



Monday, 27 November 2023

Dear Sir/Madam

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

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

Yours faithfully

Chief Executive

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

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

A G E N D A

1. APOLOGIES

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

2. DECLARATIONS OF INTEREST

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

3. MINUTES

(Pages 9 - 18)

Cabinet is asked to confirm as a correct record the minutes of the meeting held on 7 November 2023.

4. MINUTES FROM OTHER MEETINGS (Pages 19 - 24)

Members are asked to NOTE the minutes of the following meetings.

- Bramcote Bereavement Services Joint Committee 15 June 2023.
- UK Shared Prosperity Fund Advisory Panel 19 July 2023.

5. SCRUTINY REVIEWS (Pages 25 - 28)

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

6. SCRUTINY REVIEW - D.H. LAWRENCE MUSEUM (Pages 29 - 66)

To present the findings of the Overview and Scrutiny Committee Working Group's review into the D.H. Lawrence Museum. This is in accordance with the Council's corporate values of innovation and readiness for change, valuing employees and enabling the active involvement of everyone, continuous improvement and delivering value for money, and integrity and professional competency.

7. REFERENCES

7.1 Local Joint Consultative Committee (Pages 67 - 82)

16 November 2023
Domestic Abuse Policy

The Consultative Committee considered the proposed changes to the Domestic Abuse Policy.

It was agreed that a minor amendment to include shortage of money as evidence of coercion be added to the policy. There was also a minor correction to the style of one paragraph and the alphabetising of the list of helpful contacts.

RECOMMENDED to Cabinet that the revisions to the Domestic Abuse Policy, as amended, be approved.

7.2 Local Joint Consultative Committee (Pages 83 - 106)

16 November 2023
Leave Scheme

The Consultative Committee discussed the proposed changes to the Leave Scheme which would allow the carrying over of leave to be agreed by Section Heads, rather than Heads of Service.

There were a number of requests for minor changes to wording. There followed a discussion on part time staff and bank holidays.

RECOMMENDED to Cabinet that the revisions to the Leave Scheme, as amended, be approved.

7.3 Local Joint Consultative Committee (Pages 107 - 136)

16 November 2023
Recruitment Policy

Proposed changes to the Recruitment Policy were discussed by the Consultative Committee. It was noted that these changes reflected current best practice and legislative updates. A minor amendment to wording was agreed.

There was a discussion about internal recruitment.

RECOMMENDED to Cabinet that the revisions to the Recruitment Policy, as amended, be approved.

8. RESOURCES AND PERSONNEL POLICY

8.1 PROPOSED NEW CORPORATE PLAN PRIORITIES 2024-28 (Pages 137 - 146)

To invite Cabinet to give consideration to the proposed new corporate plan priorities and objectives for 2024-28.

8.2 REVIEW OF STRATEGIC RISK REGISTER (Pages 147 - 162)

To note the amendments to the Strategic Risk Register and the action plans identified to mitigate risks.

- 8.3 CAPITAL PROGRAMME 2023/24 - CAPITAL BUDGET VARIATIONS (Pages 163 - 168)
- To approve a number of necessary revisions to the Council's Capital Programme for 2023/24.
- 8.4 GRANTS TO VOLUNTARY AND COMMUNITY ORGANISATIONS, CHARITABLE BODIES AND INDIVIDUALS INVOLVED IN SPORTS, THE ARTS AND DISABILITY MATTERS 2023/24 (Pages 169 - 174)
- To consider requests for grant aid in accordance with the provisions of the Council's Grant Aid Policy.
- 8.5 GRANT AID REQUESTS FROM PARISH/TOWN COUNCILS (Pages 175 - 180)
- To consider a request for grant assistance in accordance with the protocol for the consideration of grant aid to Parish and Town Councils.
- 8.6 GRANT AID - SECOND CHANCE JUNIOR FOOTBALL ACADEMY (Pages 181 - 184)
- To consider the approval of a grant to a sporting group which works with refugees and young people.
- 8.7 COUNCIL TAX BASE 2024/25 (Pages 185 - 188)
- To approve the Council Tax Base for the year 2024/25.
- 8.8 LOCAL COUNCIL TAX SUPPORT SCHEME 2023/24 (Pages 189 - 192)
- To seek approval for arrangements to operate in 2024/25 in respect of the Local Council Tax Support Scheme (LCTSS).
- 8.9 HOUSING BENEFIT-WAR PENSION DISREGARD (Pages 193 - 194)
- To seek approval for the continuation of the War Pension Disregard in respect of Housing Benefit claims in 2024/25.
- 8.10 ALCOHOL AND SUBSTANCE MISUSE POLICY (Pages 195 - 210)
- To make amendments to the Alcohol and Substance Misuse Policy.

8.11 COMPLAINTS COMPENSATION POLICY (Pages 211 - 232)

To seek approval for the adoption of a Complaints Compensation Policy to remedy findings of fault during the Council's complaint process and to provide a framework for how compensation payments will be calculated, thereby ensuring consistency of approach.

8.12 ASSET MANAGEMENT AND DATA OFFICER POST TO SUPPORT THE DELIVERY OF THE ASSET MANAGEMENT PLAN (Pages 233 - 234)

To seek Cabinet approval for the appointment of a new post to support the delivery of the asset management plan.

8.13 STORM BABET-FLOODING RESPONSE (Pages 235 - 238)

To provide Members with details of the Council's response to the flooding caused by Storm Babet.

9. ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT AND RESOURCES AND PERSONNEL POLICY

9.1 PERMIT SCHEMES FOR COUNCIL CAR PARKS (Pages 239 - 246)

To ask Cabinet to note the exemption permit scheme available for employees working in Beeston and consider the proposed permit for residents using the Borough's off-street car parks overnight.

9.2 CHRISTMAS CAR PARKING CHARGES 2023 (Pages 247 - 248)

To ask Cabinet to consider the cessation of parking charges in the majority of Council-owned car parks over the Christmas period.

10. ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT

10.1 AUTHORITY MONITORING REPORT 2022 - 2023 (Pages 249 - 296)

To request the approval of the Authority Monitoring Report for the period from 1 April 2022 to 31 March 2023.

10.2 COSSALL NEIGHBOURHOOD PLAN (Pages 297 - 332)

The purpose of this report is to obtain approval for the Cossall Neighbourhood Plan to be modified as recommended by the Independent Examiner and to proceed to referendum based upon the current Neighbourhood Plan Area.

10.3 PUBLIC TOILET STRATEGY (Pages 333 - 360)

The purpose of this report is to develop a strategy to improve access for all to public toilet facilities across the Borough.

11. COMMUNITY SAFETY

11.1 REVIEW OF POLICY ON PROVISION OF SANITARY ACCOMMODATION IN FOOD PREMISES (Pages 361 - 376)

To advise Members of, and seek approval for, a revised policy on sanitary accommodation (toilet) provision in premises selling food and drink.

12. HOUSING AND RESOURCES AND PERSONNEL POLICY

12.1 UPDATE TO HOUSING REVENUE ACCOUNT 30 YEAR BUSINESS PLAN MODEL 2023/24 (Pages 377 - 388)

To approve the updated Housing Revenue Account 30-year financial model to reflect the current approved and forecast revenue and capital budgets.

13. HOUSING

13.1 DAMP AND MOULD POLICY (Pages 389 - 410)

To seek Cabinet approval for a new Damp and Mould Policy and associated procedure.

14. ENVIRONMENT AND CLIMATE CHANGE

14.1 UPDATE ON AIR QUALITY STATUS REPORT AND
REVOCATION OF AIR QUALITY MANAGEMENT AREA 1 (Pages 411 - 424)

To advise Members of the response from the Department of Environment, Food and Rural Affairs on this authority's latest Air Quality Annual Status Report and to ask Members to revoke the Air Quality Management Area 1 in Trowell due to yearly Nitrogen Dioxide results being lower than the Air Quality Objective since 2016. The statutory air quality objective in England for Nitrogen Dioxide is 40µg/m3.

14.2 GARDEN WASTE SUBSCRIPTION FEES 2024/25 (Pages 425 - 438)

To seek approval for the 2024/25 garden waste subscription fees.

15. CABINET WORK PROGRAMME (Pages 439 - 440)

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.

16. 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 they involve the likely disclosure of exempt information as defined in paragraphs 1, 2, and 3 of Schedule 12A of the Act.

17. RESOURCES AND PERSONNEL POLICY

17.1 IRRECOVERABLE ARREARS (Pages 441 - 444)

17.2 RENEWAL OF THE COUNCIL'S E LEARNING PACKAGE (Pages 445 - 448)

18. HOUSING AND RESOURCES AND PERSONNEL POLICY

18.1 AWARD OF CONTRACT FOR THE HEATING
INSTALLATION PROGRAMME (Pages 449 - 452)

19. LEISURE AND HEALTH

19.1 KIMBERLEY SCHOOL LEISURE CENTRE

(Pages 453 - 458)

CABINET

TUESDAY, 7 NOVEMBER 2023

Present: Councillor M Radulovic MBE, Chair

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

66. APOLOGIES

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

67. DECLARATIONS OF INTEREST

There were no declarations of interest.

68. MINUTES

The minutes of the meeting held on 3 October 2023 were confirmed and signed as a correct record.

69. SCRUTINY REVIEWS

The work programme for Scrutiny Reviews was noted. It was stated that Grants to Voluntary bodies be forward to the Overview and Scrutiny Committee as a possible subject for future review.

70. REPORT OF THE MONITORING OFFICER

70.1. REPORT ON RIPA (REGULATION OF INVESTIGATORY POWERS ACT 2000) POLICY

Cabinet considered a report which sought approval for a Regulation of Investigatory Powers Act 2000 (RIPA) Policy and noted the outcome of the Investigatory Powers Commissioners Office inspection and that there had been no use of the RIPA powers in the last 12 months.

RESOLVED that the RIPA Policy be approved.

Reason

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.

71. RESOURCES AND PERSONNEL POLICY

71.1. FRAUD POLICY REVIEW AND MONEY LAUNDERING POLICY REVIEW

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 was considered good practice to review such corporate policies from time to time to ensure continued relevance and effectiveness.

RESOLVED that the updated Fraud and Corruption Prevention Policy and the Money Laundering Prevention Policy be approved.

Reason

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.

71.2. MEDIUM TERM FINANCIAL STRATEGY 2023/24 TO 2027/28 AND BUSINESS STRATEGY 2024/25

Members were informed that there were a number of significant issues concerning local government finance that would have a major impact upon the financial position of this Council. These included, 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 intended to review the level of Business Rates retention. It was stated that there had been no investment outside of the Borough.

RESOLVED that the updated Medium Term Financial Strategy and the Business Strategy 2024/25 be approved.

Reason

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.

(Following the item Councillors C Carr and V C Smith joined the item and stated they had no interests to declare.)

71.3. ATTENDANCE MANAGEMENT POLICY REVIEW

Members noted the Attendance Management Policy which had previously been considered by the Policy Overview Working Group. It was stated that progress had been made to reduce sickness absence, with this year's performance currently projected to be significantly improved on the previous year's.

72. ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT

72.1. SECTION 106 ITPS RECEIPT AND ALLOCATION – ACCESS IMPROVEMENTS AT COVENTRY LANE

The Council had received Section 106 Integrated Transport (ITPS) funds and was proposed 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 needed to be spent on transport links.

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

RESOLVED 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.

Reason

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.

72.2. APPLICATION FOR RETROFIT WORKS DEVOLUTION FUND

The Council had 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 would involve loft insulation, eaves insulation, roof line upgrades, roof covering replacement and thermal upgrade to gable end walls. Works were expected to commence on site upon grant approval in November 2023 and were anticipated to be completed by February 2024.

Members stated that there were a number of schemes within the Borough that were a cause for concern. However, the prospective grant award would rapidly improve the quality of homes and the lives of those who lived in them.

RESOLVED 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.

Reason

The taking of such action is lawful under the general power of competence in Section 1 of the Localism Act 2011.

72.3. DECARBONISATION PLANS FOR PUBLIC BUILDINGS

The Asset Management and Environment teams had recently explored submitting a bid to the latest round of the Public Sector Decarbonisation Scheme. However, 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 had highlighted the lack of decarbonisation planning in place for the Council's key buildings.

Quotations had 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.

RESOLVED 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.

Reason

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.

73. HOUSING

73.1. SPEECH CALL UNITS AND LIFELINE SERVICE

Members considered the implementation of a project to provide an alternative solution for Speech Call Units and the Lifeline Service. There were many possibilities for improving the service offered to tenants and private customers and also to ensure that the service to private customers was financially viable going forward. Some of the new services would allow customers to use their pendants outside of the home. As these did not rely on hard-wired technology, customers could contact the service centre whenever they required assistance. In comparison, the current service only works within the home. There were also additional services to be considered, such as monitoring of customer activity and mobility, which would allow the service centre to identify a potential issue rather than wait for the customer to report it.

It was stated that reports would be submitted to Cabinet during the length of the project and alternatives to the long-standing provider, Tunstall Healthcare, were becoming popular.

RESOLVED that a project to investigate alternatives to the current arrangements for Speech Call Units and Lifeline Services be approved.

Reason

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

74. COMMUNITY SAFETY

74.1. REVIEW OF CORPORATE ENFORCEMENT POLICY

This item was moved forward in the agenda at the request of the Chair.

Cabinet was informed that the main purpose of local government enforcement activity was to protect the public, the environment, consumers and legitimate businesses by ensuring that legal requirements were met and that everyone acted and operated within the law. This did not just mean taking formal action, such as prosecution, but included a wide range of actions and measures, including giving help or advice to ensure that things were as they should be. Broxtowe Borough Council generally endeavoured to support both businesses and individuals to meet their legal obligations before considering any kind of enforcement action.

RESOLVED that the updated Corporate Enforcement Policy be approved.

Reason

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.

75. LEISURE AND HEALTH

75.1. HEALTH AND WELLBEING ACTION PLAN 2023-2026 REPORT

Members were advised 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.

It was stated that a Countywide Community Covenant Group would consider a focal point for the 80th anniversary to mark the ending of World War II. Further consideration was given to the forwarding of cycle routes and the inclusion of skate parks within the creation of a community space in Stapleford.

RESOLVED that:

1. **The Health Action Plan 2023 – 2026 be approved.**
2. **That future Health and Wellbeing action plans be aligned, merged be approved.**

Reason

The merger of the Plans would create efficiencies.

76. ENVIRONMENT AND CLIMATE CHANGE

76.1. TREE STRATEGY-MANAGEMENT STRATEGY FOR TREES IN COUNCIL OWNERSHIP 2023-2027

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 had 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 was a key part of the Council's Climate Change and Green Futures Programme. This new Strategy would provide a strategic framework to manage, develop and enhance the Council's tree stock.

It was suggested that communication between the Council and stakeholders had not been good but was improving in relation to trees that were to be felled. Councillors would be informed of the situation in future. Tree planting on flood planes would also be considered.

RESOLVED that the Tree Strategy be approved and adopted.

Reason

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.

76.2. WASTE STRATEGY UPDATE -IMPLEMENTATION OF FOOD WASTE COLLECTIONS

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. Although the Environment Act was mandated in November 2021, the exact requirements and timeframes were yet to be announced. However, one of the key outcomes 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.

Members noted the potential costs for the implementation of kerbside food waste collections and it was stated that to support a shift in recycling rates, a further cultural shift had to be implemented, which would ultimately reduce recycling costs. A contamination trial was being held in Beeston, from which best practice would be rolled out across the Borough.

RESOLVED 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.

Reason

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.

76.3. SMOKE CONTROL AREA REPLACEMENT AND SMOKE CONTROL PENALTY POLICY

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 could 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.

It was queried how Councillors and residents would raise concerns should there be a suspected breach of the orders, to which officers responded that the preferred route would be through the Council's website.

RESOLVED 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.**

Reason

Long term benefits 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.

(Councillor G Marshall took the Chair for this item as Councillor M Radulovic MBE left the room.)

76.4. BENCHMARKING BROXTOWE BOROUGH COUNCIL OWN OPERATION SCOPE 3 EMISSIONS

Members considered a report which sought approval to employ a consultant to undertake Scope 3 benchmarking for Broxtowe Borough Council's own operations.

RESOLVED 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.

Reason

The Council has 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.

77. ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT, ENVIRONMENT AND CLIMATE CHANGE, AND RESOURCES AND PERSONNEL POLICY

77.1. APPOINTMENT OF UNIVERSITY CONSULTANTS TO SUPPORT HOUSING DECARBONISATION

The Council sought 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 would 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.

RESOLVED 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.**

Reason

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.

78. CABINET WORK PROGRAMME

Cabinet considered the Work Programme and removed the Health Action Plan from the December meeting as it had been considered earlier in the meeting.

RESOLVED that the Work Programme, as amended, be approved.

79. 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, and 3 of Schedule 12A of the Act.

80. ENVIRONMENT AND CLIMATE CHANGE

80.1. BENCHMARKING BROXTOWE BOROUGH COUNCIL'S OWN OPERATION SCOPE
3 EMISSIONS APPENDIX

The appendix to the report considered earlier in the meeting was noted.

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

81.1. APPOINTMENT OF UNIVERSITY OF NOTTINGHAM CONSULTANTS TO
SUPPORT HOUSING DECARBONISATION - APPENDIX

The appendix to the report considered earlier in the meeting was noted.

82. HOUSING AND RESOURCES AND PERSONNEL POLICY

82.1. AWARD OF CONTRACT FOR THE HOUSING MODERNISATION PROGRAMME

RESOLVED that an exemption to the Council's Contract Procedure Rules to award a 12-month contract from 1 April 2024 to a value included in the report be approved.

83. RESOURCES AND PERSONNEL POLICY

83.1. REVIEW OF SENIOR SALARIES

RESOLVED that:

1. An external review of senior salaries (Heads of Service and above) be approved, to be reported back to Cabinet for consideration within the Council's annual pay policy.
2. The implementation of the recommended re-gradings of the Chief Environmental Health Officer (H69) and the Chief Communities Officer (P70) posts from Grade 15 to Grade CO1, both with 571 job evaluation points, and the re-naming of the roles to Head of Service positions be approved.
3. The advertisement of the vacant ICT and Business Transformation Manager (C63) role as an ICT Head of Service role on Grade CO1 (currently Grade 15) be approved.

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BRAMCOTE BEREAVEMENT SERVICES JOINT COMMITTEE

THURSDAY, 15 JUNE 2023

Broxtowe Borough Council:

H G Khaled MBE
M Radulovic MBE

Erewash Borough Council:

J Dawson
B Everett
C M Poole

An apology for absence was received from Councillor S J Carr.

39 **APPOINTMENT OF CHAIR**

RESOLVED that Councillor J Dawson be appointed Chair of the Committee.

40 **APPOINTMENT OF VICE - CHAIR**

RESOLVED that Councillor M Radulovic MBE be appointed Vice-Chair of the Committee.

41 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

42 **MINUTES**

The minutes of the meeting held 16 March 2023 were confirmed and signed as a correct record.

43 **ANNUAL REPORT AND STATEMENT OF ACCOUNTS 2022/23**

The Joint Committee considered the Annual Report and Management Statement of Accounts for 2022/23 in accordance with the vision of working to provide the most professional, compassionate and sensitive services to meet the needs and expectations of people using Bramcote Crematorium.

The accounts for the Bramcote Bereavement Services show a revenue account deficit of £74,186 for the financial year ended 31 March 2023. The surplus on operations for the year was £608,398, which is £79,948 higher than the original budget approved in January 2022. The accumulated revenue surplus as at 31 March 2023 was £376,100.

RESOLVED that:

1. The Annual Report and Management Statement of Accounts for the financial year 2022/23 be approved as the basis for generating accounting entries to the two constituent authorities.
2. The accumulated revenue surplus and other investments be retained by the Joint Committee for future use with the position being reviewed when the 2023/24 revised estimates are considered.
3. Budget carry forward requests totalling £49,500, as outlined in the report, be approved and included as development budgets in the 2023/24 budget.

44 CREMATION NUMBERS

The Joint Committee were provided with an update on cremation numbers.

It should be noted that the death rate in crematoriums core and targeted areas between 1 April 2022 and 31 March 2023 has decreased by 11.18% compared to the same period in 2021/22. Despite the decrease in the death rate the overall market share in the core and targeted areas has increased by 11.3% resulting in an increase of one adult cremation.

The overall growth in cremation numbers and increase in market share can be attributable in part to the successful implementation of the Marketing Strategy adopted by the Joint Committee in 2022.

45 WORK PROGRAMME/SCHEDULE OF MEETINGS

The Joint Committee considered the Work Programme. It was requested that a report on the Pamela Cottage and the crematorium land sale be added to a future meeting.

RESOLVED that the Work Programme be approved, subject to the addition of reports on Pamela Cottage and the crematorium land sale be added to the Work Programme.

46 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, and 3 of Schedule 12A of the Act.

47 PROPOSED RESTRUCTURE

RESOLVED that the revised structure within Bramcote Bereavement Services be approved, with the additional cost of £50,400 in 2023/24 being met by an increase of £25,000 in the total income budget with the balance being met from Revenue Account Balances.

48 CREMATOR REPLACEMENT UPDATE

The Joint Committee noted the update.

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UK SHARED PROSPERITY FUND ADVISORY PANEL

WEDNESDAY, 19 JULY 2023

Present: Councillor M Radulovic MBE, Chair

Councillors: G Marshall
G Bunn (substitute)
B C Carr

Apologies for absence were received from Councillors S A Bagshaw and G S Hills.

6 DECLARATIONS OF INTEREST

Councillor B C Carr declared a non-pecuniary interest in agenda item due to being a trustee of Citizen Advise Broxtowe. Minute item 8 refers.

Councillor G Bunn declared a non-pecuniary interest in agenda item due to being a volunteer at a food bank. Minute item 8 refers.

7 MINUTES

The minutes of the meeting held on 16 February 2023 were confirmed as a correct record.

8 YEAR TWO BROXTOWE SHARED PROSPERITY PROGRAMME

The Panel considered the proposals available to the Council for financial Year 2023/24 to fully commit the £627,300 grant funding from DLUHC.

RESOLVED to recommend that S.151 Officer agree and sign-off the Year 2 SPF Plan as detailed by appendix 2.

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Report of the Monitoring Officer

SCRUTINY REVIEWS

1. Purpose of Report

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

2. Recommendation

Cabinet is asked to NOTE the report.

3. Detail

The Overview and Scrutiny Committee met on 23 November 2023. At the meeting the D.H. Lawrence Museum was reviewed and the Committee welcomed a report on the Budget review fees and charges setting for 2024/25.

Members of the Working Group have been invited to take part in a mini scope of the topic Diversity and Inclusion at the Council before reporting into a meeting of the group. The Working Group is Chaired by Councillor S Dannheimer. It was envisaged that the review would be a long term project.

Councillors K Woodhead, presented the report of the D. H. Lawrence Museum Working Group. 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.

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

3.1 Topics under review:

Topic	Committee/Group	Start date	Proposed Cabinet submission
D.H Lawrence Museum	Overview and Scrutiny Committee/Working Group	11 July 2023	5 December 2023
Diversity and Inclusion at the Council	Councillor S Dannheimer	23 October 2023	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

3. Topics to be Reviewed after Six Months:

	Topic	Topic suggested by	Link to corporate priorities/values	Proposed Date to Overview and Scrutiny Committee
1.	Housing Repairs	Overview and Scrutiny Committee	Continuous improvement and delivering value for money. The Housing aim of a good quality home for everyone.	February 2024
2.	Markets in the Borough	Overview and Scrutiny Committee	Continuous improvement and delivering value for money.	June 2024

Report of the Overview and Scrutiny Committee

SCRUTINY REVIEW – D.H. LAWRENCE MUSEUM

1. Purpose of Report

To present the findings of the Overview and Scrutiny Committee Working Group's review into the D.H. Lawrence Museum. This is in accordance with the Council's corporate values of innovation and readiness for change, valuing employees and enabling the active involvement of everyone, continuous improvement and delivering value for money, and integrity and professional competency.

2. Recommendation

Cabinet is asked to CONSIDER the report and RESOLVE accordingly.

3. Detail

The Overview and Scrutiny Committee Working Group reviewed this topic with the purpose of the following outcomes:

- To understand the role of heritage for Broxtowe Borough Council
- To review the marketing of the venue and potential improvements

The report is circulated with this agenda, which includes recommendations.

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 with any activity being contained within existing budgets. A number of recommendations proposed may have cost implications, such as the consideration of the feasibility of Sunday opening hours. Any significant budget implications going forward, over and above delegated virement limits, would require approval by Cabinet. The identification of external funding opportunities to support appropriate projects within the D.H. Lawrence Museum would be welcomed.

5. Legal Implications

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

There are no direct legal implication arising from this report.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

No comments

7. Union Comments

The Union comments were as follows:

No comments

8. Climate Change Implications

The comments were as follows:

No Comments

9. Data Protection Compliance Implications

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

10. Equality Impact Assessment

Not applicable

11. Background Papers

Nil



Broxtowe
Borough
COUNCIL



Report of the Overview and Scrutiny
Committee

Review of D.H. Lawrence Museum

November 2023



Contents

Summary	3
Members of the Overview and Scrutiny Working Group	4
Recommendations	5
Background	5
Considerations at the Working Group Meeting	6
Scoping Form Information	10
Appendix	
1. Scoping report	34



Summary

1. Broxtowe Borough Council's Overview and Scrutiny Committee established a review of the D.H. Lawrence Museum to review the marketing of the venue and potential improvements following the visitor figures reported to the budget scrutiny meeting of January 2023. It was decided that the review would be carried out by the Overview and Scrutiny Working Group at its meeting on 22 June 2023. The review was requested by Councillor P J Owen.
2. The review is in accordance with the Council's values of innovation and readiness for change, valuing employees and enabling the active involvement of everyone, continuous improvement and delivering value for money and integrity and professional competency.
3. The Working Group met on 19 September 2023 after receiving information from the Communications, Cultural and Civic Services Manager, to assist the Working Group in relation to the specific points on the scoping report.
4. The purpose of the review was to achieve the outcomes outlined in the scoping report¹. The review sought the following outcomes:
 - To understand the role of Heritage for Broxtowe Borough Council
 - To review the marketing of the venue and potential improvements
5. This report sets out the review process that was adopted and the recommendations to be made.



¹ The scoping report is attached at appendix 1.

Members of the Overview and Scrutiny Committee Working Group

1. The Working Group was chaired by Councillor K Woodhead, with Councillor A W G A Stockwell Owen as the Vice Chair.
2. Councillor W Mee was also part of the Working Group.
3. The Working Group was assisted by Sarah Tidy, Communications, Cultural and Civic Services Manager, Alex Khan, Cultural Services Manager, Carolyn Melbourne Museum and Collections Officer and Lisa Evans, Democratic Services Manager.



Recommendations

It is proposed to the Overview and Scrutiny Committee to recommend to Cabinet that:

1. To produce new leaflets to advertise the D.H. Lawrence Museum in Nottinghamshire Places of Interest and Tourist Centres.
2. To request that Eastwood Town Council add an item on their agenda for updates from the Museum and events.
3. To identify external funding opportunities to support appropriate projects within the D.H. Lawrence Museum.
4. To consider the feasibility of Sunday opening hours and the associated costs.
5. To review the current entrance prices to the D.H. Lawrence Museum, including the consideration of subsidies for those on low incomes.
6. To identify funding to support re-establishment of the Blue Line Trail and consider options for enhancing the offer digitally.
7. To liaise with partners such as Nottinghamshire County Council and Eastwood Town Council to improve signage around Eastwood to promote the D.H. Lawrence Museum.
8. To suggest to Trent Barton that the Museum be added as a departure point at the bus stop for Alexandra Street, Eastwood within their communications to passengers.
9. To review the D.H. Lawrence action plan and financial data in 6 to 12 months' time to allow for a full twelve months of data and for recommendations from the Arts Council to be made available as part of the Museum re-accreditation process.
10. To consider obtaining a blue plaque.
11. To carry out a review of costs six months after any implementation of the recommendations.

Background

1. The topic was suggested by Councillor P J Owen to consider the marketing of the venue and potential improvements following the visitor figures reported to the budget scrutiny meeting of January 2023.
2. The review was scoped at the meeting of Overview and Scrutiny Committee Working Group on 11 July 2023, which sought to provide explanatory data on the D.H. Lawrence Museum and marketing of the venue.

Considerations at the Working Group Meetings

1. At the meeting of the Working Group on 19 September 2023, The Communications, Cultural and Civic Manager provided a verbal presentation to the Group of the background of the Museum, actions arising from the Council's Cultural Strategy, operational information, local community, education, tourism and economic growth and marketing as requested from the scoping form.
2. There were a number of lines of enquiry which included:
 - What does the Museum provide to the Community of Broxtowe?
 - What is the situation with school visits?
 - Is there a plan to encourage visits to the Museum in large numbers?
 - Where is the publicity for the venue?
 - Is the blue line trail something that could be promoted?
 - Is there a Business Plan/Strategy for the Museum?
3. The lack of leaflets advertising the Museum in places of interest across Nottinghamshire and Tourist Information Centres was discussed. Members suggested looking at venues in neighbouring counties to display leaflets. It was not clear where the admission charges were advertised and the opportunity to visit the Museum for free if you were a resident of the Borough.
4. Members were concerned with the lack of advertising to the Museum from the streets around Eastwood. An update was provided at the meeting from Officers that work was underway to install a promotional advert on the Town Centre monolith. Brown road signage would be reviewed with Nottinghamshire County Council and be subject to funding. There had been an increase in social media and press releases relating to the recent D.H. Lawrence Festival.

5. Members suggested that the local bus service Trent Barton be contacted for the Museum destination be added as a departure point at the bus stop for Alexander Street, Eastwood within its communications to passengers.
6. The blue line trail connecting the heritage sites of D.H. Lawrence had become quite worn on the pavements. Members would like to see this being re-established with options to be considered for enhancing the experience digitally. Wellbeing walks had continued since COVID-19 and the Group considered that these walks should continue whilst work on the blue line was being organised.
7. Members suggested having additional support from volunteers to assist in the Museum. An explanation was provided to Members that volunteers can be labour intensive with limited staff to support them. Support can vary in the length time and commitment. All volunteers were interviewed prior to working at the Museum. The Museum had received valuable support from volunteers when it was project led. Recently, volunteers had helped preserve the building by learning new skills to help keep traditional craftsmanship alive by undertaking remedial works to the plasterwork at the D.H. Lawrence Museum. The volunteers took part in a training day then used the skills learnt to remove and apply new plaster to the walls of the Museum. Another project recently was undertaken by a student from the University of Nottingham who had helped to look at communications and marketing of festivals and worked on the campaign, Reminiscence. There are four registered volunteers working at the Museum, who deliver on average 300 hours per year, undertaking tasks such as assisting in front of house duties, events and collection specific projects.
8. Eastwood Town Council Members were keen to engage with the Museum and events to support initiatives and ideas together. It was suggested that an item be added to the Eastwood Town Council agenda on a regular basis to ask for updates from the Museum and upcoming events.
9. Members discussed opportunities of external funding that could be used to support the Museum. Officers explained that projects would need to be created to be able to then apply for funding. The Council had recognised the potential of the Kimberley Levelling Up Fund for the Museum and links with the Bennerley Viaduct with the importance of local history being celebrated as part of the wider historical context of 'Lawrence Country'.
10. Members of the Group recognised that providing events such as D.H. Lawrence Museum Prize Winning Competition that was at a relatively low cost to organise and reached worldwide interest, provided a new platform of engagement to schools and individuals wider than the Borough. This could further catapult interest in actual visitor attendance to the Museum in the future. Members were impressed with the loan boxes, being able to hold objects and dress up was seen as a brilliant way to

engage with the community. Digital tours had recently taken place including, an Arts Award Day with a digital tour for Hollyhill Primary School, two digital tours with 60 pupils from Nottingham High School, a digital tour for a Portuguese Group studying English Language and a presentation and digital tour as part of a Sardinian cultural conference had also taken place. A digital tour had also been provided to a paid customer to enable them to be part of the guided Group tour but remain on ground level due to the accessibility of the Museum. Opportunities of funding could be explored to promote the digital experience of the Museum and increase income.

12. The Group queried whether engagement with businesses within the area could be pursued to provide a wider experience of visiting the Museum. Afternoon teas were provided previously, but the business has since closed. The Museum holds events such as gin evenings.
13. The opening hours of the Museum are currently Thursdays, Fridays and Saturdays, 10.00am until 4.00pm. Where possible, the Museum would accommodate Group tours on other days. Members asked if the Museum could open on a Sunday in addition to the days already open. Currently the Museum employs 2.27 FTE paid employees and opening an extra day would require additional resources to manage this. Members were keen for this to be explored as Sunday was considered more of a leisure, family day that offered opportunity to visit the Museum. Opening Sunday could in addition, support local businesses in additional footfall to the area.
14. Currently the costs to enter the Museum are as follows:
 - Adults £5.00 (Self-guided) or £6.50 (Guided)
 - Concessions £4.25 (Self-guided) or £5.75 (Guided) Available for over 60's, disabled visitors and one carer, full time students and unemployed.
 - Free admission for Children (Any Tour) LLeisure Gym Members (Self-guided only) and all Broxtowe residents (Self-guided Only)
 - Free to Historic Houses Association members (self-guided only)

*This cost is reclaimed from Historic Houses Association.

**Guided tours must be booked in advance

The costs had not been reviewed since 2019. The Group was informed that all residents of the Borough could visit the Museum free of charge along with LLeisure gym members. School engagement had reduced since the closure of D.H. Lawrence Heritage Centre, along with changes to school budgets and the curriculum. The total visitors on 19 September 2023 for 2023/24 was 2441. Visitor figures was heading back to pre-pandemic. No school costs for income were provided. Admission charges were for guided tours or residents living outside of the Borough. Finding the right balance between free admission that supported greater engagement between the Museum and the local community with potential support with donations, sponsorship and funding opportunities to help offset the free admission or to

reintroduce charges for admission to all visitors to support improvements, create a value of exclusivity and extra value, improve visitor experience and raise income. The free admission to Borough residents was advertised on the Broxtowe Borough Council website but as the Group could not see this advertised elsewhere. Finding the balance between reducing the subsidy per head, increasing footfall and providing an experience to the paying customer in the future years was considered especially with ongoing increases in expenditure to balance the books. The D.H Lawrence Museum was considered an important historic building for the Heritage within the Borough. Members discussed the admittance charges and how to generate footfall with paid admission. Outside the Borough outreach projects, schools and the appetite for D.H. Lawrence on School curriculums was discussed.

15. Members appreciated that it has only been less than a year since the Museum and Events teams were brought back in house. Since the move, there had been a renewed focus on marketing the Museum and re engaging existing and new audiences. The activity had contributed to an 88% increase in visitors/engagement reached between January and July 2023 (2,931) compared to January to July 2022 (1,559). A programme of 11 press releases, as of 19 September 2023 had received 750 views and had been included in BBC News. A new suit of promotional videos, events listed in the Council's events calendar, and a new portfolio of professional photographs amongst many. The Action Plan had many outcomes and it was unrealistic to expect the targets to be met in a short timescale. Members discussed having a full year of activity to review the D.H. Lawrence action plan and financial data in 6 to 12 months' time to allow for a full twelve months of data. The Museum and Collections Manager provided an update that the Arts Council would be providing recommendations as part of the Museum re-accreditation process next year.



Scoping Form Information

Financial data supporting evidence

Financial data was provided at the meeting with overall income reported for the last five years. It was noted that in 2020/21 and 2021/22 grant funding was received as part of the COVID-19 support measures of £4,945 in 2020/21 and £8,723 in 2021/22. Post pandemic, there had been a number of changes, including an additional employee resource working at the Museum, reduced opening times and reduced budgets for retail and events. There had been an increase in income and visitors in 2019/20 partly due to the introduction of self-led admission. Members appreciated that as the service had been under a year since it was brought back in house the financial data provided was not reflective of a full year for 2023/24 and a request to provide this detail in 6-12 months' time to allow for a full year of financial data.

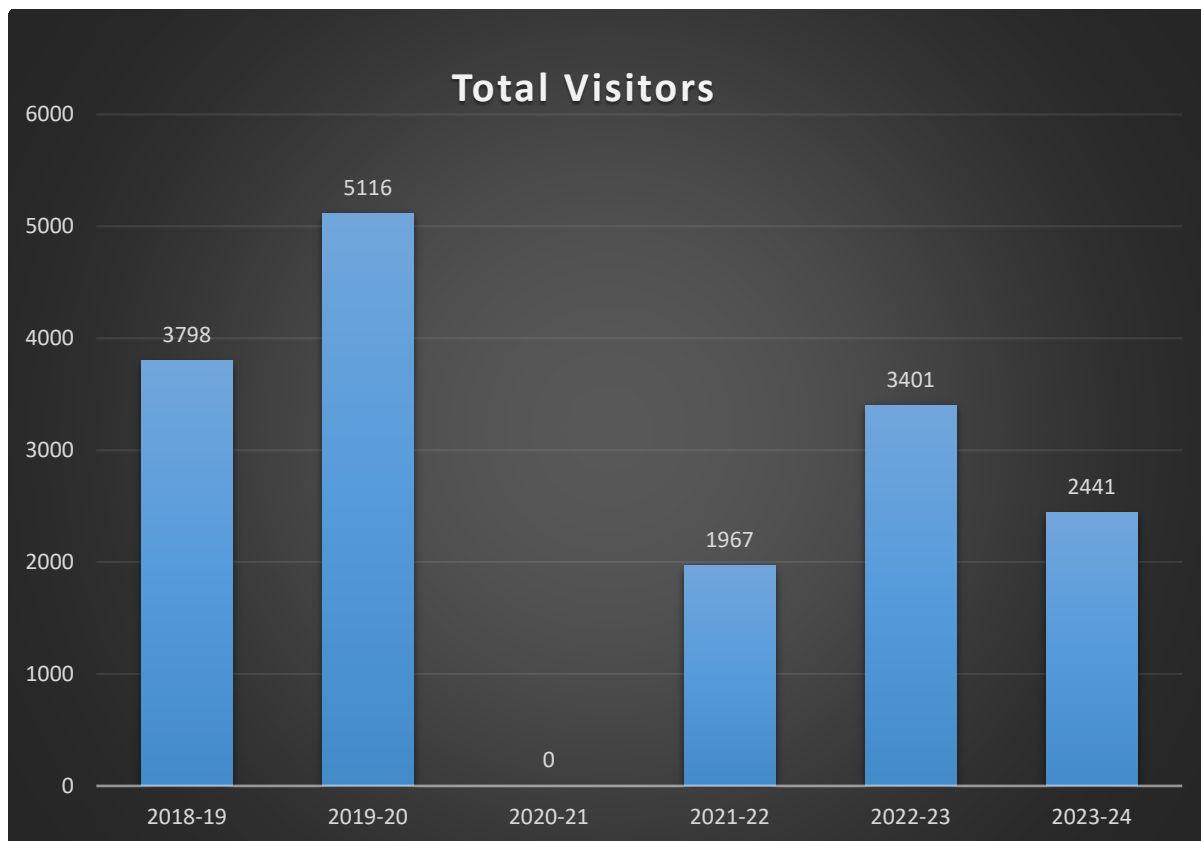
Following the COVID-19 pandemic, recovery was showing to be difficult with income considerably lower. The pay award and fuel costs had contributed to higher expenditure

costs. Members discussed the admittance charges and how to generate footfall with paid admission. Outside the Borough outreach projects, schools, and the appetite for D.H. Lawrence on School curriculums was discussed. Free entry for all Broxtowe residents was trialed in 2019-20 and has been in place since. The Museum holds events and walking tours as part of the Museum experience.



Finance and Visitor Analysis D. H. Lawrence Birthplace Museum 2018-2023

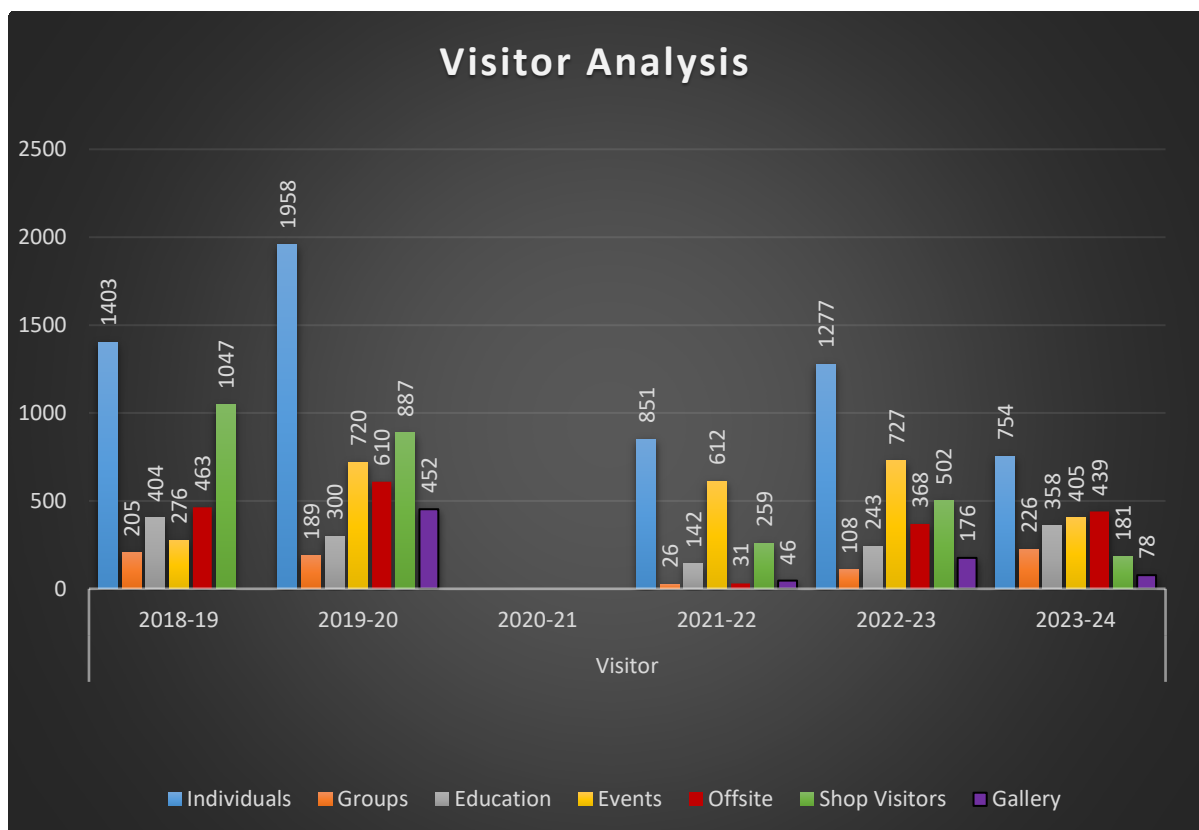
Visitors



Notes:

- Museum was closed to the public during 2020-21 due to the COVID 19 Pandemic.
- Pre-Pandemic visitors included international visitors. International visitor numbers have dropped significantly since the Museum reopened; currently the majority of visitors are national or local. This reflects trends across the whole UK heritage sector.
- Museum transferred back into local authority control from Liberty Leisure Limited in 2022.
- 2023-24 figures - partial year (Apr-Aug 2023)

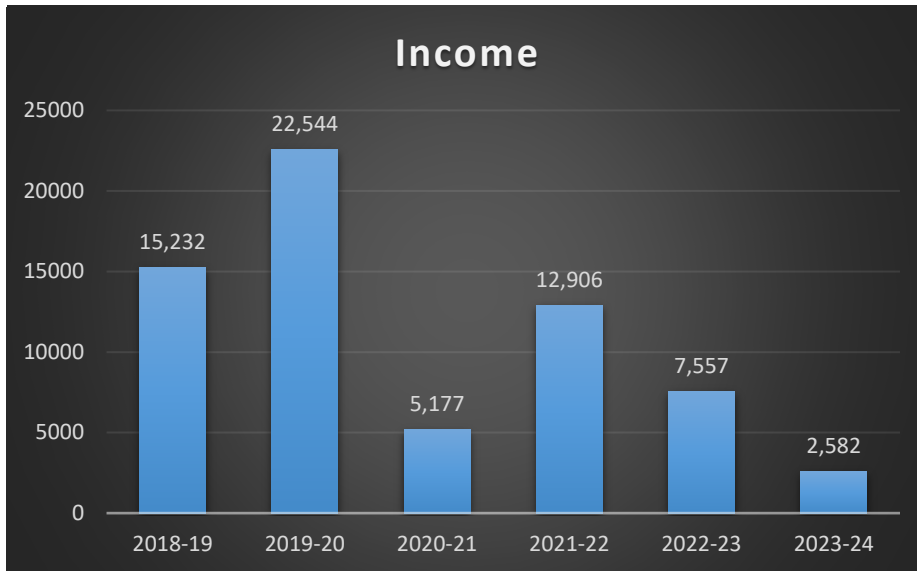
Visitor Analysis



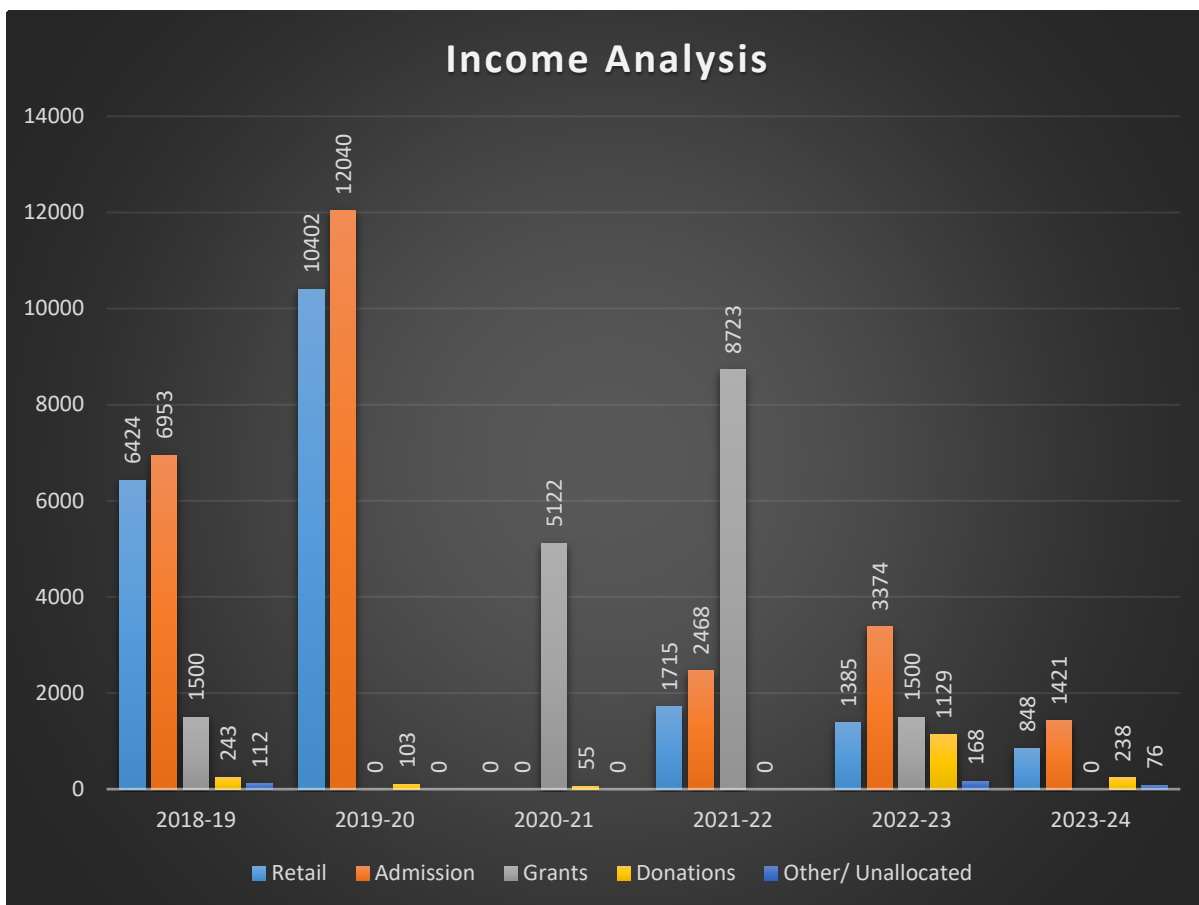
Notes:

- Museum opening times in 2018-19 / 2019-20 – Tuesday-Saturday 10am-4pm
- Museum opening times post-pandemic – Thursday-Saturday 10am-4pm
- Schools engagement has been limited since 2016 closure of D.H. Lawrence Heritage Centre. This is due to limited coach parking, increased transports costs, reduction in school budgets and changes to the curriculum.
- The lack of coach parking as a result of the closure of the Heritage Centre has reduced the numbers of Group tours visiting the Museum. Negotiations have taken place in 2023 and access to coach parking at Durban House has now been agreed.
- Pre-2019 there was no gallery space.
- A larger pre-pandemic staff team and budget enabled the Museum & Collection Officer the time to produce more engaging exhibitions and therefore saw a significant increase in exhibition visitors.
- Museum has begun recording ‘reach’ as a metric in 2023. This includes events such as the D.H. Lawrence Music Festival and engagement with the writing competition.

