2,661 CO₂e saving across the collection and disposal elements of collection, the

majority of which are attributed to the treatment of residual waste while the reprocessing of recyclable materials provides a net benefit, helping to offset this emission. For the Council though there would be an increase in our own operational footprint, as there would be an increase in the fuel used for the fleet and an increase in employees coming to site to undertake collections.

Summary

If the Government does decide to continue with consistent recycling collections (excluding food waste), then the indicative costs for the additional 240 litre bin would be in the region of **£1,331,000** (this does not include delivery and distribution). On-going replacement and new development costs for the bins would be estimated at around **£60,500** per annum.

The indicative cost for the rollout of kerbside food waste has been estimated at **£2,313,150**. This includes supporting costs including route optimisation software and an additional fuel tank installed at Kimberley Depot.

Although not confirmed, it is expected that the capital funding available through 'New Burdens Fund' may be inadequate to cover all the kerbside food waste costs.

The indicative on-going revenue costs for kerbside food waste are currently estimated at **£973,950** (although a decision would need to be made with regards the continuation of caddy liners after year one). Some of these costs may be covered by the new Extended Producer Responsibility scheme, however details are still to be released.

Conclusion.

The indicative costs associated with the roll out of kerbside food waste are considerable. Currently there is no visibility on how 'New Burdens Fund' will be allocated, although it is anticipated that it will be on a modelled formula rather than actual costs. The likelihood is that the Council will not achieve full cost recovery for the infrastructure service.

References

WRAP Options Appraisal Report, report presenting the results from an options appraisal of waste and recycling collections for Broxtowe Borough Council (December 2022)

Chartered Institution of Wastes Management (CIWM), Position Statement - Consistent Collections in England (July 2023) <https://www.ciwm.co.uk/ciwm/news-and-insight/member-news/2023/ciwm-position-statement-consistent-collections-in-england.aspx> referenced 28 September 2023

APPENDIX 2

ADDITIONAL VEHICLE RESOURCEBackground

Broxtowe Borough Council, currently has a fleet of eighteen refuse freighters undertaking a variety of waste and recycling collections across fourteen permanent collection rounds. The four remaining freighters are deployed on missed bin collections, provide support for general and garden waste collections and are used as spares to cover any vehicle breakdowns.

New housing developments and the increase in garden waste subscriptions are placing additional pressures on the fleet, which has meant that the spare vehicles are almost permanently deployed. Ideally a round review would now be undertaken to balance the waste and recycling routes but due to the uncertainty over consistent recycling collections, the implementation of kerbside food waste, and the costs of a review, the review needs to be delayed. From an economical and work programme perspective these changes need to be undertaken together.

In delaying the round review, there is now a need to maintain a holding pattern over current collection rounds. Many of these are at capacity and the increase in garden waste subscribers has meant that on some days a third team is required to support the garden collection rounds (currently rounds are covered by two teams in the summer). In addition to an increase in new developments across the Borough, it is now necessary to request an additional refuse vehicle and a team to operate it.

In the short term, the additional freighter would be sourced from our existing fleet, specifically by retaining one of the older freighters that would have been disposed of when the Council takes delivery of three new freighters at the end of this year. This approach allows us to quickly respond to the immediate need without incurring extra capital expenditure.

In the longer term, the cost of an additional freighter may need to be captured in the capital programme to ensure the sustainability and efficiency of operations. This would be determined by the round review, which may also highlight that additional fleet vehicles are not required as efficiencies can be made from rebalancing the rounds.

Financial Implications – Vehicle and Employee's

The cost of running the additional freighter for a year is detailed in table 1.

| Item | Cost |
|---|----------------|
| Repair and Maintenance (incl. tyres, MOT, Road Tax) | £7,350 |
| Fuel | £11,050 |
| Insurance | £2,250 |
| Total | £20,650 |

Table 1: Indicative costs for running an additional freighter for one year.

The additional freighter will require a dedicated team to operate it. In the short term, this team could be covered by agency posts, as a team may not initially be required every day.

Table 2 below details the indicative employee costs associated with running the additional freighter. These are based on a full year. It is anticipated that a team may not be required initially every day, so the actual employee costs may be lower.

| Item | Cost |
|--------------------|----------------|
| Driver/Team Leader | £35,150 |
| Loader | £28,350 |
| Total | £63,500 |

Table 2: Employee costs for running an additional freighter.

The maximum potential cost to run an additional freighter and crew for one year is **£84,150**.

The costs for operating an additional freighter and crew in the current financial year 2023/24 will be absorbed in the current budget. If the proposal is approved, the additional revenue costs of running the vehicle and team in 2024/25 will be included in the budget setting process.

Conclusion

Having an additional vehicle and resource in place until the round review can take place will help optimise routes and collection schedules. This will ensure that we can efficiently serve all areas of the Borough, including future developments. This approach will enable the Council to effectively manage the increasing pressure on our refuse rounds and continue providing a high quality service to its garden waste subscribers.

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Report of the Portfolio Holder for Environment and Climate Change

REVIEW OF SMOKE CONTROL AREAS AND APPROVAL OF SMOKE CONTROL POLICY 2023

1. Purpose of Report

To advise Members of the proposals to review the Smoke Control Order areas within the Borough and introduce a policy for the enforcement of these Orders.

2. Recommendations

The Policy Overview Working Group **RECOMMENDS** to Cabinet to **RESOLVE** that:

1. **an Order revoking older smoke control orders be made, which will be subject to public consultation and confirmation by the Secretary of State.**
2. **after public consultation, the expiry of relevant objection periods and Secretary of State confirmation, a new borough-wide smoke control order be approved.**
3. **that the policy on enforcement of smoke control orders be approved.**

3. Detail

Smoke control orders were originally introduced by the Clean Air Act 1956 following the high number of deaths that had occurred during London smog episodes. Now replaced by the Clean Air Act 1993, local authorities can make orders so as to identify and designate land as a smoke control area, meaning that restrictions then apply to all premises within that area to prevent smoke being emitted from appliances or fuel.

In an area subject to a smoke control order, it becomes an offence to:

- allow smoke emissions from the chimney of a building;
- obtain and use solid fuel, other than authorised fuel; and
- sell by delivering solid fuel, other than authorised fuel, to premises located within the Smoke Control Area.

The majority of the Borough is covered by 21 Smoke Control Orders which were made between 1960 and 1982. It is unlawful to emit smoke from a chimney in a Smoke Control Area and so smokeless fuels should be used. Alternatively, wood, timber or logs may be used in a [DEFRA approved stove](#).

Some areas and newer developments are not covered by the Order, such as parts of Bilborough where the houses were built after the original Smoke Control Orders were enacted. The Borough boundaries have also changed since the original Smoke Control Orders were introduced resulting in some ambiguity and there is a general lack of public awareness of the existing smoke control area

rules given the time that's passed since they were introduced. Many living in areas already covered by smoke control areas are not aware so are using unauthorised fuels and appliances. More recently there has also been a considerable rise in those installing log burners and therefore there is a greater need to educate residents.

The aim of a smoke control area is to improve local air quality, by limiting the amount of smoke which can be emitted from both domestic and industrial chimneys. Revoking the 21 different smoke control orders and replacing it with a single smoke control area covering the whole of the Borough will make it simpler to understand, easier to enforce and to help us protect the air quality across the whole of the Borough and support our aim of reducing carbon emissions to tackle climate change.

Between the 1970s, 1980s and 1990s, coal use in domestic combustion was the largest source of particulate matter emissions but by 2021, coal accounted for a very small proportion of PM2.5 emissions (13%), while the use of wood as a fuel accounted for 75%.

Emissions of PM2.5 from domestic wood burning increased by 124% between 2011 and 2021, to represent 21% of total PM2.5 emissions in 2021. The Department for Environment and Rural Affairs (Defra) has reported that wood and coal fires are the single biggest source of PM2.5 pollution in the UK accounting for 27 per cent of PM2.5 emissions. Most emissions from this source come from households burning wood in closed stoves and open fires. This is not widely known by residents.

PM2.5 is considered a particularly harmful pollutant and has been identified by the World Health Organization as the most damaging to human health. These tiny particles are able to travel deep into the respiratory tract leading to numerous health conditions including asthma, lung cancer, cardiovascular disease, dementia and pregnancy loss.

Long term benefits from agreeing to the recommendations will be a reduction in the quantity of PM2.5 produced in the Borough, resulting in cleaner air and health benefits to those who live and work in the Borough.

Where smoke is emitted from a chimney in a smoke control area, the Council can issue a financial penalty of between £175 and £300 to the responsible person. A policy on enforcing the provisions is required and the proposed policy is attached for approval (appendix 3). The introduction of a policy on enforcement of the provisions in Smoke Control Areas will give us the tools to tackle those whose smoke has an unacceptable impact on others.

The Council have completed an initial consultation to revoke the existing Smoke Control Orders and replace these with a single Smoke Control Order covering the whole of the Borough. Consultation took place via advertising in Beeston News, East and Kimberley Advertiser, London Gazette, social media and liaison

with affected parties. A total of 105 responses were received and an analysis of the comments received is included in appendix 4. In summary 82% of respondents supported the proposals to control harmful air pollutants, 70% of respondents thought air quality was important or very important and 67% of respondents supported the proposals to review the Smoke Control Areas.

The Council did consult on whether to bring moored vessels to within the scope of this policy however the consultation responses did not support this. On reflection, and due to the low numbers of moored vessels present within the Borough, and to prevent undue financial hardship, the Council do not propose to progress this.

4. Financial Implications

The possible income from the enforcement of the policy is not expected to be significant. Income received will be used for the purposes of supporting Environmental Health enforcement.

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

There are no additional financial implications for the Council, with enforcement action being within existing resources. It is likely that only nominal income will be generated from issuing civil penalties. The Council has received a New Burdens funding payment and this will be used to cover the costs of publicising, reviewing existing smoke control areas and the training of officers.

5. Legal Implications

Smoke Control Orders can only be varied or revoked by the making of another Order. Accordingly, this report seeks authority to make a revocation Order revoking all the existing Orders. The decision whether to confirm the revocation order will be made by the Secretary of State following a further public consultation. A copy of the draft Revocation Order is included at appendix 1. If the Secretary of State confirms the Revocation Order the earliest it can come into operation is six months from the date of confirmation.

Any objection to the revocation of one or more of the existing orders detailed in the Schedule to the Order must be made to the Secretary of State (DEFRA) who will consider the objection and make a determination whether to confirm the Revocation Order with or without modification.

This report also proposes that the Council make a smoke control order to declare the whole of the borough a smoke control area. A copy of the draft Order is included at appendix 2.

Members are asked to approve the Broxtowe Borough Council Smoke Control Orders (Revocation) Order 2023 and to the making of the Broxtowe Borough Council Smoke Control Order 2023 once revocation is approved by the

Secretary of State. The new smoke control order will come into effect not less than six months from the date of making.

6. Human Resources Implications

There were no comments from the Human Resources Manager.

7. Union Comments

There were no union comments.

8. Climate Change Implications

The comments were as follows:

Approval of a new borough-wide smoke control order supports the ambition of the Council to become carbon neutral by the end of 2027 by:

- Supporting a shift from non-renewable heating sources such as wood burning stoves to renewable energy sources.
- Having a beneficial effect on air quality, by reducing harmful pollutants released into the atmosphere.

9. Data Protection Compliance Implications

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

10. Equality Impact Assessment

As there is a change to policy an equality impact assessment is attached.

11. Background Papers

None.

APPENDIX 1

BROXTOWE BOROUGH COUNCIL

CLEAN AIR ACT 1993

THE BROXTOWE BOROUGH COUNCIL

SMOKE CONTROL ORDERS (REVOCATION) ORDER 2023

The BROXTOWE BOROUGH COUNCIL (the Council) in exercise of its powers under Section 18 of, and Schedule 1 to, the Clean Air Act 1993, as modified by Section 67(2) of, and Parts II and III of Schedule 5 to, that Act, hereby makes the following Order:

Citation

1. This Order may be cited as the Broxtowe Borough Council Smoke Control Orders (Revocation) Order 2023.

Commencement

2. This Order shall come into force on [a date to be specified by the Secretary of State if the Order is confirmed, with or without modification, such date being not less than 6 months from the date of confirmation].

Revocation

3. (a) The smoke control orders specified in the Schedule 1 to this Order; and
(b) any other smoke control order made, pursuant to Section 11 of the Clean Air Act 1956, before 13th November 1980, by the Council, are hereby revoked.

Dated this day of 2023.

The COMMON SEAL of BROXTOWE BOROUGH
COUNCIL was hereunto affixed in the presence
of:

Authorised Officer

SCHEDULE 1

Revocations

Beeston and Stapleford Smoke Control Order 1960 (No.1 Inham Nook, Chilwell)
Beeston and Stapleford Smoke Control Order 1961 (No.2 Bramcote Hills)
Beeston and Stapleford Smoke Control Order 1962 (No.3 New Eaton Estate, Stapleford)
Beeston and Stapleford Smoke Control Order 1964 (No.3a Hilltop Farm Estate)
Beeston and Stapleford Smoke Control Order 1963 (No.4 Toton and Part of Chilwell)
Beeston and Stapleford Smoke Control Order 1963 (No.5 Hillside Road Estate, Hofton)
Beeston and Stapleford Smoke Control Order 1964 (No.6 Attenborough part Chilwell & part Beeston)
Beeston and Stapleford Smoke Control Order 1965 (No.7 Chilwell – part)
Beeston and Stapleford Smoke Control Order 1966 (No.8 Stapleford – part)
Beeston and Stapleford Smoke Control Order 1967 (No.9 Beeston – part Bramcote – part and Chilwell - part)
Beeston and Stapleford Smoke Control Order 1968 (No.10 Beeston – part and Chilwell - part)
Beeston and Stapleford Smoke Control Order 1969 (No.11 Bramcote – part and Stapleford - part)
Beeston and Stapleford Smoke Control Order 1970 (No.12 Part Beeston)
Beeston and Stapleford Smoke Control Order 1971 (No.13 Part Beeston)
Beeston and Stapleford Smoke Control Order 1972 (No.14 Beeston Rylands)
Beeston and Stapleford Smoke Control Order 1973 (No.15)
Eastwood No.3 Smoke Control Order 1978
Kimberley No.4 Smoke Control Order 1979
Broxtowe Borough Council (Nuthall West) (No.5) Smoke Control Order 1981
Broxtowe Borough Council (Nuthall East) (No.6) Smoke Control Order 1980
Broxtowe Borough Council (Watnall) (No.7) Smoke Control Order 1982



CLEAN AIR ACT 1993
BROXTOWE BOROUGH COUNCIL
SMOKE CONTROL ORDER 2023

BROXTOWE BOROUGH COUNCIL (“the Council”) of Council Offices, Foster Avenue, Beeston, Nottingham, NG9 1AB, in the exercise of its powers under the Clean Air Act 1993 (“the Act”) hereby make the following Order:

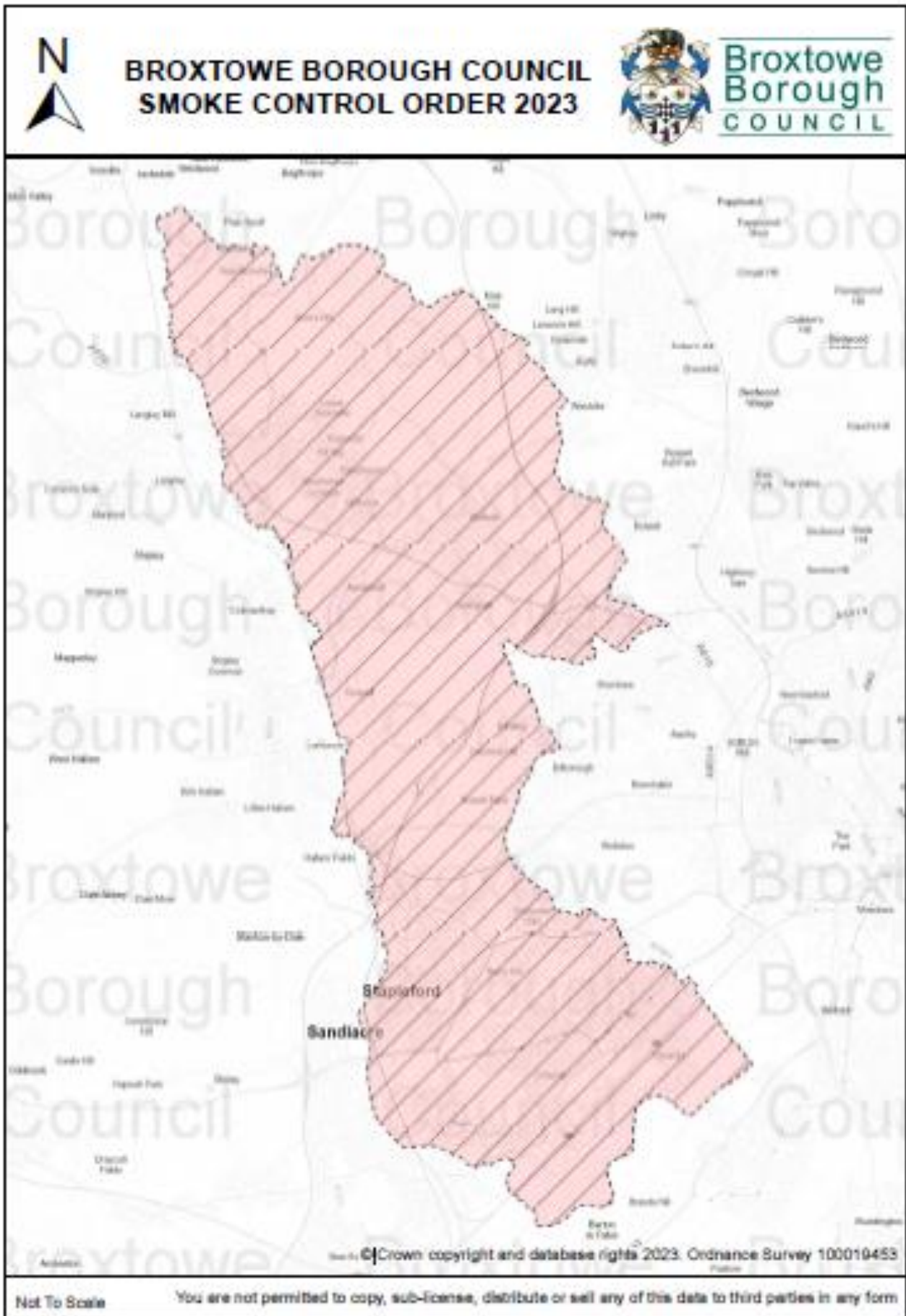
1. This Order may be cited as “The Broxtowe Borough Council Smoke Control Order 2023”. It will come into operation on
2. The Council declares the whole of its district to be a Smoke Control Area (“the Smoke Control Area”). The extent of the Smoke Control Area is shown on the plan annexed at Schedule 1 to this Order.
3. All of the existing Smoke Control Orders listed in Schedule 2 are hereby revoked on the day that this Order comes into operation.
4. In the whole of the Smoke Control Area created by this Order, the operation of Section 19A and Schedule 1A, and Section 20 of the Clean Air Act 1993 (the prohibition on emissions of smoke from chimneys) shall be applicable to all buildings (excluding moored vessels).
5. Other than exemptions made by the Secretary of State under section 21 of the Act, there are no buildings or classes of buildings or fireplaces or classes of fireplaces in the Smoke Control Area that are exempt from the operation of Section 20 of the Act (the prohibition on emissions of smoke) or from operation of Section 19A or Schedule 1A of the Clean Air Act 1993 (penalty for emission of smoke in a smoke control area).

Dated this day of 2023.

The COMMON SEAL of BROXTOWE BOROUGH
COUNCIL was hereunto affixed in the presence of:

Authorised Officer

SCHEDULE 1 Map of the Borough area covered



LIST OF SMOKE CONTROL ORDERS TO BE REVOKED

Beeston and Stapleford Smoke Control Order 1960 (No.1 Inham Nook, Chilwell)
Beeston and Stapleford Smoke Control Order 1961 (No.2 Bramcote Hills)
Beeston and Stapleford Smoke Control Order 1962 (No.3 New Eaton Estate, Stapleford)
Beeston and Stapleford Smoke Control Order 1964 (No.3a Hilltop Farm Estate)
Beeston and Stapleford Smoke Control Order 1963 (No.4 Toton and Part of Chilwell)
Beeston and Stapleford Smoke Control Order 1963 (No.5 Hillside Road Estate, Hofton)
Beeston and Stapleford Smoke Control Order 1964 (No.6 Attenborough part Chilwell & part Beeston)
Beeston and Stapleford Smoke Control Order 1965 (No.7 Chilwell – part)
Beeston and Stapleford Smoke Control Order 1966 (No.8 Stapleford – part)
Beeston and Stapleford Smoke Control Order 1967 (No.9 Beeston – part Bramcote – part and Chilwell - part)
Beeston and Stapleford Smoke Control Order 1968 (No.10 Beeston – part and Chilwell - part)
Beeston and Stapleford Smoke Control Order 1969 (No.11 Bramcote – part and Stapleford - part)
Beeston and Stapleford Smoke Control Order 1970 (No.12 Part Beeston)
Beeston and Stapleford Smoke Control Order 1971 (No.13 Part Beeston)
Beeston and Stapleford Smoke Control Order 1972 (No.14 Beeston Rylands)
Beeston and Stapleford Smoke Control Order 1973 (No.15)
Eastwood No.3 Smoke Control Order 1978
Kimberley No.4 Smoke Control Order 1979
Broxtowe Borough Council (Nuthall West) (No.5) Smoke Control Order 1981
Broxtowe Borough Council (Nuthall East) (No.6) Smoke Control Order 1980
Broxtowe Borough Council (Watnall) (No.7) Smoke Control Order 1982

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Smoke Control Order Enforcement Policy

ISSUED BY:

BROXTOWE BOROUGH COUNCIL
COUNCIL OFFICES, FOSTER AVENUE, BEESTON, NOTTINGHAM, NG9 1AB

DATE: AUGUST 2023

CONTENTS

| | | |
|---|----------------------------|---|
| 1 | INTRODUCTION..... | 1 |
| 2 | POLICY..... | 1 |
| | 2.1 WRITTEN WARNING..... | 1 |
| | 2.2 FINANCIAL PENALTY..... | 1 |
| | 2.3 NOTICE OF INTENT..... | 2 |
| | 2.4 FINAL NOTICE..... | 2 |

1 INTRODUCTION

The Clean Air Act 1993 (as amended by the Environment Act 2021) provided local authorities with the legal means to control the emission of smoke from chimneys. There is a degree of flexibility in how the Council can apply such controls.

Broxtowe Borough Council has declared the entire district to be a 'smoke control area'.

Where smoke is emitted from a chimney within a smoke control area, the Council has the discretionary power (Schedule 1A) to issue a financial penalty; this is a civil matter, rather than a criminal offence.

Government guidance is that each local authority should have a policy to set out how financial penalties are to be applied. This document sets out how Broxtowe Borough Council will apply the provisions of the Clean Air Act 1993 in relation to smoke from chimneys, in respect of when financial penalties are to be issued and the scale of fees.

This policy shall follow the principles of the Council Corporate Enforcement Policy.