Finance



- Increased income and visitors in 2019-20 due to the introduction of self-led admission.
- Figures for 2023-24 – Apr-Aug 23 only.



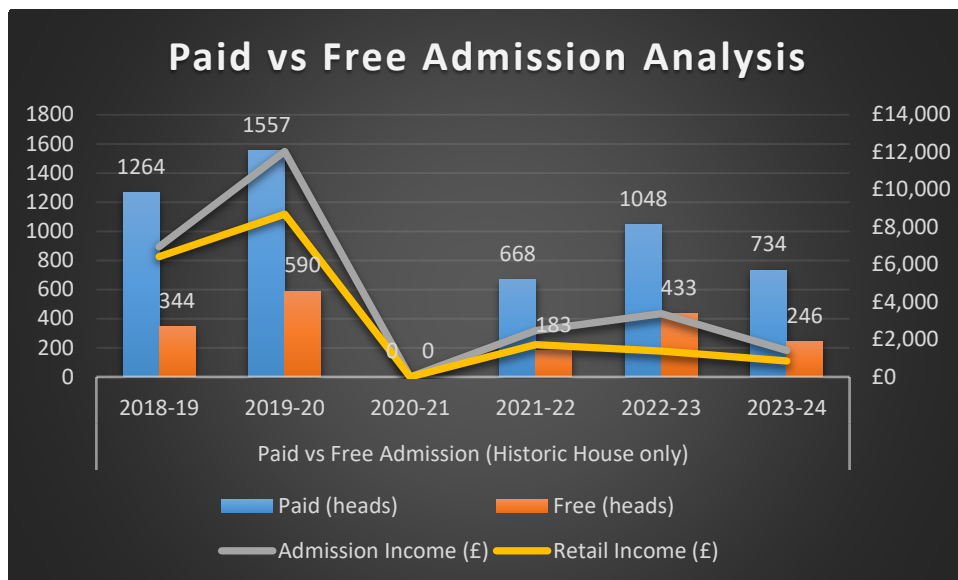
Notes:

Grant income for 2021-22 includes Coronavirus Job Retention Scheme (CJRS).

Donations income from 2022-23 is unspent. Proposal is being developed to utilise this to subsidise school transport costs within the wards with the highest levels of relative deprivation.

Retail budgets were reduced significantly after the pandemic and staff resource to manage this has also been reduced. This is reflected in the reduction in retail sales.

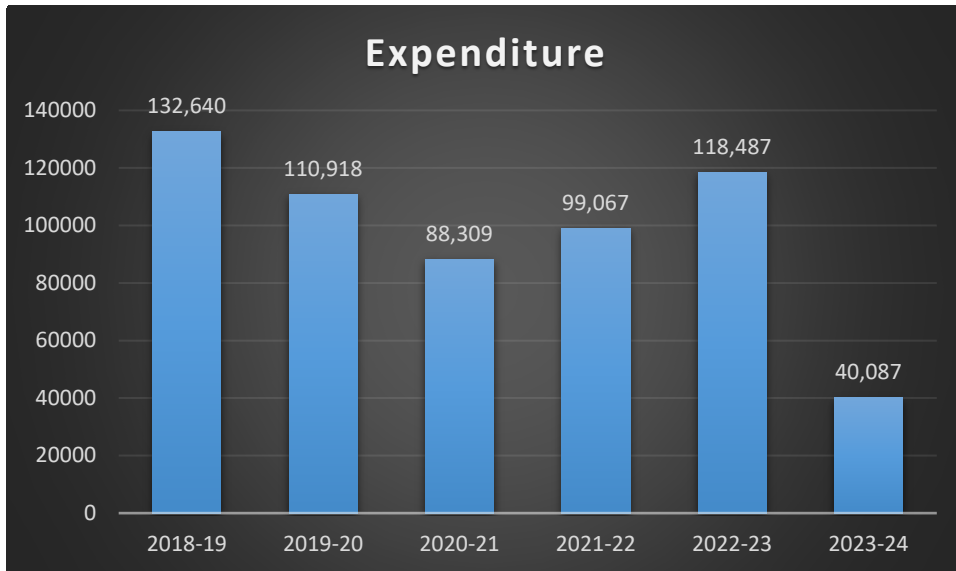
Impact of Free Entry



Notes:

- Free entry for all Broxtowe residents trialled in 2019-20
- The admissions are for Museum visits only.

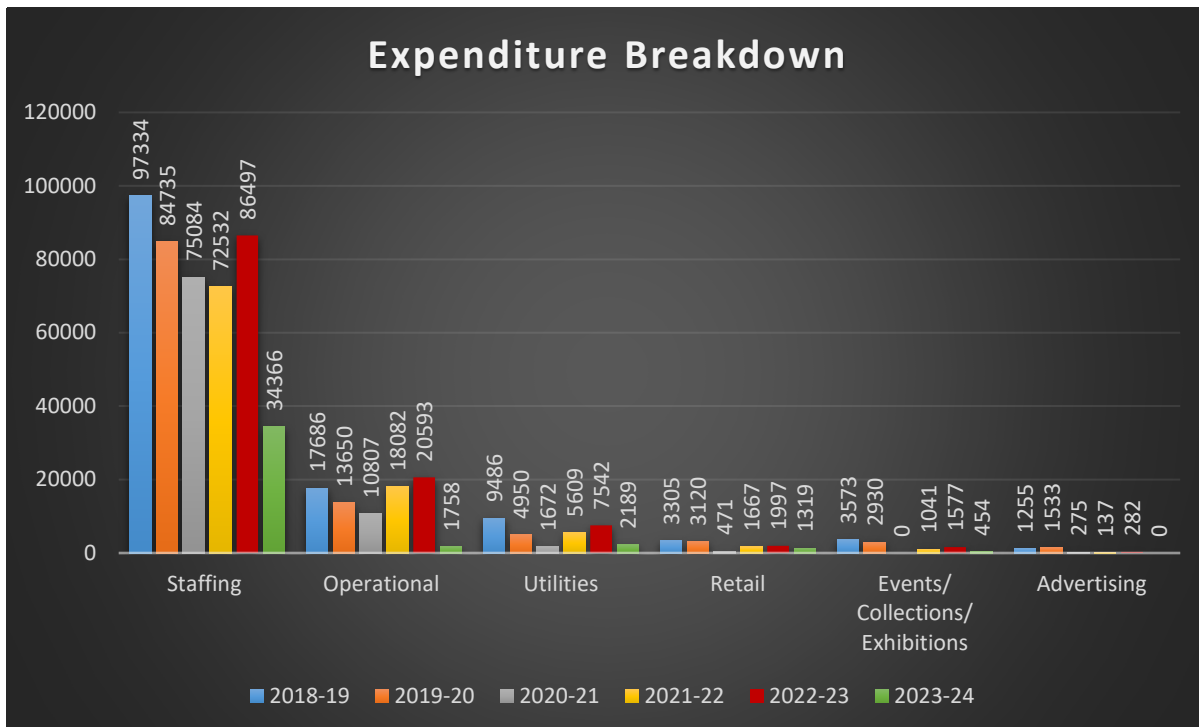
Expenditure



Notes:

The Museum closed in 2020-21 due to the pandemic – reduction in costs (utilities, events, retail and exhibition expenditure)

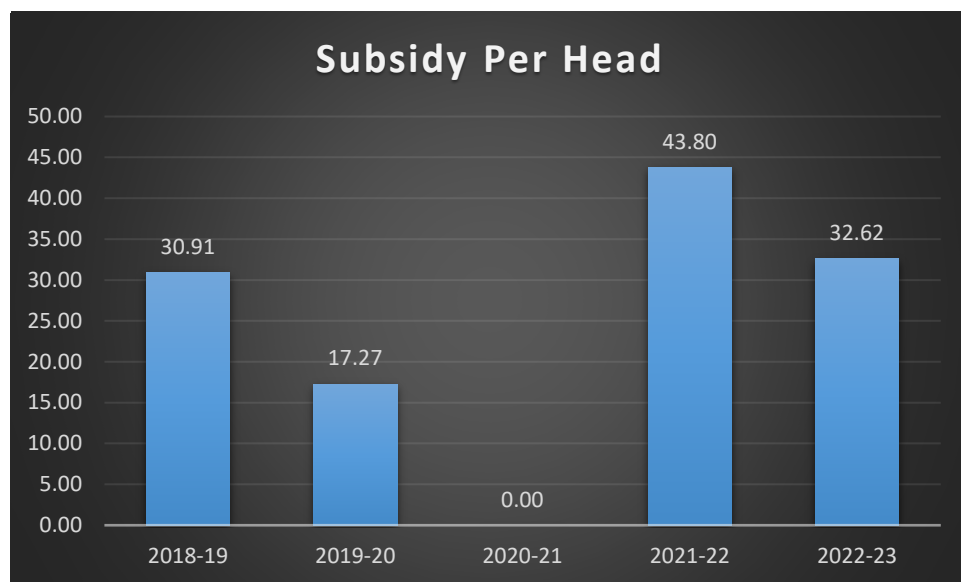
Expenditure Breakdown



Notes:

- Staffing and operational costs make up the majority of expenditure.
- Budget for events, collections and exhibitions has reduced steadily since 2018
- Marketing activity has increased since the Museum has been brought back in-house at the end of 2022. Expenditure on advertising to promote the Museum has reduced steadily since 2019.

Subsidy Per Head



Notes:

- No data for 2020-21 as the Museum was closed to the public
- Subsidy per head was lower when more staff and budget resource was available for service development
- There is not a figure for 2023-24 until all year-end figures have been received. It is envisaged that the subsidy will be similar to 2022-23.

Scoping Form Information

The Cultural Team provided the following information to assist the Working Group in relation to the specific points on the scoping form.

1. **Background**

The D.H. Lawrence Birthplace Museum is where this literary legend was born on 11 September 1885. Only 30 minutes from Nottingham City Centre, the Museum is a must see for fans of literature, and for those wanting to delve deeper into Nottingham's literary heritage.

Growing up in late Victorian industrial England, in the mining community of Eastwood, Lawrence surpassed all expectations of a miner's son and went on to become one of the greatest writers of the 20th century.

To some he is simply the infamous author of *Lady Chatterley's Lover*, but to many others he is a powerful and challenging creative voice, from the changing world of the early 20th century.

The Museum was founded in 1976 by local enthusiasts and has grown into a high quality tourist destination, attracting visitors from all over the world.

Owned and managed by Broxtowe Borough Council, the Museum is open to the public via guided and self-guided tours to discover the stories of this not-so-average son of a miner, as well as the wider local history of the area.

Due to the length of time that has passed since then, current employees are not able to comment on original aims of setting up a Museum over a blue plaque.

2. **Strategic Documents**

The Council's Cultural Strategy is an important strategic document in managing the development of the Museum service. A copy can be viewed at:

www.broxtowe.gov.uk/media/10791/cultural-strategy-2023-26-page.pdf

The Museum has a five-year Strategic Plan which would be reviewed annually and includes an action plan. The plan is also part of the Museum accreditation process.

Actions update from Museum Strategic Plan

Aim	Actions	Outcomes	Responsibility	Target Date	Progress
Community Access Tourism	Review approach for gathering visitor feedback and audit responses to inform future development and improvements.	Better understanding of audience experience and how these needs can be met through future developments.	Cultural Services Manager Museum and Collections Officer	Ongoing	Team has begun collecting postcode data
Community Learning	Identify new community Groups to work with in a way which offers an enjoyable and inspiring experience for attendees, and which is appropriate for the Museum space and employee resource available.	Diversification of audience.	Cultural Services Manager	Aug-23	Relationship established with: Hopkins court (Independent Living) and Elderberries
Community	Build stronger relationships with subject specialist networks, local Groups, partners and advocates.	To develop a network of advocates and promote the service to a wider audience.	Cultural Services Manager Museum and Collections Officer	Ongoing	Developed a partnership with Nottinghamshire Carers Association. Broxtowe Women's Project – investigating the possibility of more

Aim	Actions	Outcomes	Responsibility	Target Date	Progress
					events and a new exhibition at the Museum. Exhibition planned with Painting With Mr P support Group
Community	Develop a programme of community exhibitions.	Local Groups to curate own exhibitions on site in order to embed the Museum in the local community	Museum and Collections Officer	Sep-23	Completed – Booked until late 2024
Community	Deliver a marketing campaign around the idea of nostalgia and family connection to attract people who may not normally consider visiting by tapping in to memories and emotion.	Diversification of audience. Increased press coverage and advocacy from members of the local community	Communications, Cultural and Civic Services Manager Senior Communications Officer Cultural Services Manager	Jun-23	In progress – NTU Marketing Intern has begun compiling information.
Community Learning Tourism	Establish a Museum newsletter as a marketing tool to keep existing audiences engaged and attract new ones.	Increased awareness of Museum brand	Communications, Cultural and Civic Services Manager Senior Communications Officer	Apr-23	Planned for early 2023.

Aim	Actions	Outcomes	Responsibility	Target Date	Progress
			Heritage Assistant		
Community Tourism	Deliver D.H. Lawrence Festival.	Diversification of audience.	Cultural Services Manager Heritage Assistant	Sep-23	Completed.
Learning	Develop an education programme to deliver outreach work to schools in a way which offers an enjoyable and inspiring experience for attendees and which is appropriate for the Museum space and employee resource available.	Re-engagement with schools	Cultural Services Manager Museum and Collections Officer	Apr-23	Outreach to schools has been put on hold for now. The plan is to engage with schools on site
Learning	Develop a school writing competition to launch on World Book Day (4 th March 2023).	Re-engagement with schools	Museum & Collections Officer Heritage Assistant	Mar-23	Completed.
Access	Monitor opening times	Assess efficacy of current opening times in increasing visitor numbers	Cultural Services Manager Museum and Collections Officer	Apr-24	Ongoing. Some user data available.

Aim	Actions	Outcomes	Responsibility	Target Date	Progress
Access Tourism	Review website content to ensure the Museum is positioned as a valuable attraction to tourists and local people alike. Ensure website information remains up to date and fit for purpose.	Website reflects the high standards of the physical Museum service Strong online presence Visitors are able to easily access information about the Museum	Cultural Services Manager Heritage Assistant	Sep-23	Completed – to be updated when required.
Community Tourism	Develop a programme of marketing activity including growth of the Museums Facebook page to raise brand awareness and attract new audiences, as well as keeping existing audiences engaged.	Increased admissions and retail incomes.	Communications, Cultural and Civic Services Manager Senior Communications Officer Heritage Assistant	Apr-23	Complete
Collections	Ensure appropriate collection policies and approaches are in place to provide a relevant and engaging collection for visitors.	Ensuring Collections Development Policy is up to date Ensuring legal and security requirements are in place for loans.	Museum and Collections Officer	Aug-23	Completed: Loans Policy, Collection Information Policy, Collections Development In Progress: Access Policy

Aim	Actions	Outcomes	Responsibility	Target Date	Progress
		Ensure artefacts are relevant.			
Management Community	Increase volunteering opportunities to attract new volunteers to provide better resilience, as well as support the development of skills and training within the local community.	Identifying roles and recruiting volunteers to support existing workforce	Museum and Collections Officer	Ongoing	University of Nottingham and NTU placements. School leaver work placement. Work experience. Volunteers for the deep clean.

3. Operational Information

Opening times

Thursdays, Fridays and Saturdays, 10.00am until 4.00pm. Where possible, the Museum accommodates Group tours on other days.

Booking

There is no need to book in advance for Self Led Admission, Guided Tours must be booked in advance (see below).

Admission

Adults - £5 (Self-Guided) or £6.50 (Guided, see below)

Concessions - £4.25 (Self-Guided) or £5.75 (Guided) Available for over 60s, disabled visitors and one carer, full time students and those who are unemployed.

Free admission for Children (Any Tour), LLeisure Gym Members (Self-Guided Only) and Broxtowe residents (Self-Guided Only).

We also are free to visit for Historic Houses Association members with a valid ID card on your visit (self-Guided tours only. Guided Tours will be charged at a concession rate).

Staffing

The Museum employs 2.27 FTE paid employees made up of:

- Cultural Services Manager – approximately 50% of their responsibilities, alongside managing Culture and Events (37hrs).
- Museum and Collections Officer – Site Manager and Curator (37hrs).
- Duty Officer – Education programme development, retail and marketing (18.5hrs). This post is currently vacant with consideration being made it could be developed to support the Museum and wider Communications, Cultural and Civic Services Team moving forward.
- Heritage Assistant – Event and operational support, guided tours, front of house duties and social media (18.5hrs).
- Museum Cleaner (10 hrs).
- Colleagues from across Communications, Cultural and Civic Services also assist the Museum in a range of areas such as workshops, events and marketing.

There are 4 registered volunteers working at the Museum, who deliver on average 300 hours per year, undertaking tasks such as assisting in front of house duties, events, collection specific projects and the annual deep clean.

4. Community

Maintaining a strong link to the local community is an important part of the Museum's operations, not only to promote the Museum and attract new visitors, but also to help realise some of the benefits that heritage and culture can have on community cohesion and physical and mental wellbeing.

Some examples include:

Gallery Space

A programme of changing exhibitions is hosted in the Gallery Space of the Museum, promoting local artists and community Groups. Recent exhibitions have included a photography exhibition from The Beauvale Photography Group featuring portraits to celebrate more than 30 local organisations who volunteer in Eastwood to help improve the lives of the local community. An average of five exhibitions have been showcased each year and many of the visitors also visit the Museum whilst on site.

Wellbeing Walks

Worked in partnership with LLeisure Ltd to deliver wellbeing walks which, following a successful pilot, now take place monthly and have been attended by 357 people since they began in 2022. The walks are focused on getting an hour of fresh air, exploring the local area and meeting people, whilst bringing in local history and details of Lawrence's links to the landscape. Feedback from participants has included comments about the benefits getting gentle exercise and socialising with others.

The walks have also enabled the Museum to recruit a new volunteer to assist with the annual deep clean.

Volunteer opportunities

Volunteer opportunities support young people gain important/transferable skills and self-confidence through student and work experience placements. Many volunteers are seeking something meaningful to do with their time and find it rewarding to be supporting a local heritage asset, enjoy interacting with visitors and value the sense of community the Museum brings.

The annual deep-clean in January provides hands-on, practical skills and training in collections care. Volunteers find it very satisfying and a fun, team activity. Many students trying to begin a career in heritage find this kind of experience the most useful for professional development. Volunteer help is invaluable in completing the deep-clean, which is an essential part of collections care.

Recently, volunteers took part in a training day, ran by Historic Buildings Expert, Jason Mordan, to remove plaster which had been damaged by an excess of salts,

causing the areas to dry out. They then applied new lime plaster, a type of plaster which allows building to breathe by allowing moisture to evaporate, learning application techniques which have been used for centuries.

Community and Voluntary Groups

The Museum regularly works with local Groups to support their members to experience what the Museum has to offer, as well as help support important causes.

This has included:

- Outreach activities with older people including a guided tour of the Museum and guided walk with Eastwood Memory Café for those with dementia and their carers, sessions at Hopkins Court, one of the Council's Independent Living complexes and Elderberries older people's social Group.
- Running a 'pop up' Museum at some of the Council's Play Day events giving families a chance to discover some Victoria items and learn about Lawrence.
- A specialised tour and activity day at the Museum with Bipolar Life Group, a carer friendly initiative with Notts Carers Association.
- A Cream Team fundraising event at the Museum for Broxtowe Women's Project, as well as an awareness raising exhibition in the gallery space, a guided walk and rose planting activity in the Museum garden.
- A book launch to support a Parkinson's Charity.
- Guided walks with Netwalk, a business networking event for charity.

Community Events

A programme of community events takes place at the Museum each year to develop new audiences who may not have ordinarily engaged with the Museum. Events in the 2023/24 programme have included:

D.H. Lawrence Festival

This year's D.H. Lawrence Festival, which took place from 1-10 September was marketed to showcase not just the Lawrence and literature themed events on offer, but also other cultural activities including music, arts and community events. This refreshed approach was aimed to attract people who may not ordinarily engage with the Museum to take part in the festival activities, as well as increasing footfall in Eastwood town centre. Subject to Cabinet approval of the 2024/25 event programme, next year's festival will continue to promote a wider range of cultural activities and marketing will be broadened to a wider audience across the Borough through other cultural Groups and organisations. Visitor figures will be provided once available.

Gin and Gaslight Events

Offering a unique opportunity to enjoy the Museum at night, by gas-light, and learn about the Victorian way of life in an engaging way. Around 60 people attend each year, attracting a new audience to explore the Museum and generating a small profit of around £240 per event.

Eastwood Christmas Light Switch On

The Museum hosts a Santa's Grotto as part of the annual town centre light switch on event, with many visitors also purchasing gifts from the gift shops. The light switch on events attract over 2,000 people and this number grows year on year.

Each event is evaluated to help inform plans for the next year's event programme.

5. Education

The Museum has a range of options for Key Stage 1 up to Key Stage 4 pupils.

For Key Stage 1 and 2, tours of the Museum are complemented with a range of interactive experiences like wash day, rag-rug making, a Victorian Tea Party and History Detectives, all of which link with the subjects of social and local history, English, Citizenship and Art on the curriculum.

For Key Stage 3 and 4 children, educational visits give an insight into what life was like in a typical late Victorian working-class home, with guided tours discussing Lawrence's formative years and introducing children to literature in context. For older students, a tour of the Museum can be complemented by taking them into the local countryside and visiting Brinsley Headstocks, or walking the Blue Line Trail.

Arrangements have now been made for coach parking to take place at Durban House.

Whilst the site does have some limitations, this has not prevented ongoing engagement with many different local and international schools and other education providers over the years.

Some examples include:

Loan boxes

Nothing quite beats handling an original artefact so our loan boxes are a great way for schools to extend learning about local history within the classroom. We currently have loan boxes on three topic areas – mining, schooldays and leisure. Each loan box contains artefacts and resources, and comes with activities that are suitable for the classroom. The activities are cross-curricular, so as well as offering interactive engagement with local history they also cover, English, Art, PSHE, Music, Science, Biology, Drama and Technology. Since April 2022, four schools have used the boxes as part of learning activities delivered to 243 children. Refreshed promotion of the loan

boxes to schools will take place now that the new academic year has commenced. The boxes are also used at other events such as the Pop Up Museum at the Council's Play Days and other outreach events with a further 413 people engaging with Victorian history and Lawrence in this way.

International students

International Groups and education visitors were significantly impacted by the pandemic but are starting to return. One example is a French Exchange Group who first visited in 2022 and will be undertaking their sixth visit of 2023 in October.

D.H. Lawrence Children's Prize Writing Competition

To mark world book day in 2023 and thanks to Broxtowe's UKSPF funding, the Museum launched the D.H. Lawrence Children's Prize writing competition asking for short stories, poems and non-fiction pieces about the local area, just as Lawrence was inspired by the sights and sounds of Broxtowe. The marketing of the competition reached a teaching resource website which resulted in participation from schools across the country. A total of 240 entries were submitted including from Broxtowe and as far afield as Iceland and Mexico and it is estimated that a further 500 young people were engaged about Lawrence, his legacy and creative writing through the competition.

Digital Tours

Recently, digital tours have taken place engaging including:

- Arts Award Day with digital tour for Hollyhill Primary School.
- Two digital tour sessions with 60 pupils from Nottingham High School, who wish to develop further activities with the Museum.
- A digital tour ahead of an outreach visit for 60 pupils at Claremont Primary School.
- A digital tour for a Portuguese Group studying English Language.

Feedback has been positive, with comments including:

"Thank you so much for this morning – it was so valuable. Lots of the students said that it has given them ideas that they wouldn't have considered before. A couple of students were quite shocked that all of the other classes weren't going to have the benefit of the virtual tour. Most students wrote a side of A4 of notes too. A success, I would say."

"I just wanted to get in contact to say a very big (and belated!) 'thank you' for your roles in arranging the virtual trip to the Lawrence Museum for our Year 9 students this term. I had brilliant feedback from both teachers and their students and we would love to organise this again next year and hopefully run it with all of the year Group. Both teachers said how much it brought Lawrence and how inspiring it was for the

students. The students go on to produce some creative writing, inspired by Lawrence and the examples of his writing that they study. I've attached an example for you to read."

"I would like to thank you both for a wonderful day. The children were hooked from the start and continued to enjoy the day as we went on. The Museum tour was so informative, and this was proven by the children's questions after. The children continued to enjoy the day and created some fabulous natural art. Amy, thank you for engaging the children and keeping them interested. The dressing up was particularly fun."

Home school Network

In 2022, the Museum delivered a series of education sessions on local history for 110 home schooled children through a local home education network.

Arts Award Training Site

Following a successful application for external funding from Museum Development East Midlands (MDEM) and The Mighty Creatives, the Museum became an Arts Award Training site in 2022, which means that the Museum can now offer the nationally recognised and accredited Arts Award scheme at Discover level. It is a scheme which enables participants to take ownership of and further their professional progression in the arts.

Comic Project

In 2019, the Museum worked with The United Nations Educational, Scientific and Cultural Organisation (UNESCO), University of Nottingham and Nottinghamshire schools to host creative workshops for secondary school students to design self-published comics on Lawrentian themes such as censorship, conflict, non-conformity etc. The students completed a series of workshops at the Museum, using the historic rooms and the Lawrence family story as inspiration. They worked with professional artists to design their own comics which were professionally published.

Higher education

The Museum has a long-standing relationship of collaboration with the University of Nottingham and with Dr Andrew Harrison, Director of the D.H. Lawrence Research Centre. Dr Harrison has supported at education tours and events and the Museum have loaned objects and exhibitions from Manuscripts and Special Collections at the University of Nottingham. Officers are currently working with the University on running workshops as part of the Festival of Science and Curiosity which will take place during February half-term.

The Museum has also recently collaborated with Newstead Abbey, who have launched an online learning resource on D.H. Lawrence, to accompany the Lawrence portrait by Joep Nicolas, which is currently on loan to the Museum for one year.

Access has been secured to the Durban House car park for coach parking until any new lease arrangements are made and it is anticipated that these will be incorporated as part of any ongoing use of the site.

6. Tourism and Economic Growth

Tourist/Visitor Economy Organisations

The Museum has links with Visit Nottinghamshire, UNESCO City of Literature, Museums Development East Midlands and Nottinghamshire Heritage Forum. The Strategic Plan Action Plan and Culture Strategy both include work to strengthen these connections to enhance and broaden the promotion of the Museum across the county and surrounding areas.

As part of the Museum's membership to Experience Nottinghamshire, they promote the Museum across a variety of online channels as Nottinghamshire's main tourism organisation.

Outreach events also take place in partnership with other Museums and heritage sites including in Mansfield and Erewash.

An up to date leaflet needs to be developed to be distributed to tourist locations such as hotels.

Work is underway to install a promotional advert on the town centre monolith near Wellington Street. Brown road signage could be reviewed in conjunction with the County Council as the highway authority and subject to funding.

There are some limitations to the Museum space which make it difficult to hire out the space for Groups of more than 15 people.

D.H. Lawrence Festival

The Festival is an important event in bringing visitors to Eastwood Town Centre.

Blue Line Trail

The Blue Line Trail is an important part of the Museum experience, as well as encouraging visitors to visit other parts of Eastwood and the surrounding areas, supporting local businesses. The Trail is in need of repair and work is underway to determine the costs of this so funding options can be considered, as detailed in the Strategic Plan action plan.

CCity Project

Broxtowe has signed a C-City Charter along with Gütersloh (Germany), Falun (Sweden), Châteauroux (France) and Grudziądz (Poland). The C-City concept is focused around the idea that sharing culture is key to European cooperation. The project provides a platform with which to showcase Broxtowe's existing cultural offer and for those in the community to exchange ideas and practices with the other cities involved. The project is focused on the themes of cinema, visual arts, music: classic, music: jazz and rock, theatre, sport, food and lifestyle, literature and history and custom.

The Museum has played a key role in the literature and history and custom project strands with few lines about work undertaken in this area. It has also enabled the Council to promote the Museum to new audiences in the other countries involved in CCity, with an exchange visit from Gütersloh taking place earlier this year.

Digital Tours

Following the success of the digital school tours, there is huge potential to tap into this technology to support the international interest in D.H. Lawrence. A presentation and digital tour as part of a Sardinian cultural conference has already taken place.

Levelling Up Fund

The Council has recognised the potential of the Kimberley Levelling Up Fund for the Museum, particularly the improvement works at Bennerley Viaduct. A strong working relationship has been cultivated with the Friends of Bennerley Viaduct to ensure that this important part of local history is celebrated as part of the wider historical context of Lawrence country. This has included a popular pop up exhibition in the Museum gallery space and series of workshops, which received significant local press attention, including a feature on BBC East Midlands Today. The Museum and Collections Officer will provide further updates about future work planned with the Friends Group.

Business Partnerships

The Museum is an important part of Eastwood town centre and continues to engage and publicise its activities with local businesses. The D.H. Lawrence Festival is an important annual event which brings visitors to the town, supporting the local economy.

Partnerships have also been developed, including an Afternoon Tea package with a local café for Museum visitors. Unfortunately, the business has recently closed and the Museum is seeking a new partner to offer a similar offer for Museum visitors and Group tours.

7. **Marketing**

In November 2022, The D.H. Lawrence Birthplace Museum, along with the rest of the Cultural Services section was transferred back in house to operate as part of Communications, Cultural and Civic Services.

This enables the Museum to sit alongside other mutually supportive services such as culture and events, the civic office, and communications and marketing, all sharing in the broad objectives of attracting visitors to the Borough and promoting the cultural offer to both visitors and residents.

Since the move, there has been a renewed focus on marketing the Museum and re-engaging existing and new audiences, supported by the expertise of the Communications Officers in the team.

Since January 2023 there has been:

- A programme of 11 press releases which have received 750 views and have been included in multiple news outlets including BBC News.
- 17 articles included in the Council's weekly Latest News email bulletin, which is sent to more than 12,500 people.
- New portfolio of professional photographs for use in publicity material to showcase the site at its best
- New suite of webpages which have received 2,759 page views to date.
- Regular programme of Facebook messages which has helped increase Facebook page visits to 3,609 compared to 1,411 in the previous six months. There has also been an 11% increase in the reach of the Museum Facebook posts to 25,768 with 1,647 people engaging with the content in some way (like, share, comment, react).
- Refreshed branding.
- Internal campaign to promote the Museum to employees, many of whom are local residents.
- Direct upselling to local media including the Eastwood and Kimberley Advertiser to include features and regular articles on the Museum as part of the fabric of Eastwood.
- Special feature in Broxtowe Matters
- New suite of promotional videos which are currently in the final editing stages.
- All Museum events listed on the Council's events calendar.

This activity has contributed to an 88% increase in visitors/engagements reached between January and July 2023 (2,931), compared to January to July 2022 (1,559).

There has also been increased opportunities to network and collaborate with other Council departments, community and interest Groups as part of the Council's wider approach to culture. This has included:

- Presence on the Community Committee which is supporting the CCity programme. This has provided opportunities to work with other local people involved in cultural activities and promote the Museum in new networks, as well as amongst international contacts in Germany, Sweden, France and Poland.
- New outreach events delivered at the Council's Independent Living schemes

Scoping Report

Scoping Report D. H. Lawrence Museum

To review the marketing of the venue and potential improvements following the visitor figures reported to the budget scrutiny meeting of January 2023

Title of review	D.H. Lawrence Museum
Expected outcomes	<p>To understand the role of Heritage for Broxtowe Borough Council.</p> <p>To review the marketing of the venue and potential improvements.</p>
Terms of reference/Key lines of enquiry	<p>What does the Museum provide to the Community of Broxtowe?</p> <p>What is the situation with school visits?</p> <p>Lack of Coach Parking. Car parking impacts transport to get there.</p> <p>Is there a plan to encourage visits to the Museum in large numbers?</p> <p>What are the opening times of the Museum?</p> <p>Are visits pre bookable or can you just turn up?</p> <p>How do you integrate D.H. Lawrence Museum with schools/college?</p> <p>Links with University?</p> <p>Are staff paid/unpaid/ What are the costs to run the Museum?</p> <p>Income/expenditure what are the costs of entering the Museum?</p> <p>What marketing/advertising is organised for the Museum?</p> <p>Where is the Publicity at venues such as tourist centres, hotels including leaflets, advertising and transport links to Eastwood?</p> <p>Is the Museum part of an integrated plan with Nottinghamshire and Derbyshire Councils for tourism within the East Midlands?</p> <p>Can Visitor figure data be provided for the last five years to include pre COVID-19 years?</p> <p>What is the link and plans for D.H. Lawrence Museum and Bennerley Viaduct?</p> <p>Is the blue line trail something that could be promoted?</p> <p>Road signage is currently not sufficient; could improvements be made to advertise the Museum on brown road signs?</p> <p>What links do the Museum have with other locations?</p> <p>Are they promoted?</p>

	<p>What were the aims of creating the Museum over a blue plaque?</p> <p>Is there a business Plan/Strategy for the Museum?</p> <p>Are they plans to do anything different from how LLeisure was running the Museum?</p> <p>How can the Council emphasise the importance of the Heritage of the DHL Museum?</p> <p>Is the Museum viable for schools?</p> <p>Is the Museum part of a school curriculum that brings footfall benefits to the Museum?</p> <p>Do the Museum host events, hire the rooms for additional income?</p> <p>Do these event count as footfall to the Museum?</p>		
Possible sources of information	<p>Comms team and Manager of D.H. Lawrence Museum.</p> <p>Website/Press Release of events</p> <p>Data for visitor figures for last five years and costs.</p> <p>Budget information of income and expenditure of the Museum last five years</p> <p>Survey to selection of public in Eastwood their opinion of Museum.</p> <p>Budget Consultation survey check any information on Museum.</p> <p>Questionnaires/evaluation forms</p> <p>Town Council do they engage with the Museum.</p> <p>Benchmark against other Museums in area Visitor figures and costs.</p> <p>Local Authority link pass to Museums in area.</p>		
How review could be publicised	<p>Website</p> <p>Comms</p> <p>Email me</p> <p>Broxtowe Newsletter</p>		
Specify site visits	<p>Site Visit to the Museum Check Opening times.</p>		
Possible witnesses	<p>Comms Manager of D. H. Lawrence Museum employees</p> <p>Public</p> <p>Staff questions</p>		
Resource requirements	<p>Democratic Services</p> <p>Comms Team</p>		
Projected start date	11 July 2023	Draft report deadline	23 November 2023
Projected completion date	19 September 2023		

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Report of the Chief Executive

DOMESTIC ABUSE POLICY

1. Purpose of Report

To consider amendments to the Domestic Abuse Policy.

2. Recommendation

The Local Joint Consultative Committee is asked to RECOMMEND to Cabinet that the revisions to the Domestic Abuse policy be approved.

3. Detail

The Domestic Abuse Policy was last reviewed in December 2020 and requires as update. The Communities Team are the lead officers responsible for the policy and the Chief Communities Officer has reviewed the existing policy and made the following amendments:

- Coercion has been added to the description of Domestic Abuse
- Lead specialists now include the Senior Communities Officer – Violence and Domestic Abuse
- Working from home has now been considered as a risk factor following the Council's implementation of Agile Working
- Examples of domestic abuse have been expanded
- Confidentiality protection exemptions have been expanded to include the risk to children or other employees
- Additional safeguarding concerns relating to children have been outlined and referenced to current legislation
- Appropriate information will be shared with external agencies to protect employees
- Helpful contact numbers have been refreshed and updated.

4. Financial Implications

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

5. Legal Implications

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

6. Human Resources Implications

The comments from the Human Resources Manager are contained within the report.

7. Union Comments

The Union will be given the opportunity to discuss the report at the meeting.

8. Climate Change Implications

The climate change implications are contained within the report.

9. Data Protection Compliance Implications

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

10. Equality Impact Assessment

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

11. Background Papers

Nil.

APPENDIX 1

Policy Section	Suggested Change	Reason for Change
1. Introduction	'coercion' added to types of abuse	Statutory Guidance – Home Office – April 2022
3. Advice and Counselling	Senior Communities Officer added as a Lead Specialist	Additional support
	Managers to work with HR and Communities when identifying domestic abuse support	Additional support and clarification of roles
	Add White Ribbon Campaign	The Council actively operates a White Ribbon Campaign
4. Line Manager's Role	Homeworking now referenced and recognised as a risk	The Council now operates agile working
	Examples of Domestic Abuse expanded	Best practice guidance now included in Training
5. Confidentiality	Additional safeguarding concerns relating to children have been outlined and referenced to current legislation	Within Legislation and not in previous policy.
	Added paragraph on risk to other employees	Best practice guidance not in previous policy
7. Safety at Work	Homeworking now referenced and recognised as a risk	The Council now operates agile working
8. Helpful Contact Numbers	Numbers updated	To ensure contact details are up to date and fit for purpose

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EMPLOYEE DOMESTIC ABUSE POLICY

Contents

1.0 Introduction	3
2.0 Aims of the Policy.....	3
3.0 Advice and Counselling	3
4.0 Line Manager's Role.....	4
5.0 Confidentiality	5
6.0 Performance and Attendance	5
7.0 Safety at Work	5
8.0 Helpful Contact Numbers.....	6
9.0 Document History	6

1.0 Introduction

The Council recognises that its employees are its most important asset and it is committed to providing the support and assistance necessary to ensure their health, safety and welfare at work. This policy covers the internal and external support available to employees experiencing, or involved in, domestic abuse. Employees who are suffering from domestic abuse are more likely to work inefficiently, be absent from work and have poor productivity levels. In addition, there is a risk both to the employee, other employees and the business if a violent partner or ex-partner presents at the workplace.

For the purposes of this policy, domestic abuse is any incident, or pattern of incidents, of controlling, coercive or threatening behaviour, violence or abuse (including stalking) between adults who are, or have been, intimate partners or family members. It applies to anyone who experiences physical, psychological, emotional, sexual and financial abuse or coercion. The Council also recognises that domestic abuse can sometimes also occur outside of the persons described above such as from family friends.

2.0 Aims of the Policy

The aims of this policy are to:

- support employees experiencing domestic abuse and promote their health, safety and welfare at work
- enable employees experiencing domestic abuse to remain productive, efficient and at work
- offer support to employees who both recognise that they are the perpetrators of domestic abuse and want to seek help to address their behaviour
- aid line managers seeking to help employees who are experiencing domestic abuse
- assist colleagues of employees who are experiencing domestic abuse.

3.0 Advice and Counselling

It is the Council's intention to deal constructively and sympathetically with cases of domestic abuse. In order to support employees, the Council will ensure:

- The employees' Line Manager or Human Resources is the first point of contact for those experiencing, or perpetrating, domestic abuse. The Council's Senior Communities Officer for Violence and Domestic Abuse and the Chief Communities Officer are the Lead Specialists.
- The Senior Communities Officer Violence and Domestic Abuse or The Chief Communities Officer will offer information and guidance to Human Resources

Officers and Line Managers and where appropriate actively encourage employees to seek external help and support, including assisting with referrals to appropriate authorities and agencies, such as the Police, Refuge, Women's Aid support organisations and the National Domestic Violence Helpline.

- Managers will endeavour to identify employees with possible domestic abuse issues at an early stage and work with Human Resource and Communities Officers to offer the appropriate help and advice.
- The Council will raise general workplace awareness of domestic abuse issues through maintaining White Ribbon accreditation, working closely with Domestic Abuse support agencies and delivering Domestic Abuse and White Ribbon Campaigns.

Employees who are members of a Trade Union may also receive appropriate support.

4.0 Line Manager's Role

Line managers have an important role to play in enabling employees experiencing domestic abuse to seek help and support and this is especially important since the introduction of home working. The Council will provide training for managers in handling sensitive issues such as domestic abuse. The role of the line manager in this regard is to:

- identify employees experiencing difficulties as a result of domestic abuse, for example;
 - employees coming to work with unexplained injuries
 - who appear distressed
 - show an uncharacteristic deterioration in work performance
 - have unexplained periods of time off work
 - who are receiving numerous calls from a partner or ex-partner
 - who are frequently visited at work by a partner or ex-partner
 - who appear unable to have a separate life outside of their relationship with a partner
 - who appears uncharacteristically timid and appeasing in front of partner or ex-partner
- provide initial help and support, including advice on the options available for the employee, but also recognising the limitations of their role in that they are not professional counsellors
- protect confidentiality as far as possible, unless the employee agrees otherwise or there is a risk to children or other employees.
- refer the employee to appropriate internal and external sources of further help and support.
- enable the employee to remain at work.
- remain in closer contact and be more vigilant where there are concerns about employees who are working from home.

- Consider if a return to office working is appropriate in instances where the home environment is an unsafe one.
- recognise that the employee may need time to decide what to do and may try a number of options during the process.

discuss measures to prioritise safety at work and ensure that the health, safety and welfare of all employees is protected.

5.0 Confidentiality

Confidentiality will be maintained as far as possible, however, in some instances, disclosure may need to be made to other members of the management team and/or external authorities or agencies in order that appropriate further help and support can be provided to the employee, but this will be subject to prior discussion with the employee and only with their express agreement.

Where it is assessed there is a safeguarding issue for any children due to Domestic Abuse appropriate safeguarding referrals will be made and information shared in line with current legislation (The Children Act 1989).

Where it is assessed that there is a risk to other employee's appropriate information will be shared with external agencies to protect employees.

6.0 Performance and Attendance

The Council recognises that those experiencing domestic abuse may have difficulties with their performance because of the domestic abuse and/or may need to be absent from work from time to time. It will assist them in this regard by being sensitive in its approach and/or utilising its leaves of absence policy. See the Council's Leave Policy for further guidance.

7.0 Safety at Work

The Council will protect the health, safety and welfare of all employees at work, including those employees directly or indirectly affected by domestic abuse. This includes situations where the perpetrator of the abuse is harassing the employee at work, for example, turning up at the Council's business premises unannounced, constantly telephoning, e-mailing or texting the employee during the working day or harassing the employee's work colleagues.

With the introduction of home working the Council needs to give the health, safety and welfare of employee's additional scrutiny.

Employees need to disclose to the Council that they are at risk from domestic abuse in order to receive this protection and the Council therefore actively encourages employees to make such disclosure. Other employees should also disclose to the Council if they are being harassed by a work colleague's current or former partner or family member.

8.0 Helpful Contact Numbers

Reporting

Incident	Police	101	(999 Emergency)
Child Safeguarding	MASH	0300 50 80 90	

Support Services

Broxtowe Sanctuary Scheme	3492
Broxtowe Women Project	01773 719 111
Equation Men's Helpline	0800 995 6999/0115 960 5556
Forced Marriage Unit	020 7008 0151
IDVA Advocacy Service	01909 533 617
Juno Women's Aid	0808 800 0340
LGBTQ+ Gaylopp	0800 999 5428
Men's Advice Line	0808 801 0327
Midlands Women's Aid Refuge	0300 302 0033
National Women's Aid	0808 200 0247
Nottinghamshire Sexual Violence Service	0115 941 0440
Rape Crisis	0808 500 222
Refuge	0808 2000 247
Resources	https://equation.org.uk/resources/
Support for Professionals	https://equation.org.uk/professionals/
Training	https://equation.org.uk/training/
Victim Care (Domestic Abuse)	0808 168 9111/0800 304 7575

9.0 Document History

Date	Summary of Changes
16/11/2023	Coercion has been added to the description of Domestic Abuse
	Lead specialists now include the Senior Communities Officer – Violence and Domestic Abuse
	Working from home has now been considered as a risk factor following the Council's implementation of Agile Working

	Examples of domestic abuse have been expanded
	Confidentiality protection exemptions have been expanded to include the risk to children or other employees
	Additional safeguarding concerns relating to children have been outlined and referenced to current legislation
	Appropriate information will be shared with external agencies to protect employees
	Helpful contact numbers have been refreshed and updated

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APPENDIX

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate: **Chief Executive's**

Lead officer responsible for EIA: **Chief Communities Officer/HR Manager**

Name of the policy or function to be assessed: **Domestic Abuse Policy**

Names of the officers undertaking the assessment: **HR Manager**

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

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

To outline the Council's approach and practices supporting employees experiencing Domestic Abuse

2. What outcomes do you want to achieve from the policy or function? To clearly outline the Council's commitment and support to employees experiencing Domestic Abuse

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

All employees

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

Employees

Managers

Police

Public

Third-party support agencies

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

Equality Act 2010 and Domestic Abuse legislation/good practice and guidance

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

Qualitative data such as legislation and good practice

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

To be discussed at LJCC

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?

The strategy covers all employees.

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

Yes

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

Yes – it is designed to support all employees

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

There are no barriers envisaged or intended from the introduction of this policy. It is intended to cover all employees and should be accessible to all.

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

Yes – by ensuring that recruitment practice is fair and equal opportunities are offered to all applicants and employees.

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: anyone can be a victim of DA

Disability: Disabled people may have increased vulnerabilities.

Gender: Applicable to all sexes.

Gender Reassignment: LGBTQ individuals may be victims of DA

Marriage and Civil Partnership: Anyone can be a victim of DA

Pregnancy and Maternity: Women who are pregnant have increased risk of DA

Race: This policy does not discriminate against any race

Religion and Belief: This policy does not discriminate against any religion, belief or lack of belief.

Sexual Orientation: LGBTQ individuals may be victims of DA

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 Service:



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Report of the Chief Executive

LEAVE SCHEME

1. Purpose of Report

To consider amendments to the Leave Scheme.

2. Recommendation

The Local Joint Consultative Committee is asked to RECOMMEND to Cabinet that the revisions to the Leave Scheme be approved.

3. Detail

The Leave Scheme was updated in June 2023, however, since then, a request has been made by Heads of Service to delegate any requests of up to five days' carry-over, to Section Heads. This will reduce the amount of unnecessary requests received by Heads of Service and allow Section Heads to make operational decisions. Any requests in excess of five days' will continue to be approved by the Head of Service in consultation with Human Resources.

4. Financial Implications

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

5. Legal Implications

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

6. Human Resources Implications

The comments from the Human Resources Manager are contained within the report.

7. Union Comments

The Union will be given the opportunity to discuss the report at the meeting.

8. Climate Change Implications

The climate change implications are contained within the report.

9. Data Protection Compliance Implications

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

10. Equality Impact Assessment

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

11. Background Papers

Nil.

REFERENCE

APPENDIX

Policy Section	Suggested Change	Reason for Change
1.3 Notice of Annual Leave	Notice of leave also at Section Head discretion	To be consistent with 1.4
1.4 Carry Over Leave	Carry Over Leave to be authorised by Section Heads	To reduce duplication of paperwork and allow Section Heads to make operational decisions on carry over requests of up to five days.

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LEAVE SCHEME

Contents

1.0	Leave Entitlement	3
1.1	Calculating Leave Entitlement.....	3
1.2	Leave Entitlement in Working Days	3
1.3	Notice of Annual Leave	3
1.4	Carry Over Leave	3
1.5	Statutory Holidays	4
2.0	Additional Leave of Absence.....	4
2.1	Paid Leave for Special Duties.....	4
2.2	Union Representatives on Approved Trade Union Activities.....	5
2.3	Interview Leave	5
2.4	Revision and Examination Leave	5
2.5	Holiday Purchase Scheme (previously Unpaid Leave)	6
2.6	Leave of Absence – Service in Non-Regular Forces.....	8
2.7	Maternity Leave.....	8
2.8	Paternity Leave	8
2.9	Additional Paternity Leave and Pay	8
2.10	Adoption Leave	8
2.11	Parental Leave	9
2.12	Shared Parental Leave	9
2.13	Compassionate Leave	9
2.14	Emergency Time Off for Dependants Scheme.....	9
2.15	Extenuating Circumstances.....	11
2.16	Employees Suffering Domestic Abuse	11
2.17	Suspension	11
2.18	Career Break.....	11
3.	Annual Leave and Sickness Absence.....	11
3.1	Employee absence due to sickness	11
3.2	Sickness during period of annual leave.....	12
4.	Long Service Award.....	12
4.1	25-year award	12
4.2	Additional service beyond 25 years.....	12
4.3	Retirement.....	13
5.0	Document History	13

1.0 Leave Entitlement

1.1 Calculating Leave Entitlement

The amount of annual leave an employee is entitled to in a leave year is calculated on the basis of length of completed continuous local government service and length of completed continuous Broxtowe service and according to grade. The calculation of entitlement is based from the start of employment with the Council.