2 POLICY

2.1 WRITTEN WARNING

The current guidance issued by DEFRA is that a local authority *may* issue a written warning (also known as an improvement notice).

The enforcement policy provides for the issue of informal advice where there is a minor breach of the law.

Within this context, the Council will issue a written warning for a first offence, where it is appropriate in the circumstances to do so.

The Council will provide a one-month grace period against further enforcement following the first warning, to allow the responsible person a reasonable period to address the issue.

2.2 FINANCIAL PENALTY

Where it is appropriate to do so, the Council will issue a financial penalty under Schedule 1A. The financial penalty ranges from a minimum of £175 to a maximum of £300, to be set as part of Council policy.

The financial penalty should consider the seriousness of the offence, and whether it is a repeat offence.

Where a financial penalty is issued for the first time, it shall be £175.

Second and subsequent financial penalties shall be £300.

The Council will allow a one week grace period between the issue of separate financial penalties, to ensure that the responsible person receives correspondence from the Council before further offences are enforced.

2.3 NOTICE OF INTENT

Where it is intended to issue a financial penalty in accordance with this policy, the Council is required to issue a notice of intent.

The notice of intent provides the recipient of the financial penalty with 28 days to object the Council's decision. The grounds of objection are:

- there was no smoke emitted from the chimney at the time given in the notice of intent.
- a smoke control order did not apply to the chimney at the time given in the notice of intent.
- the person sent the notice of intent was not responsible for the chimney at the time given in the notice of intent - in which case, they must provide the name and address of the person who was liable at the time (if they know).
- there are other compelling reasons why the financial penalty should not be imposed.
- (for moored vessels) the smoke emission was from the engine and was used to move it or provide it with electric power.

The onus is on the appellant to provide evidence to support their objection.

An appeal be made on the grounds of a 'compelling reason' will be assessed on a case-by-case basis, but generally will not include lack of finance as appropriate grounds.

Where the Council allows an objection, it will withdraw the notice and inform the appellant of its decision in writing.

2.4 FINAL NOTICE

The Council will issue a final notice within 56 days of the notice of intent being confirmed.

The recipient of a final notice has a 28-day right of appeal, which should be made to a first-tier tribunal.

The Council will pursue unpaid debts in line with its Corporate debt recovery policy as it will any other debt.

Smoke Control Area Consultation Analysis

RESULT OF CONSULTATION AND THE COUNCIL
RESPONSE TO THE PROPOSAL TO REVOKE ALL
EXISTING SMOKE CONTROL ORDERS AND
REPLACE THEM WITH A SINGLE BOROUGH-WIDE
ORDER

Consultation Period: 19 JUNE – 7 AUGUST 2023

Background

An on-line public consultation was held between 19 June to 7 August 2023. The consultation asked residents and business owner to have their say on Broxtowe's intention to declare a borough-wide Smoke Control Area. Specifically, the public was consulted on whether the new proposed Order should also include moored vessels.

The consultation matter was brought to the public's attention using social media, advertising, liaison with locally related business and affected organisations detailed below. A copy of the leaflet which was dropped to canal boat users is provided in **Annex A**, and the following information channels were used to advertise the proposal:

- 2 formal public notices in two local newspapers, Beeston News and the Eastwood and Kimberley Advertiser over two weeks.
- Formal public notice in the London Gazette
- Consultation details listed on the Council website including a survey monkey questionnaire and invitation to make specific comments directly.
- Details in the Latest News and Environmental Update bulletin issued to residents.
- Council press release.
- Social media posts on Broxtowe Borough Council's Facebook page.
- Copies of the notice made available at the Council Offices.
- Consultation with local sellers of stoves and fireplaces, Kimberley Fireplaces and the Fireplace Shop, Queens Road.
- Consultation with sellers of fuel locally, namely Fernwood Fuels who displayed the consultation poster in their customer shop.
- Emails and information sent to the Canal and Rivers Trust – they placed this on their Twitter page which attracted over 5,300 views.
- Leafleting of canal boats at Beeston Lock, owned by Canal and Rivers Trust.
- Liaison with the owner of the largest location of permanent vessels, Beeston Marina and advertising of the consultation leaflet.
- Liaison and the inviting of comments from canal boat and vessel related bodies including the National Bargee Travellers Association, Canal and River Trusts, Boat Safety Scheme, HETAS, The Solid Fuel Association and Erewash Canal Preservation and Development Association.
- Emails sent to all Councillors and Town and Parish Council's.

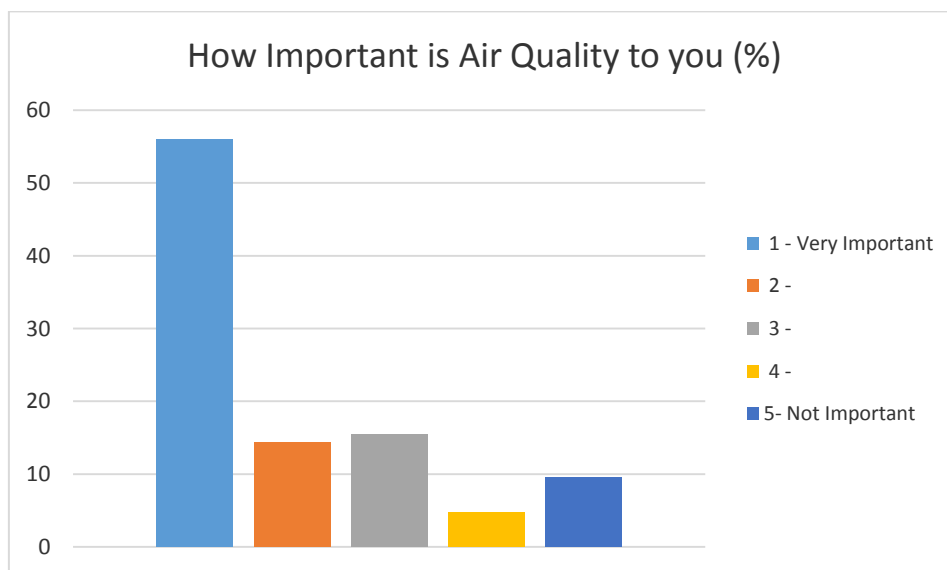
- Liaison with DEFRA, the Environment Agency, Clean Air Nottingham, Nottinghamshire local authority pollution control teams, Nottingham County Council and public health.
- Letter sent to all Council owned housing stock known to use solid fuels.

Following this consultation, the responses were reviewed before putting this proposal to Cabinet.

Consultation Results

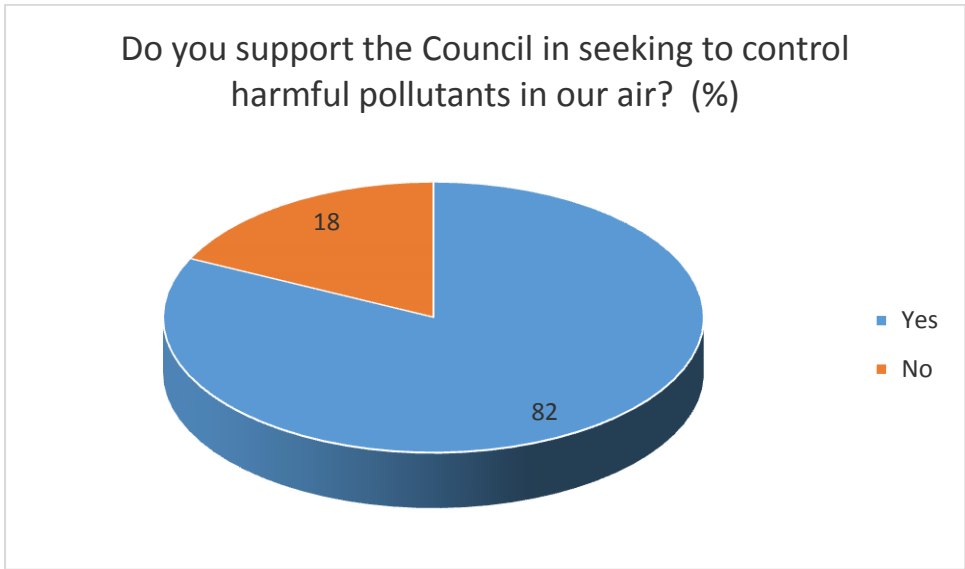
1. How important to you is your local air quality?

(84 responses received)



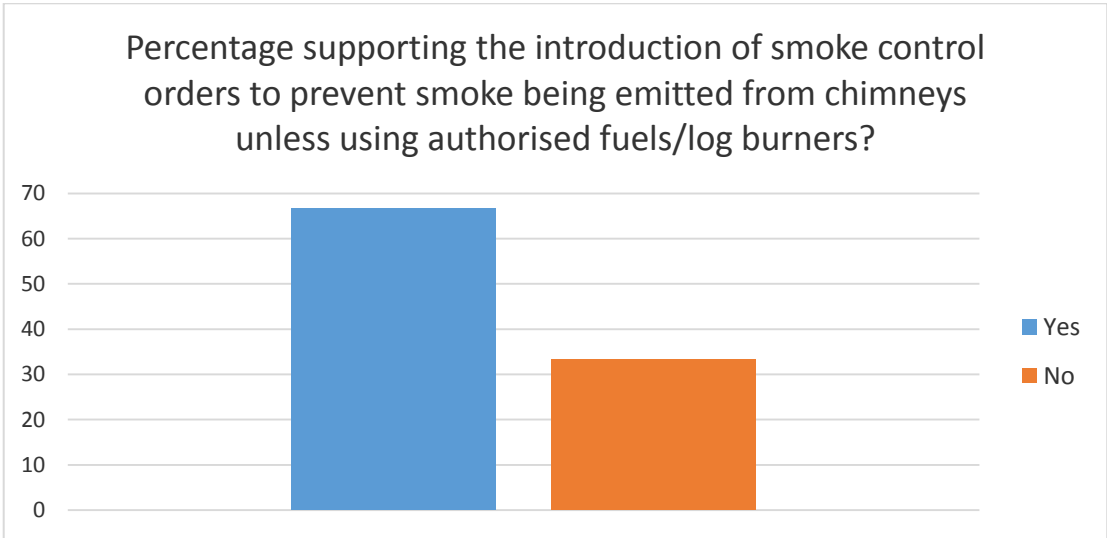
2. Do you support the Council in seeking to control harmful pollutants in our air?

(84 responses received)



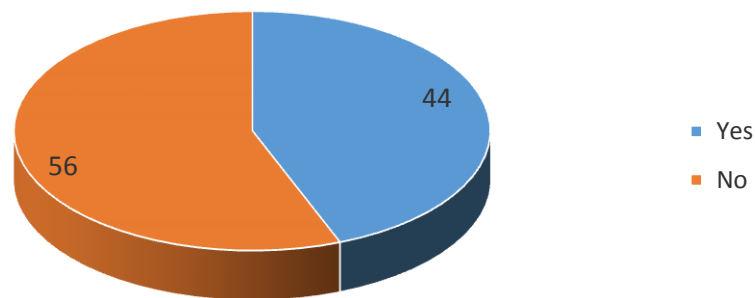
3. Do you support the Council in introducing smoke control orders to prevent smoke being emitted from chimneys unless using authorised fuels/log burners?

(84 responses received – 67% Yes, 33% No)



4. Do you feel our smoke control orders should be applied to all residents equally, including canal boats?

Do you feel our smoke control orders should be applied to all residents equally, including canal boats? (%)



Key Issues/Concerns Raised

- A total of 105 were received, including 84 survey responders and 21 direct additional comments.
- Of the direct comments, 9 responders were against, 9 were in support, and 3 indifferent or seeking advice.
- The two most common concerns were:
 - the financial impact of requiring canal boat owners to use an authorised appliance or authorised fuel against the rising costs of living. Concern was specifically raised about bringing moored vessels into a scope as most responders who raised this issue felt they would be unfairly affected if they are financial hardship as there heating options are generally more limited.
 - The statistics around why this was required, and how log burners contribute to particulate emissions was questioned despite it being central government data. Some felt road traffic etc should be targeted and there was some general distrust of the data published by government.

Details of all comments received to the consultation the Council response to them is provided in **Annex B**.

 **Broxtowe
Borough
COUNCIL**

IMPROVING LOCAL AIR QUALITY HAVE YOUR SAY SMOKE CONTROL AREA CONSULTATION

What do you think about Broxtowe Councils proposal
to create a boroughwide Smoke Control Area?

A Smoke Control Area could help improve local air quality by
reducing the amount of harmful air pollution that can be emitted
from wood and coal burning stoves and fireplaces in homes,
canal boats and businesses.

FIND OUT MORE AND HAVE YOUR SAY AT:
www.broxtowe.gov.uk/smokecontrolconsultation

www.broxtowe.gov.uk

ANNEX B

Summary of Comments and Responses

| | Summary of Comments Received from the Public | Broxtowe Borough Council Response |
|----|---|---|
| 1. | Overall happy with the proposal although expressed concern over canal boat dwellers who may be affected as they may be on breadline. Already uses smokeless fuel. | In support of the proposal, no response required. |
| 2. | Certainly in support of the proposal. Already in SCA but did not know. has log burner installed 3 years ago and will check its exempt status. | sent list of appliances via email, advice given. |
| 3. | supports and will be discussed at town Council meeting | In support of the proposal, no response required. |
| 4. | in existing area in Beeston in Council property, may have non-compliant burner. Concerned over cost as fuel source would not be exempt. | In support of the proposal, no response required. |
| 5. | overall supportive but unsure if appliance affected. When BCC checked her appliance she had a non-complaint burner in place already - already in existing SCA | |

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| 6 | <p>Why are you targeting people who have log burners? They are a minority. Are factories and industries being checked and monitored too? It would be better to ban garden bonfires as some people burn anything on them. It would also be good to ban people smoking in doorways to pubs, shops, hospitals etc. We breathe in far more foul stuff that way than when people heat their homes!</p> | <p>Thank you for your submitted response and your comments. As you may or not be aware the Broxtowe Council area is already largely covered by these Orders as we currently have 21 in place dating back to the 60's and therefore log burners in these areas are already covered. DEFRA approved log burners will continue to be able to be used or smokeless fuel should be used so there is an alternative available for those who wish to have open fires or use a log burner. The aim is to improve air quality and raise awareness with domestic burning being a major contributor to our national emissions of fine particulate matter (PM2.5). This pollutant has been identified by the World Health Organization as the most damaging to human health. Domestic burning accounted for 27.3% of total PM2.5 emissions in 2021. The use of wood alone in domestic indoor burning activities accounted for 20.5% of PM2.5 emissions in 2021. I can confirm that emissions from factories etc are already regulated by both the Council and the Environment Agency who undertaker checks on a regular basis depending on their risk.</p> |
| 7 | no do not support. | |
| 8 | <p>I do not support the smoke control order. I believe it hits to poor the most. Compensation was not mentioned for people who have bought stoves that are not on your list of approved stoves and boats people burn coal because its cheap and smokeless isn't.</p> | <p>If you wanted to contact me regarding your comment I would be grateful to hear from you. I am unsure if you live on a canal boat currently and if so, we can discuss any possible grant for the cost of replacement stoves etc. As you may be aware the sale of house or bituminous coal for home heating etc was banned from 1 May 2023. My contact details are below or you may reply to this email.</p> |
| 9 | no I don't support | |