Although the leave year will commence on the first of the month following the date of appointment a pro rata allowance will be given for the period from commencement to the start of the leave year. This applies to both annual and bank holiday entitlement. If an employee terminates their contract part way through a month the same pro rata entitlement will apply.

1.2 Leave Entitlement in Working Days

	Initial leave	After 5 years local government continuous service	After 10 years Broxtowe continuous service
Up to and included grade 7	28 days	31 days	33 days
Grade 8 and above	31 days	34 days	36 days
Chief Officers and above.	33 days	35 days	37 days

For the purpose of calculating leave (annual and public holiday) entitlements must be expressed in hours over the leave year, e.g. for part time employees or employees whose working shift patterns vary from one day to the next.

1.3 Notice of Annual Leave

Under normal circumstances, where an employee wishes to take more than 2 weeks' annual leave, not less than 2 weeks' notice will be given. Where an employee wishes to take up to 2 weeks' annual leave, not less than one week's notice will be given.

The timing of an employee's annual leave is at the appropriate Director/Head of Service or nominated Section Head's discretion with due regard to the wishes of the employee and service delivery requirements.

1.4 Carry Over Leave

Leave not exceeding one working week may be carried forward at the discretion of the appropriate Director/Head of Service or nominated Section Head. The carrying forward of leave in excess of one working week for a particular and identified

purpose may be approved by the Head of Service in consultation with Human Resources.

An employee who leaves the local government service will be allowed one-twelfth of their leave entitlement plus one-twelfth of the annual bank holiday entitlement for each completed month of service in the current year, **and a pro rata allowance as detailed above for a part month.**

1.5 Statutory Holidays

There will be eight statutory days each year. The Council will be closed on the following eight days, so these will be counted as public holidays and a day off for most employees, apart from any essential services:

- New Year's Day
- Good Friday
- Easter Monday
- May Day Monday
- Spring Bank Holiday Monday
- August Bank Holiday Monday
- Christmas Day
- Boxing Day

For employees who normally work Monday to Friday, when Christmas Day and New Year's Day fall in any part of the weekend, a week day in lieu will be granted.

2.0 Additional Leave of Absence

2.1 Paid Leave for Special Duties

Paid leave will be granted to employees who undertake approved public responsibilities or other approved duties during working hours; e.g. jurors, magistrates, elected representatives of local authorities, statutory tribunals or public bodies. Prior notice is required in all circumstances. Loss of earnings payment is to be claimed from the body where appropriate, as an equivalent deduction from salary will be made. Where employees are required to attend Court on behalf of the Council, the appropriate time will be credited. Employees attending personal matters at Court will not be eligible to claim any time back.

There is a statutory limit on the amount of paid leave that the Council may allow you to take to perform your duties as a Councillor for another Local Authority*. Employees can apply for paid leave of up to 208 hours in a financial year (pro-rata for part-time employees) in accordance with the Local Government and Housing Act (1989), section 10 (1). This restriction does not apply if you are the Chair of the Council.

The activities for which employers are required to permit reasonable time off may include attendance at Council meetings, committees or sub committees and the performance of relevant duties.

An employee who requires time off for public duties should make a request in writing to their Director who will then consider the request in line with the needs of the business. The employee is required to record and inform their line manager in advance of each attendance which will be monitored in conjunction with Human Resources.

Any requests for leave over 208 hours will not be paid and employees would be expected to use flexi (where appropriate), annual leave or unpaid leave.

*A 'Local Authority' includes a County Council, District Council, Police Authority, Fire and Rescue Authority etc. A full list can be found in section 21 (1) of the Local Government and Housing Act (1989).

2.2 Union Representatives on Approved Trade Union Activities

Recognised trade union representatives will be granted reasonable paid time off for approved training and attendance at official meetings. See Time off for Trade Union duties and Facilities Support Policy for further information.

2.3 Interview Leave

Up to five days paid leave in any one leave year (pro rata for part time employees) will be granted for attending interviews at other local authorities, where prior notice is given to the Head of Service. All requests must be submitted on Form IL and authorised by the Head of Service, with a copy to Human Resources for monitoring purposes.

2.4 Revision and Examination Leave

Where an employee is taking an examination or test leading to a recognised qualification from an authorised course, paid leave will be granted to enable the employee time to prepare. The time granted will be double the actual duration of the examination or test. For example, a three-hour examination will have a six-hour revision leave. Equivalent time will also be granted to employees taking courses which depend on continuous assessment at the discretion of the Human Resources Manager.

Paid examination leave will be granted of up to one day for an examination or test dependent upon the duration of the examination or test. If the examination or test is away from Nottinghamshire, the Head of Service in consultation with the Human Resources Manager has discretion to extend the allocation.

2.5 Holiday Purchase Scheme (previously Unpaid Leave)

Employees wishing to enhance their existing annual leave entitlement may request additional unpaid leave by completing form HPS which is available on the intranet or from their manager.

This scheme entitles employees to request unpaid leave up to a maximum of 15 days (pro rata for part time employees) in any one leave year, subject to service delivery requirements and with approval of the appropriate Head of Service in consultation with the Human Resources Manager. These days can be requested individually or in a block of leave during an employee's leave year. Wherever possible an employee should submit their request prior to the start of their leave year so that full consideration can be given to the impact of the absence and how it could best be managed.

The employee should make the request at least 2 weeks before they wish to take the time (unless urgent leave is required and no other form of leave is available to the individual, i.e.: annual or flexi leave).

If the application is successful, amendments to the employee's monthly salary will be made either in the same month that the leave is taken, the following month the leave is taken or spread over the remaining months left within their leave year.

Employees must ensure that the leave is taken within their leave year and any unpaid leave under this scheme will not be able to be carried forward into the following year.

When considering whether an employee's request can be supported, the Head of Service should liaise if appropriate with the relevant manager and give careful consideration to the following questions:

- What will the impact of the employee's absence from work be on service delivery?
- What will the impact be of the employee's absence on other employees within the team?
- Do any other employees also wish to take unpaid leave and, if so, how can the scheme be applied in a consistent and fair way?
- Have other employees affected by the absence been consulted on the proposed request?
- What are the savings that can be achieved from the period of unpaid leave being taken?
- Will other arrangements have to be put in place which in turn will have resource or cost implications? (e.g.: needing others to undertake additional work/be paid overtime).

- Has sufficient notice been given by the employee so that arrangements can be put in place to cover the absence?
- If the absence is required because of an emergency situation, are there any other policies or schemes available to help and support the employee requesting the unpaid leave?

Where a Head of Service is unable to support a full request or can only support a part request, then they must provide a reason for their decision. There will be no right of appeal where a request has not been supported.

To apply for leave under the Holiday Purchase Scheme, please complete Form HPS which can be found on the intranet under Human Resources A-Z Forms.

2.6 Leave of Absence – Service in Non-Regular Forces

The Council endorses the principle that volunteer members of the non-regular armed forces who attend summer camp will be granted the three weeks paid leave, additional to their normal annual leave.

Subject to the note below, the Council will grant paid leave to members of the Territorial Army who are required to undertake training additional to attendance at summer camp and who are unable to arrange for such training to be on days when they would normally not be working.

Note: Under the Reserve Forces Act, 1966 volunteers may be required to undertake training for up to 16 days per annum (usually on Saturdays and Sundays). Territorial Army Units should be in a position to offer alternative dates and the onus is, therefore, on the employee to try to arrange for training to be undertaken in off-duty time. If this is not possible the employee should furnish alternative dates to the Council so that mutually acceptable dates for their absence may be found.

2.7 Maternity Leave

The occupational maternity scheme will apply to all pregnant employees regardless of the number of hours worked per week. Full details of the Maternity Leave Scheme are available on the Intranet.

2.8 Paternity Leave

Up to two weeks leave (either 1 week or 2 consecutive weeks, but not odd days) will be granted in respect of paternity leave at or around the time of birth. This leave is also available to nominated carers subject to the appropriate proof of need. In addition, some employees are entitled to additional paternity leave and pay. Full details of the Paternity Leave Scheme and Additional Paternity Leave Scheme and Pay are available on the Intranet.

2.9 Additional Paternity Leave and Pay

Some employees may be entitled to a maximum of 26 weeks' additional paternity leave and pay. Please refer to the Additional Paternity Leave and Pay Scheme for further information.

2.10 Adoption Leave

Adoption leave is available to any employee who adopts a child, subject to set criteria, the full details of which are available. Please refer to the Adoption Leave Scheme and Additional Paternity Leave and Pay Scheme on the intranet.

2.11 Parental Leave

Up to thirteen weeks' unpaid leave can be taken by any employee who has responsibility for caring for a child, normally up to the child's fifth birthday. Full details of the Parental Leave Scheme are available on the intranet.

2.12 Shared Parental Leave

Shared Parental Leave enables eligible employees to share responsibility of work and caring for a child during the first year of birth or adoption. Full details of the Shared Parental Scheme are available on the intranet.

2.13 Compassionate Leave

Up to five days paid leave per rolling year will be granted in the event of the death of an employee's spouse, partner, civil partner, parent or child or the death of a dependant relative, which includes the day of the funeral.

In the event of the death of other relatives or close friends of an employee, one day's paid leave may be granted on the day of the funeral, at the discretion of the Head of Service with approval from the HR Manager.

Additional days may be granted by Heads of Service (in conjunction with Human Resources) in exceptional circumstances up to a maximum of ten days per rolling year.

The form (CL1) should be completed and submitted for leave to be granted. Approval will be at the discretion of the Head of Service and a copy will be sent to the HR Manager to be placed on your personal file.

2.14 Emergency Time Off for Dependants Scheme

These guidelines outline when employees are able to take time off work to deal with certain unexpected or sudden emergencies and to make any necessary longer term arrangements.

The emergency must involve a dependant of the employee. A dependant is the husband, wife, civil partner, child or parent of the employee. It also includes someone who lives in the same household as the employee. For example, a partner or an elderly aunt or grandparent who lives in the same household. It does not include tenants or boarders living in the family home.

In the cases of illness or injury, or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency; for example, an aunt who lives nearby who the employee looks after outside work, falls ill unexpectedly.

Employees are not entitled to use this scheme to look after a sick child or other dependant or to attend pre-planned medical appointments with them.

The right is intended to cover genuine emergencies, and there is no limit on the number of times an employee can request time off.

If called away from work, time will be credited until the end of the day; if the dependant is ill or care breaks down immediately prior to commencing work, half a day will be credited. The maximum taken in any leave year should not exceed three separate days in total. Any additional days must be taken as annual, unpaid or must be purchased.

Employees do not have to complete a qualifying period in order to be able to take time off in an emergency. They are entitled to this right from day one of starting their job.

The right enables employees to take action which is necessary to deal with an unexpected or sudden problem concerning a dependant and make any necessary longer term arrangements. The emergency would need to occur during the working day or immediately prior to commencing work.

Examples include:

- If a dependant falls ill, or has been injured or assaulted;
- An emergency situation when a dependant is having a baby. (This does not include taking time off after the birth to care for the child);
- To make longer term care arrangements for a dependant who is ill or injured;
- To deal with a death of a dependant;
- To deal with an unexpected disruption or breakdown of care arrangements for a dependant;
- To deal with an unexpected incident involving the employee's child during school hours.

When you are called away from work because your dependant falls ill you will be credited for the remainder of the day:

- When your dependant falls ill immediately prior to you attending work that day you will be credited for the time needed in the morning period to enable you to make alternative care arrangements. Time off in the afternoon (or for the second half of your shift) should be taken as either, annual, unpaid or flexi where you are caring for the dependant.
- When your care arrangements break down immediately prior to you attending work you will be credited for the morning period to enable you to make alternative care arrangements. Time off in the afternoon (or for the second half of your shift) must be taken as either annual, unpaid or flexi where you are caring for the dependant.

In the event that Emergency Time off Leave is not applicable, other types of leave are available. These include annual leave, unpaid leave (which can be paid for by spreading over the employees leave year, flexi leave, parental leave, or TOIL (Time off in Lieu).

Employees must notify their immediate manager or section head by telephone, as soon as practicable, the reason for their absence and how long they expect to be away from work. The relevant form should be completed and signed by both the employee and the relevant Head of Service in consultation with Human Resources, immediately on return to work.

If there is any uncertainty regarding whether or not the time off should be granted, the Head of Service should contact Human Resources prior to any agreement being made.

Applications for compassionate leave will be monitored by the employee's Head of Service and in consultation with Human Resources.

2.15 Extenuating Circumstances

If there are extenuating circumstances for an individual employee, the Head of Service, with approval from the Human Resources Manager, may grant further unpaid time off to employees in respect of family matters.

2.16 Employees Suffering Domestic Abuse

The Council recognises and wishes to support any employees experiencing or suffering from Domestic Abuse. The Council has the discretion to approve up to ten working days paid leave (pro rata for part time employees) to attend related medical, legal, housing etc appointments in relation to their case.

2.17 Suspension

During periods of suspension, an employee must make themselves available to facilitate investigatory meetings, however, should they wish to be unavailable they must book annual leave in the normal way, which is then deducted from their leave card.

2.18 Career Break

Please see the Council's Career Break Policy for further information.

3. Annual Leave and Sickness Absence

3.1 Employee absence due to sickness

Employees will continue to accrue annual leave and bank holiday entitlement during a period of sickness absence.

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.

Should the employee be terminated on the grounds of ill health capability or ill health retirement then any outstanding leave will be paid in full.

3.2 Sickness during period of annual leave

If an employee falls ill during a period of annual leave they may be entitled to have some or all of their annual leave/bank holiday reinstated if they provide a doctor's 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.

4. Long Service Award

The Council has a locally agreed scheme to recognise long serving employees by making an award after twenty-five years' continuous service with this Council or its former constituents (or transfer under an agency agreement).

Employees receive an inscribed certificate and may choose whether or not this award is formally presented to them by the Council.

4.1 25-year award

The employee can choose:

- two weeks' additional paid leave; or
- a cash payment/or gifts to a value of the current allowance

4.2 Additional service beyond 25 years

Employees may choose an additional award for years beyond twenty-five years' continuous service.

The employee can choose:

- 3 days' additional paid leave in each of the 30th, 35th and every five years of service thereafter;

or

- a cash payment or gifts to the value of the current allowance at retirement.

4.3 Retirement

Alternatively, employees with 25 years' service or more may choose to await their retirement and receive a long service award for this total service at that time.

Employees previously receiving a long service award would receive the additional award at their retirement.

5.0 Document History

Date	Summary of Changes
29/06/2023	1.2 Updated Leave Entitlement Table
29/06/2023	Added section to clarify time off for elected member duties
28/03/2023	2.6 Increased leave from two to three weeks at MoD request
16/11/2023	Leave Carry over up to 5 days authorised by Section Heads

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FORM CO2

CARRY OVER LEAVE REQUEST FORM

It is important for staff to take leave for rest and recuperation reasons. Carrying over leave into the next leave year is not contractual or automatic.

Leave not exceeding one working week may be carried forward at the discretion of the appropriate Section Head nominated by the Director/Head of Service.

Leave in excess of one working week for a particular and identified purpose may only be approved by the Head of Service in consultation with Human Resources.

Employee Name:		Section/Directorate:	
Hours worked a week:		Annual Leave Entitlement	
Current Leave year			
Start Date:		End Date:	
Please choose:			
<input type="checkbox"/> I have requested the equivalent of one working week or less to be carried over. <input type="checkbox"/> I have requested more than the equivalent of one working week to be carried over.			
Request for:		Day(s) Hours(s)	(delete as appropriate)
to be carried into my new leave year beginning:			
Reason for Request:			
<input type="checkbox"/> Due to service demands I was unable to take all of my Annual Leave this year. <input type="checkbox"/> I have a specific reason why I would like to carry my leave over, as stated below:			
Signed (Employee):		Date:	
Signed (Section Head):		Date:	

If the request is for more than one working week, the Head of Service must discuss this request with HR before giving approval.

Discussed with:		Date Discussed:	
-----------------	--	-----------------	--

Application **approved/not approved**

If not approved, please state the reasons:

Signed (Head of Service) :		Date:	
----------------------------	--	-------	--

Head of Service to send signed one copy of this form to HR so that it can be added to the employee's personal record and one copy to the Business Support so that they can update the employee's Tensor record/leave card.

APPENDIX 4

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate: **Chief Executive's**

Lead officer responsible for EIA: **HR Manager**

Name of the policy or function to be assessed: **Leave Scheme**

Names of the officers undertaking the assessment: **HR Manager**

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

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

To outline the Council's policy of Leave and the taking of leave.

2. What outcomes do you want to achieve from the policy or function? To ensure that all employees are entitled to take annual leave and appropriate rest from work in accordance with the policy.

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

All employees

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

All employees

Public

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

N/A

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

N/A

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

To be discussed at LJCC

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?

The strategy covers all employees.

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

Yes – some employees from equality groups may require additional leave for religious reasons or reasons related to their health/disability or age

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

Yes – it is designed to benefit all employees, however some equality groups may benefit

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

There are no barriers envisaged or intended from this policy. It is intended to cover all employees and should be accessible to all.

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

Yes – by ensuring that all employees are able to take annual leave and appropriate rest from work.

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: Positive outcome – additional leave and support available e.g. menopause

Disability: Positive outcome – additional leave and support available

Gender: Neutral

Gender Reassignment: Positive – additional leave available for non-elective surgery

Marriage and Civil Partnership: Neutral

Pregnancy and Maternity: Positive – additional leave available for pregnancy/maternity

Race: Neutral impact

Religion and Belief: Positive – additional leave can be requested to observe religious practices

Sexual Orientation: Neutral

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 Service:

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Report of the Chief Executive

RECRUITMENT POLICY

1. Purpose of Report

To consider amendments to the Recruitment Policy.

2. Recommendation

The Local Joint Consultative Committee is asked to RECOMMEND to Cabinet that the revisions to the Recruitment Policy be approved.

3. Detail

The Recruitment Policy was last reviewed in September 2016 and some of the references in the Policy require updating to ensure the Policy remains fit for purpose and an accurate reflection of current practices.

The Council's Vacancy Control process is now undertaken at GMT and HR Admin have been absorbed into the Council's Business Support Team. The policy has been updated to reflect these changes and condensed to reduce the size.

The Council has an existing Equal Opportunities Policy and therefore duplication is unnecessary and reference has been made to this.

Key updates include clarifying Right to Work and the consequences of eligibility/ineligibility. Reference to the old Two Ticks (Positive about Disabled People) have been replaced with Disability Confident status and candidates with Care Leaver or Armed Forces Veteran/spouse status have been included when referencing minimum essential criteria and interviews.

The Council recognises with the implementation of Agile Working in a post-Covid jobs landscape that interviews can also be undertaken via video conferencing where appropriate in order to attract a wider pool of talent.

Clarification and disclaimers have been added to the potential withdrawal of conditional offers to avoid confusion. A change table is outlined at the end of the policy.

4. Financial Implications

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

5. Legal Implications

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

6. Human Resources Implications

The comments from the Human Resources Manager are contained within the report.

7. Union Comments

The Union will be given the opportunity to discuss the report at the meeting.

8. Climate Change Implications

The climate change implications are contained within the report.

9. Data Protection Compliance Implications

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

10. Equality Impact Assessment

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

11. Background Papers

Nil.

APPENDIX

Policy Section	Suggested Change	Reason for Change
Title	Retitle Recruitment Policy	Streamline title
1.0 Introduction	Amended Human Resources references to HR	Streamline wording
3.0 Overview of Recruitment Process	Amended Vacancy Control to GMT	GMT process has replaced Vacancy Control
	Amended Admin to Business Support	Admin have been retitled Business Support
4.0 Leaver's Questionnaire	Changed 'required' to 'can'	Leaver's Questionnaires are not mandatory
	Exit Interview added	Previous version did not include Exit Interview
5.0 Promoting Diversity	Condensed section	The Council has an existing Equality and Diversity, and Equal Opportunities Policy
5.3 Immigration	Amended to Right to Work plus associated legislation	Legislative update
6.0 Recruitment Monitoring	Included data to be reported in Annual Workforce Profile	Custom and practice
7.1 Job Analysis	Condensed and Apprenticeship options referenced	Streamlined wording and reflected current practice
9.0 Person Specification	Signpost Managers to intranet templates	Reflects current practice
10.0 Advertising	Include ring-fencing to be consulted with GMT	Reflects current practice
	Remove references to Vacancy Control and replace with GMT	Reflects current practice
	Condensed wording	Reflects current practice
11.1 Application Form	Applications checked by Business Support	Reflects current practice
11.5 Shortlisting	Clarified all interview panel members must have completed e-learning training	Reflects current practice
	Included Veterans and Care Leavers	Reflects current practice/policy changes
11.6 References	Clarified requirement for references	Reflects current practice

12.3 Interviews	Included video interviews as an option	Reflects current practice and widens potential applicant pool
	Removed travel expenses	Reflects current practice
13.0 Supporting Selection Methods	Included psychometric testing, open days and assessment centres as methods used	Reflects current practice
14.1 Membership of the Panel	Clarified that panel MUST have completed relevant training	Reflects current practice
	If HR unable to attend interviews, Managers must discuss with HR in advance	Reflects current practice
	Business Support to send interview documentation to Managers	Reflects current practice
14.3 The Interview	Avoidance of prompting clarified	Reflects current/good practice to ensure equality
14.4 Notes on Disabled Candidates	Removal of Two Ticks Symbol references and replaced with Disability Confident	Reflects current arrangements
15.3 Record Keeping	Reference to data retention periods included	Reflects legislation and current practice
16.1 Notification	Timescales removed and replaced with as soon as possible	Reflects current practice
	Expanded pre-employment checks list to include Right to Work and job-specific clearance	Reflects current practice
	Added disclaimer about job offer withdrawal	Reflects current practice
16.2 Pre-employment medical screening	Reasonable adjustments clarified	Reflects current practice and Equality Act 2010
16.3 Induction	Updated frequency of Corporate Inductions	Reflects current practice
	Included new employees meeting GMT	Reflects current practice
16.4 Internal Appointments	Clarified notice periods	Reflects current practice

REFERENCE

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Broxtowe
Borough
COUNCIL

RECRUITMENT POLICY

Contents

1.0 Introduction	3
2.0 Selection Aims	3
3.0 Overview of the Recruitment Process.....	4
4.0 Leaver's Questionnaire	5
5.0 Promoting Equality and Diversity	5
6.0 Right to Work.....	6
7.0 Monitoring.....	6
8.0 Pre-Selection Preparation.....	6
8.1 Job Analysis	6
8.2 Job Descriptions and Person Specifications	7
9.0 Advertising.....	7
10.0 Administration of Applications.....	8
10.1 Application Form	8
10.2 Relatives of Employees or Elected Members.....	9
10.3 Canvassing of Elected Members.....	9
10.4 Recruitment Charter	9
10.5 Shortlisting	9
11.0 References	10
12. Communication with Candidates Pre-Interview	11
12.1 Non-Shortlisted Candidates	11
12.2 Shortlisted Candidates	11
12.3 Interview Arrangements	11
13.0 Supported Selection Methods	11
13.0 The Interview	12
13.1 Panel Membership	12
13.2 The Chairperson	12
13.3 Interview Structure	13
13.4 Notes on Disabled Candidates.....	14
14.0 Selection	14
14.1 Decision-Making.....	14
14.2 Feedback	15
14.3 Record keeping	15
15. Post-Interview Procedures.....	16
15.1 Notification	16
15.2 Pre-employment medical screening	16
15.3 Induction.....	16
15.4 Probation.....	17
16. Special Recruitment Issues for Local Government.....	17
16.1 Appointment on Merit	17
17. Restrictions on the Recruitment of Councillors	18
18. Politically Restricted Posts.....	18
19.0 Document History	18

1.0 Introduction

Recruitment is a vital issue for Broxtowe Borough Council. The appointment of any employee involves the commitment of considerable levels of expense and time. A successful appointment is an investment in the present and the future of the Council, whereas a poor one will result in wasted time, money and human resources whilst also reducing levels of effectiveness for the department.

No supervisor manager will be allowed to undertake any part of the recruitment or selection process unless they have undertaken the relevant e-learning course.

The purpose of this guide is to:

- Set out clear guidelines on good practice.
- Enable the equal and fair treatment of all job applicants for Council vacancies.
- Ensure that all appointments are on merit alone in accordance with the Local Government and Housing Act 1989.

HR has expertise in all aspects of recruitment and selection and can provide further guidance to Managers.

2.0 Selection Aims

The aim of selection is to predict how likely a person is to succeed in a particular job. This prediction will be more successful if it is based on a systematic approach that is fair, unbiased and objective, rather than on a hunch or a 'gut feeling'.

It also enables the candidate to find out more about the job, the department and the Council and helps to promote a positive image of Broxtowe Borough Council. It is therefore essential that recruiters follow a methodical approach as advocated in this guide. The consequences of poor selection decisions are:

- poor job performance, giving rise to:
 - stress on service users
 - stress on the employee
 - stress on other colleagues
- higher labour turnover, giving rise to:
 - increased costs
 - reduced service output
 - increased workload on remaining employees
- leaves the Council open to challenge i.e. legislative, discriminatory, etc

3.0 Overview of the Recruitment Process

<u>VACANCY</u>		
↓	<u>Responsibility</u>	<u>Timescale/Date</u>
Immediate notification of resignation to HR by completion of leavers form	Manager	
Leavers questionnaire to be completed	Employee/Manager	As soon as possible
Review post and consider all available options	Manager/Head of Service	Within one week of receipt of notice
Review job description and person Specification	Manager	Within one week of decision to fill post
If changes to the above, refer to JE for re-evaluation	Manager	As soon as possible
If post needs re-evaluating arrange panel	JE Team	As soon as possible
Submit request to GMT	Manager	In accordance with schedule on Intranet
Advertise post	Business Support	In accordance with schedule on Intranet
Manage responses	Business Support	Immediately on receipt of applications until closing date.
Shortlist	Manager/Interview Panel	Within 15 working days of closing date
Invite candidates to interview	Business Support	Within 20 working days of closing date
Conduct interviews and assessments	Manager/Panel	In accordance with letter to candidates
Decision making	Manager/Panel	Immediate or within three working days
Convey decision, advise internal unsuccessful candidates	Manager/Chair of Panel	Within five working days of decision
Interview notes/outcome to be sent to Business Support	Manager/Chair of Panel	Immediately after candidate's acceptance
Appointment letter sent	Business Support	Within 5 working days of decision
References, medical clearance, DBS (if appropriate) sent for	Business Support	Within 5 working days of decision
Confirmation of start date	Manager/Business Support	On receipt of all of the above
Induction	Learning & Development, Business Support, Manager	Within first week of commencement or ASAP thereafter
Undertake relevant e-learning training	Employee	Within specified timescales
Monitor employee progress	Manager	On-going and in accordance with probationary period

4.0 Leaver's Questionnaire

It is essential that the Council understands the reasons why people leave the organisation and employees can complete a Leaver's Questionnaire.

The Leaver's Questionnaire should be forwarded immediately on completion to HR who will monitor the information to identify whether there are any issues that need addressing. Copies of the Leavers' Questionnaire are available on the intranet.

In addition, an employee may request an Exit Interview with HR to discuss their reasons for leaving.

5.0 Promoting Equality and Diversity

The Council is 'actively building a culture of diversity and equality' across the organisation, and it is committed to the development of positive policies to promote equal opportunities and diversity in employments.

During the recruitment process, legislation prohibiting discrimination must be complied with to avoid legal claims. Additionally, taking equal opportunities seriously should also help to ensure that good candidates are not rejected because of prejudice.

Those involved in the process of recruitment, selection and appointment must be aware of relevant legislation and Codes of Practice and must ensure that these are not contravened.

The Equality Act 2010 covers the following protected characteristics

- age
- being or becoming a transsexual person
- being married or in a civil partnership
- being pregnant or having a child
- disability
- race including colour, nationality, ethnic or national origin
- religion, belief or lack of religion/belief
- sex
- sexual orientation

The Council also has its own Equal Opportunities Policy and Equality Statement.

6.0 Right to Work

It is a criminal offence to employ a person who is not entitled to live or work in the United Kingdom.

Employees are required to prove their eligibility to work in accordance with Government Legislation in order to prevent liability for a civil penalty.

The law on preventing illegal working is set out in sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006 (the 2006 Act), section 24B of the Immigration Act 1971, and Schedule 6 of the Immigration Act 2016. The 2006 Act replaced section 8 of the Asylum and Immigration Act 1996 (the 1996 Act) in respect of employment commencing on or after 29 February 2008. Under section 15 of the 2006 Act, an employer may be liable for a civil penalty if they employ someone who does not have the right to undertake the work in question if that person commenced employment on or after 29 February 2008.

Applicants with conditional offers are required to prove their right to work in the UK, and this may be withdrawn if the Council are not able to establish eligibility.

Existing employees' right to work will be checked in accordance with legislation, and their employment shall be at risk should the right to work not be established or expires.

7.0 Monitoring

The Council monitors the characteristics of those who apply for jobs as part of our internal monitoring processes. It enables the current levels of recruitment and our equality indicators to be determined, along with other comparative data such as the number of applicants compared with previous years. This can then identify trends, prompt appropriate action and help set realistic targets to monitor our performance going forward.

Candidates are informed of the reasons for the collection of the data and completed monitoring forms are treated as confidential. Data is reported annually in the Workforce Profile.

8.0 Pre-Selection Preparation

8.1 Job Analysis

The recruitment process commences as soon as a vacancy occurs. However, before any action is instigated, managers should take the opportunity to examine the vacant post and to consider whether the vacancy should be filled, frozen or converted to an Apprentice post.

8.2 Job Descriptions and Person Specifications

Once consideration has been given as to whether the position should be filled either at all or in a permanent, temporary, full/part time or job share basis, it is then essential to have a clear idea about what the job requires and the attributes of the person (or persons) who will best meet these requirements.

Job descriptions detail information about the job purpose, its position within the authority, and the key duties, work tasks or outputs and responsibilities to be undertaken. Job descriptions should be thoroughly reviewed and not just be re-issued or marginal changes made when a vacancy has arisen.

Job descriptions should be written in clear, straightforward and gender free language and should avoid gender stereotyping of jobs. They will be sent to all applicants.

The next stage is to identify the critical attributes required in the candidate if he/she is to be capable of carrying out those duties and responsibilities to a satisfactory standard. This is achieved by the completion of a person specification. The criteria contained in a person specification should be relevant to the requirements of the job and must be clearly justifiable in terms of the ability to perform the duties of that job.

Job Description and Person Specification templates are available on the intranet.

9.0 Advertising

Normally all permanent vacancies are advertised externally and internally. Where however, it is considered appropriate, a position may be advertised for internal applicants only.

Where a job is to be advertised for internal applicants only, the unions must be consulted by the Manager or HR prior to the advert being placed, and one of the following conditions must apply:

- The restructuring of a Directorate;
- The redeployment of employees (i.e. ill health, redundancy);
- Another employee (temporary or permanent) has effectively covered the post for a considerable period of time and the necessary trade union consideration has been given to the circumstances;
- The appointment can be filled directly and the unions have been contacted and are in agreement.

Occasionally it may be decided to 'ring-fence' posts for a specific reason. These may include:

- Internal promotion opportunities when the specific skills and experience are available within a department
- In the situation where an employee is facing the possibility of redundancy or redeployment
- When the post is ring-fenced to a specific group of employees in order to make savings by deleting the successful candidates post

GMT must be consulted in relation to ring-fencing requests.

Temporary vacancies which may occur due to sickness, maternity or other approved leave will be considered internally whenever developmental opportunities are identified for existing employees. However, it may be necessary to recruit externally in order to gain specific skills or expertise in a particular field.

All vacancies must be submitted by Managers to GMT who will assess the business needs before agreeing to advertise. If there are any changes to job descriptions and person specifications these must be discussed with the Job Evaluation team prior to submission.

Interview dates should wherever possible, be included in either the advert or the supporting information sheets sent to candidates.

Advertisements should be clear concise, legal and relevant and should reflect fairly the requirements of the job and be consistent with the job description and person specification. Previous adverts can be obtained as examples from Business Support and should follow the corporate approach in style.

All adverts are posted online. Should a department require specific advertisement requirements such as professional journals or local/national newspapers, then this must be funded within their own budget.

Business Support also produce a vacancy bulletin called 'Job Opportunities' fortnightly which carries all vacancies that have been advertised during that period. HR are able to provide expertise regarding the content of the advertisements and can provide advice should further guidance be required.

10.0 Administration of Applications

Each applicant should receive the same details and information about the vacant post, including the application form, the job description, the person specification and any further particulars that may have been prepared.

Where advertisements have stated that further information may be obtained from a named individual this contact should be strictly limited to providing factual information about the job. This process must not be used as an informal sorting process, which may either encourage or deter potential applicants.

10.1 Application Form

Application forms must be used for all posts; CV's are not accepted (unless agreed by GMT). On occasion, and where agreed at vacancy control, internal expressions of interest may be used in lieu of a full application.

Application forms submitted will be checked by Business Support to ensure that reasonable adjustments are facilitated for any disabled candidates.

10.2 Relatives of Employees or Elected Members

Every candidate will be required to disclose on the application form whether they are related to any member or employee of the Council. Deliberate omission to make such a disclosure will disqualify the candidate, and if the omission is discovered after appointment they will be liable to dismissal. Every member and senior officer of the Council will similarly disclose to the Council any relationship known to them to exist between themselves and a candidate for an appointment of which they are aware.

10.3 Canvassing of Elected Members

Canvassing members of the Council, directly or indirectly, in connection with any appointment will disqualify the candidate. A member of the Council will not solicit for any person's appointment to the Council, or recommend any person for such appointment or for promotion; but this will not preclude a member from giving a written reference of the candidate's ability, experience or character.

10.4 Recruitment Charter

The Council is committed to providing high quality services and it has produced a number of customer charters. The Recruitment Charter confirms to all applicants what they can expect from the Council including timescales and deadlines for the processing of applications. The Charter is available online or from HR.

10.5 Shortlisting

The shortlisting exercise must be carried out as soon as possible after the closing date and in accordance with the Recruitment Charter (within 15 working days of the closing date). The selector/s must maintain a consistent approach to all applicants. It is preferable to have more than one shortlisting officer although this may not be possible in every situation. Shortlisting Officers must have undertaken the Council's Recruitment and Selection Training and be familiar with this policy.

Use of a shortlisting matrix simplifies the shortlisting task and must be used to ensure that each application is considered objectively. A shortlisting matrix will be sent out by Business Support to the shortlisting officer(s). The headings on the matrix should be taken from the essential criteria on the person specification, then proper consideration should be given to each candidate against these criteria.

The selectors should not impose an arbitrary limit on the shortlist but should have regard as to whether or not candidates meet the essential criteria for the post. When a large number of candidates meet the essential criteria, the information provided by the applicant should be scrutinised further to reduce the interview field to a manageable number. This can be achieved through attaching a weighting factor to the criteria – the higher the weighting the more relevant the criteria for the job. Similarly, candidates should not be shortlisted for interview to 'make up the numbers'. They should only be invited if they meet the criteria for the post.

The shortlisting matrix will show where an applicant did not meet the person specification. In accordance with the Recruitment Charter, candidates are advised

that if they have not heard from the Council within four weeks of the closing date, to assume that they have been unsuccessful.

All disabled candidates, Care Leavers and Armed Forces veterans/spouses who meet the essential criteria will be shortlisted.

HR/Business Support will monitor the shortlisting process to ensure that managers have followed the correct procedure.

Notes:

Particular care must be taken to ensure that internal candidates are not treated any differently to external applicants when the shortlisting process is being undertaken. Managers are required to inform internal applicants verbally if they have not been successful in gaining an interview. Feedback as to the reason should also be provided to internal applicants only.

11.0 References

Two references will only be obtained for the successful candidate following a formal job offer. **This should be an Employment Reference from a current employer, along with a character reference or Employment reference from a previous employer.**

All appointments are subject to the receipt of satisfactory references and the Council reserves the right to withdraw an offer should an unsatisfactory reference be received.

Should a prospective employee wish for an elected member to provide a reference, this should be for character reference purposes only.

In exceptional circumstances a telephone reference may be required in order to expedite the process. In these circumstances the manager should keep a formal file note of the contents of the discussion, submit to HR and request that the reference be submitted in writing.

Referees will be sent a copy of the job description and person specification for their information and assistance.

An exemption in the Data Protection Act provides that a worker cannot require the organisation which wrote the reference to show it to him or her. However, there is no specific exemption where the reference is held by the organisation that requested it. However, the reference may contain information relating to a third party, e.g. information which identifies the author of the reference. In these circumstances the employer cannot release the reference without the consent of the referee unless it is reasonable to do so.

12. Communication with Candidates Pre-Interview

12.1 Non-Shortlisted Candidates

Applicants will be fully aware of the closing date and that if they have not heard within 4 weeks they can assume they have been unsuccessful. Feedback will not be provided to applicants who are unsuccessful at the shortlisting stage unless they are internal candidates.

12.2 Shortlisted Candidates

Once a manager has undertaken the shortlisting process, Business Support is responsible for contacting successful applicants inviting them to interview.

Candidates should wherever possible be given at least five working days' notice of an interview. The Council aims to be a fair employer and is committed to equal opportunity for disabled people. Candidates will be invited to advise the Council whether they have any specific needs to enable them to attend for interview in order that appropriate arrangements can be made.

12.3 Interview Arrangements

The department requesting the vacancy to be filled should propose the interview date, start time of first interview, confirmation of any test or presentation to be undertaken as part of the process and arrangements required.

After liaising with the department Business Support will complete the following:

- Contact panel members informing them of date and time etc.
- Contact the candidate requesting their attendance at interview.
- Send a recruitment pack to all panel members.
- Notify reception of the interview date and times.

In some circumstances, it may be appropriate to facilitate an interview via online video conferencing.

13.0 Supported Selection Methods

Whilst structured interviews are always used as part of the selection process, it is almost always necessary to use other selection methods to help determine the best and most suitable candidate for the vacancy.

These can include:

- Ability and aptitude tests
- Presentations
- Role play scenarios
- Group exercises
- Psychometric Testing

- Open Days
- Assessment Centres

When determining which selection method is most appropriate, it is necessary to consider the requirements of the job, through analysis of the job/role description and person specification, and what skills, experience and aptitudes are being sought.

The person specification should confirm how the candidate will be assessed during the selection process so that potential candidates are aware of the methods the Council will use. More than one selection method may be appropriate for a particular job.

13.0 The Interview

13.1 Panel Membership

An interview panel must comprise at least two people who **MUST** have completed the e-learning training on recruitment; one of these must be the direct line manager.

For posts grade 8 and above a member of the HR team should normally attend, however managers can request the attendance of an HR Officer for any post where they believe additional support is appropriate. There may be occasions where HR are unable to attend, in which case, a discussion should be had with the Manager prior to the interviews.

Before the interview takes place Business Support will send the Manager relevant documentation to undertake the interviews:

- An interview timetable (the interview should be of equal length for all candidates).
- A copy of the advertisement and further particulars.
- The job description and person specification.
- Copies of the application form.
- Copies of the scoring sheet
- Decision form to be returned to Business Support immediately following the interviews.

Managers will be responsible for the administration of the documentation to the panel.

The room booked for interviews should be accessible for candidates with a mobility disability.

13.2 The Chairperson

A Chairperson should be agreed who will facilitate the interview. The Chairperson will keep the proceedings under control and ensure fair play for the candidate and the interviewers by taking responsibility for:

- Ensuring that all panel members are properly prepared.
- Introducing the panel.
- Explaining the interview structure, including the fact that the panel will be making notes during the process.
- Explaining when the candidate can ask questions.
- Moving the questioning on and providing links between panel members.
- Keeping the interview to time. It is important to try to keep to schedule, however interviews invariably take longer than expected so sufficient time for each candidate should be allowed. Extended interviews are counter-productive for both the candidate and the panel.
- Dealing with any problems or inappropriate questions.
- Ensure that appropriate notes/responses to questions are taken. These will need to be forwarded to Business Support.
- Closing the interview and explaining the next stage.
- Chairing the discussion in the decision-making process and ensuring that only relevant, justified points are considered and that these are supported by evidence.

13.3 Interview Structure

There are three main objectives of the selection interview:

- To obtain information on which to make a candidate assessment
- To maintain consistency of standards throughout the Council
- To give the candidate all the necessary information about the job and the Council

The panel should plan an interview structure which is clear to both the interviewers and the candidate. This should include sufficient time at the start of the interview to put the candidate at ease and to establish a rapport, followed by a period acquiring information from the candidate through questioning.

It is important during the planning process to clarify the roles of each panel member, with the question areas being divided up according to the expertise of the selectors on the panel. Some specific sample questions should be agreed. The questions that are to be asked must be related to the job requirements.

There must be a standard set of core questions that are asked of all candidates, however, candidates can be asked appropriate and relevant supplementary questions in relation to the information they have included on their application form or arising from responses given during the interview. Candidates must not be asked questions about their personal lives, family commitments or domestic obligations. Prompting should be avoided wherever possible and if unavoidable, it should be noted on the scoring to ensure that no candidate was given an unfair advantage.

A candidate's sickness record cannot be discussed at interview as this is unlawful. Successful appointments are subject to medical clearance via Occupational Health and reasonable adjustments will be considered.

The interview should then be focused on supplying information to the candidates about the Council and the department, discussing expectations about the job and answering any queries which the candidate may have. Finally, the Chairperson will conclude the interview with details of what will happen next in the process.

The panel should ensure that their questions relate to the agreed criteria for the post.

Open questions are useful as a means of gaining the most information from candidates as they are designed to encourage the candidate to talk, to provide facts, to describe events and to express opinions. Such questions are usually prefaced by “What, When, How, Who or Where” and allow the interviewee to give a more considered and substantial reply.

Probing questions should be used to provide a clearer focus on answers that are too short or too vague.

Avoid closed questions which generally require a “Yes” or “No” answer.

Avoid leading questions where the answer expected is given away in the question itself.

It is essential that detailed notes and scoring of a candidate’s performance are made by panel members and an indication of how judgements were arrived at.

13.4 Notes on Disabled Candidates

The Council is a Disability Confident Leader and guarantees an interview to disabled candidates who meet the essential criteria.

A disability itself should not be considered grounds for non-selection.

At interview, any reasonable adjustments should be discussed under the Equality Act 2010.

If after making those adjustments a disabled person would be the best person for the job, then they should be recruited.

A record should be kept of any request for adjustments and reasons for decisions made. Departments are encouraged to discuss with HR any needs or assistance which could provide for a disabled candidate. In conjunction with Access to Work employment funding maybe available in appropriate cases.

14.0 Selection

14.1 Decision-Making

The criteria previously agreed (the person specification) should be used as a basis for decision-making.

The panel should compare the notes they made in the interviews against the essential criteria and use these to see how the candidate's measure up to the skills/qualifications and experiences necessary.

The main issues should be highlighted to ensure that the professional needs of the post are balanced against the ability of the candidates to do the job effectively. In making the choice of who should be appointed the successful candidate usually emerges as a result of consensus and it is hoped that unanimous agreement can be reached. Where this is not possible, then a vote can be taken. (The Chairperson should be mindful of the impact of inter-personal power relations amongst the interview panel and the effect this may have on the selection decisions made).

The panel needs to be clear about why people were not selected, and must make notes about their decisions. Selectors should not rely on 'gut feeling' as there is a danger of unconscious discriminatory assumptions creeping into the decision-making process. However, gut-feelings can be tested during the interview through appropriate questioning and probing. Simply relying on whether the candidate will 'fit in' may also lead to discrimination in the decision-making process and organisations have fallen foul of Employment Tribunals by using this as their defence.

It may be that the panel does not find a suitable candidate after the interviews have been carried out and whilst this may be disappointing or frustrating, it is better in the long-term not to appoint, rather than to appoint an unsuitable candidate.

14.2 Feedback

Following interviews, feedback requested by unsuccessful candidates should be provided verbally by the Chair of the panel as soon as possible after receipt of the request. Feedback provided to all candidates whether internal or external should be sensitive and appropriate. Advice on giving feedback is available from HR.

Where a candidate is dissatisfied with the selection process, they should contact HR.

14.3 Record keeping

All the original documentation relating to the recruitment and selection process must be kept in accordance with relevant data retention periods. After the decision has been confirmed and the applicant has accepted, all paperwork associated with the recruitment process should be returned immediately by the Chair and panel to the Human Resources Division.

This should include the application forms, a copy of the job advertisement, job description and person specification as well as the details of shortlisting, the interview notes of all of the panel and the reasons for selection/non-selection. These are a vital record of exactly what happened and could be needed either to give constructive feedback to candidates who request it and/or to provide as evidence to an Employment Tribunal.

If a complaint of discrimination is upheld at an Employment Tribunal, panel members have a personal responsibility and there could be financial penalties for the Council,

the department and, exceptionally, for the individual. Managers are therefore advised to take advantage of the information in this guide and of appropriate training courses offered through the Learning and Development section.

15. Post-Interview Procedures

15.1 Notification

Once a decision has been made, the successful candidate should be informed verbally by the chairperson of the panel. Confirmation of the appointment will be given in a formal offer letter, issued by Business Support as soon as practically possible. Unsuccessful candidates will be informed promptly by letter of the result of the interview by Business Support.

For unsuccessful internal candidates it is good practice to give an effective debriefing session on their performance. This should be carried out by the Chair of the interview panel.

All appointments to the Council are subject to:

- Right to Work
- the sight of original qualifications as stated on the application form
- medical clearance
- satisfactory references
- six-month probationary period
- driving licence checks (if appropriate)
- Job-specific clearance e.g. BPSS/DBS clearance (if appropriate)

Note: Any applicant who fails to demonstrate eligibility of right to work will have their conditional offer withdrawn immediately. Applicants who are unable to provide any of the additional items above in reasonable timeframe will also have their conditional offer withdrawn at the discretion of the Council.

15.2 Pre-employment medical screening

The successful candidate will be required to complete a medical questionnaire and send to our Occupational Health provider for review.

Some roles, such as Gardeners will be required to undertake a Hearing Test and/or HAVS (Hand Arm Vibration Syndrome) test.

Where adjustments are required, the Council will consider these wherever reasonable and practical. Should any adjustments be unreasonable or not practical, the Council, at its discretion, may review and potentially withdraw a conditional offer.

15.3 Induction

All new employees must have an induction to the Council with the aim to familiarise them with the Council, the department and the full extent of their role, whilst also

giving them confidence and the necessary information to succeed. There is a legal obligation on employers to provide specific information to new employees with regard to health and safety issues.

Learning and Development Team will provide a short induction service and new employees are also invited to a formal induction session periodically. This supplements the induction provided by individual departments. New employees will also be invited to meet GMT.

15.4 Probation

All appointments are subject to a probationary period. The new employee should be given the following details:

- The length of the probationary period (normally six months).
- The purpose of the probationary period.
- Details of how the probation will be reviewed and the standards expected.
- Confirmation at the end of the period when it has been successfully completed.

The Council's Probationary Policy is available on the Intranet.

15.5 Internal Appointments

Notice periods for internal appointments should be in line with the Council's Notice Periods and contractual notice as outlined in the contract of employment. Any extension to notice periods should be mutually agreed by the two departments and with agreement from the employee.

16. Special Recruitment Issues for Local Government

There are a number of statutory provisions which affect only local government which authorities need to be aware of when recruiting employees.

16.1 Appointment on Merit

Under section 7 of the Local Government and Housing Act 1989, every appointment of a person to a paid office of employment with a local authority of any kind 'shall be made on merit'. Merit means the appointment of the best available person: no one should be appointed to a job unless they are competent to do it and the job must be offered to the person who would do it best.

The provisions were introduced primarily to prevent politically-motivated appointments but the effect of the provision is that all irrelevant issues should be ignored.

It may be more appropriate with some job roles to have practical assessments to assess competencies which can include practical tests, role-playing, scenarios, in-tray exercises etc.

Local Government Finance Act 1988, Section 113 and LGHA 1989 Section 6

The Officers responsible for administration of financial affairs of certain authorities (Section 151 Officer) must be a member of one of the professional bodies specified in the Act.

17. Restrictions on the Recruitment of Councillors

Under Section 116 of the Local Government Act 1972, a local authority cannot appoint as an employee in any capacity, any councillor who is currently a member of that authority or who had been a member in the previous 12 months.

18. Politically Restricted Posts

Some posts within the Council are politically restricted and governed by the provision of the Local Government Officers (Political Restrictions Regulations) 1990.

'Politically restricted' means that certain postholders are prevented from having any political role either in or outside the workplace.

The job description will identify if a post is politically restricted and details will be included within the Statement of Terms and Conditions.

19.0 Document History

Date	Summary of Changes
16/11/2023	Retitled Recruitment Policy
	Amended references of Human Resources Division to HR
	Amended HR Admin to Business Support
	Replaced Vacancy Control process with GMT
	Condensed Equality and Diversity section to refer to the existing Equal Opportunities Policy
	Updated Right to Work and consequences
	Condensed monitoring
	Condensed Job Analysis section
	Clarified Business Support lead on Recruitment admin
	Included Care Leavers and Armed Forces Veterans as part of shortlisting process
	Clarified Two References needed
	Referred to video conferencing as an interview option

	Clarified HR role at Grade 8 interviews
	Expanded supporting selection methods
	Removed Two Ticks reference and replaced with Disability Confident
	Added reference to prompting in interviews
	Added disclaimer to Conditional Offers about withdrawal
	Added disclaimer to reasonable adjustments
	Added new employees are invited to GMT

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APPENDIX 3

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate: **Chief Executive's**

Lead officer responsible for EIA: **HR Manager**

Name of the policy or function to be assessed: **Recruitment Policy**

Names of the officers undertaking the assessment: **HR Manager**

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

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

To outline the Council's approach and practices in recruitment

2. What outcomes do you want to achieve from the policy or function? To improve the Council's Recruitment process and ensure that applicants and candidates are treated fairly, consistently in accordance with legislation and good practice.

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

All applicants, candidates and existing employees (including Managers)

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

Applicants (internal and external)

Employees

Managers

Trade Unions

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

Data collected and reported within the Workforce Profile. Equality data based on applicant's profiles such as disabilities, ethnicities, gender etc

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

Qualitative data such as legislation, good recruitment practice, employment law, feedback from the existing policy application.

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

To be discussed at LJCC

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?

The strategy covers all applicants and employees. Some equality groups will specifically benefit from the policy.

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

Yes – some employees from equality groups may benefit more such as disabled candidates.

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

Yes – it is designed to benefit all applicants, however, some may be excluded such as Right to Work status.

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

There are no barriers envisaged or intended from the introduction of this policy. It is intended to cover all applicants and should be accessible to all.

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

Yes – by ensuring that recruitment practice is fair and equal opportunities are offered to all applicants and employees.

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: Positive outcome – no candidate should be discriminated against based on age

Disability: Positive outcome - ensures reasonable adjustments are made and that no candidate is discriminated against based on Disability.

Gender: Positive - ensures that no candidate is discriminated against based on Gender.

Gender Reassignment: Positive – ensures that no candidate is discriminated against based on Gender Reassignment.

Marriage and Civil Partnership: Positive – strategy is inclusive of all applicants and employees

Pregnancy and Maternity: Positive – ensures that no candidate is discriminated against based on Pregnancy or maternity.

Race: Positive impact – policy is inclusive of all applicants and employees

Religion and Belief: Positive - ensures that ensures that no candidate is discriminated against based on religion, belief or lack of.

Sexual Orientation: Positive - strategy is inclusive of all applicants and employees

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 Service:



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Report of the Portfolio Holder for Resources and Personnel Policy

PROPOSED NEW CORPORATE PLAN PRIORITIES 2024-28

1. **Purpose of Report**

To invite Cabinet to give consideration to the proposed new corporate plan priorities and objectives for 2024-28.

2. **Recommendation**

The Committee is asked to consider the emerging corporate plan priorities for 2024-25 and RESOLVE accordingly.

3. **Detail**

Immediately following the Borough Council election, a Borough wide survey was launched seeking the views of local residents about which priorities the council should pursue in its next corporate plan period.

820 responses were received to the survey – compared to 527 in 2019. 716 responses were online and 104 were on paper.

In addition, Senior Council Officers and local Councillors held drop in events at six different places in Broxtowe. 97 people attended the public roadshow events.

A brief summary of the survey results can be seen in appendix 1 and the full results are circulated to councillors as a separate document if members wish to read all the relevant detail.

Appendix 2 sets out a summary of some of the key challenges facing Broxtowe in the coming period, and Appendix 3 sets out a proposed vision, priorities and objectives to be incorporated in the next corporate plan. The draft in appendix 3 draws on the wishes and desires of residents expressed in the consultation. Officers of the council have been consulted. Their input helped to refine the draft, for example reshaping the housing section into three distinct sections to reflect the different areas of our housing revenue account; our own asset management and management of private sector housing; ensure the inclusion of the UKSPF fund reference; shaping the wording of our future investment in parks and open spaces and our flood resilience reference.

The Members of the Policy and Overview working group have had input to the draft as well and this resulted in:

- Strengthening the reference to Council owned homes in the housing section and the fact that homes we build should be lifetime, energy efficient homes

- Emphasising co-production in the development of future strategy
- Including references to shoplifting and tackling illegal use of nitrous oxide within community safety
- Introduction of a discrete section on communication and engagement
- Emphasising that events contribute to a strong sense of community.

Next steps

Following the input of Cabinet, the document would be further developed into a readable format with the inclusion of an introduction to Broxtowe and outcome indicators that would align with business plan targets about to be considered as part of the budget process this year. The full document would come back to cabinet and be recommended to Council for adoption so that it is in place in good time for the beginning of the next financial year.

4. Financial Implications

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

Whilst there are no direct and immediate financial implications arising from this report, the Corporate Plan priorities will drive the Council's use of financial and other resources in the delivery of its services.

5. Legal Implications

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

Whilst there are no direct legal implications arising from this report as there is no legal requirement for the Council to adopt a corporate plan. However, having such a plan provides the necessary framework and context upon which the council can direct its decision making and significantly contributes to robust corporate governance arrangements.

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

The comments from the Waste and Climate Change Manager have been incorporated into appendix 3

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

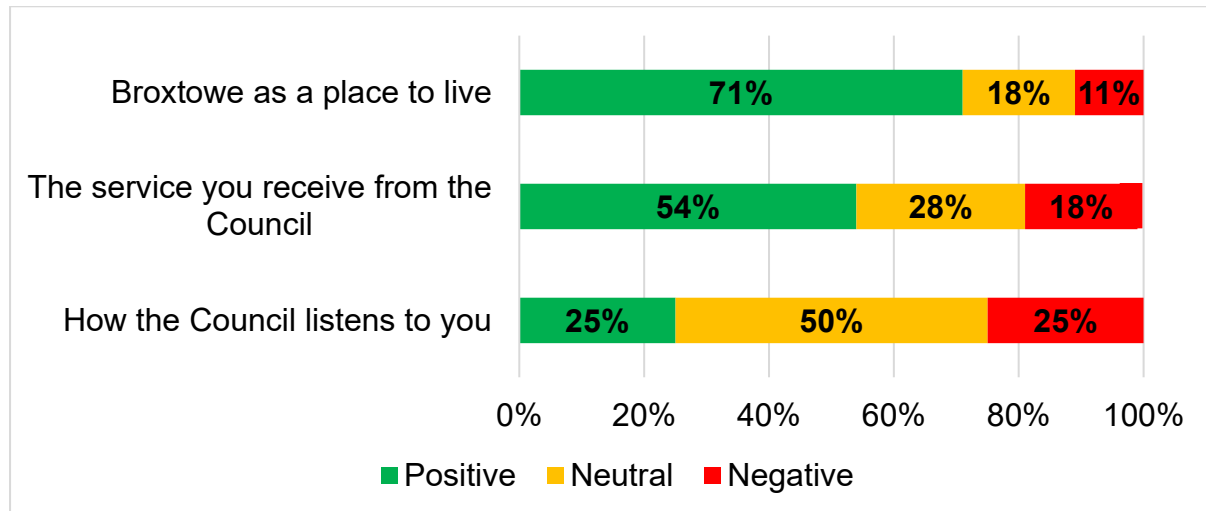
An equality impact assessment is attached as appendix 4.

11. Background Papers

Nil.

APPENDIX 1

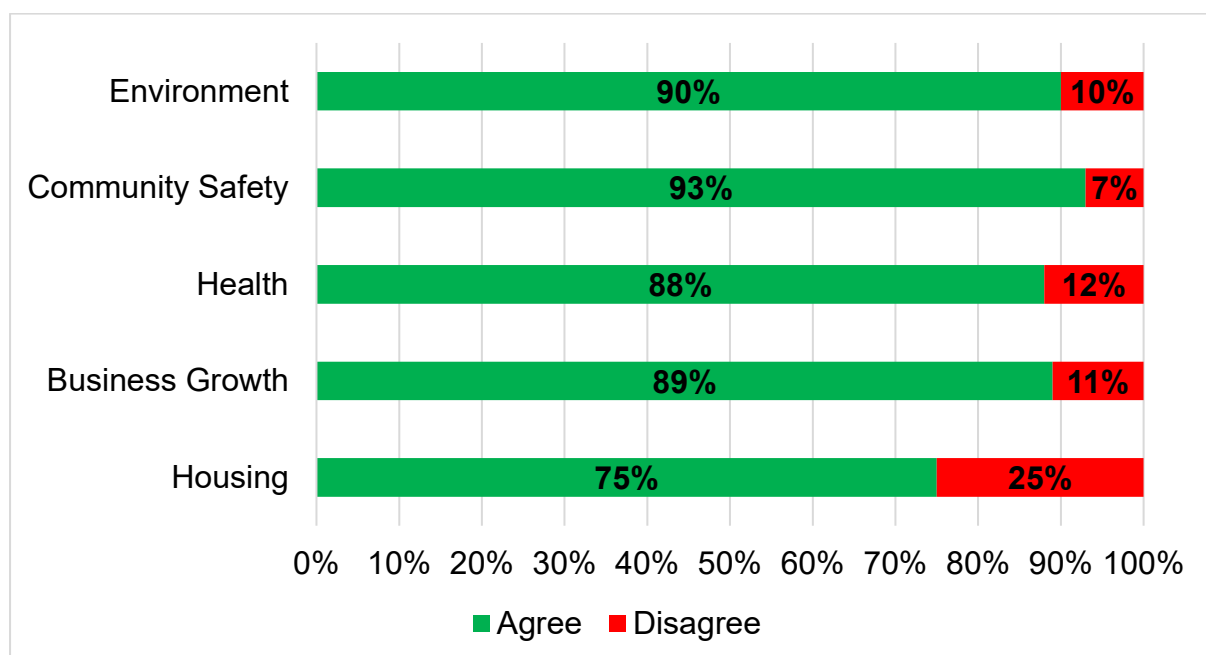
Resident survey summary



71% of respondents were satisfied or very satisfied with Broxtowe as a place to live. 18% were neither satisfied nor dissatisfied and 11% were dissatisfied.

54% of respondents were satisfied or very satisfied with the service they receive from the Council. 27% were neither satisfied nor dissatisfied and 11% were dissatisfied.

25% of respondents were satisfied or very satisfied with how the Council listens to them. 50% were neither satisfied or dissatisfied and 25% are dissatisfied.



There was strong support for all of the five proposed priorities suggested in the survey, with all receiving more than 75% positive responses.

From the proposed objectives, the three which received the most support were:

1. Reduce antisocial behaviour (96%)
2. Support people to live well with dementia and support those who are lonely or have mental health problem (94%)
3. Work with partners to reduce domestic violence and support survivors (94%)

A large proportion of the responses related to items which fall outside of the Council's remit, such as roads, public transport provision, and policing.

Common themes in the responses were:

- Activities to support young people
- Being able to recycle more types of items and food waste collections
- Cleaner streets
- Prioritising brown field sites for development over green space
- Need for a greater variety of shops
- Introduction of free parking
- More transparency on Council spending
- Concerns about flood risk.

APPENDIX 2

Current Challenges facing Broxtowe**Housing**

Broxtowe has the lowest average weekly social housing rent in the East Midlands; the lowest eviction rate; and the lowest levels of rent arrears. We have one of the best homeless prevention services and put fewer people in temporary accommodation than comparators in the East Midlands. We have a larger amount of accommodation for older people than comparable authorities and our stock has a high occupancy level. However, despite increase activity in building Council homes ourselves, and buying back previously owned Council homes, we have the poorest delivery rate of new affordable housing in the East Midlands; and our housing repairs service needs continued improvement. Whilst the condition of our housing stock achieves the decent homes standard with few exceptions, there is work to do to retrofit the stock to make it more energy efficient; maintain the decent homes standard; to improve the data quality underpinning our asset ownership, and to ensure we rise successfully to the challenge of fully meeting the requirements of the Housing regulator. Residents are keen for us to put greater emphasis on regulating private sector housing, especially houses in multiple occupation, to ensure there is a well-balanced provision of housing for all sections of the local community.

Explore planning data [Microsoft Power BI](#)

Explore Homelessness data [Microsoft Power BI](#)

Business Growth

Whilst Beeston, Stapleford and Kimberley have attracted significant investment in the last plan period, there is a considerable challenge involved in spending, within government dictated deadlines, the remainder of the Stapleford Towns fund and Kimberley Levelling up fund programmes, in order to secure the full beneficial outcomes the Council has committed to achieve. Eastwood remains an area of higher deprivation and under investment. The Council is committed to resubmitting the Eastwood levelling up bid as soon as the opportunity arises. The Council has been bold and proactive in shaping the town centre of Beeston needs to continue to review and refresh its plans in order to make the most of its asset ownership as the shape of town centres continues to change rapidly. The economic activity rate for 16-64 year olds is very low compared with other areas. Skills levels are not as high as they should be in Broxtowe and a significant proportion of the working population are on low wages. These facts are related and mean that a proportion of the population are particularly vulnerable to the pressures of the rising cost of living, food insecurity and child poverty.

Explore Jobs and business growth data [Microsoft Power BI](#)

Environment

The Council remains on track to achieve carbon neutrality by 2027 for its own operations. It has set out an ambitious action plan with 102 actions and is committed to delivering this within the corporate plan period. However much more remains to be done to achieve the wider community carbon reduction goal, and this will involve

significant work to retrofit private homes, and encourage residents and businesses to make the necessary adjustments to the way they live and operate. Raising recycling and composting rates has proved difficult in the last plan period, but there are now new opportunities with legislation requiring the introduction of food waste collection, to work in partnership and do things differently in future. We are also looking forward to reviewing our green infrastructure strategy and ensuring the core strategy review places the provision of networked green and blue infrastructure at the heart of spatial planning for the next period.

Explore [climate change data](#)

Community Safety

Crime levels in Broxtowe are generally lower than in other areas. However, levels of anti-social behaviour remain persistently higher than the Council and residents would like them to be. The rate of crimes involving violence, whilst lower than in the Nottinghamshire and England as a whole, form the highest proportion of all crime categories in Broxtowe. Domestic violence in particular continues to need to be addressed and there is a need to make our area as safe as possible for women and girls. Addressing anti-social behaviour and domestic violence are strongly held resident priorities. Residents also want the council to work with partners to address bicycle theft, car cruising, dealing and taking of illegal drugs illegal use of e-scooters and off road vehicles.

Explore community safety data [Sport england - Crime - District | Broxtowe | Report Builder for ArcGIS \(sportengland.org\)](#)

Leisure and Health

Overall in Broxtowe people enjoy good health and have more active lifestyles than elsewhere in England and most areas in Nottinghamshire. However, the quality of people's health varies across Broxtowe, and is worse in areas of higher deprivation. Contributory factors to poor health include smoking (particularly in pregnancy) which is much worse in Broxtowe than in other areas, and alcohol related hospital admissions are also quite high. The take up rates for screening and vaccinations vary, and there are inequalities in life expectancy between men and women. Poor mental health is often associated with poor physical health and there are concerns about the mental health of young people. Whilst attendances at leisure centres post pandemic have improved, the borough faces significant challenges in raising the necessary capital to renew its ageing leisure facilities. The Borough Council also has ambitions to work in partnership with health partners to ensure that there are adequate and accessible local health facilities to support the population.

Explore [leisure and health](#) data

APPENDIX 3

Proposed Corporate Plan Vision, Priorities and objectives12. Our Vision

A greener, safer, healthier Borough, where everyone prospers.

Proposed Corporate Plan Aims and Priorities 2024-28**Priority: Housing**

A good quality home for everyone

Objectives**Build more houses, more quickly on under used or derelict land.**

- Implement our Housebuilding delivery plan by building new, affordable, safe and energy efficient lifetime council homes for local people.
- Review and refresh the Housebuilding plan with new sites on which to build Council houses and acquisitions of already built homes to add to the Council's housing stock.

Invest to ensure our homes are safe and more energy efficient.

- Fully implement improvements to housing repairs to ensure timely responses to customer queries; high quality record keeping; full compliance with legal and regulatory standards, and high satisfaction rates.
- Agree and implement a plan to improve the energy efficiency of Council housing
- Support private home owners and private tenants to improve the energy efficiency of their homes.

Regulate housing effectively and respond to housing needs.

- Develop through co-production with relevant stakeholders and tenants, a new Housing strategy which identifies and responds to housing need throughout Broxtowe
- Strengthen regulatory enforcement of private sector housing
- Actively manage the provision of student accommodation through working with partners to agree a new student accommodation strategy and explore greater regulation of student housing
- Prevent homelessness and help people to be financially secure and independent.

Priority: Business Growth

Invest in our towns and our people

Objectives**Develop and Implement Area Regeneration**

- Attract regeneration resources to implement development plans for Eastwood
- Implement Towns fund and levelling up plans for Stapleford and Kimberley
- Continue to support growth and business prosperity in key development sites across the borough, including investment in Beeston, Toton and A610.

Support Business Employment and Skills

- Help increase the employment rate by supporting employment initiatives and the growth of apprenticeships
- Support for people to gain the skills they require, including the use of UK Shared Prosperity funds and partnership initiatives
- Help for businesses to grow, flourish and invest in Broxtowe.

PRIORITY: Environment**Protect the environment for the future****Objectives****Reduce carbon emissions and improve air quality**

- Increase the number of environment engagement events
- Work with stakeholders to create climate resilience against extreme weather events e.g. flooding and heavy rainfall through measures such as sustainable urban drainage schemes.

Continue to invest in our parks and open spaces.

- Develop a programme of investment for our parks and open spaces, including for example accessible facilities, litter bins, picnic tables, signage, and enhanced bike trails
- Enhance our blue and green corridors.

Reduce the amount of waste disposed of in the black- lidded bin and increase recycling and composting

- Facilitate re-use, mend and swap schemes
- Increase participation in areas where recycling is currently low
- Promote opportunities for recycling for items not currently collected from the kerbside
- Improve enforcement against fly tipping and littering.

PRIORITY: Community safety**A safe place for everyone****Objectives****Reduce anti-social behaviour**

- Refresh and implement an anti-social behaviour policy and action plan including reducing nuisance experienced through dangerous car cruising, irresponsible e-scooter and anti-social off road activity.

Improve public safety

- Work with partners to reduce violent crime including knife crime
- Improve safety for women and girls
- Work with partners to reduce shoplifting
- Improve cycle security infrastructure
- Work with partners to reduce domestic violence and support victims.

Drug and alcohol use

- Develop through co-production with stakeholders and people with lived experience, a drug and alcohol strategy , and implement it in order to reduce the harms of illegal drug taking and dealing; the illegal use of other substances such as nitrous oxide, and harmful alcohol consumption.

Priority: Leisure and Health**Healthy and supported Communities****Objectives****Promote active and healthy lifestyles in every area of Broxtowe.**

- Work with partners to develop positive programmes of activities with and for young people, and inclusive events to promote and enrich community life
- Develop and start the implementation of a new Public Toilet strategy to renew and improve these facilities

Develop plans to renew our leisure facilities in Broxtowe.

- Develop an affordable plan and attract resources to build a new leisure centre in Bramcote
- Develop a plan for the future provision of leisure services in the North of Broxtowe
- Consider supporting the provision of discounted access to leisure facilities for Carers.

Support people to live well with dementia and support those who are lonely or have mental health issues.

- Support the development of new doctor's surgery facilities in Beeston and Eastwood
- Support the development of community support for people with mental health issues and for people living with dementia and their carers through Durban House in Eastwood
- Support the establishment of a dementia café in Stapleford.

Communication and engagement**Improve the way in which we listen to and engage with residents**

- Improve the ease with which people can contact the council
- Improve how we listen to people and how we demonstrate we respond
- Involve people more in shaping and designing services and strategies
- Improve our understanding of the needs of people who are least often heard, particularly people who live in more deprived areas and those who experience poorer health and wellbeing and employment outcomes.

Report of the Deputy Chief Executive

REVIEW OF STRATEGIC RISK REGISTER

1. Purpose of report

To note the amendments to the Strategic Risk Register and the action plans identified to mitigate risks.

2. Recommendation

Cabinet is asked to NOTE the amendments to the Strategic Risk Register and the actions to mitigate risks that were approved by Governance, Audit and Standards on 27 November 2023.

3. Detail

In accordance with the corporate Risk Management Strategy, the Strategic Risk Management Group met on 17 October 2023 to review the Strategic Risk Register. General Management Team (GMT) has since considered the proposals made by the Group. The objectives of the review were to:

- Identify the extent to which risks included in the register are still relevant
- Identify any new strategic risks to be included in the register
- Review action plans to mitigate risks.

A summary of the risk management process is included in appendix 1. The Risk Management Strategy includes a '5x5' risk map matrix to assess both the threats and opportunities for each strategic risk in terms of both the likelihood and impact. The risk map is included to assist the understanding of the inherent and residual risk scores allocated to each strategic risk. These scores will be considered further and amended as necessary in due course.

Details of the proposed amendments to the Strategic Risk Register and actions resulting from the process are attached in appendix 2. The full Strategic Risk Register incorporating the proposed amendments is available on the intranet. An extract from the register of the entries relating to the highest rated 'red' risks are included in appendix 3 for Members consideration.

Further reviews of the Strategic Risk Register will be reported to future meetings of this Committee.

4. Financial Implications

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

There are no direct financial implications that arise from this report. Any future additional budgetary requirements will be considered separately by Cabinet.

5. Legal Implications

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

The Strategic Risk Register is the main mechanism used by the Council to identify, assess and monitor key risks. Whilst there are no direct legal implications arising from this report, it is important to assess whether the risks identified are being effectively mitigated and managed.

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. Data Protection Compliance Implications

There are no Data Protection issues in relation to this report.

9. Climate Change Implications

Climate Change is considered in this report as a strategic risk.

10. Equality Impact Assessment

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

11. Background Papers

Nil

APPENDIX 1

REVIEW OF STRATEGIC RISK REGISTER**Introduction**

The Risk Management Strategy, as revised in December 2018, aims to improve the effectiveness of risk management across the Council. Effective risk management will help to ensure that the Council maximises its opportunities and minimises the impact of the risks it faces, thereby improving its ability to deliver priorities, improve outcomes for residents and mitigating legal action and financial claims against the Council and subsequent damage to its reputation.

The Strategy provides a comprehensive framework and process designed to support both Members and Officers in ensuring that the Council is able to discharge its risk management responsibilities fully. The Strategy outlines the objectives and benefits of managing risk, describes the responsibilities for risk management, and provides an overview of the process that the Council has in place to manage risk successfully. The risk management process outlined within the Strategy should be used to identify and manage all risks to the Council's ability to deliver its priorities. This covers both strategic priorities, operational activities and the delivery of projects or programmes.

The Council defines risk as "the chance of something happening that may have an impact on objectives". A risk is an event or occurrence that would prevent, obstruct or delay the Council from achieving its objectives or failing to capture business opportunities when pursuing its objectives.

Risk Management

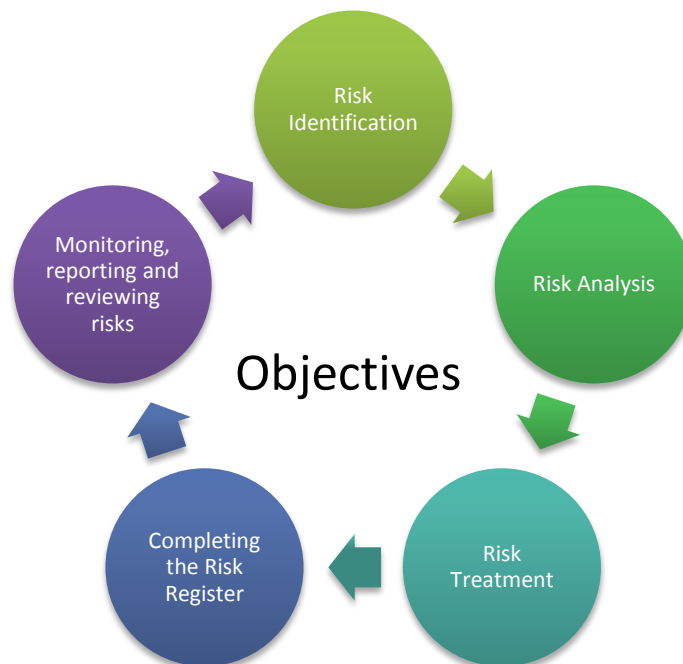
Risk management involves adopting a planned and systematic approach to the identification, evaluation and control of those risks which can threaten the objectives, assets, or financial wellbeing of the Council. It is a means of minimising the costs and disruption to the Council caused by undesired events.

Risk management covers the whole range of risks and not just those associated with finance, health and safety and insurance. It can also include risks as diverse as those associated with reputation, environment, technology and breach of confidentiality amongst others. The benefits of successful risk management include:

- Improved service delivery with fewer disruptions, efficient processes and improved controls
- Improved financial performance and value for money with increased achievement of objectives, fewer losses, reduced impact and frequency of critical risks
- Improved corporate governance and compliance systems with fewer legal challenges, robust corporate governance and fewer regulatory visits
- Improved insurance management with lower frequency and value of claims, lower impact of uninsured losses and reduced premiums.

Risk Management Process

The Council's risk management process has five key steps as outlined below.



Process Step	Description
Risk Identification	Identification of risks which could significantly impact the Council's aims and objectives – both strategic and operational.
Risk Analysis	Requires consideration to the identified risks potential consequences and likelihood of occurring. Risks should be scored against the Council's risk matrix
Risk Treatment	Treat; Tolerate; Transfer; Terminate – Identify which solution is best to manage the risk (may be one or a combination of a number of treatments)
Completing the Risk Register	Document the previous steps within the appropriate risk register. Tool for facilitating risk management discussions. Standard template to be utilised to ensure consistent reporting.
Monitoring, reporting and reviewing the risks	Review risks against agreed reporting structure to ensure they remain current and on target with what is expected or manageable.

Risk Matrix

		Risk – Threats				
Likelihood	Almost Certain – 5	5	10	15	20	25
	Likely – 4	4	8	12	16	20
	Possible – 3	3	6	9	12	15
	Unlikely – 2	2	4	6	8	10
	Rare – 1	1	2	3	4	5
		Insignificant – 1	Minor – 2	Moderate – 3	Major – 4	Catastrophic – 5
		Impact				



Risk Rating	Value	Action
Red Risk	25	Immediate action to prevent serious threat to provision and/or achievement of key services or duties
	15 to 20	Key risks which may potentially affect the provision of key services or duties
Amber Risk	12	Important risks which may potentially affect the provision of key services or duties
	8 to 10	Monitor as necessary being less important but still could have a serious effect on the provision of key services
	5 to 6	Monitor as necessary to ensure risk is properly managed
Green Risk	1 – 4	No strategic action necessary




APPENDIX 2




Strategic Risk Register – Summary of Proposed Changes






Inherent Risk – Gross risk **before** controls and mitigation






Residual Risk – Risk remaining **after** application of controls and mitigating measures






Risk	Inherent Risk	Residual Risk	Changes
<p>1. Failure to maintain effective corporate performance management and implement change management processes</p> <p><i>The position with regards to this risk is unchanged.</i></p>	20	<p>4</p>  <p>Green</p>	<p>A new action was added linked to the PRINCE2 project management framework to review and re-launch the 'Project Centre' on the Intranet.</p>
<p>2. Failure to obtain adequate resources to achieve service objectives</p> <p><i>The position with regards to this risk is unchanged.</i></p>	20	<p>16</p>  <p>Red</p>	<p>The ongoing 'cost of living crisis' and high inflation which is keeping this risk as one of the highest rated red risks.</p> <p>An updated Medium Term Financial Strategy and Business Strategy has been considered at Policy Overview Working Group and recommended onto Cabinet for approval on 7 November 2023.</p> <p>A new action was added to assess the impact of the Government's food waste policies and the potential receipt of New Burdens Funding to meet the anticipated additional capital and revenue costs associated with its delivery.</p> <p>The action to be alert to potential funding opportunities for town centre re-generation initiatives was extended to also refer to other capital investment schemes.</p> <p>The action to identify potential budget saving opportunities was extended to also include maximising income generating opportunities.</p>



Risk	Inherent Risk	Residual Risk	Changes
<p>3. Failure to deliver the Housing Revenue Account (HRA) Business Plan</p> <p><i>Although the residual risk score does not need to change, it was considered that the position with regards to this risk had worsened.</i></p>	25	<p>12</p>  <p>Amber</p>	<p>High inflation and the 'cost of living crisis' continues to have an impact upon the HRA service provision and financial position.</p> <p>Uncertainty with the Government's rent setting policy in a high inflation environment is impacting on key budgetary decisions in planning for reasonable and sustainable rent increases. It was noted that 2024/25 is the final year of the current Government rent setting policy, with future plans not yet being known adding to the uncertainty and risk.</p> <p>The action to complete the review of the HRA 30-Year Business Plan, in conjunction with external consultants, with the outcome to be reported to Cabinet was updated to refer to the meeting on 5 December 2023.</p>
<p>3a. Failure to deliver a Housing Repairs and Compliance Service which meets Right to Repair and Compliance legislation</p> <p><i>Although the residual risk score does not need to change, it was considered that the position with regards to this risk had worsened.</i></p>	20	<p>12</p>  <p>Amber</p>	<p>The Council has seen an increase in Housing Disrepair claims. This is being linked to two companies 'claims farming' in Eastwood and Stapleford. GMT has approved additional resources to support and respond to all cases within deadlines. A new action was added to monitor the position regarding Housing Disrepair claims and to respond efficiently and effectively to claims being received.</p> <p>A new action was added for Internal Audit to complete an audit of Housing Repairs and Compliance and for managers to respond accordingly to recommendations and agreed actions.</p>
<p>4. Failure of strategic leisure initiatives</p> <p><i>The position with regards to this risk is unchanged.</i></p>	25	<p>20</p>  <p>Red</p>	<p>A new action was added to consider and respond to the request from The Kimberley School regarding the financial viability of keeping the swimming pool open at Kimberley Leisure Centre. A report has been prepared for consideration by Cabinet on 7 November 2023.</p>

Risk	Inherent Risk	Residual Risk	Changes
<p>5. Failure of Liberty Leisure (LLL) trading company</p> <p><i>Although the residual risk score does not need to change, it was considered that the position with regards to this risk had worsened.</i></p>	25	<p>12</p> <p> Amber</p>	<p>As above, a new action was added to consider and respond to the request from The Kimberley School regarding the financial viability of keeping the swimming pool open at Kimberley Leisure Centre.</p> <p>Another new action was added for officers to work with Liberty Leisure Limited on identifying suitable cost effective and deliverable energy efficiency measures at Bramcote Leisure Centre.</p>
<p>6. Failure to complete the re-development of Beeston town centre</p> <p><i>Although the residual risk score does not need to change, it was considered that the position with regards to this risk had worsened.</i></p>	25	<p>8</p> <p> Amber</p>	<p>This strategic risk has changed considerably since its first inclusion in the risk register. It was agreed to re-name this risk as "Failure to effectively manage the Beeston town centre development (The Square)".</p> <p>The action to identify suitable tenants and complete the letting of units in Phase 3 of the redevelopment (the 'Argos block') was updated to refer to the option of a potential sale to a suitable third party.</p>
<p>7. Not complying with legislation</p> <p><i>The position with regards to this risk is unchanged.</i></p>	25	<p>6</p> <p> Amber</p>	<p>A new action was proposed to create a legal register for each service to provide the necessary assurance and to highlight any gaps where further action may be required.</p> <p>The action to ensure compliance with the Environment Act 2021 was extended to also refer to other waste related legislation and regulations.</p> <p>The action to regularly review the policy and guidance in respect of the Regulation of Investigatory Powers Act 2000 was deleted as this is now managed under 'business as usual'.</p>

Risk	Inherent Risk	Residual Risk	Changes
<p>8. Failure of financial management and/or budgetary control and to implement agreed budget decisions</p> <p><i>The position with regards to this risk is unchanged.</i></p>	25	<p>4</p>  <p>Green</p>	<p>An updated Medium Term Financial Strategy and Business Strategy was considered at Policy Overview Working Group and recommended onto Cabinet for approval on 7 November 2023.</p> <p>The action to establish a Capital Working Group to consider the risks associated with the delivery of key strategic capital projects was completed. The Capital Working Group was added as a key control.</p>
<p>9. Failure to maximise collection of income due to the Council</p> <p><i>The position with regards to this risk is unchanged</i></p>	20	<p>9</p>  <p>Amber</p>	<p>No significant changes were proposed to the key controls, risk indicators and action points for this strategic risk.</p> <p>In respect of the action to monitor the rate of void Housing premises and to actively identify suitable actions to relet and/or reuse these properties, it was noted that void rates and periods have improved considerably.</p>
<p>10. Failure of key ICT systems</p> <p><i>The position with regards to this risk is unchanged.</i></p>	25	<p>15</p>  <p>Red</p>	<p>No significant changes were proposed to the key controls, risk indicators and action points for this strategic risk.</p> <p>The action to review Business Continuity Plans is almost complete with work continuing to complete the last remaining plans.</p>
<p>11. Failure to implement Private Sector Housing Strategy in accordance with Government and Council expectations</p> <p><i>The position with regards to this risk is unchanged.</i></p>	20	<p>4</p>  <p>Green</p>	<p>A new action was added to effectively deal with complaints about private rented properties.</p> <p>There was some discussion as to whether this specific risk remains 'strategic' in nature or if this could now be considered as an operational compliance risk. If so, this strategic risk will be deleted.</p>
<p>12. Failure to engage with partners/community to implement the Broxtowe Borough Partnership Statement of Common Purpose</p> <p><i>The position with regards to this risk is unchanged</i></p>	15	<p>4</p>  <p>Green</p>	<p>A key control was extended to refer to Community Action Teams and/or enhanced Member surgeries.</p>

Risk	Inherent Risk	Residual Risk	Changes
<p>13. Failure to contribute effectively to dealing with crime and disorder</p> <p><i>The position with regards to this risk is unchanged</i></p>	15	<p>3</p>  <p>Green</p>	A new action was added to assess the impact on local resources following the implementation of the PCC's Nottinghamshire ASB Pilot due to start in January 2024.
<p>14. Failure to provide housing in accordance with the Local Development Framework</p> <p><i>Although the residual risk score does not need to change, it was considered that the position with regards to this risk had worsened.</i></p>	20	<p>12</p>  <p>Amber</p>	<p>With the cancellation of the eastern leg of HS2 there is added risk to the action to support committees and other interested parties in considering the strategic location for growth at Toton and the surrounding area.</p> <p>There is also risk and potential opportunities with regards to the establishment of the proposed East Midlands Combined Authority.</p> <p>At this stage, no significant changes were proposed at this stage to the key controls, risk indicators and action points for this strategic risk.</p>
<p>15. Natural disaster or deliberate act, which affects major part of the Authority</p> <p><i>The position with regards to this risk is unchanged</i></p>	15	<p>12</p>  <p>Amber</p>	The action to review the Flu Pandemic Plan, to include 'living with Covid' has been completed and is now managed as 'business as usual' activity.
<p>16. Failure to mitigate the impact of the Government's welfare reform agenda</p> <p><i>The position with regards to this risk is unchanged</i></p>	20	<p>4</p>  <p>Green</p>	<p>No significant changes were proposed to the key controls, risk indicators and action points for this strategic risk.</p> <p>The context of this risk has changed significantly since its first inclusion on the risk register and many of the current actions are now managed under 'business as usual' activity. It may be appropriate to consolidate this with Risk 9 'failure to maximise collection of income due'.</p>
<p>17. Failure to maximise opportunities and to recognise the risks in shared services arrangements</p> <p><i>The position with regards to this risk is unchanged</i></p>	20	<p>9</p>  <p>Amber</p>	No significant changes were proposed to the key controls, risk indicators and action points for this strategic risk.

Risk	Inherent Risk	Residual Risk	Changes
18. Corporate and/or political leadership adversely impacting upon service delivery <i>The position with regards to this risk is unchanged</i>	20	8  Amber	The action for regular contact to be maintained between leaders of political groups and the Chief Executive was moved to a key control. The regular meetings of Portfolio Holders with the respective senior managers was also added as a key control.
19. High levels of sickness <i>Although the residual risk score does not need to change, it was considered that the position with regards to this risk had improved.</i>	16	6  Amber	No significant changes were proposed to the key controls, risk indicators and action points for this strategic risk.
20. Inability to recruit and retain staff with required skills and expertise to meet increasing demands and expectations. <i>The position with regards to this risk is unchanged</i>	20	12  Amber	No significant changes were proposed to the key controls, risk indicators and action points for this strategic risk.
21. Failure to comply with duty as a service provider and employer to groups such as children, the elderly, vulnerable adults etc. <i>The position with regards to this risk is unchanged</i>	20	6  Amber	The Prevent Strategy was added as a key control.
22. Unauthorised access of data <i>The position with regards to this risk is unchanged</i>	20	6  Amber	The action to review the corporate and departmental Business Continuity Plans is almost complete. Work is continuing to complete the last remaining plans. The use of regular awareness communications through employee briefings was added as a key control.

Risk	Inherent Risk	Residual Risk	Changes
<p>23. High volumes of employee or client fraud</p> <p><i>The position with regards to this risk is unchanged</i></p>	20	<p>9</p>  <p>Amber</p>	<p>The importance of management is a key part of the first and second lines of defence for the internal control framework. Managers can review processes to provide strategic oversight and challenge of the key controls within the system. Internal Audit, as the third line of defence, will continue to be active in identifying ways to mitigate potential fraud in the course of their planned and risk assessed assurance work.</p> <p>The Annual Counter Fraud Report of the Chief Audit and Control Officer was presented to the Governance, Audit and Standards Committee in September 2023.</p>
<p>24. <i>Failure to achieve commitment of being carbon neutral for the Council's own operations by 2027</i></p> <p><i>The position with regards to this risk is unchanged</i></p>	20	<p>12</p>  <p>Amber</p>	<p>A report to appoint University of Nottingham consultants to inform the Council's approach towards meeting 2050 net-zero carbon emissions targets is being considered at Cabinet on 7 November 2023. If approved, the outcomes of this review would be added as an action in due course.</p>

APPENDIX 3

**EXTRACT OF THE STRATEGIC RISK REGISTER – OCTOBER 2023 –
ENTRIES RELATING TO HIGHEST RATED 'RED' RISKS**

Risk 2 - Failure to obtain adequate resources to achieve service objectives

Risk Owner(s)	Inherent Risk	Residual Risk
Deputy Chief Executive Head of Finance Services	20	16

Key Controls

- Medium Term Financial Strategy
- Business Strategy
- Economic Regeneration Strategy
- Commissioning and Procurement Strategy
- Capital Strategy
- Asset Management Strategy
- Energy Procurement Strategy
- Commercial Strategy
- Land Disposals Policy

Risk Indicators

- Formula grant
- Budget gap
- Fuel and energy prices
- Income levels
- Failed bids for external funding
- General economic indicators
- Interest rates

Action Points

1. Review service objectives in response to changing resources
2. Identify and assess external funding opportunities and ensure any accompanying targets are met
3. Investigate and develop opportunities for shared service working
4. Monitor the impact of the collection of business rates upon resources available to the Council
5. Seek the disposal of surplus assets to generate additional capital receipts
6. Be alert to potential funding opportunities for town centre re-generation initiatives and other capital investment schemes.
7. Identify potential budget savings and maximising income generating opportunities
8. Maximise income from Commercial Property and Industrial Units.

9. Assess the impact of the transfer of responsibility for land charges from local authorities to HM Land Registry.
10. Work collaboratively with Nottinghamshire local authorities to maximise the recovery of business rates income.
11. Assess the potential outcome of the Fair Funding Review, including proposals for greater localisation of business rates, upon the Council's finances.
12. Produce a new Commercial Strategy to replace the previous Commercial Strategy 2017-2020.
13. Respond as necessary to the outcome of the 'Town Deal' bid for Stapleford.
14. Develop Town Investment Plans for Eastwood and Kimberley.
15. Progress with the delivery of the successful Levelling Up Fund bid for Kimberley.
16. Seek full recovery of the agreed tram compensation claim against Nottingham City Council.
17. Monitor the impact of rising inflation and the cost of living crisis on the Council's service provision and its financial position.
18. Present an updated Medium Term Financial Strategy and Business Strategy to Cabinet in November 2023.
19. Consider opportunities to utilise any identified surplus office space.
20. Assess the impact of the government's food waste policies and the potential receipt of New Burdens Funding to meet the additional capital and revenues costs associated with its delivery.

Risk 4 - Failure of strategic leisure initiatives

Risk Owner(s)	Inherent Risk	Residual Risk
Deputy Chief Executive	25	20

Key Controls

- Leisure Facilities Strategy
- Leisure and Culture Service Specification
- Liberty Leisure Limited Business Plan
- External legal advice and support

Risk Indicators

- Results of consultation exercises
- Progress against business plans
- Progress against capital programme
- Events impacting upon joint use agreements
- Visitor numbers at leisure facilities
- Income at leisure facilities
- Financial viability of Liberty Leisure Limited

Action Points

1. Determine future strategy for investment in leisure facilities.
2. Review leisure opportunities arising from major developments.
3. Produce a programme to address the issues identified in the detailed property condition survey at Bramcote Leisure Centre.
4. Utilise external legal advice and support as required.
5. Work with Chilwell School to assess leisure facilities options at Chilwell Olympia Sports Centre and report back to Cabinet.
6. Forward plan any necessary capital repair works anticipated at Bramcote Leisure Centre and to submit, consider and profile the financial impact as part of the proposed capital programme.
7. Consider and respond to the latest request from The Kimberley School regarding the financial viability of keeping the swimming pool open at Kimberley Leisure Centre. A report has been prepared for consideration by Cabinet on 7 November 2023.

Risk 10 - Failure of key ICT systems

Risk Owner(s)	Inherent Risk	Residual Risk
Executive Director Chief Information Officer	25	15

Key Controls

- ICT Strategy
- Service agreements
- Systems mainly supplied by external supplier
- Back-up server offsite
- Security Policies
- System availability
- Server virtualisation
- Provision of emergency power supply
- Identification of failure at points of entry
- Shared service arrangements with other local authorities
- Geo-location blocking on the firewall
- Warning, Advice and Reporting Point (WARP) service
- Cyber Security Information Sharing Partnership (CISP)

Risk Indicators

- Viruses
- Computer downtime
- Overrun/failure of overnight processing
- Key financial reconciliation processes
- Customer complaints
- Backlog of works
- Appropriate staffing resources to support key systems
- Number of security incidents

Action Points

1. Monitor implementation of and regularly test the Business Continuity Plan for ICT Services
2. Pursue partnership working initiatives, where appropriate
3. Assess the impact of the National Cyber Security Standard.
4. Complete the relocation of the Backup Server from the Council Offices to Kimberley Depot by 31 December 2023.
5. Address the matters raised by the independent LGA specialist review of the Council's cyber-risk arrangements and key controls.
6. Review and refresh the corporate and departmental Business Continuity Plans.

Report of the Portfolio Holder for Resources and Personnel Policy

CAPITAL PROGRAMME 2023/24 – CAPITAL BUDGET VARIATIONS

1. Purpose of report

To approve a number of necessary revisions to the Council's Capital Programme for 2023/24.

2. Recommendation

Cabinet is asked to RESOLVE that the capital budget variations for 2023/24, as set out in the appendix, be approved.

3. Detail

The Capital Programme for 2023/24 to 2025/26 was approved by Council on 1 March 2023 following recommendation by Cabinet on 7 February 2023. The total value of the original Capital Programme for 2023/24 was £36.244m (£32.982m excluding 'reserve items'). A number of new capital schemes and variations to the Capital Programme have since been approved by Cabinet.

A number of capital schemes require re-profiling to the budgets to more accurately reflect expectations in the current financial year. In all cases the capital financing will not be adversely affected, with schemes either being funded by capital grants or through previously agreed prudential borrowing which will now be moved back into later periods to match spends.

These schemes include Disabled Facilities Grants, an element of the Housing Delivery Programme, Economic Regeneration Projects (including Towns Fund, Levelling Up Fund and UK Shared Prosperity Fund) and ICT and Business Transformation. These are set out in the appendix including the amendments identified in the current Capital Programme together with likely financing which will be confirmed at the end of the 2023/24 financial year.

Any further changes to the Capital Programme will be reported to Cabinet as necessary for approval.

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. Key Decision

This is not a key decision.

11. Updates from Scrutiny

This has not been a topic for scrutiny.

12. Equality Impact Assessment

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

13. Background Papers

Nil.

APPENDIX

CAPITAL PROGRAMME 2023/24 – PROPOSED CAPITAL BUDGET CHANGES**1. Disabled Facilities Grants (DFG) and Warm Homes on Prescription (WHOP)**

The approved Capital Programme for 2023/24 included an £800,000 budget for Disabled Facilities Grants (including Warm Homes on Prescription). This scheme provides grants to improve facilities for disabled people living in private sector dwellings. The budget is financed by Nottinghamshire County Council through the Better Care Fund (BCF). A further £656,900 (DFG) and £25,750 (WHOP) was approved for carry forward from unspent budgets in 2022/23.

The Council has since received confirmation of the DFG budget for 2023/24. An allocation from the BCF of £904,154 is expected (after NCC retain £79,150 as the Council's contribution to the handyperson scheme managed by the County on behalf of all the Nottinghamshire districts). The finalised budget brought forward from 2022/23 is £646,584 (DFG £611,117 and WHOP £35,467). The Council has also recently received an additional £85,861 from central government (via NCC) and this will be added onto the DFG budget.

This gives a total budget of £1,636,599, with the proposed budget split of £1,536,600 for DFG and £100,000 for WHOP. The additional £153,950 will be recognised in the Capital Programme and be fully funded by capital grants (BCF).

Schemes	Approved Budget £	Underspend Budget B/F £	2023/24 Budget £	Revised Budget £
Disabled Facilities Grants	800,000	656,900	1,456,900	1,536,600
Warm Homes on Prescription	-	25,750	25,750	100,000
			1,482,650	1,636,600

2. Housing Delivery Plan – Field Farm Development

As part of the Housing Delivery Plan, the scheme at Field Farm in Stapleford will deliver 26 affordable homes under a Legal Section 106 agreement. Contract negotiations with the developer, Peveril Homes, are drawing to a conclusion with the developer proposing long-stop dates of August 2025 for phase 1 and June 2029 for phase 2. These dates are the final dates that the contract allows for delivery to cater for any delays.

The developer will deliver the affordable units in two main phases, 18 units in phase 1 between April and August 2024 and the remaining eight units in 2028/29. It is therefore proposed to re-profile the budget in 2023/24 to £742,900 to include deposit payments. This will push £1m into future years with the remaining budget being reallocated two-thirds in 2024/25, with the final third to be spent in 2028/29. This scheme is being financed wholly from prudential borrowing.