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| <p>10</p> | <p>Dear Broxtowe Council, This is one of the most badly-written and biased surveys I have ever seen in my long life. There is no space to give an opinion or reasons for choices, they're all leading questions (all 4 of them!), and they all make the assumption that if you don't agree with introducing a Smoke Control Order you're a danger to community health. You may not realise that the only way boaters can keep ourselves warm is to burn smokeless coal (which still causes smoke until the chimney warms up), logs, diesel or butane gas. All of these are polluting, yes. But unless your boat is on a permanent mooring, plugged into the electricity supply, nice "clean" electricity is not an option (and it's only as clean as the power station that produces it, anyway). So, unless you want boaters dying of cold, you must at least allow us to use smokeless coal (and produce a small amount of smoke when the stove is first lit), diesel or gas. Those are our only options, so that is your only option. Unless, of course, what you really want is to get rid of all the boats...</p> | <p>Thank you for your comments. The questions are designed to encourage all members of the public into commenting. We have invited further comments on the proposal to be made by email, telephone or by visiting the Council offices. If you have further comments, we will certainly consider them and value your opinion. The proposed Order does not prevent the use of smokeless fuel. You would be able to use a DEFRA approved appliance/log burner (see list here) or you could use smokeless fuel. You would of course be able to have a 15 minute lit up period whilst the stove gets up to temperature or use wood for kindling etc to light any fire. The Order applies only to smoke from chimneys only so would not apply to the use of calor gas heaters etc for space heating. I hope this clarifies this but if you have any further queries please contact us at health@broxtowe.gov.uk</p> |
| <p>11</p> | <p>I am in full support of the proposed changes to smoke emissions. I would also like a ban to be placed on garden fires especially when there are adequate facilities within Broxtowe to take the rubbish to. It is particularly annoying on a summer's day / evening or when putting washing out to dry or when you have your windows open.</p> | <p>Reply to the above: Thank you for taking the trouble to reply. Your email certainly gives a better impression than the survey did, and I am glad to see that a sensible approach is being taken to the very real difficulties of keeping boats warm.</p> |

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| <p>12</p> | <p>Yes I support these changes. How will this be enforced? Will it mean neighbours 'snitching'? I live near to a place with a woodburner and when it is lit I cannot be in the garden, it smokes so much. I am told it is only when it starts up but in reality the smell lasts until the fire goes out. I could not report this as it would destroy neighbourly relations. Re the exemption for boats' smoke 'created to propel the vessel or to generate electricity' - how will it be proved? Is it realistic to have an exemption? It won't be much comfort to the people living close to the boats.</p> | <p>Thank you for your comments. Neighbours will be able to report substantial smoke from chimneys which Council officers can investigate as a statutory nuisance in addition to Council officers acting on smoke they may witness themselves. In respect of canal boat owners we are liaising with all the necessary canal boating bodies to ensure this consultation reaches as many people as possible. Many local marinas already recommend the use of smokeless coal and we are working with local businesses to assist them in complying. The exemption you have referenced is written into the legislation itself and is not something which the Council can ignore. Officers will be able to visit marinas and moorings etc to ensure the smoke being emitted is covered by the Order, i.e. from space heating.</p> |
| <p>13</p> | <p>I looked at the order and I do need a lot more info in order to come to a decision whether or not I can support current proposal:1) I live in a 1908-built semi detached house with central heating using gas for fuel, including a gas fire and also a gas cooker. To what extent would this order affect heating facilities in my home — if at all? The house is not suitable for other fuel systems, and financing anything beyond what is there now is another issue as well. What does that order mean in practical terms for ordinary residents, like myself? This is not clear to me from the jargon in the order. I wish proper clarification please. I also don't know what classifies as smoke. Does that include gas fires and central heating systems? Or only would burners/coal fuelled systems??? 2) It is all well wanting to protect the air, and I am all for good air quality. The big polluters are in industry, I do take it that you no that. The big polluters are not the little people, individuals. They contribute a fraction of pollution in relation to the big players. As individuals we can do a lot of little things to serve our conscience of doing better saving</p> | <p>1)This Order applies to smoke from chimneys from using solid fuel, such as log burners and open fires etc. So if you have a gas fire, gas fired central heating and gas cooker there will be no impact on you. We are consulting directly with those persons living in canal boats etc who may be affected and working with representative agencies and local associated businesses to advise them of the impact of the proposals. The Council and Environment Agency do inspect emissions from industry and there has been an inspection regime and emissions target covering these for many years. As mentioned the aim is to improve air quality and raise awareness with domestic burning being the major contributor to our national emissions of fine particulate matter(PM2.5). I would like to direct you to the Environmental Improvement Plan 2023 which discusses the longer term and wider plan for ensuring environmental improvement via a range of measures. This also includes maintaining and reducing industrial emission levels.</p> |

the planet, or in this case cutting on air pollution, but what counts is the big picture. A proposal like yours needs to be thought through to the minute detail!!! What are your solutions for the canal boats? I am not a boater but I assume that people who depend on their barge may not have the funds themselves for adapting their vessels. So how would YOU ensure, they don't end up being disadvantaged, stressed/getting ill over their new situation. How will YOU help them adapt. Where do the finances come from and will they cover individual needs for adapting of vessels - or houses etc. How do you ensure that people who have not the funds to deal with/execute what you are proposing will be okay and not left worse off??? One must not ever leave others/ordinary people out stranded for one's own ambitions. Such ambitions can amount to poorly bureaucratic results if people's situation gets worse by such proposals. The Council may look more environmentally friendly but if people suffer as a consequence, then this cannot be justified and is exposed as a political project rather than sth that truly cares for people's health. Environment is important but not at the cost of human health/ life! So these things need to absolutely be thought together. Nice to have clean air when people cannot afford to build in suitable systems to comply with order for example, so that people won't benefit from clean air if they end up with ill health as a result of that order because they can no longer afford where they live or afford to heat or any such things. They would suffer whether in their physical or mental health. You can only bring in something like that in if you do not disadvantage poorer people - who may not be able to afford something else etc. have not seen anything that would address such concerns, but

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| | <p>maybe I just did not look in the right place. In your info bullet there was very little info and in the order proposal pdf I could not find any further reference to the concerns. It is all rather opaque how this would be handled. I (dis)agree with/ vote on something that I don't fully understand and would expect clarification from you so that I can shape my view. You risk default votes against such proposals if people don't have a full understanding given that the consultation period is only five weeks or so. I would like answers for both queries please.</p> | |
| <p>14</p> | <p>I do not support the proposals for a smoke control order to cover all of the borough. My reasons are set out below.</p> <p>You have not set out how this would reduce in "particulates". What level are they at now, and what levels are allegedly produced in domestic fires. Your assertion to increase air quality is therefore without foundation Neither have you set out How many wood burning fires are there in the borough which this will affect Cars stopped at traffic lights pump out much more pollution than fires, what are your plans for dealing with that? Your proposals will, disproportionately affect those from a minority community, ie boat dwellers. Please provide details on your mitigation strategy from your EIA. We are in a cost of living crisis, with fuel prices significantly higher than previous years. For many people, an open fire is the only and cheapest source of heat. Please set out how you would mitigate the proposal. I have lived in the borough for many years, and have, at no point, been affected by poor air quality driven by domestic fires. This proposal is draconian and unwanted</p> | |