Schemes	Approved Budget £	Underspend Budget B/F £	2023/24 Budget £	Revised Budget £
Housing Delivery Programme – Field Farm	1,250,000	492,900	1,742,900	742,900

3. Economic Regeneration – Kimberley Means Business – Levelling Up Fund

The Capital Programme for 2023/24 was approved around the same time that the Council received notice from the government that the Kimberley Levelling Up Fund bid had been successful. A total project of £16.5m was duly recognised for Kimberley Means Business to be funded by capital grants (LUF).

There is now an opportunity to re-profile this budget to recognise that all of this money will not be spent in this financial year. Following discussion with the Economic Regeneration team, it is anticipated that up to £4.634m of this funding may be utilised in this financial year (including spend brought forward from 2022/23). The remainder of the total grant funding will be included in the 2024/25 Capital Programme as it is a requirement that all funds must be committed by March 2025. It is therefore proposed to revise the 2023/24 Capital Programme as follows, with the scheme being fully funded by capital grants (LUF).

Schemes	Approved Budget £	Underspend Budget B/F £	2023/24 Budget £	Revised Budget £
Kimberley Means Business (Levelling-Up Fund)	-	200,000	200,000	4,634,000

4. Economic Regeneration – UK Shared Prosperity Fund

Given the timing of the notice of the grant award, the whole of the indicative UK Shared Prosperity Fund (UKSPF) budget of £627,300 for 2023/24 was recognised in the Capital Programme.

There is now an opportunity to amend the budgets in order to recognise that the majority of the grant funded schemes within this project are considered to be revenue in nature. The revised budgets are shown in the table below following discussions with the Economic Regeneration team. The combined capital and revenue budget in 2023/24 remains at £813,250 being fully funded by UKSPF grants.

Schemes	Approved Budget £	Underspend Budget B/F £	2023/24 Budget £	Revised Budget £
UK Shared Prosperity Fund (Capital CDEL)	627,300	11,500	638,800	123,600
UK Shared Prosperity Fund (Revenue RDEL)	-	174,450	174,450	689,650
Total			813,250	813,250

5. ICT and Business Transformation

There was an unfortunate omission on the list of capital budget carry forward requests approved by Cabinet on 4 July 2023. The report considered by Members included capital budget carry forwards totalling £11,564,550, whereas the actual amount requested should have read £11,982,400. The difference of £417,850 related to the ICT capital development budgets in the table below.

Although the total budget carry-forward was not formally recognised in the Cabinet resolution, the cost of the schemes and its financing have been fully recognised in the capital working papers for 2023/24. As such, the impact of tidying up this oversight will not have an impact on the overall budget position. The increase of £417,850, relating to unspent budgets brought forward from 202/23, will be funded from prudential borrowing and is already recognised in the capital financing budget for 2023/24.

Schemes	Approved Budget 2023/24 £	Underspend 2022/23 B/F £	Revised Budget £
ICT Replacement/Development Programme	112,000	43,500	155,500
ICT Technical Infrastructure Architecture	196,000	214,850	410,850
ICT eFacilities Initiatives	-	109,500	109,500
VoIP Telephony	-	50,000	50,000
Total	308,000	417,850	725,850

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Report of the Portfolio Holder for Resources and Personnel Policy

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

1. Purpose of Report

To consider requests for grant aid in accordance with the provisions of the Council's Grant Aid Policy.

2. Recommendation

Cabinet is asked to consider the requests in the appendix and RESOLVE accordingly.

3. Detail

Details of the grant applications received are included in the appendix for consideration. The amount available for distribution in 2023/24 is as follows:

	£
Revenue Grant Aid Budget	168,800
Less: Estimated requirements for:	
Citizens Advice Broxtowe	31,875
Rent Awards and Related Commitments	43,300
Less: Grant Awards to Date	68,375
BALANCE AVAILABLE FOR DISTRIBUTION	<u>25,250</u>

The provision in respect of rental and support costs for tenants of Council-owned properties includes: Age Concern Eastwood, Toton Coronation Hall Community Association, 2nd Beeston Sea Scouts, 2nd Kimberley Scout Group, Phoenix Community Foundation, Bramcote Cricket Club, Stapleford Community Association, Eastwood People's Initiative, 5th Stapleford Scout Group and Chilwell Community Association.

4. Financial Implications

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

Any grant awards will be met from the established grant aid budget shown in the table above. Members are reminded that they will need to suitably constrain grant awards in 2023/24 if the budget is not to be exceeded. The total 'cash' grants requested in this report is £9,500. The additional sums requested in this report, when compared to the previous year, would amount to £500 if all applications are fully supported.

5. Legal Implications

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

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

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

Not applicable.

7. Union Comments

The comments from the Unions were as follows:

Not applicable.

8. Climate Change Implications

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

No comments in relation to this report.

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. Key Decision

This is not a key decision.

12. Updates from Scrutiny

This has not been a topic for scrutiny.

13. Background Papers

Nil.

APPENDIX

Applications

The following grant applications have been received for consideration in 2023/24:

		<u>Grant Award 2022/23 £</u>	<u>Grant Request 2023/24 £</u>
Toton Coronation Hall Community Association	1	7,000	7,000*
The Helpful Bureau	2	9,000	9,500
	Total		16,500

*The request of £7,000 from Toton Coronation Hall Community Association is wholly covered within the provision for rent awards.

1. TOTON CORONATION HALL COMMUNITY ASSOCIATION

The Toton Coronation Hall Community Association ('TCHCA') is responsible for the management and operation of the Coronation Hall on Portland Road in Toton which opened in 1953 and is owned by this Council.

TCHCA tries to offer the Hall to as many different people and activities as possible, whilst also being mindful of the people who live in close proximity to the Hall (for instance, the group has turned down enquiries from people who wanted to have events finishing late in the night).

The Hall offers 'Zumba', 'Fitsteps', karate, sequence dancing, ballroom and Latin American dancing and tuition. TCHCA also welcomes drama groups for rehearsals, music concerts, presentation evenings and family parties and gatherings. TCHCA aims for affordability and will be reviewing its pricing structure in early 2024.

Financial Information

TCHCA has provided its annual accounts for the year ended 31 July 2023 for scrutiny. Annual income amounted to £16,622 (2022: £16,624), comprising almost entirely of rental income for the hall and Grant Aid (£7,000) from this Council. Expenditure of £12,958 (2022: £14,693) included rent (£7,000), utilities (£2,554), waste collection (£812) and insurance (£692). Cash and bank balances as at 31 August 2023 were £15,896. TCHCA has indicated that reserves are earmarked towards upkeep and general repairs.

Grant Aid Request

For 2023/24, Toton Coronation Hall Community Association has requested a grant of £7,000 to cover the market rental of the Coronation Hall. This grant award would be for a period of one year, with the potential award being

matched by allowances within the premises income budget. Such an award would be in line with the Council's Grant Aid policy for the following key reasons:

- The services provided by TCHCA benefit Broxtowe residents and are complementary to the services provided by the Council.
- TCHCA and the groups which operate from Coronation Hall target the needs of vulnerable and disadvantaged sections of the community, in particular helping to combat loneliness and social exclusion within the Borough.
- Community Associations such as TCHCA are a specific category of organisation welcomed to apply for Grant Aid.

The Council has previously supported TCHCA with grant aid towards its premises rental with the grants awarded in the past four years being as follows:

2022/23	£7,000
2021/22	£7,000
2020/21	£7,000
2019/20	£7,000

2. THE HELPFUL BUREAU

The Helpful Bureau (THB) is a registered charity and not for profit organisation based at the Carnegie Civic and Community Centre on Warren Avenue in Stapleford. Originally established in 1978, THB formally registered as a charity from 2001.

THB provides services which support and encourage older and/or disabled residents to live safely and independently in their own homes including befriending, practical services, social activities, transport scheme and support services. Its work, including positive signposting, supports people to make choices about their lives. The activities provide opportunities for people to socialise and keep active, helping people to feel less isolated and maintain both physical and mental wellbeing; preventing costly interventions. The charity has over 3,300 clients, the majority being residents of Broxtowe.

Financial Information

The Helpful Bureau has submitted its draft Annual Report and Financial Statements for the year ended 31 March 2023 for scrutiny. The charity splits its accounts between restricted and unrestricted funds. Total income generated in the year amounted to £197,886 (2022: £148,249), including £105,158 as unrestricted funds, from fees and services (£92,191), donations and fundraising. Restricted grants totalling £92,605 were received in from Nottinghamshire County Council (£34,885), this Council (£11,353) and other institutional funders. Total expenditure was £215,791 (2022: £168,881), including £34,719 from the unrestricted fund, and related to wages (£142,499 split between restricted and unrestricted funds for an average of 13 employees), rent and services and other running costs. Total bank balances as

at 31 March 2023 were £78,234 (2022: £92,328), with Total Funds declared at £87,321 including £71,226 as unrestricted funds.

THB's policy on reserves is to retain three months' worth of operating costs in addition to provision for future developments and vehicles.

The Council have supported The Helpful Bureau for several years with the grants awarded in the past four years being as follows:

2022/23	£9,000
2021/22	£10,000
2020/21	£5,000
2019/20	£5,000

Grant Request

For 2023/24, The Helpful Bureau has requested a grant of £9,500. Of this, £7,830 is requested as a contribution towards general running costs, with the remaining £1,670 being a contribution towards the supply of two laptop computers necessary to enable staff to work in an agile manner at different locations.

Such an award would be in line with the Council's Grant Aid policy for the following key reasons:

- The services provided by The Helpful Bureau benefit Broxtowe residents and are complementary to the services provided by the Council.
- The activities of The Helpful Bureau target the needs of vulnerable and disadvantaged sections of the community, in particular helping to combat loneliness and social exclusion within the Borough and improving the mental health and well-being of residents.
- Caring Organisations such as The Helpful Bureau are a specific category of organisation welcomed to apply for Grant Aid.

Members should note that the grant aid policy requires that grant awards of £5,000 or above may be subject to a Service Level Agreement.

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Report of the Portfolio Holder for Resources and Personnel Policy

GRANT AID REQUESTS FROM PARISH/TOWN COUNCILS

1. Purpose of Report

To consider a request for grant assistance in accordance with the protocol for the consideration of grant aid to Parish and Town Councils.

2. Recommendation

Cabinet is asked to consider the request and RESOLVE accordingly.

3. Detail

One request for grant aid assistance from a Town Council has been received:

- A request from Stapleford Town Council of up to £2,405 towards the cost of traffic management for its Remembrance Sunday Event.

Details of the application are included in appendix 1. The agreed protocol for assessing grant aid to Parish and Town Councils is provided in appendix 2 with the grants previously awarded under this scheme listed in appendix 3.

4. Financial Implications

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

If Members wished to support these requests, these awards could be made from the £20,000 provision for grants to Parish Councils included in the 2023/24 revenue budget, of which £7,581 currently remains available.

5. Legal Implications

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

The Council is empowered to make grants by virtue of Section 137 Local Government Act 1972 (as well as other legislation). Having an approved process in line with the legislation and the Council's Grant Aid to Parish and Town Councils Protocol will ensure the Council's compliance with its legal duties.

6. Human Resources Implications

The comments of the Human Resources Manager were as follows:

Not applicable.

7. Union Comments

The comments of the Union were as follows:

Not applicable.

8. Climate Change Implications

The comments of the Head of Environmental Services were as follows:

No comments regarding this report.

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. Key Decision

This is not a key decision.

12. Updates from Scrutiny

This has not been a topic for scrutiny.

13. Background Papers

Nil.

APPENDIX 1

Stapleford Town Council

Stapleford Town Council has submitted a grant aid request of up to £2,405 towards the full cost of traffic management at its Remembrance Sunday Parade in 2023.

The Town Council states that “Remembrance Sunday is one of the most important events in Stapleford’s calendar and is run by the Town Council every year. The event will comprise of a procession through the Town Centre followed by a service, customary two-minute silence and the laying of wreaths, which will be led by the Vicar of St. Helen’s Parish Church.” In addition to extending invitations to local Veterans, Stapleford Town Council includes a number of local community and youth groups.

Following the police withdrawing traffic control, updated regulations require a full road closure. With the police unable to offer any level of service, Stapleford Town Council has little alternative but to employ specialised contractors for the event. This has created additional risks and responsibilities. The cost of the various elements of the road closure is £2,405 plus VAT.

Such a request is in line with the Protocol for the Consideration of Grant Aid requests from Parish and Town Councils for the following key reasons:

- Though the award would be for a revenue grant (rather than for a specific capital project), events such as the Remembrance Service complement the services provided by Broxtowe Borough Council and have historically been provided by this and other Parish/Town Councils throughout the borough.
- The provision of events such as Remembrance Services contributes towards community cohesion and helps to combat social exclusion and loneliness.

Members may wish to note that this grant is being requested retrospectively. This is due to the new Interim Town Clerk being unaware of the application and reporting deadlines at the Council. Due to this, and as the request is in line with previous grant awards to Stapleford Town Council, it is recommended that this is not considered to negatively impact on the present application.

Financial Information

The closing balance of Stapleford Town Council funds as at 31 March 2023 was £171,551 (2022: £195,530), with cash reserves of £171,551 (2022: £195,530). The Stapleford Town Council annual precept for 2023/24 is £114,566 (2022/23: £104,151), an effective increase of 9.3%%.

APPENDIX 2**Protocol for Consideration of Grant Aid to Parish and Town Councils**

The Protocol for the Consideration of Grant Aid requests from Parish and Town Councils was agreed by Cabinet on 8 June 2010. The key provisions are:

1. Grant aid will 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.
2. Revenue grant aid will only be considered towards services which act as a replacement for services which otherwise Broxtowe Borough Council would have to provide or which supplement services which the borough Council provides so as to reduce the costs that Broxtowe would otherwise incur.
3. In applying for grant assistance the Parish/Town Council will need to demonstrate how the service or project in question contributes to Broxtowe's aims and objectives as laid out in the Corporate Plan and the Sustainable Community Strategy.
4. In applying for grant aid assistance the Parish/Town Council will need to provide evidence as to why they do not have the financial resources to provide the services or project in question and what the consequences would be for local residents and businesses if the service was withdrawn or the project not completed. This will include a requirement for the Parish/Town Council to detail what other funding sources they have secured (or otherwise) and to provide a statement as to any reserves held and their planned use.
5. Preference will be given to support for the provision of mandatory services as compared with discretionary services.
6. Where grant aid is to cover the cost of a specified service, the Parish/Town Council will be responsible at its own cost for providing an audited statement within six months of the end of the financial year concerned to confirm the amount of expenditure incurred and income received against which grant aid may be payable. Any grant payable would then be adjusted retrospectively if necessary following receipt of such an audited statement.
7. Grant aid will only be in respect of additional costs directly incurred by the Parish/Town Council and will not cover the cost of any general overheads which the Parish/Town Council would otherwise incur anyway as a result of their operations.
8. Grant aid will be cash limited in each year and the responsibility for costs increasing beyond the cash limit will normally rest with the Parish/Town Council. Where such cost increases are considered to be unavoidable and beyond the Parish/Town Council's control, then Broxtowe may be approached to seek a further grant award.

9. Where the Parish/Town Council wishes to vary the service provided for which grant aid has been awarded, this should only take place after full consultation and with the agreement of Broxtowe.
10. Preference will be given towards one off capital projects rather than as a regular annual contribution towards the ongoing costs of providing services.
11. The Parish/Town Council shall be required to provide such information as Broxtowe may reasonably request as to the actual outputs and outcomes arising from any service or project where Broxtowe makes a contribution.
12. Any grant contribution that may be awarded by Broxtowe need not be at the rate of 100% of net expenditure incurred but may be at a lesser rate to reflect such as its own corporate priorities, budgetary constraints or the availability of similar services or projects elsewhere.
13. Revenue grants will normally only be awarded for one year although an indicative amount for the following year may be given at Broxtowe's discretion. Capital grant aid will be towards the cost of a specific one-off project.
14. Requests for grant aid in respect of a particular financial year should normally be submitted by the end of October of the preceding year at the latest to assist with forward budget planning for both Broxtowe and the Parish/Town Council. Broxtowe will endeavour to make a decision on such requests by the end of December in the year preceding that for which grant aid is requested.

APPENDIX 3

Grant Aid Awards to Parish and Town Councils

The table below lists the grants awarded under this scheme since 2018/19.

Date	Council	Amount	Purpose
15/08/19	Brinsley Parish Council	£2,070	Summer play day
10/10/19	Awsorth Parish Council	£1,250	Kitchen Refurbishment – Pavilion
10/10/19	Brinsley Parish Council	£2,300	Tree planting – commemoration
10/10/19	Nuthall Parish Council	£1,855	Remembrance parade
10/10/19	Stapleford Town Council	£2,010	Remembrance event
10/10/19	Trowell Parish Council	£3,500	Car park refurbishment
13/02/20	Brinsley Parish Council	£1,000	Festive lighting display
13/02/20	Brinsley Parish Council	£1,225	VE Day celebrations 2020
07/01/21	Kimberley Town Council	£1,200	New defibrillator
30/03/21	Kimberley Town Council	£1,200	New defibrillator
07/10/21	Nuthall Parish Council	£1,905	Remembrance parade
09/12/21	Awsorth Parish Council	£7,000	Play area improvements (Capital)
09/12/21	Stapleford Town Council	£1,994	Remembrance Sunday Event
09/12/21	Stapleford Town Council	£1,994	Remembrance Sunday Event
06/01/22	Kimberley Town Council	£1,200	Remembrance Sunday Event
19/07/22	Awsorth Parish Council	£500	Platinum Jubilee Celebrations
19/07/22	Nuthall Parish Council	£2,590	New defibrillators
19/07/22	Kimberley Town Council	£6,300	Christmas lights switch-on 2021
04/10/22	Nuthall Parish Council	£2,330	Remembrance Parade
04/10/22	Nuthall Parish Council	£2,100	Cemetery Maintenance
04/10/22	Stapleford Town Council	£2,194	Remembrance Event
01/11/22	Stapleford Town Council	£6,450	Contribution to refurbishment
01/11/22	Kimberley Town Council	£1,958	Remembrance Event
25/07/23	Eastwood Town Council	£820	Summer Activities for Young People
25/07/23	Awsorth Parish Council	£5,000	Various Capital Projects
03/10/23	Eastwood Town Council	£2,250	War Memorial Maintenance
03/10/23	Kimberley Town Council	£2,059	Remembrance Event
03/10/23	Nuthall Parish Council	£2,290	Remembrance Event

Report of the Portfolio Holder for Resources and Personnel Policy

GRANT AID – SECOND CHANCE JUNIOR FOOTBALL ACADEMY
--

1. Purpose of Report

To consider the approval of a grant to a sporting group which works with refugees and young people.

2. Recommendation

Cabinet is asked to consider the granting of an award of up to £1,000 to Second Chance Junior Football Academy and RESOLVE accordingly.

3. Detail

Second Chance Junior Football Academy runs two youth football teams for under 11's and under 9's respectively. The under 11 team has 18 registered players and the under 9 team has 12 registered players. The players are refugees and all are currently residents in Nottingham City.

The group holds its training sessions at Stock Hill Fire Station, Station Park in Aspley and plays its matches, free of charge, at the Inham Nook recreation ground in Chilwell. At the present time there are no goal posts at the facility at the Stock Hill Fire Station.

An approach has been made by the Academy for grant aid of up to £1,000 for the purchase of equipment, kit and boots for the players.

It must be noted that, as the group is not based in Broxtowe and does not draw a significant proportion of its membership from Borough residents, the academy is not eligible for a grant under the ordinary criteria of either the Broxtowe Refugee and Asylum Seekers Fund or the Council's Grant Aid Policy. It is suggested, however, that such a grant would serve to demonstrate the Council's commitment to supporting refugees across the East Midlands, leading the way and providing a welcoming space for any young refugee.

4. Financial Implications

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

Members are asked to consider the risk that an award of grant to this group may not comply with the Council's Grant Aid Policy. The policy requires that each application is considered on its merits although there are a number of fundamental principles underlying the policy, including:

- Organisations must be able to demonstrate that, either through the direct provision of services or by other means, it benefits the people of Broxtowe thereby enhancing the quality of life for the local community.

- Organisations must be able to demonstrate a link with Broxtowe such that an identifiable number of Borough residents would benefit from a grant award or the grant is towards an initiative that would generally benefit the local community.

Applications would normally be refused unless a strong link with the Borough can be demonstrated. For example, a majority of a group's membership living within the Borough or a group showing that it directly benefits an identifiable number of Borough residents.

If Members were minded to support a grant award to this group, the funds would be distributed from the grant aid budget. Whilst sufficient sums are still available (see elsewhere on this agenda), this budget is largely 'committed' with the anticipated regular grant aid applicants still to apply in 2023/24.

5. Legal Implications

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

The report seeks to award funding to an organisation that is outside the Borough and as stated in the comments from the Head of Finance, by awarding this funding, the Council will not be compliant with its own Grant Aid Policy. However, the Council does have the power to depart from its own policy where it can be justified. In these circumstance it can be justified as stated in the report, this funding will demonstrate the Council's commitment to supporting refugees within a neighbouring authority and the East Midlands.

Furthermore, Section 1 of the Localism Act 2011 gives the Council power to do anything that individuals generally may do (known as the 'General Power of Competence') even if it is carried out in any way 'anywhere in the UK' Thus, the Council under this 'General Power' are permitted to award the grant funding and are not obliged to identify a particular benefit accruing from within its area.

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

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

No comments in relation to this report.

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

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Report of the Portfolio Holder for Resources and Personnel Policy

COUNCIL TAX BASE 2024/25

1. Purpose of report

To approve the Council Tax Base for the year 2024/25.

2. Recommendation

Cabinet is asked to RESOLVE that based on the number of Band D equivalent properties and in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, Broxtowe Borough Council calculates its Council Tax Base for the year 2024/25 as follows:

1. For the whole of its area 35,224.25
2. In respect of Parish Precepts and Special Expenses for those parts of its area mentioned in the table below, the amounts specified therein:

<u>Part of Council's Area</u>	<u>Area Council Tax Base</u>
Awsworth	596.93
Brinsley	752.36
Cossall	242.81
Eastwood	3,092.46
Greasley	3,753.90
Kimberley	1,898.21
Nuthall	2,255.75
Stapleford	4,240.31
Strelley	174.41
Trowell	838.10
<u>Special Expenses Area</u>	
Beeston Area	17,379.01

3. Detail

The 2024/25 Council Tax Base has now been calculated in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012. The calculated Council Tax Base for the Borough for the full year commencing 1 April 2024, assuming a collection rate of 98.5%, is **35,224.25**. Separate calculations have been made for the parishes and special expenses areas. Further details are given in the appendices.

4. Financial Implications

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

The proposed Council Tax Base has been prudently estimated in terms of growth and reliefs and discounts. It is broadly in line with the assumptions made in the Medium Term Financial Strategy and Business Strategy approved by Cabinet on 7 November 2023, which assumed an increase in the Council Tax Base of 1%.

5. Legal Implications

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

The calculation of the tax base is a legal requirement and an essential part of the tax setting process. As stated in paragraph 3 the tax base calculations for a particular financial year must comply with the Local Authorities (Calculation of Council Tax Base) Regulations 2012 and be determined by no later than 31st January in the preceding financial year. These regulations have been made under the Local Government Finance Act 1992, as amended (LGFA 1992). The Local Government Finance Act 2012 (LGFA 2012) includes several amendments to the LGFA 1992 that affect the calculation of the Council Tax base. These amendments require the Council to operate a Council Tax Support Scheme (as a replacement of Council Tax benefit) and gave powers to determine further discounts and set premiums.

6. Human Resources Implications

There were no comments from the Human Resources Manager.

7. Union Comments

There were no Unison comments in relation to this report.

8. 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.

9. Equality Impact Assessment

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

10. Background Papers

Nil.

APPENDIX

The Council Tax Base is calculated on the estimated full year equivalent number of chargeable dwellings expressed as the equivalent number of band D dwellings in the Council's area after allowing for dwelling demolitions and completions in the year, exemptions, discounts, disabled reliefs and premiums, and estimated collection rates.

Under the Local Council Tax Support Scheme (LCTSS), the Council Tax Base is affected by whether persons living in a dwelling within an area are in receipt of a Council Tax reduction awarded under the Scheme, as the billing authority foregoes Council Tax income from those dwellings. These local reductions are reflected in the calculation of the Council Tax Base, in order to calculate the correct amount of band D Council Tax for the billing and precepting authorities in the area.

The calculated Council Tax Base for the Borough for the year commencing 1 April 2024, assuming a 98.5% collection rate, is **35,224.25**. Separate calculations are required to be made for the parishes and special expenses areas. The table below gives a comparison of the Council Tax Base for 2023/24 with the proposed figures for 2024/25 so that Members can see the growth between years. There has been some movement too between areas with recent changes to parish boundaries.

Part of Council's area	Council Tax Base 2023/24	Council Tax Base Proposed 2024/25	Change
Awsworth	577.62	596.93	3.34%
Brinsley	713.48	752.36	5.45%
Cossall	248.54	242.81	-2.31%
Eastwood	3,050.06	3,092.46	1.39%
Greasley	3,732.76	3,753.90	0.57%
Kimberley	1,883.90	1,898.21	0.76%
Nuthall	2,265.27	2,255.75	-0.42%
Stapleford	4,206.21	4,240.31	0.81%
Strelley	178.49	174.41	-2.29%
Trowell	841.96	838.10	-0.46%
Beeston Special Expenses Area	17,163.57	17,379.01	1.26%
TOTAL	34,861.86	35,224.25	1.04%

The Council Tax Base figures will be notified to the parish and town councils in order that they may calculate their precepts. The overall summary for the Borough Council area broken down by band of property is shown below.

Band	No of Dwellings	% of Total	Chargeable Dwellings	Equivalent Discounts at 25%	Empty Homes Premium 100%	Empty Homes Premium 200%	Empty Homes Premium 300%	Equivalent No of Dwellings	Ratio to Band D	Chargeable Band D Equivalent Properties	CTS Reduction on average Band D	LCTSS Adjustment Band D Equivalent	No of Dwellings Relevant to Band D
(1)	(2)	(3)	(4)	(5)	(6)	(6a)	(6b)	(7)	(8)	(9)	(10)	(11)	(12)
A DPR	0	0	34	11	0	0	0	31.25	0.56	17.36	5.56	3.09	14.27
A	16747	32.46%	16151.5	8436	31	24	24	14121.50	0.67	9414.33	3039.64	2026.43	7387.91
B	13422	26.00%	13192	4540	25	10	6	12098.00	0.78	9409.56	910.60	708.24	8701.31
C	11109	21.52%	11005	3233	13	8	9	10226.75	0.89	9090.44	379.06	336.94	8753.50
D	6180	11.97%	6140	1428	6	6	6	5801.00	1.00	5801.00	118.07	118.07	5682.93
E	2800	5.42%	2745	482	1	0	0	2625.50	1.22	3208.94	50.35	61.54	3147.41
F	820	1.59%	788	154	1	0	0	750.50	1.44	1084.06	9.35	13.51	1070.55
G	508	0.98%	500	109	3	2	6	483.75	1.67	806.25	1.72	2.87	803.38
H	29	0.06%	21	18	0	0	0	16.50	2.00	33.00	0.00	0.00	33.00
Totals	51615	100%	50576.5	18411	80	50	51	46154.75		38864.94	4514.35	3270.68	35594.26

CALCULATION OF COUNCIL TAX BASE 2024/25

Council Tax including estimated collection rate of 98.5%	35,060.35
Add: Band D equivalents for class O dwellings	163.90
Council Tax Base for Broxtowe Borough Council	<u>35,224.25</u>

NOTES (figures may not add up exactly due to rounding)

1. Column 4 equals column 2 less estimated exempt properties.
2. Column 7 equals column 4 less 25% of column 5 plus column 6, 6a and 6b.
3. Column 9 equals column 7 multiplied by column 8.
4. Column 12 equals column 9 less column 11.

Report of the Portfolio Holder for Resources and Personnel Policy

LOCAL COUNCIL TAX SUPPORT SCHEME 2024/25

1. Purpose of Report

To seek approval for arrangements to operate in 2024/25 in respect of the Local Council Tax Support Scheme (LCTSS).

2. Recommendation

Cabinet is asked to CONSIDER and RECOMMEND to Council that the current LCTSS Scheme remains in place for 2024/25.

3. Detail

Members will recall that council tax benefit ceased at the end of 2012/13 and was replaced by a LCTSS defined by each local authority. Cabinet considered the LCTSS on 27 November 2012 and the new scheme was approved by Council on 19 December 2012. The new scheme was effectively the government's default scheme with due allowance being made to allow the continuation of the discretionary policy relating to the treatment of war pensions.

The current scheme allows for up to 100% of the council tax liability to be paid in council tax support. The majority of local authorities have not adopted this approach. Most have passed some of the reduction in funding on to LCTSS recipients. The Council had benefitted from the overall bill for LCTSS falling from 2013/14 to 2016/17 as the numbers of claimants requiring support had reduced. Since 2017/18, the level of LCTSS has risen slightly each year, with a significant increase in 2020/21 as a result of the pandemic. The last and current financial years are showing a reducing spend. Further details are provided in the appendix to this report.

Should members wish to make any alterations then any scheme changes would have to go through a formal consultation process. This would require planning of an alternate scheme and consultation with constituents of the borough before the deadline of March 2024.

The LCTSS does not provide a direct cost to the Council. The Scheme is incorporated within the Council Tax Base calculation.

4. Financial Implications

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

There are no direct financial implications arising from the proposals in respect of LCTSS. The revenue budget for 2024/25 will be set on the basis of existing estimates of take-up and collection.

5. Legal Implications

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

There are no direct legal implications arising from the report as it seeks to recommend that the existing scheme to remain in place with no changes.

6. Human Resources Implications

There were no comments from the Human Resources Manager.

7. Union Comments

There were no Unison comments in relation to this report.

8. 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.

9. Equality Impact Assessment

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

10. Background Papers

Nil.

APPENDIX

Council Tax Support to Date

The Council has maintained a consistent approach to the administration of LCTSS, which has been influential in the continued high level of Council Tax collection. Many local authorities adopted schemes which required all those Council Tax payers receiving support to pay a minimum of 8.5% up to 100% of their liability.

In doing this, they have seen a significant increase in the number of small levels of Council Tax required to collect, with the associated costs that come with this approach. The methodology at Broxtowe of continuing with a scheme, almost identical to Council Tax Benefit, has ensured a greater understanding for residents of the Borough, whilst also seeing an improvement in relation to collection.

The estimated charge for the LCTSS in 2023/24 is £7,750,476. This figure includes additional support being provided to assist with the cost of living through the Council Tax Support Fund provided by Government. This scheme provides an amount of up to an additional £85 to those on LCTSS.

Year	LCTSS charge (£)
2022/23	7,278,206
2021/22	7,304,375
2020/21	7,889,034
2019/20	6,858,435
2018/19	6,786,378
2017/18	6,676,016
2016/17	6,661,822

Proposals for 2024/25 Onwards

The current scheme has worked successfully with no administration issues. Although the overall LCTSS spend has increased, it is still felt that this outweighs the increase in expenditure that would be incurred in recovering or writing off small amounts of Council Tax charge.

From 2014/15, the LCTSS grant to local authorities has not been separately identified but has been subsumed within the overall funding assessment. The government has on several occasions indicated that it has made no moves to further reduce funding towards the LCTSS but this cannot be quantified due to the lack of a financial breakdown.

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Report of the Portfolio Holder for Resources and Personnel Policy

HOUSING BENEFIT – WAR PENSION DISREGARD

1. Purpose of Report

To seek approval for the continuation of the War Pension Disregard in respect of Housing Benefit claims in 2024/25.

2. Recommendation

Cabinet is asked to RESOLVE that the continuation of the current Local Scheme Disregarding War Pensions for Housing Benefit Applications in 2024/25 be approved.

3. Detail

The Housing Benefit and Council Tax Benefit (War Pensions Disregards) regulations 2007 allow for Local Authorities to develop a local scheme that can disregard War Pension income from the calculation of Housing Benefit.

Since the introduction of Housing Benefit, the Council has always disregarded this income when calculating a claim for Housing Benefit. The Department for Works and Pension has recently requested that each local authority has their local scheme approved each year.

The local scheme is discretionary and, as a result, the Council is expected to meet the cost. However, under the Housing Benefit subsidy arrangements, the government reimburses the Council 75% of the expenditure where a local scheme is implemented.

4. Financial Implications

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

The table below shows the amounts awarded and cost to the Council in recent years. The 2023/24 figures are not available until the end of the financial year.

Year	Amount Awarded	Total Cost to Broxtowe (25% of amount awarded)
2022/23	£15,664	£3,916
2021/22	£14,828	£3,707
2020/21	£15,411	£3,853
2019/20	£17,789	£4,447
2018/19	£16,561	£4,140

5. Legal Implications

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

The Regulations providing for this are the Housing Benefit Regulations 2006 paragraph 40(2) and schedule 5, and Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 paragraph 33(9). Sections 134 and 139 of the Social Security Administration Act 1992 provide the Council with the discretion to modify the Housing Benefit scheme by disregarding a further amount, or all, of specified war disablement pensions and payments.

6. Human Resources Implications

There were no comments from the Human Resources Manager.

7. Union Comments

There were no Unison comments in relation to this report.

8. 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.

9. Equality Impact Assessment

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

10. Background Papers

Nil.

Report of the Portfolio Holder for Resources and Personnel Policy

ALCOHOL AND SUBSTANCE MISUSE POLICY
--

1. Purpose of Report

To make amendments to the Alcohol and Substance Misuse Policy.

2. Recommendation

Cabinet is asked to RESOLVE that an amendment to the policy to allow alcohol to be consumed on Council premises at Civic functions by Councillors and their guests (excluding Council Officers) be approved.

3. Detail

The report suggests an amendment to the Alcohol and Substance Misuse Policy to include the following exemption under Section 5 (n):

“Alcohol may be served at Civic functions for Councillors and their guests, including those held on Council premises.”

4. Financial Implications

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

There are no financial implications associated with this report.

5. Legal Implications

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

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:

8. Climate Change Implications

Not applicable

9. Data Protection Compliance Implications

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

10. Equality Impact Assessment

Not Applicable

11. Background Papers

Nil

APPENDIX

Policy Section	Suggested Change	Reason for Change
5.0 (n)	Add "Alcohol may be served at Civic functions for Councillors and their guests including those held on Council premises"	A small change to reflect current practice

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Alcohol and Substance Misuse Policy

Contents

1.0 Scope	3
2.0 Purpose	3
3.0 Aims and Objectives.....	3
4.0 Regulatory Code and Legal Framework.....	3
5.0 Policy Outline	3
5.1 With-cause alcohol and drug testing	6
5.2 Random alcohol and drug testing.....	6
5.3 Screening on Appointment/Transfer.....	6
5.4 Carrying out tests	6
5.5 Alcohol Testing.....	7
5.6 Drug Testing.....	7
5.7 Action after a positive test	8
6.0 Roles and Responsibilities	8
6.1 Chief Executive	8
6.2 Directors and Heads of Service.....	8
6.3 Managers (those who manage employees this may include supervisory posts)	9
6.4 Employees	9
6.5 Health and Safety Team.....	10
7.0 Related Policies, Procedures and Guidelines	10
7.0 Review	10
8.0 Appendices	11
9.0 Document History and Approval.....	11

1.0 Scope

This policy applies to all employees irrespective of grade, full-time or part-time, temporary or permanent and also covers agency staff, contractors and Councillors.

2.0 Purpose

The purpose of this policy is to ensure that employees are not under the influence of drugs or alcohol whilst they are working for the Council which could put themselves or others at risk.

3.0 Aims and Objectives

To provide a clear framework against which to deal with the use and effects of drugs and alcohol in the workplace in a fair and consistent manner, with due regard to equality of opportunity.

This policy aims to:

- Ensure that Broxtowe Borough Council complies with its legal obligations to provide a safe and healthy working environment for all staff in accordance with relevant health and safety legislation;
- set out restrictions on the use of illegal and prescription drugs and/or alcohol at work;
- raise awareness of the dangers and penalties associated with the use of illegal drugs or alcohol in the workplace;
- provide assurances to staff that arrangements are in place to ensure so far as reasonably practicable that their work environment will be free from the effects of drug and/or alcohol abuse;
- provide support to staff whose lives are or have been affected by the misuse of controlled drugs or alcohol;
- protect employees from the dangers of controlled drug and alcohol abuse;
- support employees with drug or alcohol related problems.

4.0 Regulatory Code and Legal Framework

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1999
- Road Traffic Act 1988
- Human Right Act 1988
- Corporate Manslaughter and Corporate Homicide Act 2007

5.0 Policy Outline

Broxtowe Borough Council is committed to ensuring the health, safety and welfare of its employees and those affected by its activities. It will take all reasonable steps to reduce, if not eliminate, the risk of injuries or incidents at work occurring due to

individuals suffering from the effects of alcohol or substance abuse (The term substance misuse will be known as drugs from this point). Consequently, the Council reserves the right under this policy to exercise alcohol and drug testing of its employees.

The Council is committed to raising employees' awareness of the dangers of alcohol misuse, the recommended sensible drinking limits and fully supporting and encouraging employees who are affected by alcohol and drug misuse, to seek help.

Where the term "employee" is used, this means anyone employed by the Council regardless of grade, full-time or part-time, temporary or permanent and also covers agency staff and Councillors.

Statistical information regarding the numbers of employees tested will be submitted to Directors/Heads of Service, the Unions and to the Safety Committee to ensure fairness and transparency of the testing regime.

This policy and procedure is based on the following principles:

- a. No employee shall attend for work in an unfit state due to the misuse of alcohol or drugs. An unfit state may include, but not be limited to cases where:
 - The individual is over the legal alcohol limit stipulated for driving (i.e. 35mcg/100ml of breath alcohol concentration).
 - In the opinion of management, the employee's performance is impaired. In respect to alcohol, this may be less than the legal limit stipulated for driving.
 - In the opinion of management, the employee's behaviour may cause embarrassment, distress or offence to others.
- b. Employees are prohibited from misusing drugs in the workplace, whilst undertaking the business of the Council, or immediately prior to or during a break in a working shift.
- c. Employees are prohibited from drinking alcohol in the workplace and this includes during any breaks taken throughout the day. Drinking alcohol during a working day (even during a lunchtime break) does not reflect the image the Council wishes to present. At all times **ALL EMPLOYEES** must be within legal driving limits for alcohol whilst they are at work irrespective of being a driver or not.
- d. The Council expressly prohibits the use of any controlled or prescription drugs by employees that has not been prescribed for the user or are drugs which are not being used in the manner described in the prescription.
- e. It is a criminal offence to possess, use or supply illegal drugs. Possession of illegal drugs on Council property is not permitted.
- f. An employee will not store drugs (except prescription drugs for personal use) or alcohol (unless in unopened bottle(s)) in personal areas such as lockers, vehicles and desk drawers; or attempt to sell or supply drugs or alcohol to any other employee or other person on Council premises, in Council vehicles or at any time during work time.

- g. The Council will provide reasonable assistance and support where an employee advises that they are suffering from drug or alcohol dependency. This may include Occupational Health Service, therapy or to follow a treatment schedule. Agencies will be expected to provide assistance and support to their own employees. Support will be provided to other employees affected by this where necessary.
- h. Where an employee has a dependency that has an impact on their normal work, or which prevents them undertaking some or all of their duties, they will be managed within the capability framework. Should the employee not be able to demonstrate that the drug or alcohol use is no longer an issue in relation to their work within this timescale, an employment decision will be taken about the employee's suitability to continue and the outcome may include redeployment or dismissal from the Council.
- i. With regards to agency staff, the person will be given the opportunity to take a test(s). If the person refuses, that person will be removed from their duties. The recruitment agency will be contacted and asked to forward a copy of the employment contract between them and the person (The Agency may remove the person at this point). The contract should state that the person must comply with the Council's policies and procedures. This will then provide the recruitment agency the opportunity to remove the person to act as an agency worker for the Council. If the Agency person does take the test(s) and the result identified that the person is under the influence of alcohol and/or substance misuse, he/she will be immediately dismissed from the Council's employment. A report will be provided to the agency.
- j. Absences relating to this dependency or its treatment will be dealt with under the Council's Absence Management Policies as appropriate.
- k. Loss, damage or accidents arising as a result of an employee whilst under the influence of alcohol or drugs will be investigated and dealt with appropriately through the Council's Disciplinary Procedure as will occasions when an employee has taken part in safety-critical work whilst being under the influence of such substances. This will be the case whether or not any dependency had previously been declared.
- l. Failure to comply with this policy may be treated and investigated as a matter of potential misconduct under the Council's Disciplinary Procedure (or appropriate procedure for agency staff).
- m. Information from testing will be processed by the Health, Safety and Emergency Planning team, it could be used as part of the disciplinary procedure or to show compliance to this policy. Information is stored in line with the Health and Safety Retention Policy, negative results are used for statistical purposes'.
- n. Alcohol may be served at Civic functions for Councillors and their guests including those held on Council premises

5.1 With-cause alcohol and drug testing

A manager may require an employee to be tested for alcohol and drugs in cases where they have had any involvement in a workplace accident, near miss or in an incident that has caused or could have caused a danger to health or safety.

Testing may be carried out where a manager has grounds to believe or suspects that the employee is or may be under the influence of alcohol or drugs. The decision to carry out a with cause test will be approved by a second manager and documented on the Alcohol and Drug Testing Forms.

A manager may also require an employee to undergo a programme of regular monitoring following a declaration from the employee of drug or alcohol misuse, or following advice from a medical professional. The period of further monitoring will be agreed on a case by case basis.

Any employee who notices signs of alcohol or drug abuse in a colleague should report their observations or suspicions in confidence to the employee's line manager. Testing may be carried out as a follow-up action from a previous positive result. For alcohol, the employee will be asked to give a sample of breath and a reading will be taken. The process for this test is explained on the screening form and the flow chart in the Appendices.

5.2 Random alcohol and drug testing

Random alcohol and drug testing will be carried out on all employees.

Management will determine the timing, focus, frequency and sample size of random testing exercises. The random selection will be witnessed by a member of the Human Resources or Health, Safety and Emergency Planning team.

5.3 Screening on Appointment/Transfer

Screening for drugs and/or alcohol on appointment or transfer may be required, as determined by managers following the completion of a risk assessment for the post. Should this be the case the employee will be advised of the Council's Alcohol and Substance Misuse Policy and the requirement to be tested when invited for interview.

5.4 Carrying out tests

Asking an employee to undergo alcohol and drug testing does not necessarily indicate that there is any suspicion of wrongdoing.

Alcohol and drug testing will be carried out only by trained and competent persons. Tests used will be industry standard and will be reliable, credible and safe. Tests are carried out with the least possible intrusion into employees' privacy. Test results will be held securely in the employee's personal file and treated confidentially in accordance with the Data Protection Act (2018).

5.5 Alcohol Testing

Alcohol – employees will be tested by a meter that is Home Office approved and is calibrated every six-months.

The employee must undertake testing as a failure to do so could be seen as an admission of guilty and considered as a misconduct issue, potentially gross misconduct and dealt with under the Council's Disciplinary Procedure.

Checks should be made for any medical conditions such as Asthma or Diabetes which could be an issue during the testing process.

The employee who is to deliver a breath for the test should be supervised in a room/area where he/she cannot have access to food, drink or be allowed to smoke/vape for 15 minutes before the test is carried out, this will allow the mouth to cleanse itself. If the reading is above 35 mg/100ml (drink drive limit) the employee will be required to take a second test after a further 20 minutes has elapsed. If the reading is still above 35 mg/100ml, the employee will be suspended.

If the reading is between 1 – 35mg, this will indicate alcohol in the body. The employee is once again supervised in a room/area where he/she cannot have access to food, drink or allowed to smoke/vape for a further 20 minutes. A second test is then conducted and if the reading is still between 1 – 35mg/100ml, the employees Manager must remind the employee of the requirements of the Alcohol and Substance Misuse Policy.

This process must be conducted in the presence of an independent witness. The readings must be recorded, a photograph of the meter should be taken and a signature is required by the tester, employee and witness to verify that the recorded reading is identical to the reading(s). Follow flow chart in Appendix 3 if a positive result is recorded.

5.6 Drug Testing

Alcohol and drug testing will be carried out only by a qualified and competent person. Tests used will be industry standard and will be reliable, credible and safe. Tests are carried out with the least possible intrusion into employees' privacy.

The employee must undertake testing as a failure to do so could be seen as an admission of guilty and considered as a misconduct issue, potentially gross misconduct and dealt with under the Council's Disciplinary Procedure.

If the test provides a positive result, the employee will be quarantined. One of the independent people administering the drug test will remain in the room with the employee at all times pending further tests. A further test will then be taken by a representative from a reputable UKA registered laboratory. This person will then assume responsibility for conducting a urine sample using the "Chain of Custody Collection Process". See Appendix 4. The results from this test will be provided within five working days and will confirm a positive or negative result. If positive, the result will confirm the type of drug consumed and the concentration. Follow flow chart in Appendix 3.

The person will be suspended on full pay whilst waiting for the results of the test. Employees who are tested will be notified of the result before this is disclosed to their line manager. Immediately after this notification to the employee, the line manager will be notified of the results of testing.

5.7 Action after a positive test

If a test proves positive the employee will be required to take part in an investigatory interview as defined within the Council's Disciplinary Procedure. This may lead to a formal hearing and appropriate formal action being taken which may include dismissal. Support will be offered to employees when required as detailed in section 5 of this policy.

It may be appropriate to establish a more regular drug or alcohol monitoring programme with an employee over an extended period of time to ensure that use of these substances is not affecting work performance.

Generally, a result will be considered "positive" where the presence of alcohol above 35mcg/100ml of breath alcohol concentration is detected or where there is the presence of controlled drugs. The drug testing should not detect levels of prescription drugs if they are being taken at a level prescribed by a healthcare professional. A urine test will be taken to confirm that the positive drug test is accurate and is not due to a prescription drug being taken at the prescribed level.

Note: Restrictions on drinking or being under the influence of drugs whilst driving at work - relevant legislation Section 4 (1) Road Traffic Act 1988 states:

"A person who, when driving or attempting to drive a mechanically propelled vehicle on a road or other public place, is unfit to drive through drink or drugs is guilty of an offence".

6.0 Roles and Responsibilities

6.1 Chief Executive

- Is responsible for ensuring corporate compliance with this policy
- Will support Directors/Heads of Service in fulfilling their responsibilities within this policy

6.2 Directors and Heads of Service

- Are responsible for ensuring that adequate arrangements are made within their service area to enable the policy to be implemented and operated effectively.
- discourage drink-related unacceptable conduct by ensuring that excessive consumption of alcohol does not occur at Council arranged formal events
- Identify safety critical roles that will be placed on the random testing regime
- Undertake the necessary drug and alcohol tests on their employees (if trained to do so)

6.3 Managers (those who manage employees this may include supervisory posts)

Have a responsibility to:

- Undertake the necessary drug and alcohol tests on their employees (if trained to do so)
- Take steps as outlined in this policy to help and support the employee as soon as they become aware of an employee with an alcohol, drug or substance misuse problem
- Create an atmosphere where employees feel able to discuss an alcohol/substance problem with them and should be especially careful of confidentiality
- Encourage employees to seek help as soon as a problem is identified
- Make it clear to the employee at all times that it is the wish of the Council to assist and support them wherever possible, and that strict confidentiality will be maintained, as far as is practicable
- Fully investigate instances of possible intoxication, and implement the screening/testing procedure, where there are concerns about risk and/or safe working
- Make a decision immediately following notification of an accident as to whether to implement the screening/testing procedure
- Discourage drink-related unacceptable conduct by ensuring that excessive (i.e. within the legal limits) consumption of alcohol does not occur at Council arranged formal events
- Review risk assessments to ensure sufficient control measures are in place if an employee informs them that they are taking any prescribed medication that may have an effect on their ability to carry out their work safely
- Take steps to remove individuals from safety critical roles if alcohol, drugs or substance misuse is reported or identified. This may be in the form of a medical suspension and further action will be taken following further investigation.

6.4 Employees

Under the Health and Safety at Work etc. Act 1974, personal responsibility for all employees irrespective of grade, full-time or part-time, temporary or permanent and also agency staff (not self-employed), is set out as three basic duties:

1. We each have a duty to take reasonable care of our own health and safety and that of others who may be affected by what we do or fail to do.
2. We each have a duty not to neglect, abuse or interfere with anything provided in the interest of health and safety.
3. We each have a duty to co-operate with our employer over matters of health and safety.