| | | |
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| 15 | Here is a simple Yes. | |
| 16 | We are about to have a log burner which can also use coal installed in our house in Beeston. I have read in your newsletter about proposed new smoke controls. Can you please clarify that as long as we use correctly dried wood and smokeless coal that we will be ok using it. | Beeston is already a smoke control area so therefore you are able to use either smokeless fuel, details here. You can burn wood but only in an appliance which is suitable for use in a smoke control area and you use the fuel recommended by the manufacturer or Ready to Burn wood. A list of these 'exempt' appliances can be found below. https://smokecontrol.defra.gov.uk/appliances.php?country=england |
| 17 | No | |
| 18 | have no comment to make on this | |
| 19 | The online survey doesn't give opportunity to submit any comments. The reason I said no, it shouldn't be applied equally to all, including canal boats, is that canal boats are few enough in number to be treated as a special case. Even on a cold winter day, there are few enough boats with stoves burning that the wood smoke has a negligible impact on air quality, and they are very easy to avoid for anyone who is particularly irritated by wood smoke. The smoke control legislation dates from a time when thousands of houses had open coal fires. It seems disproportionate to put boat owners to the expense of buying certain DEFRA approved stoves, and at a time of increasingly stretched resources I struggle to understand why this is a priority for the Council. I neither own nor live on a canal boat, nor have I ever travelled on one. | <p>Thank you for your comments. Your views will be taken into account when deciding on the Council's next course of action. Although the original smoke control legislation dates back many decades the Environment Act 2021 updated this legislation and many residents are unaware they in fact already live in a smoke control area. It is therefore hoped having a single Order would make it clearer for residents. PM 2.5 emissions pose significant health risks and are the most dangerous among air pollutants. Wood burning, in particular, has become the fastest-growing contributor to PM 2.5 emissions, while most other sources are decreasing. Domestic combustion is a major source of particulate matter emissions in 2021, accounting for 27 per cent of PM2.5 emissions. Most emissions from this source come from households burning wood in closed stoves and open fires. In the 1970s, 1980s and 1990s, coal use in domestic combustion was the largest source of particulate matter emissions; coal now accounts for a very small proportion of emissions from this source (13 per cent in 2021), while the use of wood as a fuel accounted for 75 per cent of PM2.5 emissions from domestic combustion in 2021. Emissions of PM2.5 from domestic wood burning increased by 124 per cent between 2011 and 2021, to represent 21 per cent of total PM2.5 emissions in 2021. We are consulting directly with those persons living in canal boats etc who may be affected and working with representative agencies and local associated businesses to advise them of the impact of the proposals and their options. I hope this clarifies matters for you. Please let me know if you have further queries.</p> <p>Further reply: Thanks for taking the time to respond and supply some further information. I agree that</p> |

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| | | <p>awareness of the existing smoke control orders is patchy, and it may give people more clarity to have a single order covering the whole borough. Although posters, bus stop adverts, social media etc. could perhaps have achieved a similar result. I still think it is disproportionate to bring canal boats into scope, given the negligible amount of wood smoke they produce.</p> |
| 20 | <p>Thank you for previous correspondence regarding the Clean Air Act 1993 and consultation for the area of Broxtowe including Eastwood Wards. I write on behalf of Eastwood Town Council who considered the proposals at its last meeting held 10th July 2023. I can confirm the Town Council supports the proposed changes to the smoke control area for the benefit of both the community and Broxtowe. I trust this response is sufficient for your requirements.</p> | |

APPENDIX 5

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate: **Chief Executives**

Lead officer responsible for EIA: **Chief Environmental Health Officer**

Name of the policy or function to be assessed: **Proposal to declare the whole of Broxtowe as a Smoke Control Area (revoking and replacing the existing 21 SCA's). Smoke Control Enforcement Policy – Introduction of Financial Penalties for Smoke Control Order Offences.**

Names of the officer undertaking the assessment: **Chief Environmental Health Officer**

Is this a new or an existing policy or function?

Existing 21 Smoke Control Orders.

Existing function to deal with smoke control offences (criminal) – new policy to apply a financial penalty (civil matter) for breaches.

1. What are the aims and objectives of the policy or function?

Broxtowe Borough Council has a duty to assess air quality and where necessary take appropriate action to protect the health of those living and working in the Borough. 2/3rds of wood and solid fuel burning takes place in urban areas which are more populated. Reducing population exposure is key to reducing health impacts.

To include an option of financial penalties for breaches of Smoke Control Orders to enable a staged approach to enforcement including financial penalties for repeat offenders.

2. What outcomes do you want to achieve from the policy or function? **An improvement in Local Air Quality, especially in urban areas and a reduction in detriment to those most harmed by smoke and particulates in the air, especially those with heart and respiratory conditions.**

3. Who is intended to benefit from the policy or function? **All residents and visitors.**

4. Who are the main stakeholders in relation to the policy or function? **Residents of the Borough but particularly those that use open fires/multi-fuel burners or use solid fuels and those that have health conditions made worse by poor air quality. Local Businesses. Nottinghamshire County Council. DEFRA.**

5. What baseline quantitative data do you have about the policy or function relating to the different equality strands? **Information included in the annual air quality status report identifies those that are most at risk of adverse effects from poor air quality. Domestic combustion accounted for 16% of PM10 and 27% of PM2.5 emissions in 2021, mostly from households burning wood on open fires or closed stoves and which increased 124% from 2011. Of that 25% of PM2.5 emissions, 75% is estimated to be from domestic wood burning. We have historical evidence of concerns about wood burning impacting on neighbours**

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

Broxtowe currently has 21 separate Smoke Control Areas. This means that some residents can use unauthorised fuels (such as wood and coal) and use non exempted appliances but other residents cannot and not all of the residents of the Borough are protected against smoke emissions. The proposed new single Smoke Control Area will address this inequality by ensuring that all premises within the Borough will fall under the requirements of a Smoke Control Area.

7. What has stakeholder consultation, if carried out, revealed about the nature of the impact? **A public consultation was carried out between June and August 2023 via publications in the local papers, namely the Beeston News and the Eastwood and Kimberley Advertiser, The London Gazette, social media and via the Canal and Rivers Trust media channels.**

The cost of living crisis and financial hardship of canal boat owners was identified as an impact which specifically adversely affected this community. It was identified that there are residents with non-exempt solid fuel appliances – these would have to change to smokeless fuel or change to an alternative appliance. Authorised fuels can cost more and there is some concern that some households could be pushed into fuel poverty at a time of high inflation and rising energy costs. Those already using smokeless fuels as required though, are both disadvantaged by complying and exposure to smoke form those using non smokeless fuels. Residents who are struggling with the cost of heating and are likely to face fuel poverty will be signposted to advice on accessing financial and practical advice on keeping their homes warm. The consultation identified that stakeholders are concerned about air quality.

There is no requirement to consult on the use of the powers to impose financial penalties for breaches as this is an option available in the legislation.

8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways? **Any policy with a financial penalty has the potential to affect lower income households disproportionately. However, not enforcing the requirements does not address the need to minimise the main contributors to poor air quality and disadvantages those that pay more for smokeless or ready to burn fuels or have multi-fuel burners installed in accordance with the relevant regulations. The policy advocates a staged approach to fixed penalty issue and warnings will have been issued in the first instance. Higher penalties will only apply if repeat offending occurs.**

Does the policy or function target or exclude a specific equality group or community? **The policy targets people and businesses that use solid fuels and wood for burning. It does not ban these fuels from being used – just that they are either smokeless, ready to burn or used in appliances which minimise smoke. It does not target specific equality groups.**

Does it affect some equality groups or communities differently? If yes, can this be justified?

Not really. A mixture of people using solid fuels for burning.

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

Yes, improvements in air quality will benefit everyone.

Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function? **No.**

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

See below.

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

None.

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: **Poor air quality disproportionately affects the children and the elderly, so improving air quality via the Smoke Control Area will help these groups and promote equality in these groups.**

Disability: **Those with some disabilities are also disproportionately affected by poor air quality and this policy will help to improve their quality of life.**

Gender: **None**

Gender Reassignment: **None**

Marriage and Civil Partnership: **None**

Pregnancy and Maternity: Pregnant women are more likely to suffer from pregnancy complications including low birth weight and pre-term birth in areas of high air pollution, particularly high levels of PM2.5. Implement a whole Borough Smoke Control Area could slightly reduce the risks to pregnant women and their unborn children.

Race: Poor air quality disproportionately affects those of black or minority ethnic communities (BAME), this is because they are often exposed to higher levels of air pollution where they live. It has been suggested that BAME communities may be more likely to tolerate a legacy of poorer area quality for the benefits of living closer to friends and family in a community that they feel safe and comfortable in. In addition, these communities often have local facilities that serve their specific needs for example shops and religious facilities, so that even when they can afford to move to less polluted areas they choose to stay. Therefore, by implementing a Smoke Control Area across the whole of Broxtowe we want to help to reduce this inequality within our BAME communities' by reducing their exposure to poor air quality.