In addition, each employee has a personal responsibility to:

- Comply with this policy and not allow alcohol or drugs to interfere with their work performance and/or conduct.
- Come to work capable of carrying out that work effectively without danger to themselves or others. Those employees who work with plant, machinery tools or equipment, or who drive as part of their duties, have particular responsibility to ensure that they are not affected by drugs and/or alcohol, which impairs judgement and reduces concentration which could result in accidents.
- Be aware that being under the influence of alcohol or drugs sufficient to affect their work performance is a disciplinary offence and could potentially be treated as gross misconduct.
- Not consume alcohol whilst undertaking the business of the Council, or immediately prior to or during a break in a working shift.
- Not consume excessive levels of alcohol at Council arranged formal events resulting in unacceptable conduct. See Code of Conduct Policy.
- Seek help and treatment as soon as possible if they feel they have alcohol drug misuse problems. They can do this by approaching their line managers or HR in confidence.
- Inform their line managers if they are taking any prescribed medication that may have an effect on their ability to carry out their work safely and they must follow any instructions subsequently given.
- Inform their manager and Human Resources/Health and Safety Section if they suspect or are aware that a colleague is under the influence of alcohol or drugs. If the colleague is not in their service area they **MUST** still report the issue to someone with managerial responsibilities.
- Advise Manager/Human Resources if found guilty of possessing illegal drugs or drug offences.
- Advise Manager/Human Resources if tested positive by a Police Officer.

6.5 Health and Safety Team

The Health and Safety Team provide advice, support and guidance in the application of this Policy.

7.0 Related Policies, Procedures and Guidelines

The following Council policies may be relevant to this policy and should be referred to where appropriate:

- Absence Management Policy and Procedures
- Disciplinary Policy
- Code of Conduct
- Capability Procedure
- Driving at Work Policy
- Health and Safety Policy

7.0 Review

This policy is subject to change due to legislative or organisation requirements. Significant organisational requirement changes to this policy will be made in conjunction with Trade Union officials as per standard process.

8.0 Appendices

Appendix 1 – Drug and Alcohol Screening Form

Appendix 2 – Testing Flow Chart

Appendix 3 - Chain of Custody Collection Process

Appendix 4 – Change Table

9.0 Document History and Approval

Date	Version	Committee Name
02/02/2023	2	LJCC
14/03/2023	2	Cabinet

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Report of the Portfolio Holder for Resources and Personnel Policy

COMPLAINTS COMPENSATION POLICY

1. Purpose of Report

To seek approval for the adoption of a Complaints Compensation Policy to remedy findings of fault during the Council's complaint process and to provide a framework for how compensation payments will be calculated, thereby ensuring consistency of approach.

2. Recommendation

The Policy Overview Working Group RECOMMENDS to Cabinet that it RESOLVES that the Complaints Compensation Policy be approved.

3. Detail

The Council is asked to consider adopting a Complaints Compensation Policy in order to provide a consistent approach to providing payments in settlement of complaints and findings of fault during the complaints process. This is due a recent recommendation provided by the Housing Ombudsman that each Council adopts such a Policy. The draft Policy is attached as appendix 1, while at appendix B actual case studies are provided as examples.

The Council currently bases complaint compensation payments on previous awards used to settle complaints at stages 1, 2 and 3, in addition to using the Housing Ombudsman Remedies Guidance.

The Complaints Compensation Policy, if adopted, would be used to determine all complaints where a fault has been found and a compensation payment is required. Thereby, this would ensure a consistent approach across the Council in line with the Housing Ombudsman Remedies Guidance. Additionally, a log of complaints will be kept in order to benchmark awards against previous payments to ensure consistency.

Attached at appendix 3 is a table comparing different authorities' approaches to dealing and publishing their complaint compensation policies. The table shows an inconsistent approach to publishing policies by other authorities.

4. Financial Implications

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

There are no additional financial implications associated with this report. The cost of compensation is charged either directly to the respective service or recognised centrally within a corporate budget line for either the General Fund or Housing Revenue Account. There is however no budgetary provision in place for compensation payments. Any significant additional budgets required, 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 power to make payments under the proposed policy derives from Section .92 Local Government Act 2000 that states:

Payments in cases of maladministration:

- (1) Where a relevant authority consider —
 - (a) that action taken by or on behalf of the authority in the exercise of their functions amounts to, or may amount to, maladministration, and
 - (b) that a person has been, or may have been, adversely affected by that action, the authority may, if they think appropriate, make a payment to, or provide some other benefit for, that person.

6. Human Resources Implications

The comments from the Human Resources Manager were as follow:

No comments required.

7. Union Comments

The Union comments were as follows:

No comments required.

8. Climate Change Implications

Not Applicable.

9. Data Protection Compliance Implications

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

10. Equality Impact Assessment

An Equality Impact Assessment is attached as appendix 2.

11. Background Papers

Nil.



Complaints Compensation Policy

Contents

1.0 Scope.....	3
2.0 Purpose	3
3.0 Aims and Objectives	3
4.0 Regulatory Code and Legal Framework	3
5.0 Policy Outline.....	4
5.1 Introduction	4
5.2 What does the Council mean by remedy?	4
5.3 Remedies offered	5
6.0 Related Policies, Procedures and Guidelines	6
7.0 Review	6
8.0 Document History and Approval	6

1.0 Scope

The Complaints Compensation Policy sets out the approach that Broxtowe Borough Council takes to settle complaints where a financial payment is required.

The Policy applies to all complainants that have registered an official complaint with the Council.

For the purpose of the Policy, complaint compensation payments applied to both stage 1 and stage 2 complaints.

2.0 Purpose

The document describes how Broxtowe Borough Council will address compensation to complainants where fault has been found.

The Housing Ombudsman recommends that the Council adopt a Complaint Compensation Policy in order to provide consistent payments for findings or fault during the complaints process.

3.0 Aims and Objectives

The aims and objectives of the Policy are:

- To ensure consistent payments of compensation in settlement of complaints.
- To provide guidance on how to remedy complaints where a fault has been found.

4.0 Regulatory Code and Legal Framework

- Housing Ombudsman remedies guidance
- Housing Ombudsman Complaint Handling Code
- Local Government Ombudsman Guidance on remedies.

5.0 Policy Outline

5.1 Introduction

The Council aims to provide fair and proportionate remedies to complaints where some level of maladministration has been identified. The Council may also make recommendations to facilitate service improvements or address systemic failings. There are a wide range of proportionate remedies which include both non-financial remedies and compensation.

Compensation will not be appropriate in every case.

5.2 What does the Council mean by remedy?

A remedy is the means by which the Council will put things right after some level of maladministration has been identified. The approach is based on principles below:

Seeking a fair outcome

The Council will treat each case individually and ensure the remedy is fair when considering the specific circumstances of the case by:

- Providing a remedy which is appropriate and proportionate to the severity of the maladministration or service failure.
- Taking into account the impact of the action or behaviour of the complainant, as well as the Council.

Put things right

The Council will consider a range of measures to put things right for the complainant, including financial compensation.

Learn from outcomes

Where possible the Council can add value by looking beyond the circumstances of the individual complaint and consider whether services can be improved in terms of process and systems.

Part of a remedy may be to ensure that changes are made to policies, procedures, systems, staff training, or all of these, to ensure that the maladministration is not repeated. It is important to ensure that lessons are learned and put into practice. The Council considers ways in which the relationship between the Council and residents can be improved and encourage improvements in service delivery.

5.3 Remedies offered

Apology

In some circumstances an apology is all that is required. An apology can be made in writing or in person and will come from the Council and not an individual.

An apology will:

- Acknowledge the maladministration or service failure
- Accept responsibility for it
- Explain clearly why it happened
- Express sincere regret.

Specific action

The Council will also consider whether there is some practical action which would provide all or part of a suitable remedy. This may include:

- Perform or do not perform any of the contractual or other obligations existing between the Council and the complainant
- Exercise or do not exercise any of the rights existing between the Council and the complainant
- Undertake or refrain from undertaking works e.g. to repair a property
- Take such other reasonable steps to put things right as are within the legal powers of the Council e.g. reviews or changes a decision on the service given to an individual or does something else to make things better for the complainant to “make up” for the impact of the maladministration.

Policies and Procedures

Remedial action may include improvements to the Council’s policies or procedures. This may include:

- Revising publicised material
- Revising procedures to prevent the same thing happening again
- Training or supervising staff.

The Council’s approach to financial compensation

All compensation calculations are based on what is considered fair in the particular circumstances of the case. The Council will normally consider compensation for:

- Actual, proven financial loss sustained as a direct result of the maladministration or service failure; and/or
- Avoidable inconvenience, distress, detriment or other unfair impact of the maladministration or service failure.

Factors the Council may take into account when deciding the overall amount include:

- The duration of any avoidable distress or inconvenience
- The seriousness of any other unfair impact
- Actions by the complainant or the Council which either mitigated or contributed to actual financial loss, distress, inconvenience or unfair impact
- The level of rent or service charges
- The levels of compensation for similar cases paid by other UK Ombudsmen.

A table breaking down how payments are calculated is shown in an appendix below.

Each case for compensation will be considered on a case-by-case basis. The Council reserves the right to offer less or more compensation as listed below dependent on the severity of the complaint.

Payments

In all circumstances where a direct compensation payment is offered, the Council will request written confirmation of the complainant's acceptance of the compensation offer and the appropriate bank details to facilitate the payment.

Payments over £5,000

Payments over £5,000 will be referred to the appropriate Committee, in line with the Council's Constitution, for determination.

Payments toward items

If the Council makes a payment toward the damage or replacement of personal belongings this will be limited to £5,000. This payment will also be outside of the insurance process.

6.0 Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the following Council documents:

- Complaints Procedure
- Housing Repairs Policy
- Tenancy Agreement
- Housing Allocations Policy

7.0 Review

This Policy will be reviewed every three years unless there are significant changes identified by the Local Government Ombudsman and Housing Ombudsman.

8.0 Document History and Approval

Date	Version	Committee Name
09.11.2023	1.0	Policy Advisory Working Group

APPENDIX A

Level of redress	Likely associated finding	Impact on resident	Circumstances
£50 to £100	Service failure	Minimal. Short duration. May not have significantly affected the overall outcome for the resident. Might include distress and inconvenience, time and trouble, disappointment, loss of confidence, and delays in getting matters resolved.	There was minor failure by the Council in the service it provided and it did not appropriately acknowledge these and/or fully put them right. The Council may have made an offer of action/compensation but it does not quite reflect the detriment to the resident and/or is not quite proportionate to the failings identified by the complaint investigation.
£100 to £600	Maladministration	No permanent impact.	There was a failure which adversely affected the resident. The Council has failed to acknowledge its failings and/or has made no attempt to put things right. <i>Or</i> The Council has acknowledged failings and/or made some attempt to put things right but failed to address the detriment to the resident and/or the offer was not proportionate to the failings identified by the complaint investigation.

Level of redress	Likely associated finding	Impact on resident	Circumstances
£600 to £5,000	Maladministration/ Severe maladministration	Significant impact Physical and/or emotional impact	There was a failure which had a significant impact on the resident. The circumstances for maladministration apply and the redress needed to put things right is substantial Or The circumstances for severe maladministration apply but the redress needed to put things right is at the lower end of that scale.
£5,000 and above	Maladministration/ Severe maladministration	Significant impact Physical and/or emotional impact	This would need to be considered by the relevant Committee.

Page 220

The Council may make more than one finding when determining a case. The table above reflects the financial remedy for each finding rather than the total amount for the case.

Case studies

Case study 1

Ms A's roof was resealed by the Council following a report of a persistent leak, but water ingress continued and Ms A reported the leak again.

The landlord surveyed the building and identified the need for exploratory work. Despite the repairs to the roof, the leak was reported again. The leak persisted despite further repairs and the Council inspected the property again. From a period from 2014 to 2022, Ms A reported the leak but works to repair were not successful.

The Council carried out a further inspection and identified that the cladding had failed and was causing water ingress. As the cladding was within its lifespan, the Council had not considered reviewing the cladding for its failure until 2022.

In total, the Council took over nine years to resolve the water ingress.

The Council found maladministration regarding the repair to the water ingress. The Council has paid Ms A £1,000 in compensation and offered a direct let for a new property in recognition of the lack of repairs to the leak.

The Housing Ombudsman reviewed the complaint and found fault in the Council's handling of the leak. This resulted in an additional payment of £1,200.

Case Study 2

Mrs Z complained about the Council's response to a blocked toilet at her Grandson's property. The Council had sent a plumber to remove the blockage and ensure that the toilet was in working order. The plumber unblocked the toilet on the same day reported.

However, the problem reoccurred over a 1-month period Mrs Z complained again that the toilet was block and un-useable. Mrs Z further complained that sewage was seeping into the property due to the block. Additional works were undertaken to repair the toilet but the blockage continued to occur. The problem persisted due to the root cause of the issue not being identified in the first instance. The Council should have identified that the toilet required raising via a plinth to assist with the sewage flow.

Due to the toilet being un-usable due to the blockage, the Council delivered a portaloo to the property. Once the blockage had been rectified, Mrs Z requested that the portaloo be collected and removed from the property. However, the Council delayed this collection by 3 months despite Mrs Z contacting the Council on several occasions to remove the portaloo over this period.

The Council apologised for the not identifying the cause of the blockage in the first instance and for delaying the collection of the portaloo from the property.

The Council offered £500 compensation in recognition of the distress, inconvenience and delays caused in identifying the solution to the repeated blockage and delaying the collection of the portaloo.

Case Study 3

Mr D contacted the Council to report damp and mould with in the property.

Mr D reported the issue of the damp and mould to the Council in February 2020. However, due the COVID-19 pandemic a delay occurred in an inspection taking place to assess the issue. The inspection subsequently took place on August 2020. It was noted that no works were required to property at this point.

In January 2022 a further damp inspection was booked and undertaken to the property on 3 March 2022. It was noted that no direct works were identified at this point. However, the damp issue was passed to the Capital Works Team to undertake an additional damp survey.

In March 2023 a further damp inspection was undertaken by the Council's external contractor. It was identified that the property required the injection of a new damp proof course.

Additionally, on 31 March 2023 a further inspection was undertaken by the Council. It was identified that works were required to upgrade the loft insulation and install insulated boards to the hallway walls.

The works were completed on 3 July 2023.

Mr D received an apology and was provided with £300 compensation.

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APPENDIX 2

Equality Impact Assessment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Monitoring Officer	Lead officer responsible for EIA	Head of Democratic Services
Name of the policy or function to be assessed:		Complaints Compensation Policy	
Names of the officers undertaking the assessment:		Head of Democratic Services	
Is this a new or an existing policy or function?		New policy	
1. What are the aims and objectives of the policy or function? The policy describes how Broxtowe Borough Council will address compensation to complainants where fault has been found.			
2. What outcomes do you want to achieve from the policy or function? The policy provides a framework for how compensation payments will be managed.			
3. Who is intended to benefit from the policy or function? <ul style="list-style-type: none"> • Individuals that make official complaints to the Council. • Employees and members involved in determining compensation payments. 			
4. Who are the main stakeholders in relation to the policy or function? <ul style="list-style-type: none"> • Individuals that make official complaints to the Council. • Employees involved in determining compensation payments. 			
5. What baseline quantitative data do you have about the policy or function relating to the different equality strands? Personal data is held for complainants on the Council's complaint database system, which records contact details, records of correspondence, complaint details, age, disability and gender. Using this information, the Council has an understanding of who is making complaints in and out of the Broxtowe area.			

<p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</p> <p>Personal data is held for complainants on the Council's complaint database system, which records contact details, records of correspondence, complaint details, age, disability and gender.</p>
<p>7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?</p> <p>No consultation is required.</p>
<p>8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways? In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:</p>
<p><input type="checkbox"/> Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?</p> <p>No, the policy is intended to provide consistency regarding compensation payments.</p>
<p><input type="checkbox"/> Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?</p> <p>Yes.</p>
<p><input type="checkbox"/> Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?</p> <p>No.</p>
<p><input type="checkbox"/> Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?</p> <p>No. The policy relates to individual complaints and are concluded on a case by case basis.</p>

☐ **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: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

Disability: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barrier identified and reasonable adjustments can be made on request to make the policy more accessible.

Gender: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barrier identified.

Gender Reassignment: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barrier identified.

Marriage and Civil Partnership: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

Pregnancy and Maternity: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

Race: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

Religion and Belief: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

Sexual Orientation: It is not anticipated that the Council will need to take any further action in order to enable access for this group.

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: Head of Democratic Services and Deputy Monitoring Officer

The table below compares different authorities' approaches to dealing and publishing their complaint compensation policies. The table shows an inconsistent approach to publishing policies by other authorities.

Authority	Complaint Compensation Policy	Link	Housing Stock
City of London	Complaint Compensation Policy displayed online. Compensation figures are not provided but a link to the Housing Ombudsman's website for remedies is.	https://www.cityoflondon.gov.uk/assets/Services-DCCS/compensation-policy.pdf	Yes
Newark and Sherwood District Council	Complaint Compensation Policy displayed online. Compensation figures are not provided.	https://www.newark-sherwooddc.gov.uk/media/nsdc-redesign/documents-and-images/your-council/get-involved/consultation-and-engagement/customer-feedback/Compensation-Policy-Public-Version.pdf	Yes
Gedling Borough Council	Small section on website describing how complaint compensation would be considered in line with delegated powers. Their constitution states that £500 is the limit.	https://www.gedling.gov.uk/council/aboutus/policies/complaintsprocedure/#d.en.1939	Yes
Nottingham City Council	No published Complaint Compensation Policy.	https://www.nottinghamcity.gov.uk/media/eushxgkw/nottingham-city-council-review-policy-and-procedure.pdf	Yes

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Report of the Portfolio Holder for Resources and Personnel Policy

ASSET SYSTEMS AND DATA OFFICER POST TO SUPPORT THE DELIVERY OF THE ASSET MANAGEMENT PLAN

1. Purpose of report

To seek Cabinet approval for the appointment of a new post to support the delivery of the asset management plan.

2. Recommendation

Cabinet is asked to RESOLVE that the creation of an Asset Systems and Data Officer post (Grade 6) at £37,450 per annum including on costs be approved, to be funded from General Fund Reserves.

3. Background and detail

The Asset Management Strategy (2022) delivered by Ark Consultancy highlighted the following area for improvement:

Strategic: addressing the issues around data, undertaking initial priority options appraisals for those schemes clearly not performing, carrying out a comprehensive asset grading exercise across the stock and a further portfolio-wide review of independent living, and developing a 20-year programme of redevelopment for poorly-performing schemes, ring-fenced from within the capital programme.

Planned investment: using stock condition and EPC data, intelligence on responsive repair and stock requiring option appraisal to develop an initial 3-5 year 'smoothed' investment programme, including a 'fabric first' approach to investing in less energy efficient homes. The Council subsequently needs to identify the most appropriate delivery model or contract for planned investment to replace the current contract which expires in March 2025.

Opportunities/Risks: Whilst we have been provided with a list of assets, we have not seen any data relating to stock condition, running costs and so on, and hence have not been able to undertake any analysis in relation to performance or whether the properties represent assets or liabilities. We have been provided with SWOT analyses on a number of the sites, however the lack of data means that in the main it appears that the Council is having to base decisions on subjective judgements.

The need for the role has been further identified within the Asset Management Service Improvement Plan undertaken in October 2023 by the Head of Service for Asset Management & Development.

The post holder will be responsible for Asset Systems and Data Management and will be managed by the Capital Works Manager given the significant strategic and operational impact across Asset Management & Development.

The following resource is therefore required;

- a) Asset Systems and Data Officer – Full time (37 hours) permanent – The role requires formal job evaluation but it is anticipated it will be Graded at scale 6.

Without this post the Council will not be able to:

- Improve data quality through interrogation, correlation and validation of current data sets located within spreadsheets and moving to one data source (Capita).
- Produce planned maintenance programmes based upon the lifecycle of all components of social housing assets.
- Produce a retrofit programme based upon EPC and consultant energy use data to achieve our decarbonisation and energy efficiency targets.
- Meet Decent Homes and Broxtowe's standards in component replacement.
- Manage the interface between appointed contractors supplied data and our own condition data for data upload.
- Improve contractor performance management and quality assurance.
- To improve asset performance intelligence through NPV analysis.

Without this post the delivery of the asset management plan will be adversely affected.

4. Financial Implications

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

The salary of the proposed Asset Systems and Data Officer post at Grade 6 is £29,150 (estimated 2024/25 pay rates for top of scale). This equates to an overall cost to the Council of £37,450 including on costs. Whilst the cost of the addition of one full-time equivalent post to the establishment would be absorbed in the current financial year, full provision would need to be made in the establishment budget for 2024/25 to be funded from General Fund Reserves.

5. Legal Implications

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

Whilst there are no direct legal implications that arise from this report, it is important that the recruitment process is in accordance with the Council's Recruitment and Selection policy.

6. Human Resources Implications

There are no Implications

7. Union Comments

No comments received.

8. Background Papers

Nil.

Report of the Portfolio Holder for Resources and Personnel Policy

STORM BABET – FLOODING RESPONSE

1. Purpose of Report

To provide Members with details of the Council's response to the flooding caused by Storm Babet.

2. Recommendation

Cabinet is asked to NOTE the contents of the report.

3. Detail

Following Storm Babet on 19 and 20 October 2023, 243 properties, both domestic and commercial, that experienced flooding across the Broxtowe area. As part of the Flood Response, Nottinghamshire County Council became the lead authority with Broxtowe supplying support where appropriate.

In the four-week period following the storm, the Council has supported residents and businesses with the clear up. At the time of writing, over 80 tonnes of flood damaged waste and 70 fridges have been collected from households. The Council has also provided a number of skips to affected businesses, collecting 30 tonnes of waste.

Collections from affected households are expected to continue on an ad hoc basis until the beginning of December. This is to ensure that residents still waiting for an insurance assessor visit, still has access to the collection service.

In addition to the Council's support, the government announced several initiatives that would be administered by Broxtowe Borough Council and Nottinghamshire County Council. These schemes are similar to those offered after Storm Ciara and Storm Dennis in 2020. These schemes are:

- **Council Tax Relief:** Broxtowe Borough Council are administering a 100% Council Tax discount for those properties that were affected as a result of internal flooding following Storm Babet, for at least three months. Applications for this scheme are online and as of 16 November 2023, relief had been awarded to 187 properties in the borough.
- **Community Grant:** Broxtowe Borough Council are administering a grant of £500 to support domestic properties that were flooded as a result of Storm Babet. As of 16 November 2023, grants totalling £95,000 to 190 households have been awarded.
- **Business Rates Relief:** Similar to the Council Tax relief, this will be awarded to businesses that were flooded as a result of Storm Babet and pay Business Rates. They will be provided with a minimum of three months of 100% Business Rates Discount. Broxtowe Borough Council have received 17 applications for this scheme as of 16 November 2023.

- Business Grants: This is the award of £2,500 for any business that was flooded following Storm Babet. Initially, this was going to be administered by Nottinghamshire County Council. However, on 16 November 2023, it was decided that District Councils would take responsibility for awarding these grants. Appropriate application forms will be developed and made available for businesses to apply.
- Cabinet is asked to also note the exercise of the Chief Executives urgency powers to enable the provision of skips free of charge for affected businesses to help them dispose of flood damaged items. The cost of this was £3,500.

4. Financial Implications

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

The additional cost of the immediate and practical support provided by the Council will have to be met from existing budgets unless further financial support is made available by central government. A management report will be produced for consideration at a later date to highlight the financial aspects when all the schemes and clean up are completed.

The cost of the government grants and reliefs initiatives being administered by Broxtowe Borough Council and Nottinghamshire County Council will be met from central government grant funding, although the cost of administering these schemes will be borne by the Council.

5. Legal Implications

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

There are no direct legal implications arising from this report.

6. Human Resources Implications

There were no comments from the Human Resources Manager.

7. Union Comments

There were no Unison comments in relation to this report.

8. Climate Change Implications

The comments from the Head of Environment were as follows:

This report highlights the need to address the recent flooding events across the Borough. It is expected that these will only increase in frequency due to the impact of climate change. Proactive collaboration with stakeholders must be undertaken to implement effective mitigation strategies, to safeguard the Borough's communities and ensure long term resilience against future flood risks.

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.

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Report of the Portfolio Holders for Economic Development and Asset Management, and Resources and Personnel Policy.

PERMIT SCHEMES FOR COUNCIL CAR PARKS

1. Purpose of Report

To ask Cabinet to note the exemption permit scheme available for employees working in businesses in Beeston and consider the proposed permit for residents using the Borough's off-street car parks overnight.

2. Recommendation

Cabinet is asked to:

1. **NOTE** the capacity for parking in Beeston and other towns in the borough to take advantage of a maximum charge of £2 a day and agree that it is not necessary to introduce permits for employees working in businesses in Beeston or other towns in Broxtowe.
2. **NOTE** the availability of exemption permits and **CONSIDER** the options for permit charges.
3. **CONSIDER** the proposed permit scheme for residents' parking in Council car parks between 4pm and 8am at a cost of £170 a year, subject to confirmation of residency, to come into effect from 1 January 2024 be approved.

3. Detail

At its meeting on 3 October 2023, Cabinet approved changes to car park charges and asked that consideration be given to permits being available for purchase at a concessionary rate by anyone who can provide proof of employment in Beeston where the daily rate could be £15. This would apply to anyone using the short stay car parks in Foster Avenue, City Road North, Regent Street, Chilwell Road and Willmott Lane. However, the following long stay car parks are not affected:

Car park	Daily tariff
Portland Street	£1.00 – up to 2 hours £2.00 – over 2 hours
Derby Street South	£1.00 – up to 2 hours £2.00 – over 2 hours
Albion Street	£1.00 – up to 2 hours £2.00 – over 2 hours
Middle Street	£1.00 – up to 2 hours £2.00 – over 2 hours
Derby Street Middle	£1.00 – up to 12 hours
Middle Street Central	£1.00 – up to 12 hours

For the convenience of motorists, an annual exemption permit can currently be purchased by any member of the public for the long stay car parks which avoids

the need to pay at the machine every day. These are already available at a reduced rate which takes into account bank holidays, weekends, average annual leave and includes an administration charge. However, exemption permit charges were set in 2014 at a heavily discounted rate in an attempt to encourage business parking in the peripheral car parks which was low at the time. Those charges have not been increased since. It is therefore suggested that these should be increased to bring them in line with the cost of paying at the machine as follows:

Car park	Valid for	Current charge (less VAT)	Proposed charge from 1 January 2023 (less VAT)*
Derby Street South	3 months	£58.33	Discontinue – little take up
Derby Street South	1 year	£208.33	£450
Middle Street Central	1 year	£125.00	£230
Portland Street	1 year	£208.33	£450

*Cost is based on 220 days x all day charge plus a small administration charge.

Exemption permits benefit the Council with advanced income. To encourage take-up, members may wish to consider applying a discount:

Daily tariff	Proposed charge	10% discount	25% discount
£1.00 – up to 12 hours	£230	£207	£172.50
£2.00 – over 2 hours	£450	£405	£337.50

The exemption permits could be extended to include all long stay car parks on the basis of a permit being valid for any same-tariff facility, ie:

- for Portland Street, Derby Street South, Albion Street and Middle Street; or
- Derby Street Middle and Middle Street Central.

Given the number of spaces available in long stay car parks in Beeston (142*), it is suggested that there is already sufficient provision for anyone working in Beeston to park without having to pay £15 a day. It is not therefore recommended that permits are made available for any of the short stay car parks where there is a high demand for shopper parking turnover during the day. This excludes blue badge spaces and EV charging bays.

The Cabinet decision referred to Beeston only. The availability of spaces in long stay car parks in Kimberley (40*) (where a charge is only levied in one car park), and in Stapleford (133*) and Eastwood (139*), provide sufficient facilities for people to park at a maximum charge of £2 all day. Exemption permits could be made available for these car parks on the same basis as Beeston, should a request be received from a member of the public. This excludes blue badge spaces and EV charging bays.

Since the meeting, the implications for residents who park in Council car parks overnight have been considered. They do not currently have to pay as charges stop at 4pm. However, from 1 January 2024, they will need to pay the appropriate charge up to 10pm. In some cases this may be £1 or £2 a day, but in other car parks, where a resident parks before 4pm, the cost may be £15.

To help residents, it is suggested that members consider introducing a residents' permit at a discounted rate of £170 (inclusive of VAT) for all car parks. This excludes blue badge spaces and EV charging bays. This is based on 50% of the £3 charge for 6 hours from 4pm to 10pm, plus a small administration charge. Residents would be able to pay the daily tariff at the machine rather than purchase a residents' permit if they preferred.

There would not be a charge for overnight parking in the Council's free car parks in Kimberley at James Street, Newdigate Street and Station Road and after 4.30pm, in Devonshire Avenue, Beeston.

Proof of residency would be required before a permit is issued.

4. Financial Implications

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

It is vital that the fees and charges income is optimised in order for the Council's to meet its anticipated budget gap in 2024/25. Annual income from parking permit sales to the public (as opposed to businesses) is currently around £5,900. It is anticipated that even if the current permit holders were to continue at the proposed new rates (with a 25% reduction) there could be an increase in sales of around £3,500. This could increase further with the introduction of overnight parking residents permits, although the lack of data on overnight usage makes estimating income potential difficult.

5. Legal Implications

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

Under section 35 of the Road Traffic Regulation Act 1984 ("the Act"), the Council may provide off street parking places and charge for the use of them. Further under section 45 of the Act, the Council may designate parking places on a highway and charge for the use of them including the issuing of parking permits.

It is for the Council to decide the appropriate charge and in doing so it should have regard to the cost of providing the service. It is however not bound to set the charges at cost recovery only. The Council therefore has the power to impose parking charges in connection with the provision of on street parking and off street parking. Section 122 of the Act imposes a general duty on the Council to exercise its functions under the Act to "secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway."

6. Human Resources Implications

There are no comments from the Human Resources Manager.

7. Union Comments

The Union comments were as follows:

No comments

8. Climate Change Implications

Any climate change implications are contained within the report.

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

An equality impact assessment is not required.

11. Background Papers

Nil.

APPENDIX

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate: **Executive Director's**

Lead officer responsible for EIA: **Head of Administrative Services**

Name of the policy or function to be assessed: **Charges for Car Parking Permits**

Names of the officers undertaking the assessment: **Head of Administrative Services**

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

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

To ensure that there is a fair and transparent process by which members of the public can apply for permits to park in Council-owned long stay car parks up to 10pm.

To ensure that there is a fair and transparent process by which residents can apply for permits to park in Council-owned car parks overnight where a charge is normally applied up to 10pm.

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

Parking permits to be available to enable employees working in businesses in Beeston and other town centres at an affordable rate.

Parking permits to be available to reduce the impact of car parking charges being introduced up to 10pm on residents who park in Council-owned car parks overnight where charges apply.

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

Anyone working in businesses in Beeston and other towns in the borough.

Any residents wishing to park in one of the Council's car parks overnight where charges apply up to 10pm.

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

Anyone working in one the of the Borough's towns and residents.

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

None

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

None

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

Consultation will be carried out when the proposed charges are advertised.

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?

No, although low income households may be disproportionately affected if they park in Council-owned car parks overnight where charges will apply until 10pm after 1 January 2024.

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

Disabled drivers - it is not intended to change the current provision for blue badge holders to park free. However, people with an impairment or disability who do not have a blue badge may be disproportionately affected if they park in a Council-owned car park overnight.

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

Yes – permits will be available to anyone who applies and for a resident's permit, can provide proof of residency.

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?

The availability of reduced rate permits for overnight parking may help low-income households if they choose to park in a Council-owned car park overnight where charges will now apply up to 10pm.

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

N/A

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 adverse impact has been identified.

Disability: No adverse impact has been identified on disabled people who are blue badge holders.

Gender: No adverse impact has been identified.:

Gender Reassignment: No adverse impact has been identified.:

Marriage and Civil Partnership: No adverse impact has been identified.:

Pregnancy and Maternity: No adverse impact has been identified.:

Race: No adverse impact has been identified.

Religion and Belief: No adverse impact has been identified.

Sexual Orientation: No adverse impact has been identified.:

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 Service:



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Report of the Portfolio Holders for Resources and Personnel Policy and Economic Development and Asset Management.

CHRISTMAS CAR PARKING CHARGES 2023

1. Purpose of Report

To ask Cabinet to consider the cessation of parking charges in the majority of Council-owned car parks over the Christmas period.

2. Recommendation

Cabinet is asked to RESOLVE that the cessation of parking charges in Council-owned car parks between Saturday, 16 December and Saturday, 30 December 2023, with the exception of Technology Drive and Station Road be approved.

3. Detail

In previous years, car parking charges have been relaxed in the Christmas period to assist local businesses and encourage footfall in Broxtowe's town centres. It is suggested that this is implemented again this year with the exception of Technology Drive and Station Road, Beeston. If approved, notice will be given through the Council's social media channels, signs will be erected in car parks and the machines will be covered to prevent use. The loss of income to the Council for relaxing charges would be around £13,000.

4. Financial Implications

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

The cost to the Council relates to loss of revenues from car parking fees and is estimated at around £13,000. If Members were minded to support this proposal, the loss of income would have to be contained within existing budgets.

5. Legal Implications

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

There are no direct legal implication arising from this report.

6. Human Resources Implications

There are no comments from the Human Resources Manager.

7. Union Comments

The Union comments were as follows:

No comments

8. Climate Change Implications

There are climate change implications.

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

An equality impact assessment is not required.

11. Background Papers

Nil.

Report of the Portfolio Holder for Economic Development and Asset Management

AUTHORITY MONITORING REPORT 2022 - 2023
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1. Purpose of Report

To request the approval of the Authority Monitoring Report for the period from 1 April 2022 to 31 March 2023.

2. Recommendation

Cabinet is asked to RESOLVE that the Authority Monitoring Report 2022-2023 be approved.

3. Detail

It is a requirement for the Council to produce an Authority Monitoring Report (AMR). The report focuses on the effectiveness of Local Plan policies, the amount of residential, employment and other development completed within the Borough and provides a summary of appeal decisions issued within the monitoring year.

The Authority Monitoring Report is contained within the appendix.

4. Financial Implications

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

There are no additional financial implications for the Council at this stage with any costs 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 Council, as Local Planning Authority (LPA), is required by section 35 of the Planning and Compulsory Purchase Act 2004 (as amended) to prepare and make public an annual monitoring report containing information as to the implementation of the local development scheme and the extent to which the policies in local development documents are achieving their targets. Regulation 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) sets out the information that must be contained within a LPA's Authority Monitoring Report.

6. Human Resources Implications

Not applicable.

7. Union Comments

Not applicable.

8. 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.

9. Key Decision

This is a key decision.

10. Updates from Scrutiny

This has not been a topic for scrutiny.

11. Equality Impact Assessment

Not applicable.

12. Background Papers

Nil.



Broxtowe
Borough
COUNCIL

Broxtowe Borough Council

Authority Monitoring Report

1 April 2022 – 31 March 2023

Head of Planning and Economic Development
Broxtowe Borough Council,
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Contents

Introduction and Compliance with Legal Requirements	3
Policy Monitoring indicators	6
1. Flood Risk	6
2. Site Allocations and Housing Deliveries	8
3. Development in the Green Belt	9
4. Regeneration	10
5. Retention of Good Quality Existing Employment Sites	10
6. Town Centre Uses	12
7. Proposals for Retail in Edge-of-Centre and Out-of-Centre Locations	14
8. Centre of Neighbourhood Importance (Chilwell Road/High Road)	14
9. Housing Size, Mix and Choice	16
10. Gypsies, Travellers and Travelling Showpeople	18
11. Place-Making, Design and Amenity	18
12. Shopfronts, Signage and Security Measures	18
13. Pollution, Hazardous Substances and Ground Conditions	18
14. Air Quality	18
15. Unstable Land	19
16. Minerals	19
17. Proposals Affecting Designated and Non-Designated Heritage Assets	20
18. The Health Impacts of Development	21
19. Culture, Tourism and Sport	23
20. Travel Plans	23
21. Local Green Space	24
22. Green Infrastructure Assets	25
23. Cemetery Extensions	26
24. Landscape	26
25. Biodiversity Assets	26
26. Developer Contributions	26
Summary of Appeal Decisions	27

Broxtowe BC Authority Monitoring Report 2022-2023

This Authority Monitoring Report (AMR) comprises three sections:

- Introduction and compliance with legal requirements;
- Policy monitoring indicators;
- Summary of appeal decisions.

Introduction and Compliance with Legal Requirements

This AMR is prepared in accordance with Section 35 of the Planning and Compulsory Purchase Act 2004, Regulation 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and Regulation 17 of the Environmental Assessment of Plans and Programmes Regulations 2004.

This legislation requires the AMR to include information on:

- the implementation of the Local Development Scheme (LDS),
- policies that the local planning authority are not implementing,
- NET additional dwellings,
- neighbourhood development orders and neighbourhood development plans,
- the Community Infrastructure Levy,
- the 'duty to co-operate',
- the significant environmental effects of the authority's plans.

Information regarding the implementation of the Authority's LDS

Broxtowe's Local Plan is in two parts. Part 1, the 'Aligned Core Strategies (ACS) for Broxtowe, Gedling and Nottingham City, was adopted in September 2014. The Part 2 Local Plan was adopted in October 2019. The Part 1 Plan is currently being reviewed which will result in the production of the Greater Nottingham Strategic Plan. Three 'Regulation 18' consultations have been undertaken, with a 'Regulation 19' consultation on a publication draft proposed to take place in early 2024. A review of the Part 2 Local Plan will follow. The LDS will be amended to indicate the intended timescales for these reviews.

Information on policies in the Local Plan which we are not implementing

All the policies in the ACS and the Part 2 Local Plan are being implemented.

Information on net additional dwellings

Full details of the provision of dwellings are included in the Council's [Strategic Housing Land Availability Assessment \(SHLAA\)](#), which is available on the Council's website.

Information on neighbourhood development orders and neighbourhood development plans that have been made

The information below is based on progress **up to the end of March 2023**. No neighbourhood development orders are being prepared in Broxtowe. Several neighbourhood development plans are being prepared. The following table gives information on the progress of these neighbourhood plans.

Table 1: Progress of Neighbourhood Plans in the Borough

Stage	Parish									Neighbourhood Forum	
	Awsworth	Brinsley	Trowell	Eastwood	Nuthall	Greasley	Kimberley	Stapleford	Cossall	Bramcote	Chetwynd: Toton and Chilwell
Area Application Submitted to Broxtowe	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
Area Consultation	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
Area Designation	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
Forum Application Submitted to Broxtowe	-	-		-	-	-	-	-	-	✓	✓
Forum Consultation	-	-		-	-	-	-	-	-	✓	✓
Forum Designation	-	-		-	-	-	-	-	-	✓	✓
Pre-Submission Consultation	✓	✓			✓	✓	✓		✓	✓	✓
Draft Plan submitted to Broxtowe	✓				✓				✓		✓
Draft Plan Consultation	✓				✓						✓
Plan at Examination	✓				✓						✓
Examiners Report Published	✓				✓						
Referendum	✓				✓						
Adoption	✓				✓						

Information regarding any report prepared under the Community Infrastructure Levy Regulations 2010

The Council has not prepared such a report. Options for CIL remain under consideration.

Actions taken regarding co-operation with other Local Planning Authorities, County Councils, bodies and persons prescribed

The Council is a member of the Joint Planning Advisory Board (JPAB) for Greater Nottingham. Membership of JPAB includes all the County, City, District and Borough Councils in Greater Nottingham. The role of the Board is “to facilitate the sustainable development and growth of Greater Nottingham by discharging the Duty to Co-operate (S110 of the Localism Act), and advising the constituent councils on the alignment of planning work across the Greater Nottingham area and other spatial planning and transport matters of mutual concern”. JPAB oversees the work of all authorities in Greater Nottingham on strategic planning policy issues. This includes: the preparation of the Greater Nottingham Strategic Plan; liaison with other East Midlands authorities; commissioning evidence on issues such as employment, retail and gypsies & travellers; and liaison with other organisations such as the D2N2 Local Enterprise Partnership (LEP), Homes England and the Environment Agency.

At officer, level the Council is involved in regular meetings within the Greater Nottingham Planning Partnership, the Nottinghamshire Policy Officers Group and the Nottinghamshire Development Management Officers Group, all of which co-operate on planning issues of inter-authority importance.

The Council also co-operates with adjoining authorities and other organisations as and when required on specific issues, such as Green Belt Reviews, the implications of major developments and the drafting of Local Plan policies.

To monitor the significant environmental effects of the implementation of each plan

The ACS includes monitoring indicators relating to each policy in the Plan. These are reported on in the next section of this AMR. In a few cases ACS monitoring indicators which are not considered to be relevant have been omitted. This enables European legislative requirements to be complied with and helps to identify any “unforeseen adverse effects” of the Plan, as required by the Regulation.

Policy Monitoring Indicators

This section details the monitoring indicators for policies in the Part 2 Local Plan, in the order in which they appear in the Plan, as well as policies in the ACS, together with information relating to these indicators. In some cases, relevant information is not available for the current year, however the Council is revising its monitoring arrangements and further relevant information will be included in future AMRs.

1. Flood Risk

Policy 1 of the Part 2 Local Plan, states that development will not be permitted in areas at risk from any form of flooding unless certain criteria apply. List of permissions in flood risk areas granted contrary to Environment Agency advice.

Table 2: Applications Granted Contrary to Environment Agency Advice 2022-2023

Application Number	Site Address	Description	Note
23/00155/FUL	Meadow Lodge, 23 Meadow Road, Beeston. Nottinghamshire NG9 1JP	Change of use from residential care home (Class C2) to 9 no. residential apartments (Class C3). Construct single storey side / rear extension	The objection was received after planning permission was granted. Flood risk was considered as part of the application

In addition, as indicated in the Aligned Core Strategy, the list of developments incorporating Sustainable Drainage Systems (SuDs).

Table 3: Developments Incorporating Sustainable Drainage Systems (SuDs) 2022-2023

Application Number	Site Address	Description
21/00758/FUL	Broadgate House, Broadgate, Beeston, Nottinghamshire NG9 2HF	Change of use to 84 bed student accommodation (Class C4 HMO including an additional floor)
20/00844/OUT	Former Site Of Lynncroft Primary School, Garden Road, Eastwood, Nottinghamshire	Outline planning application with all matters reserved to construct up to 110 dwellings with access from Lynncroft
21/00672/REM	Boots Campus, Beeston, Nottinghamshire	Construct 397 dwellings (reserved matters relating to reference 14/00515/OUT - plots R1 to R11 inclusive and plots G2, 3 and 4 only)

Application Number	Site Address	Description
22/00540/FUL	Lock Up Garages, Middleton Street, Beeston, Nottinghamshire NG9 1BB	Construct three storey detached building to accommodate 10 apartments and provision of parking area to rear
22/00593/FUL	Central College Nottingham, High Road, Chilwell, Nottinghamshire NG9 4AH	Conversion of part of existing college to residential accommodation to provide 65 apartments. Construction of a 2/3 storey apartment building to provide 15 apartments. Construction of 6 semi-detached houses and one dormer bungalow. Reconfiguration of site to include access roads and hard/soft landscaping (revised scheme)
22/00346/REM	Land West Of Awsworth (inside The A6096), Including Land At Whitehouse Farm, Shilo Way, Awsworth, Nottinghamshire	Construct 250 dwellings (reserved matters in relation to appearance, landscaping, layout and scale)
22/00619/REM	Land Adjacent And North West Of Bramcote Crematorium, Coventry Lane, Bramcote, Nottinghamshire	Construct residential development. Reserved matters relating to outline planning permission reference 20/00352/OUT - approval of details relating to appearance, landscaping, layout and scale
22/00602/FUL	Hulks Farm, Coventry Lane, Bramcote, Nottinghamshire NG9 3GJ	Demolition of existing buildings and erection of 60 dwellings including access and drainage infrastructure, substation, open space and GCN mitigation (revised scheme)

2. Site Allocations and Housing Deliveries

Policies 2-7 in the Part 2 Local Plan make site allocations. This section covers aspects of these policies that need to be monitored. The table below shows the site allocations made in the Part 2 Local Plan in each settlement area and the number of new homes built this financial year and housing deliveries as indicated in the Aligned Core Strategy.

Table 4: Housing Trajectory against ACS Requirement 2011-2023

Financial Year	ACS Requirement	Cumulative ACS Rate	Built	Cumulative Built Rate
2011-2012	100	100	140	140
2012-2013	100	200	67	207
2013-2014	360	560	150	357
2014-2015	360	920	78	435
2015-2016	360	1,280	100	535
2016-2017	360	1,640	285	820
2017-2018	360	2,000	324	1,144
2018-2019	430	2,430	215	1,359
2019-2020	430	2,860	192	1,551
2020-2021	430	3,290	253	1,804
2021-2022	430	3,720	302	2,106
2022-2023	430	4,150	322	2,428

Table 5: Site Allocations and Housing Deliveries

Settlement	Number of Homes Built 2011-2022	Number of Homes Built (NET) 2022-2023	Total Supplied 2011-2023	Core Strategy Requirement by 2028
Main Built Up Area (MBA)	1,165	191	1,356	Minimum 3,800
Awsworth	34	-	34	Up to 350
Brinsley	17	28	45	Up to 150
Eastwood	689	90	779	Up to 1,250
Kimberley	192	13	205	Up to 600
Other Rural	9	-	9	No requirement
Total	2,106	322	2,428	6,150

More details can be found in the [SHLAA](#).

3. Development in the Green Belt

Policy 8 of the Part 2 Local Plan states that applications for development in the Green Belt will be determined in accordance with the NPPF. Here in this section we are indicating the number of permissions granted contrary to Green Belt policy by the Council and by inspectors, as well as any land removed from the Green Belt as indicated in the Aligned Core Strategy.

Table 6: Permissions Granted Contrary to Green Belt Policy 2022-2023

Application Number	Site Address	Description	Granted by
22/00139/FUL	68 Awsworth Lane, Cossall, Nottinghamshire NG16 2RZ	Single storey side & rear extension to existing dwelling	Committee Decision
21/00350/FUL	Park View Cottage, Main Street, Strelley, Nottinghamshire NG8 6PE	Erect side/rear extension following demolition of shed and outbuilding	Committee Decision
22/00021/FUL	143 Moorgreen, Newthorpe, Nottinghamshire NG16 2FF	Construct single storey side extension	Committee Decision
22/00179/FUL	56 Main Road, Watnall, Nottinghamshire NG16 1HT	Construct single storey side & rear extensions	Committee Decision
22/00333/FUL	5 Barlow's Cottages Lane, Awsworth, Nottinghamshire NG16 2QW	Construct two storey side extension	Committee Decision
22/00367/FUL	Nelson Cottage, Main Street, Strelley, Nottinghamshire NG8 6PD	Construct single detached garage	Committee Decision
22/00758/FUL	107 Babbington Lane, Kimberley, Nottinghamshire NG16 2PT	Construct two storey front and side extensions and balcony to rear.	Committee Decision
22/00649/FUL	25 Mansfield Road, Nether Green, Eastwood, Nottinghamshire NG16 3DW	Construct two storey side extension	Committee Decision

- No land was removed from the Green Belt in 2022-2023.

4. Regeneration

As part of the Aligned Core Strategy Policy 7, Regeneration will be focused on specific sites that deliver major schemes, and the completion of site or certain elements of it (e.g. sq. m of office development) is a monitoring indicator.

In the Regeneration policy of the Aligned Core Strategy it refers to the Boots / Severn Trent site in Broxtowe. No elements of this development were completed in 2022-2023, except that the main road through the Boots site is now accessible. There is outline planning permission (14/00515/OUT) for a mixed use development on the site.

5. Retention of Good Quality Existing Employment Sites

Policy 9 of the Part 2 Local Plan states that retention of good quality existing employment sites is essential to the borough. This section will cover employment floor space as well as employment and qualifications for monitoring from the Part 2 Local Plan and the Aligned Core Strategy.

Here in the tables below, we are indicating the amount of completions (floor space) and type of B and the new equivalent E(g) Class employment completions lost to other uses on Employment and Protected Employment sites.

Table 7: Employment Land Lost to Other Uses 2022-2023

Site Address		Floor Space Lost to Other Uses (m ²)			Total
		E(g) (B1)	B2	B8	
Former Dyeworks Site, West End Street, Stapleford	m ²	-	-3483	-	-3483
Total		-	-3483	-	-3483

Below is the NET gain and loss completions (floor space) of B and the new equivalent E(g) Class employment provision by type within the Borough, this includes industrial and warehouse development, not on Employment and Protected Employment sites.

Table 8: Employment Land, NET Gain and Loss 2022-2023

Type	GROSS Amount (m ²)		NET Total
	Gain	Loss	
E(g) (B1)	-	-246	-246
E(g)(i) (B1(a))	94	-2556.5	-2462.5
E(g)(ii) (B1(b))	-	-	-
E(g)(iii) (B1(c))	-	-49	-49
B2	-	-	-
B8	-	-5268.3	-5268.3

* E(g)(i-iii) (B1(a-c)) are not always broken down on applications, so above the breakdown is shown where it has been indicated

The table below shows available supply of unimplemented application gains, for industrial and warehouse floor space at the end of 2022-2023 and NET change in supply, completed applications at the end of 2022-2023, as indicated in the Aligned Core Strategy.

Table 9: Industrial and Warehouse Land 2022-2023

	Available Supply (ha)		
	B2	B8	Total
Hectares	0.36	0.43	0.79
	NET Change in Supply (ha)		
	B2	B8	Total
Hectares	-	-	-

The table below, shows the total amount of additional B1/B1a and the new equivalent E(g) classes for office floor space completions, as indicated in the Aligned Core Strategy.

Table 10: Additional E(g)/B1/B1a Office Floor Space 2022-2023

Site Address		E(g)/E(g)(i) (B1/B1a) (m ²)
School Bungalow, Newdigate Street, Kimberley, Nottinghamshire NG16 2NJ	m ²	94
Total		94

For the Aligned Core Strategy, it indicated to look at data for overall jobs in the plan area. It also included looking at the percentage of the working age population with NVQ level 2 or above. For all this information it can be located here: www.nomisweb.co.uk

Planning permissions for strategic sites, as indicated in the Aligned Core Strategy, are provided below.

- 14/00515/OUT An outline application for Boots at Beeston has been granted planning permission. The Outline application for mixed-use development comprising: up to 82,000sqm of employment floor space, comprising office units (E); research and development (E); industrial process (E); general industrial (B2); storage and distribution (B8); residential institutions (C2); non-residential institutions (E/F1); up to 2,500sqm retail & food/drink (E and sui generis); up to 675 residential units (C3); and associated works including demolition of existing structures; earthworks; remediation; access; car parking; pedestrian and cycle routes; open space; utilities; sustainable drainage systems. A Reserved Matters application (reference 21/00672/REM) was approved in December 2022.

- 11/00758/OUT An outline planning permission at Field Farm for 450 dwellings was granted in 2014 and Reserved Matters applications have subsequently been approved for parts of the site. Phase 1 for 118 dwellings which has been completed and Phase 2 for 132 dwellings is currently under construction. A Reserved Matters application 22/00601/REM for 200 dwellings was approved April 2023.

6. Town Centre Uses

Policy 10 of the Part 2 Local Plan indicates its intention to encourage higher density development in more compact centres. The section below shows completions for the proportion of use classes (the new E classes and the older A1, A2, etc.) by floor space in the 'main town centre' ground floor units **within the Town and District Centre boundaries**.

Table 11: Floor Space in Town and District Centres within Non-Prime Frontage 2022-2023

Class Type	Town Centre m ²	District Centre m ²	Total m ²
E(a) (A1)	-	334	334
F.2	-	-	-
E(c) (A2)	-	-	-
E(b) (A3)	-	-	-
Sui Generis (A4)	-	-	-
Sui Generis (A5)	-	-	-
E(g) (B1)	-	-	-
Total	-	334	334

The table below shows the proportion of use classes (the new E classes and the older A1, A2, etc.) completions by floor space in the 'main town centre' units **within the primary frontage of the Town and District Centres**.

Table 12: Floor Space in Town and District Centres within Primary Frontage 2022-2023

Class Type	Town Centre m2	District Centre m2	Total m2
E(a) (A1)	120.2	-	120.2
F.2	-	-	-
E(c) (A2)	-	-	-
E(b) (A3)	-	-	-
Sui Generis (A4)	-	-	-
Sui Generis (A5)	112	75.56	187.56
E(g) (B1)	-	-	-
Total	232.2	75.56	307.76

The table below indicates the number and type of permissions (the new E classes and the older A1, A2, etc.) granted at **upper floor level** for 'main town centre use' or housing **within the Town and District Centre boundaries**.

Table 13: Permissions Granted at Upper Floor Level 2022-2023

Class Type	Town Centre Permissions	District Centre Permissions	Total Permissions
E(a) (A1)	-	-	-
F.2	-	-	-
E(c) (A2)	-	-	-
E(b) (A3)	-	-	-
Sui Generis (A4)	-	-	-
Sui Generis (A5)	-	-	-
E(g) (B1)	-	-	-
E(g)(i) (B1a)	-	-	-
C3	1	2	3
Total	1	2	3

The table below indicates the amount of retail floor space completed (the new E classes and the older A1, A2, etc.) **outside of the defined Town and District Centre boundaries**, as indicated in the Aligned Core Strategy.

Table 14: Floor Space Outside Town and District Centres 2022-2023

Amount of Retail Floor Space Completed	m ²
E(a) (A1)	232.4
F.2	-
E(c) (A2)	50
E(b) (A3)	60
Sui Generis (A4)	98
Sui Generis (A5)	-
Total	440.4

7. Proposals for Retail in Edge-of-Centre and Out-of-Centre Locations

Policy 13 of the Part 2 Local Plan supports the emphasis on the viability and vitality of these areas. This section reports the number of permissions and the amount of floor space completed (the new E classes and the older A1, A2, etc.) in the **Edge-of-Centre and Out-of-Centre Locations**.

Table 15: Floor Space Permitted in Edge-of-Centre Locations 2022-2023

Amount of Completed Units within Edge-of-Centre:	Completions m ²	Number of Permissions
E(a) (A1)	-	-
F.2	-	-
E(c) (A2)	-	-
E(b) (A3)	-	-
Sui Generis (A4)	-	-
Sui Generis (A5)	-	-

Table 16: Floor Space Permitted in Out-of-Centre Locations 2022-2023

Amount of Completed Units within Out-of-Centre:	Completions m ²	Number of Permissions
E(a) (A1)	232.4	5
F.2	-	-
E(c) (A2)	50	3
E(b) (A3)	60	1
Sui Generis (A4)	48	1
Sui Generis (A5)	-	-

8. Centre of Neighbourhood Importance (Chilwell Road/High Road)

Policy 14 of the Part 2 Local Plan recognises that Chilwell Road / High Road is an important mixed use centre. This section reports on the number and type of permissions granted and completed (the new E classes and the older A1, A2, etc.) **within the Centre of Neighbourhood Importance**.

Table 17: Permissions Granted within the Centre of Neighbourhood Importance 2022-2023

Class Type	Number of Completions	Number of Permissions
E(a) (A1)	-	1
F.2	-	-
E(c) (A2)	-	-
E(b) (A3)	-	-
Sui Generis (A4)	1	1
Sui Generis (A5)	-	-
C3	-	1

The table below reports on the proportion of **ground floor residential (C3) units within the Centre of Neighbourhood Importance**.

Table 18: Number of Residential Units within the Centre of Neighbourhood Importance 2022-2023

Class Type	Number of Completions	Number of Permissions
C3	-	-

The table below reports on the number and type of permissions granted and completed (the new E classes and the older A1, A2, etc.) at **upper floor level** for 'main town centre' uses and residential **within the Centre of Neighbourhood Importance**.

Table 19: Permissions Granted at Upper Floor Level 2022-2023

Class Type	Number of Completions	Number of Permissions
E(a) (A1)	-	-
F.2	-	-
E(c) (A2)	-	-
E(b) (A3)	-	-
Sui Generis (A4)	-	-
Sui Generis (A5)	-	-
C3	-	-

9. Housing Size, Mix and Choice

Policy 15 of the Part 2 Local Plan recognises the Council's Corporate Plan and Housing Strategy and the need for Affordable Housing. This section will cover this aspect as well as other housing deliveries set in the Aligned Core Strategy and the Part 2 Local Plan.

The table below shows the number of completions by **dwelling type and size**.

Table 20: Dwelling Types Gain 2022-2023

Type	No. of Beds	Awsworth	Brinsley	Eastwood	Kimberley	Main Built Up Area	Other Rural	Total (GROSS)
Detached	1	-	-	-	-	-	-	-
	2	-	-	-	-	1	-	1
	3	-	2	9	2	17	-	30
	4	-	16	36	4	27	-	83
	5	-	2	2	-	7	-	11
	6+	-	-	-	-	6	-	6
Semi-Detached	1	-	-	-	-	-	-	-
	2	-	-	-	-	19	-	19
	3	-	8	5	-	39	-	52
	4	-	-	-	-	26	-	26
	5	-	-	-	-	4	-	4
	6+	-	-	-	-	10	-	10
Terraced	1	-	-	-	-	-	-	-
	2	-	-	4	-	19	-	23
	3	-	-	15	-	19	-	34
	4	-	-	-	-	5	-	5
	5	-	-	-	-	1	-	1
	6+	-	-	-	-	1	-	1
Bungalow	1	-	-	-	-	-	-	-
	2	-	-	-	-	1	-	1
	3	-	-	1	1	-	-	2
	4	-	-	-	-	-	-	-
	5	-	-	-	-	-	-	-
	6+	-	-	-	-	-	-	-
Flat	1	-	-	9	-	11	-	20
	2	-	-	11	6	11	-	28
	3	-	-	-	1	-	-	1
	4	-	-	-	-	-	-	-
	5	-	-	-	-	3	-	3
	6+	-	-	-	-	-	-	-
Total		-	28	92	14	227	-	361

The following table is additional information on any **communal completions** NET gain or loss since 2018.

Table 21: NET of Communal Dwellings Counting NET Beds and NET Cluster Flat Completions Per Year

Year	Care Home	Purpose Built Student Accommodation		Secure Residential
	Beds	Beds	Cluster	Beds
2018-2019	-	217	16	-
2019-2020	-5	106	24	-
2020-2021	4	32	5	-
2021-2022	10	-	-	-
2022-2023	51	-47	-12	-

Please note: The NET loss in purpose built student accommodation for 2022-2023 above is due to the demolition of buildings at the former St Johns College site, Bramcote.

Table 22: Affordable Completions from 2011

Year	Affordable Dwellings
2011-2012	32
2012-2013	13
2013-2014	56
2014-2015	55
2015-2016	23
2016-2017	20
2017-2018	8
2018-2019	43
2019-2020	16
2020-2021	38
2021-2022	40
2022-2023	68

The table below shows the number of **affordable housing completions**, by Social Rent, Intermediate Housing and Affordable Rent.

Table 23: Affordable Housing Complete 2022-2023

Type of Affordable Housing	Dwellings
Social Rent	18
Intermediate Housing	15
Affordable Rent	35

10. Gypsies, Travellers and Travelling Showpeople

Policy 16 of the Part 2 Local Plan takes a pro-active provision to meet identified need. This section indicates the number of pitches which are allocated, granted permission and implemented permissions.

- In 2022-2023 there were none.

11. Place-Making, Design and Amenity

Policy 17 of the Part 2 Local Plan notes that all development should be of a size, siting and design that makes a positive contribution to the character and appearance of the area. This section reports on the proportion of permissions (for 10 or more dwellings) which achieve at least nine 'greens' against in-house assessment of the quality of design with regard to BfL 12.

- In 2022-2023 there were nine permissions with developer assessments.

12. Shopfronts, Signage and Security Measures

Policy 18 of the Part 2 Local Plan states that shopfronts, signage and security measures should respect the local characteristic of the neighbourhood. This section will report on the number of permissions for shutters which are, or are not, in accordance with the policy.

- In 2022-2023 there was one which was approved.

13. Pollution, Hazardous Substances and Ground Conditions

Policy 19 of the Part 2 Local Plan indicates that the effects of pollution on health, the natural environment and all other adverse effects should be taken into account. This section will report the number of permissions which are contrary to the advice of the Council's Environmental Health department and/or the Environment Agency, together with the reasons for those decisions.

- In 2022-2023 there were no permissions contrary to advice.

14. Air Quality

Policy 20 of the Part 2 Local Plan states that air quality in Broxtowe is a significant issue due to mainly nitrogen dioxide emissions from vehicles using the M1 and A52. In this section these emissions are to be monitored as indicated in the Aligned Core Strategy.

The number of charging points are also monitored as it is stated in the Part 2 Local Plan that the use of more electric cars will also help to reduce these emissions.

The following links provide information regarding the location of electric vehicle charging points in the borough of Broxtowe:

<https://www.zap-map.com/live/>

<http://www.chargeyourcar.org.uk/d2n2/charge-point-map/>

The following new developments contain electric vehicle charging points that were **approved** in 2022-2023.

Table 24: Sites with Charging Points 2022-2023

Site Address	Number of Charging Points
Hulks Farm, Coventry Lane, Bramcote, Nottinghamshire NG9 3GJ	60
Central College Nottingham, High Road, Chilwell, Nottinghamshire NG9 4AH	21
St Marys Filling Station, Nottingham Road, Nuthall, Nottinghamshire NG8 6AX	10
34 Church Street Stapleford Nottinghamshire NG9 8DJ	3
Lock up garages Middleton Street, Beeston, Nottinghamshire NG9 1BB	2
54 Trent Road, Beeston, Nottinghamshire NG9 1LQ	1

To reduce per capita CO₂ emissions and increase renewable power generation, as indicated in the Aligned Core Strategy there is information available on the following website:

<https://www.gov.uk/government/collections/uk-local-authority-and-regional-carbon-dioxide-emissions-national-statistics>

15. Unstable Land

Policy 21 of the Part 2 Local Plan states that there is an extensive legacy within the borough of mining activity. This section will report the number of permissions which are contrary to the advice of the Coal Authority, together with the reasons for those decisions.

- In 2022-2023 there were no permissions granted contrary to the advice of the Coal Authority.

16. Minerals

Policy 22 of the Part 2 Local Plan states that Broxtowe will determine applications for non-mineral development which may affect mineral resources. This section will report the

number of permissions which are contrary to the recommendations of the County Council or the Coal Authority.

- In 2022-2023 there were no permissions.

17. Proposals Affecting Designated and Non-Designated Heritage Assets

Policy 23 of the Part 2 Local Plan applies to all heritage assets in the borough, including Listed Buildings, Conservation Areas, Scheduled Monuments and non-designated assets of all kinds.

The table below reports on the number of **heritage assets at risk on the national register**, which can be found on the Historic England Website <https://historicengland.org.uk/>

Table 25: Historic Assets at Risk 2022-2023

Type	Address	Number
Listed Building	The Summer House at The Yews, Kimberley Road	3
	Bennerley Viaduct	
	Willoughby Almshouses and adjoining Boundary Wall	
Conservation Area	Eastwood	3
	Kimberley	
	Nuthall	
Scheduled Monument	Greasley Castle	1

Below is the list of Conservation Area Appraisals published:

- Attenborough Village,
- Attenborough Barratt Lane,
- Beeston St John's Grove,
- Beeston West End,
- Bramcote,
- Eastwood,
- Kimberley,
- Stapleford Church Street, and
- Stapleford Nottingham Road

In addition to the above, here are another three which are awaiting completion:

- Brinsley,
- Chilwell, and
- Strelley.

The Conservation Area Appraisals are currently being reviewed by the Council's Conservation Officer.

18. The Health Impacts of Development

Policy 24 of the Part 2 Local Plan states that a Health Impact Assessment Checklist will be required with specific applications, as indicated in the policy. This section covers aspects that need to be monitored from the Aligned Core Strategy and the Part 2 Local Plan.

The table below indicates the number of applications for which a Health Impact Assessment Checklist is required, together with the outcome of those applications.

Table 26: Health Impact Assessments 2022-2023

Site Address	Outcome
Field Farm, Ilkeston Road, Stapleford, Nottinghamshire NG9 8JJ	Conditional Permission
Land West Of Awsworth (inside The A6096), Including Land At Whitehouse Farm, Shilo Way, Awsworth, Nottinghamshire	Conditional Permission
Land Adjacent And North West Of Bramcote Crematorium, Coventry Lane, Bramcote, Nottinghamshire	Conditional Permission
Hulks Farm, Coventry Lane, Bramcote, Nottinghamshire NG9 3GJ	Conditional Permission
Central College Nottingham, High Road, Chilwell, Nottinghamshire NG9 4AH	Conditional Permission
Bramcote College, Moor Lane, Bramcote Nottinghamshire NG9 3GA	Conditional Permission
136 Church Street, Eastwood, Nottinghamshire NG16 3HT	Conditional Permission
Station Road (Central) Car Park, Station Road, Beeston, Nottinghamshire	Refused but allowed on Appeal
Southfields Farm, Common Lane, Bramcote, Nottinghamshire NG9 3DT	Refused

The table below shows the number of applications relating to hot food takeaway uses within 400m of schools, together with the outcome of those applications. There was one application complete in 2022-2023.

Table 27: Hot Food Takeaway Applications within 400m of a School 2022-2023

A5 Site Address	Outcome
15 High Road Beeston Nottinghamshire NG9 2JL	Conditional Permission

The table below shows the need to improve accessibility from residential development to key community facilities and services, as indicated in the Aligned Core Strategy. Travel times shows the fastest travel time by public transport, which includes walking time from home the postcode to a bus stop, waiting time at the bus stop, in-vehicle travelling time (including interchange between services) and walking time from alighting bus stop to final destination.

Table 28: Travel Time to Key Services on Large Sites (10 dwellings or more) 2022-2023

Site Address	GP Surgery	Hospital	Primary School	Secondary School	Area of Employment
	Travel Time (mins)				
Field Farm, Ilkeston Road, Stapleford, Nottinghamshire NG9 8JJ	20	39	21	30	20
Land Between Ellis Grove And Wilmot Lane, Ellis Grove, Beeston, Nottinghamshire	7	18	4	8	6
22 Wollaton Road, Beeston, Nottinghamshire NG9 2NR	1	18	3	15	5
Land West Of Awsworth (inside The A6096), Including Land at Whitehouse Farm, Shilo Way, Awsworth, Nottinghamshire (Outline application)	21	33	16	24	18
Broadgate House, Broadgate, Beeston, Nottinghamshire NG9 2HF	7	13	5	10	5
Former Site Of Lynncroft Primary School, Garden Road, Eastwood, Nottinghamshire	13	40	11	22	13
Boots Campus, Beeston, Nottinghamshire	25	23	18	21	13
Lock Up Garages Middleton Street, Beeston, Nottinghamshire NG9 1BB	5	23	5	19	8
Land To The Rear Of Clayton Court, Queens Road, Beeston, Nottinghamshire	10	22	7	12	8
Central College Nottingham, High Road, Chilwell, Nottinghamshire NG9 4AH	10	21	6	11	1

Site Address	GP Surgery	Hospital	Primary School	Secondary School	Area of Employment
	Travel Time (mins)				
Land Adjacent And North West Of Bramcote Crematorium, Coventry Lane, Bramcote, Nottinghamshire	31	32	25	18	31
Hulks Farm, Coventry Lane, Bramcote, Nottinghamshire NG9 3GJ	27	32	36	18	33

The Aligned Core Strategy, was looking for data on showing life expectancy of residents in the borough. This can be found here <https://www.ons.gov.uk/>

19. Culture, Tourism and Sport

Policy 25 of the Part 2 Local Plan states that there is a deficiency in accessible and secure sport pitches. This section will report on the number, type and area of NET additional sports pitches.

- There were no additional pitches in 2022-2023.

Table 29: Sport Pitches 2022-2023

Site Address	Type	Area
-	-	-

The table below states the number and type of applications relating to tourism. There was one for 2022-2023.

Table 30: Applications Relating to Tourism 2022-2023

Site Address	Type
Land Off Grange Fields Farm, Mansfield Road, Eastwood, Nottinghamshire NG16 5AE	Holiday Lodge

There was no increase in provision of major sporting facilities in the borough for 2022-2023, as indicated in the Aligned Core Strategy.

20. Travel Plans

Policy 26 of the Part 2 Local Plan states that all developments of 10 or more dwellings or 1,000 sq. m. or more GROSS floor space will be expected to submit a Travel Plan.

The table on the following page shows the number of applications for which a Travel Plan is required, together with the outcome of those applications. There were nine applications with a Travel Plan in 2022-2023.

Table 31: Travel Plans Required 2022-2023

Site Address	Travel Plan Submitted?	Outcome
Land West Of Awsworth (inside The A6096), Including Land at Whitehouse Farm, Shilo Way, Awsworth, Nottinghamshire (Outline application)	Yes	Conditional Permission
Broadgate House, Broadgate, Beeston, Nottinghamshire NG9 2HF	Yes	Conditional Permission
Former Site Of Lynncroft Primary School, Garden Road, Eastwood, Nottinghamshire	Yes	Conditional Permission
Boots Campus, Beeston, Nottinghamshire	Yes on Outline	Conditional Permission
Land To The Rear Of Clayton Court, Queens Road, Beeston, Nottinghamshire	Yes	Conditional Permission
Central College Nottingham, High Road, Chilwell, Nottinghamshire NG9 4AH	Yes	Conditional Permission
Land West Of Awsworth (inside The A6096), Including Land At Whitehouse Farm, Shilo Way, Awsworth Nottinghamshire	Yes on Outline	Conditional Permission
Land Adjacent And North West Of Bramcote Crematorium, Coventry Lane, Bramcote, Nottinghamshire	Yes on Outline	Conditional Permission
Hulks Farm, Coventry Lane, Bramcote, Nottinghamshire NG9 3GJ	Yes	Conditional Permission

Implementation of individual schemes as listed within the Aligned Core Strategy's Infrastructure Delivery Plan: No aspects of the relevant schemes in Broxtowe have yet been implemented, and the HS2 hub station will no longer be proceeding in Broxtowe.

21. Local Green Space

Policy 27 of the Part 2 Local Plan states that the field off Cornwall Avenue, Beeston Rylands is designated as Local Green Space. Development in this area would be considered harmful and would not be permitted except under very special circumstances.

This report indicates the number of permissions granted contrary to the Local Green Space policy by the Council and by inspectors, together with the reasons for those decisions.

- In 2022-2023 there were no applications.

22. Green Infrastructure Assets

Policy 28 of the Part 2 Local Plan states that Green Infrastructure is a network of living multi-functional natural features, green spaces, rivers, canals and lakes that link and connect villages, towns and cities.

The number of Local Wildlife Sites is 146 the area of which is 967.12 ha.

There are 15 Local Nature Reserves with a management plan in place, as indicated in the Aligned Core Strategy. These are given below:

- Alexandrina Plantation Bramcote,
- Bramcote Hills Park Woodland,
- Brinsley Headstocks,
- Colliers Wood Moorgreen,
- Hall Om Wong Kimberley,
- Hall Park,
- King George's Park Bramcote,
- Nottingham Canal,
- Pit Lane Recreation Ground,
- Sandy Lane Public Open Space,
- Smithurst Meadows,
- Stapleford Hill,
- Toton Fields,
- Watnall Green and,
- Watnall Spinney.

Green Flag status for open space, as indicated in the Aligned Core Strategy: In Broxtowe we have five sites that are managed to Green Flag award standard. These are located at:

- Bramcote Hills Park,
- Bramcote Old Church Tower,
- Bramcote Ridge,
- Brinsley Headstocks, and
- Colliers Wood.

The number of S106 contributions related to open space, as indicated in the Aligned Core Strategy.

Table 32: Section 106 Open Space Contributions 2022-2023

Application Number	Site Address
19/00443/FUL	80 Dovecote Road, Newthorpe, Nottingham NG16 3QN

Application Number	Site Address
20/00541/FUL	42-44 Brookhill Leys Road, Eastwood NG16 3HZ
17/00778/OUT	Ready Mixed Concrete (East Midlands) Ltd, Concrete Batching Plant, Long Lane, Attenborough, Nottinghamshire NG9 6BD
20/00675/FUL	Former Builders Yard rear of 68 Nottingham Road, Stapleford NG9 8AQ
20/00745/FUL	Old Station Yard, Station Road, Beeston, Nottinghamshire NG9 2AB

23. Cemetery Extensions

Policy 29 of the Part 2 Local Plan states that the following land is allocated as cemetery extensions which are all protected, at Church Walk, Brinsley and Field Lane, Chilwell. None of these sites have been extended this financial year.

24. Landscape

Policy 30 of the Part 2 Local Plan states that all developments within or affecting the local landscape areas indicated in the plan should make a positive contribution to the quality and local distinctiveness of the landscape. This section reports the number of permissions granted which are inconsistent with the 'landscape actions' of the Greater Nottingham Landscape Character Assessment.

- In 2022-2023 there were none.

25. Biodiversity Assets

Policy 31 of the Part 2 Local Plan states that this policy will apply to any Sites of Special Scientific Interest, Local Wildlife Sites or Local Geological Sites which are designated after the adoption of the plan. This section reports on the number of permissions granted for development that has harmed a Biodiversity Asset and the reasons for those permissions.

- In 2022-2023 there were none.

Retaining areas of biodiversity importance, as indicated in the Aligned Core Strategy, the NET change in the area of Local Wildlife Sites this year was an increase of 0.8ha.

The number of SSSIs in a favourable condition this year in the borough was five sites.

26. Developer Contributions

Policy 32 of the Part 2 Local Plan states that financial contributions may be sought from any development of 10 or more dwellings or more than 1,000 sq. m. or more of GROSS floor space. This section reports the number and amount of Section 106 contributions received in 2022-2023 financial year.

Table 33: Section 106 Contributions 2022-2023

Contribution Type	Amount Paid
Open Space	£167,708
Transport (ITPS)	£8,000
Affordable Housing	£755,005
Education	£71,625
Health	£40,704

Summary of Appeal Decisions

Overview

This summary reports on appeal decisions which were made between 1 April 2022 and 31 March 2023. The appeal decisions include applications which were submitted before the 2022-2023 financial year.

In 2022-2023, 28 appeals were determined. 12 (42.9%) of the appeals submitted were dismissed; 15 (53.6%) were allowed; and 1 of the appeals had a split decision (3.6%) (percentages all rounded to one decimal place). The appeals included, but were not limited to, householder applications, certificates of lawfulness and change of use applications. This is a significant increase to those recorded in the monitoring year for 2020-2021, where 16 appeals were recorded.

Appeals Allowed

The rise of appeals determined this financial year may largely be due to the recently adopted Article 4 Direction which covers some of the Beeston area. Out of the 28 appeals determined, 5 were (allowed) applications relating to Houses in Multiple Occupation (HMOs) in some way. The planning application reference numbers and descriptions of these are given below.

Table 34: Appeal Allowed

Reference	22/00203/FUL
Address	65 Pelham Crescent, Beeston
Description	Construct two storey rear extension to create a 5 bed house in multiple occupation (C4).

Reference	22/00203/FUL
Relevant Planning Policy	Houses in Multiple Occupation – Supplementary Planning Document (SPD) Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy Policy 17: Place-making, Design and Amenity – Part 2 Local Plan
Appeal Decision	Allowed
Summary	The Inspector noted that it was not possible to determine on a site visit how many HMOs were in the surrounding area and states that ‘the intensification would be moderate and in proportion to the existing activities’.

Table 35: Appeal Allowed

Reference	22/00101/FUL
Address	42 – 48 Henry Road, Beeston
Description	Convert existing ground floor garages and alterations to 2 no. first floor apartments to create 2 no. (4 bedroomed) C4 Apartments.
Relevant Planning Policy	Houses in Multiple Occupation – Supplementary Planning Document (SPD) Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy Policy 15: Housing Size, Mix and Choice – Part 2 Local Plan Policy 17: Place-making, Design and Amenity – Part 2 Local Plan
Appeal Decision	Allowed
Summary	Despite acknowledging that the Council were concerned that there would be a sandwiching effect of HMOs (as noted in the HMO SPD), the Inspector noted that the available information ‘suggests that the proposal would not lead to a cluster or concentration of HMOs’.

Table 36: Appeal Allowed

Reference	22/00236/CLUP
Address	17 Templar Road, Beeston
Description	Certificate of lawfulness for proposed change of use from dwelling house (Class C3) to house in multiple occupation (Class C4)
Relevant Planning Policy	Article 3 and Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).
Appeal Decision	Allowed
Summary	In their report, the Inspector stated that if ‘the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect’. The Inspector goes on to note that the ‘Article 4 Direction removing permitted development under Class L for a change of use from C3 to C4 did not come into effect until 26 March 2022’ and that therefore ‘the change of use, as described by the appellant, would have been lawful on the date that the application was made, i.e. on 16 th March 2022 as the right under Class L still existed on that date’.

Table 37: Appeal Allowed

Reference	21/00856/FUL
Address	Scrivens Opticians, 44 High Road, Beeston
Description	Construct single storey extension and replace shelter over external stair and change of use from Commercial (Class E) to Class C4 (HMO) for first and second floors
Relevant Planning Policy	Policy 8: Housing Size, Mix and Choice Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy Policy 17: Place-making, Design and Amenity – Part 2 Local Plan
Appeal Decision	Allowed

Summary	This was an appeal for the removal of a condition. In their report, the Inspector stated that they are 'satisfied that the development, without a condition restricting the number of occupants to three persons, would not harm the living conditions of nearby occupiers or result in unacceptable living conditions for future occupiers' and therefore determined that 'condition No 2 is not necessary'.
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Table 38: Appeal Allowed

Reference	21/00052/FUL
Address	150 Queens Road, Beeston
Description	Change of use of the existing residential property (Class C3) to a seven bedroomed HMO
Relevant Planning Policy	Policy 8: Housing Size, Mix and Choice Policy 15: Housing Size, Mix and Choice – Aligned Core Strategy Policy 17: Place-making, Design and Amenity – Part 2 Local Plan
Appeal Decision	Allowed
Summary	The Inspector regarded that the proposal would contravene neither Policy 10 of the Aligned Core Strategy or Policy 17 of the Part 2 Local Plan and states that 'there is little to indicate that the number of residents on the site would have a significant harmful impact on living conditions of the immediate surrounding residents'.

Table 39: Appeal Allowed

Reference	21/00909/FUL
Address	116 Marlborough Road, Beeston
Description	Change of use from residential (C3) to seven bedroomed House in Multiple Occupation (Sui Generis). Construction of cycle storage, gates and driveway
Relevant Planning Policy	Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy Policy 17: Place-making, Design and Amenity – Part 2 Local Plan

Appeal Decision	Allowed
Summary	In their report, the Inspector noted that 'the proposed development would not unacceptably harm the living conditions of the occupiers of the attached terraced properties, with particular regard to noise, on-street parking and bin collection' and therefore does not conflict with the relevant Local Plan policies.

On 2 occasions, there were 2 sets of appeals made for the same site (APP/J3015/D/22/3298311 and APP/J3015/D/22/3298190 were in relation a property in Stapleford; and APP/J3015/W/21/3285647 and APP/J3015/W/22/3297042 were made in relation to a property in Beeston).

The remaining appeals (not HMO related) which were allowed were because the inspector disagreed with the Council's view that the proposals were contrary to policy. A summary of these allowed appeals is given below:

Table 40: Appeal Allowed Contrary to Policy

Reference	20/00876/FUL
Address	3 Swingate, Kimberley
Description	Construct two detached houses with associated car parking, garages, access road and bin store
Relevant Planning Policy	Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy Policy 17: Place-making, Design and Amenity – Part 2 Local Plan
Appeal Decision	Allowed
Summary	The main issues in relation to this appeal was the effect of the proposal on the character and appearance of the area, and the effect of the proposed dwellings on the living conditions of neighbouring occupiers with particular regard to outlook and access to sunlight. In their report, the Inspector noted that the 'proposal would accord with the scale and density of local housing and would not represent an over intensive form of development'. They also regarded that the scheme 'would complement the character and appearance of the area' and that the development would 'not over-dominate the outlook from neighbouring properties'. As a result, it was determined that the proposal was not contrary to policy and thus the appeal was allowed.

Table 41: Appeal Allowed Contrary to Policy

Reference	21/00807/FUL (Appeal A)
Address	48 Wadsworth Road, Stapleford
Description	Retain raised patio and fencing and erect canopy
Relevant Planning Policy	Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy Policy 17: Place-making, Design and Amenity – Part 2 Local Plan
Appeal Decision	Allowed
Summary	The main issues in relation to this appeal was the effect of the proposal on the living conditions of the occupant of the neighbouring property with particular regard to light and visual impact. The Inspector noted that ‘the northern and western sides and the roof of the conservatory are glazed and provide ample levels of light to the space’ and therefore ‘the fence does not cause an unacceptable overbearing impact or loss of light to the conservatory’. The Inspector also adds that ‘as this tall section of fencing does not project beyond the conservatory, it does not have any significant impact on the rear garden’ of the neighbouring property. For these reasons, it was concluded that the appeal ‘would not cause harm to the living conditions’ for the occupant of the neighbouring property and would therefore accord with Policy 10 of the Aligned Core Strategy and Policy 17 of the Part 2 Local Plan.

Table 42: Appeal Allowed Contrary to Policy

Reference	21/00971/FUL
Address	Kings Carpets and Interiors, 129 – 131 High Road, Beeston
Description	Construct 3 storey building comprising 7 apartments and provision of parking area (revised scheme)
Relevant Planning Policy	Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy Policy 17: Place-making, Design and Amenity – Part 2 Local Plan
Appeal Decision	Allowed

Reference	21/00971/FUL
Summary	<p>The main issues in this appeal were the effect of the proposed development on the character and appearance of the area; the effect of the proposal on the living conditions of neighbouring dwellings with regard to outlook; and the effect of the proposal on on-road parking with regard to highway safety and capacity. In their report, the Inspector noted that the proposal 'would occupy much the same footprint as the existing structure' and that the 'use of setbacks to the façade on both streets would help to break up [these] elevations and provide relief and interest'. Although it is acknowledged in the report that the design is 'different to the architectural style of the existing building' it is also stated that the proposed replacement 'would be visually attractive' and would integrate into the street scene. In relation to living conditions, it is stated in the report that there would be sufficient separation distances to ensure that the proposal would not be 'overbearing in views from within or outside' neighbouring houses and therefore the living conditions of neighbours would 'not be materially impacted'. Regarding parking, only 8 parking spaces for staff would be provided – and not residents – it is noted that this would be made clear to any future occupiers and that this is offset by the available parking for '22 bicycles' and therefore, the proposal 'would not exacerbate local parking issues to the detriment of highway safety or capacity'. All of the above reasoning led to the overall conclusion that the scheme would be acceptable and comply with policy.</p>

Table 43: Appeal Allowed Contrary to Policy

Reference	21/00495/FUL
Address	Chaworth, Long Lane, Watnall
Description	Construct single storey rear and side extensions, change roof from pitched to flat and timber clad the front elevation.
Relevant Planning Policy	<p>Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy</p> <p>Policy 17: Place-making, Design and Amenity – Part 2 Local Plan</p>
Appeal Decision	Allowed

Reference	21/00495/FUL
Summary	The main issue in this appeal was the effect of the proposal on the character and appearance of the area. In their report, the Inspector determines that the proposal 'would not harmfully disrupt a consistent pattern of development or appear as an incongruous addition to the street scene' and goes on to conclude that the development would preserve the character and appearance of the area, and as such, accords with Policy 10 of the Aligned Core Strategy and Policy 17 of the Part 2 Local Plan.

Table 44: Appeal Allowed Contrary to Policy

Reference	21/00364/FUL
Address	Pair of Garages, Cyprus, Avenue Beeston
Description	Demolish existing garages and construct two self-contained flats.
Relevant Planning Policy	Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy Policy 17: Place-making, Design and Amenity – Part 2 Local Plan
Appeal Decision	Allowed
Summary	The main issues in relation to this appeal are the effect of the proposed development on the character and appearance of the street scene; and, the effect of the proposed development on highway safety with specific regard to parking. Whilst the Inspector acknowledges that the building would be architecturally different in terms of design and materials compared the wider street scene, they go on to state that this 'in itself is not justification for dismissing a small residential development within a residential area' and as such 'would not have an adverse effect on the character and appearance of the street scene'. Despite concerns raised, in relation to highway safety, the Inspector holds that 'it is not necessary for this small-scale proposal to provide parking on site'. These assertions lead the Inspector to conclude that the proposal is not contrary to policy and therefore allows the appeal.

Table 45: Appeal Allowed Contrary to Policy

Reference	21/00443/FUL
Address	Hill Top Farm, Blake Road, Stapleford

Reference	21/00443/FUL
Description	Retention of entrance gates, perimeter fencing, pathway and driveway retaining wall.
Relevant Planning Policy	Policy 3: The Green Belt – Aligned Core Strategy Policy 8: Development in the Green Belt – Part 2 Local Plan
Appeal Decision	Allowed
Summary	<p>The main issues in this case are whether the proposal is inappropriate development in regards to local and national policy; the effects of the proposal on the openness of the Green Belt; and if the proposal is inappropriate development, whether the harm by reason of appropriateness (and any other harm) is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it. Regarding the issue of openness, the Inspector regarded that the design of the fence ensured that it was 'not overly obtrusive, that views through the fence are not significantly impeded, and that the colour of the fence blends in with the planting inside the line of the fence'. Acceptability was also reached in relation to the gate element of the proposal as the Inspector noted that the gates are 'set well back from the road' and are 'not visually intrusive'. Whilst it is acknowledged that the proposal 'has resulted in a reduction of the openness of the Green Belt' it is overall determined that 'the resulting harm is limited' and this leads the Inspector to conclude that 'the security and highway safety benefits together with the fallback position identified...clearly outweigh the totality of the harm identified' and as such 'the very special circumstances necessary to justify the proposal exist'.</p>

Table 46: Appeal Allowed Contrary to Policy

Reference	20/00891/FUL
Address	Central College, Nottingham Road, Chilwell
Description	Conversion of existing college building to student accommodation comprising 162 bedrooms including external alterations

Reference	20/00891/FUL
Relevant Planning Policy	<p>Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy</p> <p>Policy 17: Place-making, Design and Amenity – Part 2 Local Plan</p> <p>(Policy 19: Developer Contributions - Aligned Core Strategy; Policy 32: Developer Contributions – Part 2 Local Plan)</p>
Appeal Decision	Allowed
Summary	<p>The main issues relating to this appeal are the effects of the proposal on the living conditions of neighbouring occupants with respect to noise, disturbance and overlooking; and parking pressure in the surrounding area. In relation to noise and disturbance, the Inspector notes that ‘there is no reason to consider that this would be particularly, loud, contagious or invasive, such that it would significantly affect the living conditions of neighbouring occupants’. In relation to the issue of overlooking, it is noted that ‘there would be no significant change to the location of windows facing neighbouring dwellings, which would be separated by at least 27 metres’. Whilst concerns regarding insufficient parking on site are acknowledged, the Inspector refers to the Transport Assessment submitted as part of the planning application and notes that the proposal, by comparison to the previous development, ‘would represent a significant reduction in vehicular traffic’. Regarding the issue of parking the Inspector is ‘satisfied that the overall level of car ownership among residents of the development would be low’ and also concludes that ‘the proposal would not lead to harmful increases in on-street parking demand on surrounding streets’. In relation to character and appearance, the Inspector notes that the ‘scale and form of the building would not change’ and asserts that the ‘proposal would therefore conserve the character and appearance of the area’.</p>

Table 47: Appeal Allowed Contrary to Policy

Reference	20/00667/FUL
Address	28 Park Road, Chilwell
Description	Construct one pair of semi-detached dwellings following demolition of existing bungalow

Reference	20/00667/FUL
Relevant Planning Policy	Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy Policy 17: Place-making, Design and Amenity – Part 2 Local Plan.
Appeal Decision	Allowed
Summary	The main issues regarding this appeal are the effects on the character and appearance of the area; and the living conditions of the occupants of nearby dwellings. In their report, the Inspector regards that the proposal ‘would achieve a good standard of design...and would be visually appropriate in relation to other existing dwellings found in the vicinity’ and notes that the increased density would only be apparent ‘to the rear’ therefore leading to a conclusion that the character and appearance would not be negatively impacted. Later on in their report, in regards to the proposal’s impact on living conditions, the Inspector writes that no harm would be caused due to a number of factors such as separation distances, size and siting, and more specifically notes that the proposal’s orientation would ensure no harm as a result of ‘overlooking, massing, or through a loss of light or outlook’. All of these reasons lead the Inspector to conclude that both national and local policies have been complied with.

One appeal determined received a split decision. The details of this appeal are given below:

Table 48: Appeal Allowed with Split Decision

Reference	21/01005/FUL
Address	116 Derby Road, Bramcote
Description	Construct two storey side/rear extension, dormer to rear elevation and detached outbuilding ancillary to main dwelling.
Relevant Planning Policy	Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy Policy 17: Place-making, Design and Amenity – Part 2 Local Plan.
Appeal Decision	Allowed

Reference	21/01005/FUL
Summary	The main issue is the impact of the proposal on the living conditions of the occupiers of the neighbouring property with particular regard to outlook. Regarding the detached outbuilding of the scheme, the inspector agrees with the Council and notes that 'the siting, scale and design of the proposed outbuilding is acceptable' and allows this element of the appeal. In reference to the two storey side/rear extension aspect of the proposal, the inspector notes that this feature would 'significantly increase the overall scale and massing of built development along the boundary' with an effect that would be 'unduly oppressive' which would 'unacceptably harm the outlook from the patio area' of the neighbour. Therefore, this element of the appeal was dismissed.

Although there were appeals allowed, it should be noted that with particular topics, especially those such as design and neighbour amenity, differences of opinion between councils and inspectors will sometimes occur. Importantly, these appeal decisions did not involve any questioning of the policy objectives or the interpretation of policy wording. The majority of the appeals which were allowed were due to the inspector disagreeing with the Council's view that the proposals were contrary to policy, most notably, Policy 10 of the Aligned Core Strategy and Policy 17 of the Part 2 Local Plan.

Appeals Dismissed

12 appeals were dismissed in this financial year. The majority of these were dismissed as the Inspector agreed with the Council's recommendation and determined that the development would be contrary to Policy 10 of the Aligned Core Strategy and Policy 17 of the Part 2 Local Plan. There was also one appeal which was dismissed as the Inspector found there to be conflict with the Environment Agency's standing advice and, Policy 1 (Climate Change) of the Aligned Core Strategy, and Policy 1 (Flood Risk) of the Part 2 Local Plan. In addition to this, there were other appeals where the Inspector cited other policies which the proposed development was contrary to. Such policies included Policy 9: Gypsies, Travellers, and Travelling Showpeople; Policy 23: Proposals affecting Designated and Non-Designated Heritage Assets; and Policy 28: Green Infrastructure Assets - Part 2 Local Plan.

A key application which was dismissed at appeal was for the construction of a dwelling at Coopers Green (22/00548/FUL). Important issues which was at the forefront of this decision was that of open space and green infrastructure assets (GIA). In their report, the Inspector agreed with the Council's recommendation for refusal, and noted that 'the proposal would cause significant harm to two GIA' and would also result in 'demonstrable harm to the character and appearance of the area'. Although other considerations were put forward in the appeal, such as the proposal's positive impact on housing delivery figures, the Inspector concluded that would not outweigh the harm caused by the scheme. On the following page is a full list of the appeals which were dismissed:

Table 49: Appeals that were Dismissed

Reference	Address	Description	Relevant Planning Policy	Appeal Decision
22/00421/FUL	86 Baker Road, Newthorpe	Construct ground floor front and rear extension and hip to gable roof conversion with dormer windows.	Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy Policy 17: Place-making, Design and Amenity – Part 2 Local Plan	Dismissed
22/00548/FUL	Land Opposite 7 Coopers Green, Beeston	Construct dwelling	Policy 17: Place-making, Design and Amenity – Part 2 Local Plan Policy 28: Green Infrastructure Assets - Part 2 Local Plan	Dismissed
21/00849/FUL	Land to the rear of 177 and 179 High Road, Chilwell	Construct two storey dwelling	Policy 17: Place-making, Design and Amenity – Part 2 Local Plan Policy 23: Proposals affecting Designated and Non-Designated Heritage Assets	Dismissed
21/00738/FUL	12 Hope Street, Beeston	Construct two storey side, single/two storey rear and first floor front and front extensions, front and rear dormers, demolish garage and construct	Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy Policy 17: Place-making, Design and Amenity – Part 2 Local Plan	Dismissed

Reference	Address	Description	Relevant Planning Policy	Appeal Decision
		detached garage		
22/00149/FUL	4 Victoria Gardens, Watnall	Construct first floor extension	Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy Policy 17: Place-making, Design and Amenity – Part 2 Local Plan	Dismissed
21/00807/FUL	48 Wadsworth Road Stapleford	Retain raised patio and fencing and erect canopy	Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy Policy 17: Place-making, Design and Amenity – Part 2 Local Plan	Dismissed
21/00092/FUL	Kings Carpets 129 High Road	Construct 3 and 4 storey building comprising 9 apartments (Use Class C4) and provision of parking area	Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy Policy 17: Place-making, Design and Amenity – Part 2 Local Plan	Dismissed
21/00400/FUL	199A Main Street, Newthorpe	Construct detached garage / workshop	Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy Policy 17: Place-making, Design and	Dismissed

Reference	Address	Description	Relevant Planning Policy	Appeal Decision
			Amenity – Part 2 Local Plan	
20/00687/FUL	Land South of 50 Pinfold Road, Newthorpe	Construct 22 dwellings	Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy Policy 17: Place-making, Design and Amenity – Part 2 Local Plan	Dismissed
21/00756/FUL	74 Abbey Road Beeston	Construct two storey side extension, single storey rear extension and loft conversion with front and rear dormers (revised scheme)	Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy Policy 17: Place-making, Design and Amenity – Part 2 Local Plan	Dismissed
20/00272/FUL	Land adjoining 313 Nottingham Road, Toton	Change of use to residential including retention of static mobile home, touring caravan, utility/day room building, raised site levels and parking	Policy 1: Climate Change – Part 2 Local Plan Policy 9: Gypsies, Travellers, and Travelling Showpeople Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy Policy 1: Flood Risk – Part 2 Local Plan Policy 17: Place-making, Design and Amenity – Part 2 Local Plan	Dismissed

Reference	Address	Description	Relevant Planning Policy	Appeal Decision
21/00005/FUL	42 Greenhills Road, Eastwood	Construct dwelling with vehicle access and car parking, re-siting of gates and dropped kerbs	Policy 10: Design and Enhancing Local Identity – Aligned Core Strategy Policy 17: Place-making, Design and Amenity – Part 2 Local Plan	Dismissed

Applications for Costs

All applications for costs are determined separately of the respective appeal.

Out of the 15 appeals (and the 1 split decision) which were allowed, there were 7 applications for costs. This is a significant increase when looked at against the 1 application for costs which was submitted last year. Out of the 7 applications for costs, 3 were awarded, 2 were allowed in part (these were both for the same site), and 2 were dismissed. Additional information on the applications for costs which were allowed (and allowed in part) are provided below:

- 22/00236/CLUP. Certificate of lawfulness for proposed change of use from dwelling house (Class C3) to house in multiple occupation (Class C4). (Application for costs allowed). The Inspector awarded the application for costs in this instance as they regarded that the Council 'misapplied s192 of the Town and Country Planning Act 1990' in that the initial planning application submitted was not determined 'for the lawful certificate (LDC) under circumstances which existed on the relevant date'.
- 21/00052/FUL. Change of use of the existing residential property (Class C3) to a seven bedroomed HMO. (Application for costs allowed). For this application for costs, the applicant regards that the Council 'did not explain clear planning reasons for the decision' and in this instance, this is supported by the Inspector who put forward that the Council 'made generalised assertions unsupported by any objective analysis and as such has not provided evidence to substantiate the reasons for refusal'.
- 21/00971/FUL. Construct 3 storey building comprising 7 apartments and provision of parking area (revised scheme). (Application for costs allowed in part). In their report, in relation to the issue of good design, the Inspector regarded that 'the Council would have been entitled to have concluded that these considerations were insufficient to outweigh the harm it believed would be caused by the scheme to the character and appearance of the area'. In spite of this, the Inspector went on to note that there had been 'unnecessary or wasted expense' had been 'demonstrated in relation to that part of the

Council's reason for refusal that relates to living conditions and on road parking' and therefore that a 'partial award for costs is justified'.