[\(https://www.imperial.ac.uk/news/163408/ethnic-minorities-deprived-communities-hardest-pollution/\)](https://www.imperial.ac.uk/news/163408/ethnic-minorities-deprived-communities-hardest-pollution/)

Religion and Belief: None

Sexual Orientation: None

Head of Service:

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 of Head of Service: 

Report of the Portfolio Holder for Environment and Climate Change

BENCHMARKING BROXTOWE BOROUGH COUNCIL'S OWN OPERATION SCOPE 3 EMISSIONS

1. Purpose of Report

To seek approval to employ a consultant to undertake Scope 3 benchmarking for Broxtowe Borough Council's own operations.

2. Recommendation

Cabinet is asked to RESOLVE that a consultant is appointed to undertake Scope 3 carbon emissions benchmarking and calculations, based on the information provided in the confidential appendix. A one-off revenue development budget is required for this purpose and will be funded from General Fund Reserves in 2023/24.

3. Background

In 2009, the Council commissioned a baseline study to establish its carbon emissions. After the declaration of the Climate Emergency in July 2019, a further study by the was undertaken. This was to determine the level of progress achieved from the implementation of the first carbon management plan back in 2009.

Both studies focused on Scope 1 and 2 emissions, with an element of Scope 3 (business travel). Currently, the Council have committed to become carbon neutral by the end of 2027, but to enable the establishment of a net zero target, all of the Council's Scope 3 (indirect) emissions must be calculated. This is one of the strategic aims, as set out in the Climate Change and Green Futures Strategy.

Scope 3 emissions are complex and typically make up 80% of an organisations carbon footprint. They are categorised as follows in table 1 below.

| Scope 3 Categories | Scope 3 Categories |
|--|--------------------------------------|
| Purchased Goods and Services | Downstream leased assets |
| Capital Goods | Investments |
| Fuel and Energy related activities | Business Travel (already calculated) |
| Upstream transportation and distribution | Employee commuting |
| Waste disposal and water use | Upstream leased assets |

Table 1: Scope 3 categories only applicable to the Council

The Council has obtained quotes to undertake the consultancy work. The Council seeks to work with a consultancy firm that is already familiar with the workings of the Council and are able to complete the benchmarking by the end of March 2024.

Further detail can be found in the confidential appendix.

4. Financial Implications

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

These have been detailed in the confidential appendix.

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:

Not Applicable

7. Union Comments

The comments from the Union were as follows:

Not Applicable

8. Climate Change Implications

Comments are contained within the report.

9. Data Protection Compliance Implications

The appendix to this report is not to be published by virtue of Paragraphs 1 and 3 of Schedule 12A of the Local Government Act 1972.

10. Equality Impact Assessment

Not Applicable

11. Background Papers

Nil

Report of the Portfolio Holder for Economic Development and Asset Management, Environment and Climate Change, and Resources and Personnel Policy

APPOINTMENT OF UNIVERSITY OF NOTTINGHAM CONSULTANTS TO SUPPORT HOUSING DECARBONISATION

1. Purpose of Report

To seek approval for the appointment of consultants from the University of Nottingham to inform the council's approach towards meeting 2050 net-zero carbon emissions targets.

2. Recommendation

Cabinet is asked to RESOLVE that:

1. The appointment of the University of Nottingham consultants to inform the Council's approach towards meeting 2050 net-zero carbon emissions targets be approved.

2. A one-off budget allocation of £44,650 (inclusive of £3,000 for disbursements) that will be required for this purpose to be funded from General Fund Reserves in 2023/24 be approved.

3. Detail

Broxtowe Borough Council seek to enter into an agreement with the University of Nottingham (Department of Architecture and the Built Environment) to provide a realistic understanding of the conditions of all housing stock within the Borough and to produce a roadmap to support the decarbonisation of Broxtowe's housing stock. The work will inform where cost-effective retrofit investment is possible for maximum carbon emission reduction benefits and supports Broxtowe County Council preparedness to meet 2050 net-zero carbon emission targets

The university's agreement is attached as within the confidential Appendix.

4. Financial Implications

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

There is currently no budgetary provision for the proposed consultation to inform the Council's approach towards meeting 2050 net-zero carbon emissions targets. If Members were minded to approve this spend, the one-off revenue cost of £41,650 would be funded directly from General Fund Reserve balances in 2023/24. A proportion of this cost, around 10%, would be recharged to the Housing Revenue Account (HRA) based upon property numbers across the Borough.

In terms of procurement, the University of Nottingham is providing specialist environmental consultancy advice with the relevant expertise in terms of academic research, tools and local knowledge. The University has been successful in delivering a similar exercise with Nottingham City Council. Furthermore, there is also an opportunity for future collaboration between the Council and the University in this area.

The need to provide three quotes for this contract has been waived. In accordance with the Council's Financial Procedure Rules (Contracts), waivers may be considered where the purchase of supplies or the execution of works or services involve specialist or unique skills or knowledge which cannot be obtained from other providers. The waiver may be granted by the Deputy Chief Executive (Directorate Waiver) at this quoted contract value.

5. Legal Implications

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

The Climate Change Act 2008 imposes a target on Central Government to be carbon neutral by 2050. The Council has, set an earlier target of 2027. This work will allow the Council to deliver their target.

Single tender actions are permitted under Regulation 32 of The Public Contracts Regulations 2015 in the exceptional circumstances.

Every contract and the procedures relating to the selection of tenderers and the obtaining, opening and evaluation of tenders or quotations shall comply with these Procedure Rules and no exception from any of the following provisions of these Procedure Rules shall be made otherwise than by the direction of the Council or by Cabinet or by the Chief Executive or duly nominated substitute.

6. Human Resources Implications

Not applicable.

7. Union Comments

Not applicable.

8. Climate Change Implications

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

In 2021, 36% of the Borough's carbon emissions came from domestic heating and lighting. The consultancy work by the University of Nottingham is an important first step in helping the Council understand where the most cost effective retrofit investments and measures are required for the Borough's

dwelling stock. In turn, this will help to deliver maximum carbon emission reductions, supporting the Council's commitment to align to the UK's net zero target by 2050.

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 applicable.

11. Background Papers

Nil.

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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. Key decisions and exempt Items are marked with *

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|-----------------|--|
| 5 December 2023 | <ul style="list-style-type: none"> • Garden Waste Subscription Fee* • Environment Fees and Charges* • Asset Management Plan* • Toilet Strategy* • Health Action Plan* • New Corporate Plan 2024-2028* • Events Programme 2024-25* • ICT Contracts *Exempt • Environmental Health Restructure *Exempt • Update on Air Quality Status Report and Revocation of Air Quality Management Data • Council Tax Base 2024/25* • Local Council Tax Support Scheme 2023/24* • HRA 30-year Business Plan* • House Building Delivery Plan update • Grants to Voluntary and Community Organisations • Annual Monitoring Report Planning* • Strategic Plan update including updates on Logistics Consultation* • Capital Programme 2023/24 • Chetwynd The Toton and Chilwell Neighbourhood Plan* • Cossall Neighbourhood Plan |
| 9 January 2024 | <ul style="list-style-type: none"> • Grants to Voluntary and Community Organisations • Irrecoverable Arrears • Housing Benefit War Pension Disregard • Electric Vehicle Charging Points • Pay Policy • Infrastructure Funding Statement |

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|-----------------|---|
| | <ul style="list-style-type: none">• Pride in Parks: Survey and Proposals Progress update• ASB Policy* |
| 6 February 2024 | <ul style="list-style-type: none">• Budget proposals and Associated Strategies• White Ribbon Accreditation and Action Plan• People Strategy 2023-26 |
| 12 March 2024 | <ul style="list-style-type: none">• Grants to Voluntary and Community Organisations• Review of the Climate Change Strategy• Sanctuary Policy and Procedure• Serious Violence Strategy Review |

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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