- 21/00092/FUL. Construct 3 and 4 storey building comprising 9 apartments (Use Class C4) and provision of parking area. (Application for costs allowed in part). In their report, the Inspector agrees with the Council's conclusions in relation to the impact of the proposal on the character and appearance of the area but found 'no harm to the living conditions of occupiers of adjacent dwellings or with regard to highway safety'. It is concluded that the 'appellants' costs in mounting the appeal were not unnecessarily incurred' and as such the application for a full awards of costs was refused. However, it is noted that 'unnecessary and wasted expense has been demonstrated in relation to two reasons for refusal' and on this basis, 'a partial award of costs is justified'.

Summary Tables

The below table shows the rate of the dismissal of appeals over an eighteen-year period (to the nearest whole number):

Table 50: Rate of Dismissal of Appeals

Year	Appeals Allowed	Appeals Allowed in Part	Appeals Dismissed	Total	Proportion Dismissed
2005/06	5	1	13	19	68%
2006/07	9	0	16	25	64%
2007/08	4	0	19	23	83%
2008/09	7	1	16	24	67%
2009/10	6	1	13	20	65%
2010/11	4	0	16	20	80%
2011/12	5	0	13	18	72%
2012/13	3	0	12	15	80%
2013/14	6	0	14	20	70%
2014/15	2	0	11	13	85%
2015/16	9	0	8	17	47%
2016/17	4	2	11	17	65%
2017/18	2	0	4	6	67%
2018/19	4	0	8	12	67%
2019/20	8	0	12	20	60%
2020/21	5	0	13	18	72%
2021/22	6	0	10	16	63%
2022/23	15	1	12	28	43%
Total 2005-21	104	6	221	331	67%

Table 51: Appeal Decisions (received between 1 April 2022 to 31 March 2023)

Application	Outcome	Officer Recommendation	Policy Wording Issues
20/00272/FUL	DISMISS	Refuse	No
20/00667/FUL	ALLOW	Approve	No
20/00891/FUL	ALLOW	Approve	No
20/00687/FUL	DISMISS	Approve	No
20/00876/FUL	ALLOW	Approve	No
21/00849/FUL	DISMISS	Refuse	No
21/00738/FUL	DISMISS	Approve	No
21/00856/FUL (this appeal was in relation to a condition on the decision notice which granted permission, and is not against the decision as a whole)	ALLOW	Approve	No
21/01005/FUL	Split Decision	Approve	No
21/00807/FUL (Appeal A)	ALLOW	Approve	No
21/00807/FUL (Appeal B)	DISMISS	Approve	No
21/00092/FUL	DISMISS	Approve	No
21/00971/FUL	ALLOW	Approve	No
21/00400/FUL	DISMISS	Refuse	No
21/00909/FUL	ALLOW	Approve	No
21/00704/FUL	ALLOW	Approve	No
21/00495/FUL	ALLOW	Refuse	No
21/00052/FUL	ALLOW	Approve	No
21/00756/FUL	DISMISS	Refuse	No
21/00364/FUL	ALLOW	Approve	No
21/00443/FUL	ALLOW	Approve	No
21/00005/FUL	DISMISS	Refuse	No
22/00421/FUL	DISMISS	Refuse	No

Application	Outcome	Officer Recommendation	Policy Wording Issues
22/00548/FUL	DISMISS	Refuse	No
22/00203/FUL	ALLOW	Refuse	No
22/00101/FUL	ALLOW	Approve	No
22/00236/CLUP	ALLOW	Refuse	No
22/00149/FUL	DISMISS	Refuse	No
20/00272/FUL	DISMISS	Refuse	No
20/00667/FUL	ALLOW	Approve	No

For any enquiries relating to information contained within this report please contact the Planning Policy Team at Broxtowe Borough Council, telephone 0115 917 7777 or policy@broxtowe.gov.uk.

Planning and Economic Development
 Broxtowe Borough Council
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 Beeston
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Report of the Portfolio Holder for Economic Development and Asset Management

COSSALL NEIGHBOURHOOD PLAN

1. Purpose of Report

The purpose of this report is to obtain approval for the Cossall Neighbourhood Plan to be modified as recommended by the Independent Examiner and to proceed to referendum based upon the current Neighbourhood Plan Area (which is as per the pre-April 2023 Cossall Parish Council boundary).

2. Recommendation

Cabinet is asked to RESOLVE that:

- 1. the Cossall Neighbourhood Plan should be modified as proposed by the Independent Examiner.**
- 2. once modified as proposed by the Independent Examiner, it is considered the Neighbourhood Plan will meet the Basic Conditions.**
- 3. the Cossall Neighbourhood Plan should proceed to a referendum, with the extent of the area eligible to vote to be based upon the Cossall Neighbourhood Area as shown within appendix 1 to this report.**

3. Detail

The Cossall Neighbourhood Development Plan has been prepared by Cossall Parish Council over the past six years since the official designation of the Cossall Neighbourhood Area in December 2017. The Independent Examiner's Report was received by Broxtowe Borough Council in November 2023. The Independent Examiner recommended that, subject to ten modifications, the Cossall Neighbourhood Plan meets the Basic Conditions and other requirements, and should, subject to the approval of the Borough Council, proceed to referendum.

The Independent Examiner also concluded that:

- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body: Cossall Parish Council;
- The Plan has been prepared for an area properly designated: Cossall Neighbourhood Plan Area, as shown on Map 1 of the Plan and within appendix 1 to this report;
- The Plan specifies the period to which it is to take effect, 2022 - 2037; and
- The policies relate to the development and use of land for a designated Neighbourhood Area.

The Independent Examiner considered whether the referendum area should extend beyond the designated area to which the Plan relates and concluded that it should not.

The Neighbourhood Plan was produced by a Steering Group made up of Parish Councillors and other volunteers from the local community.

The Neighbourhood Plan includes 12 policies. These are:

- Policy 1 Sustainable Development
- Policy 2 Protecting Landscape Character
- Policy 3a Protecting and Enhancing Blue and Green Infrastructure
- Policy 3b Protecting and Enhancing Biodiversity
- Policy 4 Designation of Local Green Spaces
- Policy 5 Protecting or Enhancing Heritage Assets
- Policy 6 Ensuring High Quality Design
- Policy 7 A Mix of Housing Types
- Policy 8 Maintaining Local Employment
- Policy 9 Enhancing the Provision of Community Facilities
- Policy 10 Traffic Management
- Policy 11 Car Parking on Church Lane

The (Submission) draft of the Neighbourhood Plan and accompanying documents were submitted to Broxtowe Borough Council on Thursday 9 March 2023. The Borough Council arranged a period of public consultation between 30 May and 14 July 2023 (the 'Regulation 16' consultation) and subsequently submitted the Neighbourhood Plan for Independent Examination.

The Independent Examination was undertaken by Jill Kingaby BSc (Econ) MSc MRTPI. The Independent Examiner's Report was received by the Borough Council on 9 November 2023.

The Independent Examiner found that, subject to ten modifications, the Neighbourhood Plan meets the Basic Conditions and other requirements. Further information in relation to the Basic Conditions and the Independent Examiner's recommendations are set out within the Independent Examiner's Report, which is included as appendix 2.

The next steps (should Cabinet resolve to approve the recommendations) are that the Borough Council will amend the Neighbourhood Plan as per the Independent Examiner's recommendations and then arrange a referendum, co-ordinated by the Elections Team. If the Neighbourhood Plan achieves more than half of votes cast in favour (50% plus one) then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the Plan Area, unless the Borough Council subsequently decides the Neighbourhood Plan should not be 'made'.

Appendix 1 shows a plan showing the extent of the Cossall Neighbourhood Plan Area (the pre-April 2023 Cossall Parish Council boundary). The Independent Examiner's Report is set out in appendix 2. Appendix 3 sets out the

Equality Impact Assessment.

4. Key Decision

This is not a Key Decision.

5. Updates from Scrutiny

N/A

6. Financial Implications

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

The Council can claim £20,000 from the Department for Levelling Up, Housing and Communities (DLUHC) when it issues a decision statement detailing its intention to send the Neighbourhood Plan to referendum (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended) rather than when a referendum date has been set. Whilst the Council will have already invested resources in the preparation of the Cossall Neighbourhood Plan and the Neighbourhood Plan process, the costs of the referendum should be covered by this funding.

7. Legal Implications

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

Neighbourhood planning is part of the Government's initiative to empower local communities to bring forward planning proposals at the local level, as outlined in Section 116 of the Localism Act 2011. The Act and the subsequent Neighbourhood Planning (General) Regulations 2012 (known as the 2012 Regulations) confer specific functions on local planning authorities in relation to neighbourhood planning and sets out the steps that must be followed in relation to neighbourhood planning.

The designation of a Neighbourhood Area and related Forum are vital steps in empowering communities to take forward Neighbourhood Planning. Under the Localism Act, the Council have a statutory responsibility to groups who wish to exercise their right to produce a Neighbourhood Plan. As such, a refusal following submission of a valid application could lead to potential legal challenge.

The Council now need to determine whether, once amended as recommended by the Independent Examiner, the Neighbourhood Plan meets the 'Basic Conditions', as set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. In order to meet the Basic Conditions, the Neighbourhood Plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;

- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations (under retained EU law); and
- Meet prescribed conditions and comply with prescribed matters.

Regulation 32 of the 2012 Regulations (as amended) prescribes a further Basic Condition for a Neighbourhood Plan. This requires that the making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

In order to comply with Regulation 18A of the 2012 Regulations (as amended), the Council must make a decision as to whether or not the Plan meets the Basic Conditions and so should or should not proceed to referendum, by the last day of the period of 5 weeks beginning with the day immediately following that on which the examiner's report was received by the local authority (which was on 9 November 2023) or by another date agreed in writing with the Parish Council.

8. Human Resources Implications

N/A

9. Union Comments

N/A

10. Climate Change Implications

The Cossall Neighbourhood Plan includes local planning policies to promote sustainable development, to protect and enhance blue and green infrastructure and to protect and enhance biodiversity.

11. 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.

12. Equality Impact Assessment

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

13. Background Papers

Nil.

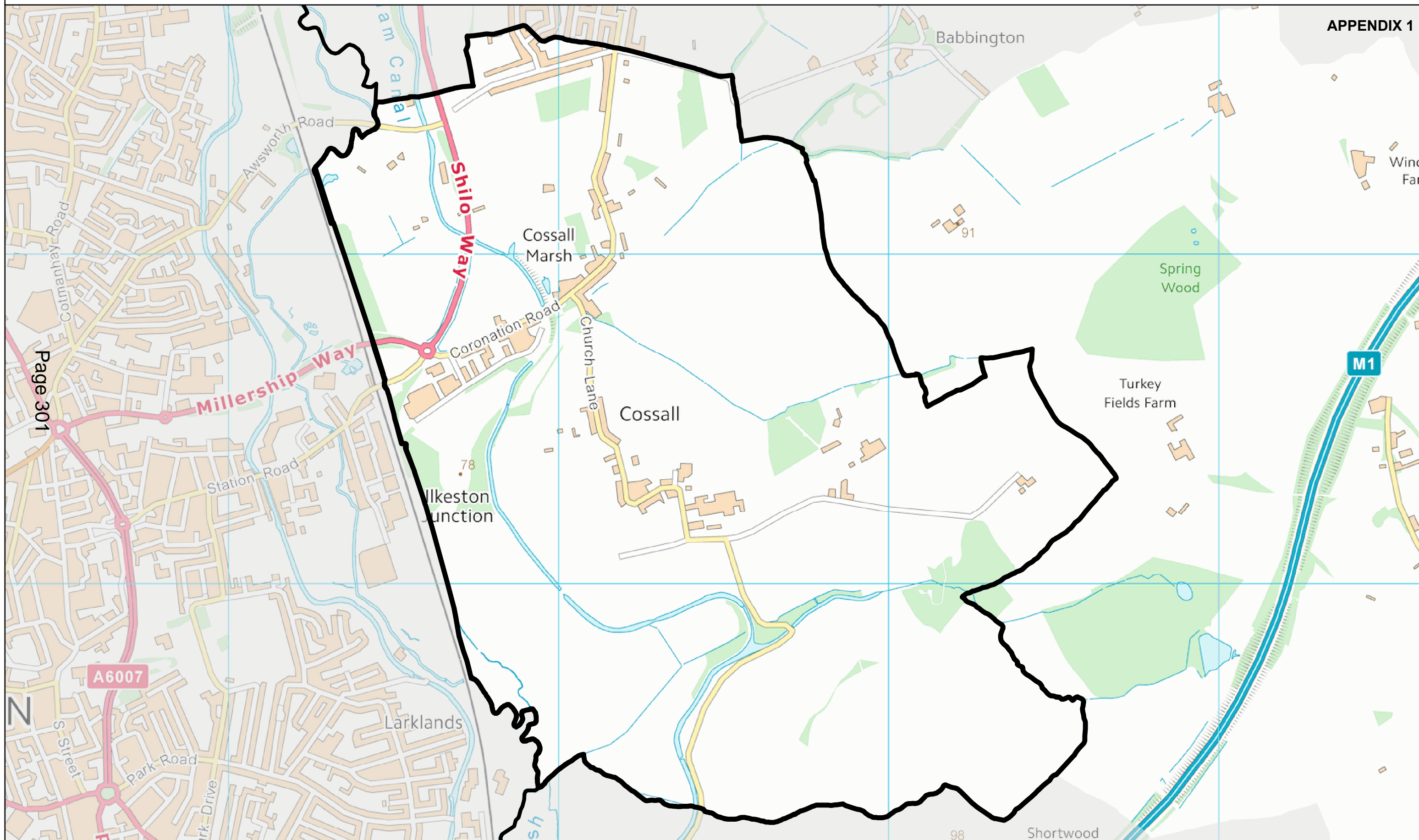


Cossall

Parish



APPENDIX 1



Page 301

Not To Scale

0 300 600 1,200 1,800 2,400 Meters

Contains Ordnance Survey data © Crown copyright and database right 2015

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Intelligent Plans
and examinations

Report on Cossall Neighbourhood Plan 2022 - 2037

An Examination undertaken for Broxtowe Borough Council with the support of Cossall Parish Council on the March 2023 submission version of the Plan.

Independent Examiner: Jill Kingaby BSc (Econ) MSc MRTPI

Date of Report: 9 November 2023

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Contents

Main Findings - Executive Summary	3
1. Introduction and Background	3
Cossall Neighbourhood Plan 2022 - 2037	3
The Independent Examiner	4
The Scope of the Examination	4
The Basic Conditions	5
2. Approach to the Examination	6
Planning Policy Context	6
Submitted Documents	6
Site Visit.....	7
Written Representations with or without Public Hearing	7
Modifications	7
3. Procedural Compliance and Human Rights.....	7
Qualifying Body and Neighbourhood Plan Area.....	7
Plan Period	7
Neighbourhood Plan Preparation and Consultation	7
Development and Use of Land	8
Excluded Development	8
Human Rights	9
4. Compliance with the Basic Conditions.....	9
EU Obligations.....	9
Main Issues.....	9
General issues of compliance	9
Plan policies – specific issues of compliance	12
5. Conclusions	18
Summary	18
The Referendum and its Area	18
Overview	18
Appendix: Modifications.....	20

Main Findings - Executive Summary

From my examination of the Cossall Neighbourhood Plan (the Plan/CNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Cossall Parish Council;
- The Plan has been prepared for an area properly designated –Cossall Neighbourhood Plan Area, as shown on Map 1 of the Plan;
- The Plan specifies the period to which it is to take effect, 2022 - 2037; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Cossall Neighbourhood Plan 2022 - 2037

- 1.1 Cossall is a small village and parish located about 7 miles west of the City of Nottingham and 1 mile east of Ilkeston. The River Erewash forms the south-western boundary of the Cossall Neighbourhood Plan Area (CNP Area). Most of the CNP Area comprises arable farmland and open fields and lies within the designated Green Belt. In 2011, the Census recorded that 605 people lived in 245 households in Cossall. Cossall village at the centre of the CNP Area has a historic core which constitutes a Conservation Area and includes six listed buildings/structures. Cossall Industrial Estate sits alongside Coronation Road, which leads westwards to the built-up urban area of Ilkeston with its railway station (nearby, but outside the CNP Area). The Industrial Estate also has easy access to Junction 26 on the M1 motorway. Nottingham Canal, now disused but constituting a Local Nature Reserve, winds its way down the western side of the CNP Area, and is bordered by north-south pathways for pedestrians and cyclists, as well as horse-riders. The northern part of the CNP Area, from Cossall Marsh, is crossed by Awsworth Lane, which is fronted by suburban housing. Newtons Lane and The Glebe, on the northern border with Awsworth, include relatively intensive residential development. The predominantly rural eastern side of Cossall is traversed by Robinettes Lane, with the Robinettes Site of Special Scientific Interest (woodland with

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acidic grassland), as shown on Map 2 in the Plan. Robinettes Lane also gives access to the Mabey UK Hire Depot, a construction engineering business.

- 1.2 After a Parish Council meeting in September 2017, every home in the Parish was sent a leaflet indicating that a neighbourhood plan was being considered. People were asked whether they thought the preparation of a neighbourhood plan was desirable and, if so, whether they would volunteer as participants in a steering group. A positive response resulted in the formation of the CNP Steering Group (the NPSG), with a mix of residents and Parish Councillors. The NPSG has worked over the succeeding years to produce the submission Neighbourhood Plan, in March 2023.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Cossall Neighbourhood Plan by Broxtowe Borough Council, with the agreement of the Cossall Parish Council and its NPSG.
- 1.4 I am a chartered town planner and former government Planning Inspector, with prior experience examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the submission Plan.

The Scope of the Examination

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions.
 - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:

- it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
 - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').
- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

- 1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the development plan for the area;
 - Be compatible with and not breach European Union (EU) obligations (under retained EU law)¹; and
 - Meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Development Plan does not breach the requirements of

¹ The existing body of environmental regulation is retained in UK law.

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of Broxtowe Borough Council, not including documents relating to excluded minerals and waste development, is the Part 1 Greater Nottingham Aligned Core Strategy 2014 and the Part 2 Broxtowe Borough Council Local Plan 2019.
- 2.2 Planning policy for England is set out principally in the National Planning Policy Framework (NPPF). This is accompanied by the Planning Practice Guidance (PPG) which offers guidance on how this policy should be implemented. All references in this report are to the latest iteration of the NPPF³ and the accompanying PPG.

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including:
- the draft Cossall Neighbourhood Plan 2022 - 2037, March 2023;
 - Map 1 of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - the Consultation Statement, January 2023;
 - the Basic Conditions Statement, March 2023;
 - the Strategic Environmental Assessment/Habitats Regulations Assessment Screening Report, prepared by Broxtowe Borough Council, March 2023;
 - the Cossall Design Codes and Guidance, June 2022;
 - all the representations that have been made in accordance with the Regulation 16 consultation; and
 - the request for additional clarification sought in my letter dated 29 August 2023 and the responses dated 3 September and 6 October 2023 from the NPSG.⁴

² This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

³ A new version of the NPPF was published during the examination on 5 September 2023. It sets out focused revisions (to the previously published version of 20 July 2021) only to the extent that it updates national planning policy for onshore wind development. As such, all references in this report read across to the latest 5 September 2023 version.

⁴ View at: <https://www.broxtowe.gov.uk/for-you/planning/planning-policy/neighbourhood-planning/cossall-neighbourhood-plan/>

Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 24 August 2023 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Cossall Neighbourhood Plan has been prepared and submitted for examination by Cossall Parish Council, which is a qualifying body for an area that was designated by Broxtowe Borough Council in December 2017. The Cossall Parish Council administrative boundary was revised on 1 April 2023, however the designated area for the purposes of the Neighbourhood Plan remains unaltered (i.e. it continues to reflect the administrative Parish boundary immediately prior to 1 April 2023).⁵
- 3.2 It is the only Neighbourhood Plan for Cossall and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2022 to 2037.

Neighbourhood Plan Preparation and Consultation

- 3.4 The Consultation Statement advises that the Steering Group was set up in 2018, with 5 Parish Councillors and 5 other interested residents. The NPSG sought to consult residents and businesses at every stage of plan

⁵ More discussion on this matter is covered in paragraphs 4.4 and 4.5 below.

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formation, in order to reflect the opinions of everyone living or working within the Plan Area. Surveys of (1) residents and (2) businesses were carried out in 2019 to guide the Plan and help formulate planning policies. Leaflets/questionnaires were submitted to all households and businesses and were made available on the Parish Council's website. 36% of households completed the questionnaire, and 38% of all known businesses. The Consultation Statement indicates that results from the questionnaires were carefully analysed on a topic-by-topic basis, to guide the forthcoming Plan and its emerging policies. Construction of the CNP continued throughout the Covid pandemic, with virtual meetings and leaflets sent by post rather than hand delivery, where necessary.

- 3.5 A leaflet containing the CNP's proposed vision and objectives, derived from opinions expressed by residents and businesses, and with an invitation to provide comments, was made available in January 2022. A pre-submission draft CNP was produced and made available for consultation, in accordance with Regulation 14 of the Neighbourhood Plan Regulations, from 20 September to 1 November 2022. A leaflet, to advertise a drop-in exhibition, was prepared in September 2022, circulated to all parties and exhibited on all Parish Council noticeboards. Responses to the Regulation 14 survey questionnaire were accepted either on paper or online. The drop-in session in October 2022 attracted 35 attendees, and a total of 40 responses to the survey were received. The Consultation Statement indicates that responses were assessed in detail in relation to all the Plan's policies. Responses from statutory agencies and other organisations were scrutinised.
- 3.6 The submission CNP, which is the subject of this examination, includes amendments which were made following receipt of the Regulation 14 responses. Consultation on the draft CNP took place between 30 May and 14 July 2023, in accordance with Regulation 16. Broxtowe Borough Council received 16 responses, which I have read and taken into account in my examination. I am satisfied that the consultation process has met the legal requirements i.e. procedural compliance, and has had regard to the advice in the PPG on plan preparation and engagement.

Development and Use of Land

- 3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.8 The Plan does not include provisions and policies for 'excluded development'.⁶

⁶ See section 61K of the 1990 Act.

Human Rights

- 3.9 The CNP Basic Conditions Statement states, at paragraph 1.38, that the Neighbourhood Plan has had regard to, and is compatible with, the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. I recognise that great care was exercised throughout the preparation and drafting of the CNP, to ensure that the views of the whole community were embraced and to avoid unintentional negative effects on particular groups. Broxtowe Borough Council has not stated that the Plan would breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment, I see no reason to disagree.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by Broxtowe Borough Council, which found that it was unnecessary to undertake SEA. The CNP was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. I have read the SEA/HRA Screening Report prepared by Broxtowe Borough Council (dated March 2023) and note that consulting bodies including Natural England agreed with the Council's conclusions. I also support the conclusions of the Borough Council that the making of the CNP would not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

Main Issues

- 4.2 Having regard for the submission CNP, the consultation responses, other evidence, and the site visit, I have approached the assessment of compliance with the Basic Conditions as two main matters:
- General issues of compliance of the Plan, as a whole; and
 - Specific issues of compliance of the Plan policies.

General issues of compliance

- 4.3 The CNP begins with a Foreword by the Chair of the Neighbourhood Plan Steering Group, which states that the Plan sets out a clear vision for 15 years, focusing on the issues that matter to the community and providing a framework to ensure that new development will contribute to achieving the vision. The Foreword, in my view, provides a succinct summary of the vision and the key issues for Cossall, providing a helpful and instructive introduction to the Plan. I do, however, consider that item 4, relating to traffic and road safety, requires some re-wording, so that it will be consistent with national planning policy and not give misleading information about the legitimacy of neighbourhood planning to manage traffic and driver behaviour. **PM1** should be made so that the Basic

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Conditions are satisfied. In addition, Awsworth Parish Council suggested, in its Regulation 16 Consultation response, that the status and publication date should be made clear on each page of the CNP, with either a Header or Footer, to help users of the Plan. In order that the final CNP will be distinguishable from earlier drafts, or the current submission document, and will contribute to sustainable development, I support this proposal, and recommend **PM2** accordingly.

- 4.4 Map 1 shows the CNP Area, as designated, and paragraph 10 explains that the boundary is that of the Parish boundary prior to 2023. Awsworth Parish Council, in its Regulation 16 consultation response, suggested that the map should be updated to reflect recent Parish boundary changes and show where land has been removed from Cossall Parish. In response, the NPSG confirmed that the Neighbourhood Plan Area was designated in December 2017, and is contiguous with the boundary for the Awsworth Neighbourhood Plan, which has already been made. The Neighbourhood Plan boundary for this Plan for Cossall is that which has been legally designated and remains unaltered. However, the titles to Maps 1 and 2 should be modified, as in **PM3**, to omit the word "Parish", in order to avoid confusion following the recent change to Parish boundaries.
- 4.5 Furthermore, a new Map 1a should be inserted, to show Cossall Parish Boundary from 1 April 2023, as I recommend in **PM3**. This modification includes a footnote and new paragraph ahead of paragraph 11, to indicate how the revised boundaries for Cossall Parish relate to Awsworth and Strelley Parishes. These revisions are based on those put forward by the Parish Council and NPSG in response to my queries, on 3 September 2023.⁷ I recommend extending the new paragraph 11 with a reference to the need to co-operate with Awsworth and Strelley Parishes in future when implementing the CNP. **PM2** shows how modifications should also be made to text in the Foreword and sections 1-8 to reflect the boundary changes. Similar modifications should also be made to wording in the remainder of the Plan before it proceeds to adoption, to refer to the CNP Area rather than Cossall Parish, and to the NPSG rather than the Parish Council. I recommend that **PM2** & **PM3** be made for clarity about the current Parish boundaries and CNP Area, and to contribute to the achievement of sustainable development.
- 4.6 Sections 1 to 8 of the CNP provide helpful information about the relationship of the Plan to national and local planning policy; the timeframe and commitment to review the CNP every 5 years; and important supporting evidence for plan production including the Cossall Design Guidance and Codes (AECOM) 2022. Map 2 shows Broxtowe Borough Council's planning policies relevant to Cossall. Map 2 also includes, among other things, the approved planning application for 250 dwellings, of which 50 dwellings will be within the CNP Area, as well as the

⁷ See the NPSG response of 6 October 2023:
https://www.broxtowe.gov.uk/media/42bf41u0/3-agreed-additional-text-and-plans-october-2023_redacted.pdf

permission granted in June 2021 for 64 dwellings and a change of use to a country park, at the former dry ski slope, once Cossall Colliery. Section 3 recognises the importance of consultation and engagement to producing a successful neighbourhood plan, and this theme is taken forward in Sections 6 and 7, which set out the Community Vision and Community Objectives.

- 4.7 Section 4 gives a cross-reference to Appendix A which describes a number of community projects and actions which are not part of the Neighbourhood Plan but will be supported by the CNP Steering Group.⁸ A brief account of Cossall's history, its relationship to the city of Nottingham, and 2011 Census results (605 people in 245 households) in Section 5, provide useful contextual information for readers of the Plan. As long as **PMs 1, 2, & 3** are made, I conclude that sections 1-8 of the CNP provide an informative and clear introduction to the Plan and meet the Basic Conditions for neighbourhood planning.
- 4.8 Sections 9 to 19 of the CNP address the issues arising from the Community Vision and Objectives, and puts forward 11 policies, each of which I address in the next section of my report. Section 9 begins with Sustainable Development, explaining the concept as defined in the NPPF, and then focusing on the environmental subjects relevant to Cossall, before addressing economic wellbeing and social progress. In view of the significant amount of open countryside in the Cossall Area, I consider that the structure of sections 9-19 is appropriate. Table 1 in Section 9 highlights Overarching Principles from the Cossall Design Guidance and Codes Report, in respect of heritage assets, environmental designations and open space, Green Belt and proposed public open space, as well as topography and flood risk. I appreciate the importance of all these topics to Cossall. The Design Guidance and Codes Report 2022 is a commendable and comprehensive document, underpinned by good baseline evidence and consistent with the NPPF, in particular its section 1: Achieving well-designed places.
- 4.9 Section 20 of the CNP concerns Implementation, and explains the role of Broxtowe Borough Council, the Parish Council and other parties, with a cross-reference to Appendix A: Community Projects. Section 21 Monitoring and Review explains that monitoring of the Plan will take place in future, with a review of the Plan 5 years after it has been made. This is helpful information for readers and users of the CNP. In view of the recent change to Parish boundaries, I consider that modifications should be made to paragraphs 192 - 196, to commit to ongoing consultation and collaboration with neighbours, notably Awsworth Parish Council. In order to meet the Basic Conditions, **PM10** should be made. Appendices B-E contain good quality photographs of key views, footpaths and bridleways, listed buildings/structures and buildings nominated for local listing, as well as the Cossall Design Guidance and Codes 2022. These are supportive of policies and text in the main body of the Plan. The Appendices should be

⁸ This reflects the advice in the final paragraph of PPG Reference ID: 41-004-20190509.

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helpful for readers and users, and they enhance the appearance of the CNP. I conclude that, as long as the above **PMs** are made, the structure, overall content and form of the CNP satisfy the Basic Conditions.

Plan policies – specific issues of compliance

- 4.10 Policy 1 Sustainable Development sets a number of requirements for new development, beginning with criterion 1 which limits future new development to that considered appropriate in the Green Belt, unless promoted through a site allocation in the Part 2 Broxtowe Borough Local Plan. In view of the extent of Green Belt land in Cossall, the requirement is fully justified, in my opinion. Criterion 2 requires development proposals to accord with the Overarching Design Principles and Design Codes in the Cossall Design Guidance and Codes 2022, which are described in the supporting text and Appendix D. Compatibility with the character, appearance and amenity of the part of Cossall Parish in which a particular site is located is also required. Reference is made to Maps 2, 3 and 4, which illustrate where nature conservation sites, Significant Green Gaps and Key Views are located. Proposals should safeguard heritage assets, incorporate measures to promote walking and cycling, and access to public transport, where applicable; be directed to low flood risk zones, and include Sustainable Drainage Systems (SuDS), where applicable.
- 4.11 I saw from my site visit that the landscape and character of Cossall is very varied and recognise that the detail in Policy 1 is necessary for the achievement of good quality development. The policy is supported by clear and informative text to assist readers and users of the Plan. I propose a modification to criterion 2.e), to add the words “where practicable”, as not all small developments will be able to promote walking and cycling in their design and layout. **PM4** would secure this modification and should be made so that Policy 1 contributes to the achievement of sustainable development.
- 4.12 Criterion 2.f) of Policy 1 is followed by a footnote, referring to Severn Trent’s response to the Regulation 14 exercise. At Regulation 16 stage, Severn Trent expressed support for Policy 1 2.f), and proceeded to emphasise the need to encourage water efficiency, SuDS, blue-green infrastructure and biodiversity, etc. Severn Trent advised that, when specific on-site development details are available, the developers should get in touch with them at the earliest possible stage. A Developer Enquiry email link is put forward, and I consider that this could usefully be referenced in the CNP, to contribute to sustainable development. I propose that this link be added to the footnote below Policy 1, as in **PM4**. Nottinghamshire County Council Flood Risk Management Team also commented on the CNP but stated that it should only be consulted on major developments with respect to surface water drainage, so sought no modifications to the Plan.
- 4.13 Section 10 and Policy 2 are titled Protecting Landscape Character. The supporting text advises that the Neighbourhood Plan Steering Group

found, from its survey work, that over 90% of residents appreciate the natural environment of Cossall. The text supporting Policy 2 also refers to Broxtowe's Local Plan Part 2 which was underpinned by the 2009 Landscape Character assessment. 7 Significant Green Gaps, based on further survey work and analysis by the NPSG are then described and shown on Map 3. Key Views have also been identified by the NPSG as shown in Map 4, with photographs in Appendix B. A design code for Woodlands, Trees and Hedgerows, taken from the Cossall Design Guidance and Codes 2022, is also referenced on Page 23, along with Policy 2. I am satisfied that, overall, Policy 2 is supported by well-researched information about the local landscape, woodland and biodiversity.

- 4.14 Significant Green Gaps (2.b) in Policy 1) are described on Pages 18-19, and shown on Map 3, Page 20. Paragraph 70 explains that the spaces have an open and undeveloped character and meet one of three criteria: a) form a visual break between settlements; b) reinforce the loose grained rural character; and c) have boundaries which follow physical features on the ground, taking account of the need to accommodate the Local Plan's development requirements. In view of the restrictions which national and Local Plan policy impose on development in the countryside in general, and Green Belt land in particular, I have considered whether the Significant Green Gap designation is necessary. I note that the 7 proposed Gaps are all adjacent to existing built-up areas, and arguably will strengthen the case against "urban sprawl".
- 4.15 Mulberry Land, which is promoting land to the east and west of Shilo Way, opposes the designation of Significant Green Gap 3, arguing that the site is very sustainably located for extensions to the existing employment area along Coronation Road. Mulberry Land contends that Gap 3 is within an urbanised area, some distance from the settlement of Cossall, so that it does not serve a visual break between settlements, nor does it take account of the development requirements of the Local Plan. In response to my query about the concept of Significant Green Gaps, which do not feature in national policy or the Broxtowe Local Plan, Cossall Parish Council drew my attention to their use in other districts of Nottinghamshire, as well as Lincolnshire and Leicestershire, where neighbourhood plans have been made. I am satisfied that the concept of Significant Green Gaps can be retained in the CNP. However, as I saw at my site visit, Gap 3, with major roads on its western and southern boundaries, and proximity to the Coronation Road industrial area, differs in appearance from the other proposed gaps. In my opinion, it is less open and lacks the loose grained rural character displayed by the other areas. I am not satisfied that Gap 3 forms a significant visual break between settlements and propose that it is removed as a Significant Green Gap from Table 3 and Map 3. This does not signal my support for Mulberry Land's aspiration for an extension to the existing employment area. Any decision on that matter should be taken by Broxtowe Borough Council, who would have regard for the land's existing designation as Green Belt. I consider that **PM5** should be made so that Policy 2

encourages the promotion of sustainable development and has regard to national planning policy and thus meets the Basic Conditions.

- 4.16 Section 11 of the Plan is: Protecting and Enhancing Blue and Green Infrastructure and Biodiversity. Paragraph 78 notes that Broxtowe's Local Plan Part 2 defines green infrastructure as a "network of living multi-functional natural features, green spaces, rivers, canals and lakes that link and connect villages, towns and cities". Table 4 of the CNP identifies the features in Cossall which are mentioned in the Local Plan's Green Infrastructure Strategy, and Map 5a shows Areas of Nature Conservation Value. Paragraph 79 states that the network of canal towpaths, bridleways and footpaths make the Parish a green lung for residents and the wider population. Map 5b shows Cossall Canal Walk, following the former Nottingham Canal, which was being enjoyed by walkers at the time of my site visit. I recommend that Map 5b be modified, so that the compass point on the top right corner is displayed correctly, as in **PM6**, to assist readers and users of the CNP.
- 4.17 Derbyshire County Council welcomes the positive support which the CNP gives to maintaining existing footpaths, towpaths and bridleways. In its Regulation 16 consultation response, it submitted plans showing where footpaths from Ilkeston connect to Cossall, on the west side of the Neighbourhood Plan Area. I agree with the County Council that text should be added to paragraph 89 to confirm that Footpaths 31 and 11 in Cossall, and shown on Map 5d, enable cross-boundary movement and active travel. New arrows at the western boundary edge of Cossall should confirm that access into Derbyshire can be achieved. **PM7** will strengthen Policy 3a Protecting and Enhancing Blue and Green Infrastructure and should be made for the achievement of sustainable development.
- 4.18 Policy 3b Protecting and Enhancing Biodiversity provides detailed information for developers, beginning with the requirement that proposals should provide a net biodiversity gain. I am satisfied that the policy is consistent with Chapter 15 of the NPPF, Conserving and enhancing the natural environment subject to two recommended modifications. Firstly it should be clarified that there is a requirement for a minimum of 10% biodiversity net gain (in accordance with the Environmental Act 2021). Secondly I note it requires development to incorporate SuDS in line with Government policy and the expectations of Severn Trent. Broxtowe Borough Council's Green Infrastructure Strategy 2015-30 is referenced in the supporting text, but I consider that criterion 1.i) of Policy 3b should be modified to confirm that it is Broxtowe Borough's Green Infrastructure Strategy. These revisions will be achieved by **PM8**; Policy 3b will then meet the Basic Conditions.
- 4.19 Section 12 Local Green Spaces explains that two sites will be designated by Policy 4, as described on Page 35 and illustrated on Map 6. I am satisfied that the CNP is consistent with paragraphs 101 to 103 of the NPPF, in particular that the two sites meet the conditions for designation set out in paragraph 102. Policy 4 therefore meets the Basic Conditions.

- 4.20 Cossall village, at the centre of the Neighbourhood Plan Area, on elevated land and with a distinctive history, has Conservation Area status. Section 13 of the CNP explains that further protection is given to the area south of the village, shown on Map 7, by the Article 4 Direction relating to agricultural development. Cossall village includes 6 listed buildings/structures, also shown on Map 7, and the NPSG has undertaken further work to identify additional buildings and structures of significant local historic and/or architectural merit. Map 8 and Appendix F show their location and characteristics/appearance. Policy 5 states that the locally valued heritage assets are put forward for inclusion in Broxtowe Borough Council's local list. Policy 5 also refers to the Design Code: Heritage Assets (HA) which forms part of the Cossall Design Guidance and Codes 2022. I consider that Policy 5 with the supporting text and illustrations should provide good guidance for developers and secure the protection and enhancement of Cossall's heritage assets. Policy 5 satisfies the Basic Conditions and is in general conformity with Policy 11: The Historic Environment of the Aligned Core Strategy and Policy 23 of the Broxtowe Part 2 Local Plan.
- 4.21 Chapter 12 of the NPPF: Achieving well-designed places states that the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. Section 14 of the CNP indicates that the NPSG has embraced this ambition and seeks to ensure high quality design, particularly on the two major developments scheduled to take place in Cossall. The Cossall Design Guidance and Codes underpins Policy 6 of the CNP and seeks that developers should demonstrate accordance with it. This is consistent with paragraph 129 of the NPPF. Policy 6 covers all aspects of building design, expects regard to be had to a site's location, welcomes innovative approaches to achieve low-carbon homes, and advises on the retrofitting of heritage properties/features. In broad terms, I support the thrust of section 14 of the CNP.
- 4.22 However, paragraph 126 and criterion 1 of Policy 6 arguably conflict, as the text excludes householder extensions from needing to take account of the design codes, whereas the policy relates to all development. Where householder extensions alter building lines, rooflines or add new materials, I consider that they should be subject to Policy 6. I therefore propose that the reference to householder extensions is deleted, and that the first sentence in paragraph 126 should be amended to refer to "development which would include new building or extensions to buildings or alter the entrances and spaces/boundary treatment around buildings".
- 4.23 Secondly, criterion 3 of Policy 6 seems to me to be restrictive, as some development sites may be positioned between roads and areas of public open space. Main entrances would commonly need to face the road. I therefore propose that criterion 3 should include the words "where practicable". I recommend these two modifications to the wording of Policy 6 and supporting text, as in **PM9**, to secure clarity for users of the Plan and for the achievement of sustainable development.

- 4.24 The CNP does not propose new housing development, but acknowledges the housing allocation on land adjoining Awsworth, and the planning permission for housing on the former dry ski slope, south of the industrial site. As section 2 of the CNP indicates, these sites could add 114 (50 + 64) new homes and create major new development in the area, in addition to any limited development on windfall sites. In this context, it is appropriate for section 15 of the CNP to put forward evidence relating to existing housing mix and household composition, as well as an analysis of the type of new housing, including affordable housing, needed and likely to be provided in Cossall over the Plan period. Policy 7: A mix of housing types, states that new housing development should deliver housing sizes and types which directly reflect needs, based on evidence provided by the Borough Council. I am satisfied that this is in general conformity with Policy 15 of the Part 2 Local Plan.
- 4.25 Section 16 Maintaining Local Employment highlights the two existing major sites at Cossall Industrial Estate and Robinettes Lane, and other businesses including Trinity Farm. Some 40 businesses were surveyed in 2019 when the CNP was being prepared, leading to responses from 15. Mulberry Land argued that revisions to the Plan were needed to enable the economic benefits of employment land growth in the area to realise their full potential. Employment growth for future generations is crucial, to ensure that communities remain vibrant and sustainable. Whilst I support Mulberry's proposed modification to remove Significant Green Gap 3, I do not propose that land is designated for employment use. I consider that Policy 8 is appropriately supportive of the sustainable growth of existing businesses and is in general conformity with Broxtowe Borough's Local Plan policy for the retention of good quality existing employment sites and protection of the Green Belt. Policy 8 also supports new dwellings which can facilitate homeworking, where compatible with a residential area, which should contribute to sustainable development, in my view. I conclude that Policy 8 should be retained, as written, and therefore meets the Basic Conditions.
- 4.26 Section 17 Enhancing the Provision of Community Facilities includes Map 9, which shows that Cossall has only a limited number of such facilities. The supporting text advises that major retailers, health care providers, leisure facilities, other shops and places to eat are found in nearby Ilkeston and at Giltbrook Retail Park. Awsworth Parish Council indicated that there are a number of community facilities in the wider area, notably Awsworth, including schools, which are not mentioned in the CNP. However, I consider it unnecessary for the CNP to specify what facilities are available outside its area. Awsworth Parish Council also expressed support for new community facilities to be included in the site allocation for new development in Awsworth, referenced in paragraph 168, and advised that the Awsworth Neighbourhood Plan Policy H1 supported the provision of a new convenience store there. I consider that Policy 9 of the CNP, which aims to enhance the provision of community facilities, is appropriate for Cossall, aligns with the aims of Awsworth Parish Council and meets the Basic Conditions.

- 4.27 Cossall is a rural area between Ilkeston and Nottingham and, as stated in paragraph 171 of the CNP, the majority of roads in Cossall are through roads. Figure 3 from Cossall Design Guidance and Codes shows the road hierarchy, and the bendy character of the primary road network, much of which is medieval in origin. I accept that Cossall's residents are more reliant on the private car for journeys to work, education, shopping and social purposes than residents in neighbouring urban areas. Existing residents, workers in the area and new residents in the planned new sites will most likely contribute to increased traffic volumes in the plan period. In addition, proximity to the M1 motorway and north-south railway line will, as now, cause high vehicle movements through Cossall.
- 4.28 Section 18 of the CNP describes the current arrangements, with Maps 10a and 10b identifying points of traffic control and traffic hot spots. The Cossall Design Guidance and Codes' overarching design principles for traffic and transport planning are then set out. These focus on encouraging active travel and safety for all users of the transport network. Policy 10 Traffic Management requires (where appropriate to its scale, nature, and location) that development takes into account the overarching design principles, and ensure that the major housing development off Newtons Lane includes access and egress arrangements which will give safety to pedestrians. It is stated that design of the access point should give priority to pedestrians and cyclists. The following text describes an aspiration to improve safety for non-vehicular travellers (horse-riders, walkers and cyclists) at the traffic hot spots, and to support improvements to the area's limited bus services. Policy 11 addresses Car Parking on Church Lane, and states that any infill development on a specified area through the village should provide adequate off-street parking. From my site visit, I understand the need to prevent on-street parking on this part of Church Lane, to prevent congestion and road accidents.
- 4.29 Pedals (Nottingham Cycle Campaign) suggested that the CNP needed a separate recognition of the cycling routes close by. I note that Maps 5b, 5c and 5d are focused on footpaths and bridleways. However, Page 28 refers to Actions identified in the Green Infrastructure Strategy (Broxtowe Borough Council). Under Areas for Improvements is the Canal towpath in Cossall, which is described as available for cyclists on a permissive basis. There is recognised to be a need to look for improvements to the connectivity of the network. The Cossall Design Guidance and Codes is mentioned in paragraph 90, and the section addressing non-vehicular movement seeks enhancement of quality and safety in the cycling environment, with better connectivity. Policy 10 and Aspiration 1 also recognise the need for traffic management which will improve the environment for cyclists. It is stated that the "Parish Council" will work with Borough and County Councils to progress the aspiration. Whilst I agree that the CNP could have provided more information about the network for cyclists across the Cossall Area, and how it connects to neighbouring areas, I am satisfied that the Plan is sufficiently supportive of more active travel, which includes cycling, and meets the Basic Conditions for neighbourhood planning on this topic.

- 4.30 I note the comments from Awsworth Parish Council giving support for Aspiration 1 Highway Improvements and seeking close monitoring and joint working with the CNP Steering Group to achieve the best outcome for the Newtons Lane/Awsworth Lane junction. Overall, I am satisfied that sections 18 and 19 of the CNP are based on a fair and detailed analysis of Cossall and its transport infrastructure, and that the policies have regard to national policy (Chapter 9: Promoting sustainable transport of the NPPF). Sections 18 and 19 should contribute to the achievement of sustainable development.
- 4.31 I conclude that Policies 1 to 11 are appropriate for the future planning of Cossall and are underpinned by good evidence. Close attention has been given to the opinions expressed in the consultation exercises by local residents and other interested bodies. I conclude that, providing the modifications I have recommended above are made, the policies meet the Basic Conditions for neighbourhood planning.

5. Conclusions

Summary

- 5.1 The CNP has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Cossall Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 The CNP is the result of a significant amount of hard work by the Parish Council and the Steering Group, notably for the six years since 2017 when the CNP Area was designated. I commend those who have produced the Plan for the substantial amount of work undertaken to collect detailed

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background evidence, notably for production of the exemplary Cossall Design Guidance and Codes 2022. It is also clear that the Plan has been prepared following close consultation and engagement with the local community. The submitted CNP has a sound structure; its vision, objectives and policies are clear to read, and well-illustrated with appropriate maps and photographs. The CNP, following its adoption, should contribute to the future wellbeing of Cossall's environment and community.

Jill Kingaby

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 4	<p>Foreword</p> <p>4. Policies will address e Concerns about the increase weight limits- will be investigated and monitored. The Parish Council will work closely with Nottinghamshire County and Broxtowe Borough Councils' transport and highways planners to improve road safety</p>
PM2	<p>All Pages</p> <p>Page 4</p> <p>Page 6</p> <p>Page 8</p> <p>Page 10</p> <p>Page 11</p> <p>Page 12</p> <p>Pages 14-76</p>	<p>Extend the header, which reads "Cossall Neighbourhood Plan" at the top of each page so that it includes the month and year of the Plan.</p> <p>Points 4, 6 & 8 – NPSG not Parish Council.</p> <p>Paragraph 19 – CNP Area not Cossall Parish.</p> <p>Paragraphs 23, 24 & 26 – CNP Area not Parish.</p> <p>Paragraph 29 – NPSG – not Parish Council.</p> <p>Paragraphs 37,38 & 40 – CNP Area not Cossall Parish.</p> <p>Community Vision – delete three references to Cossall Parish, and replace with CNP Area.</p> <p>Community Objective 4 – the Parish CNP Area landscaperural setting of the Parish Area. Modify references to "the Parish" in a similar way in Community Objectives 5, 6, 8, 10 & 12.</p> <p>Paragraph 46 – NPSG not Parish Council.</p> <p>Key principles 1 and 2b. NPSG not Parish Council.</p> <p>Modify all references to Parish Council, Cossall Parish and the Parish, referring instead to the NPSG or CNP Area.</p>
PM3	Pages 5 and 7	Modify the headings of Maps 1 & 2 to read:

		<p>Map 1 Cossall Parish Neighbourhood Plan Area.</p> <p>Map 2 Cossall Parish Neighbourhood Plan Area showing Borough Policies that apply.</p> <p>Modify the key to Map 2 first item – Parishes Neighbourhood Plan Area.</p> <p>Insert a new Map 1a Cossall Parish Boundary from 1 April 2023.⁹</p> <p>Add the footnote:</p> <p><i>The CNP does not seek to affect the implementation of the site allocation which is now wholly in Awsworth, and the effect of the boundary realignment does not materially affect the planning policy approach in the CNP.</i></p> <p>Add new sentences before paragraph 11¹⁰:</p> <p><i>Map 1 shows the Parish boundary that applied when the CNP was designated in December 2017. In 2023 the Parish Boundaries of Cossall, Awsworth and Strelley were amended. The new boundary for Cossall Parish is shown at Map 1a. North of Newtons Lane the orange area, primarily comprising the site of the former White House Farm, was removed from Cossall and added to Awsworth. This area forms the southern part of the major housing allocation for 250 new homes. The green area, comprising the larger part of The Glebe with more than 50 existing houses, was removed from Awsworth and added to Cossall. The larger green area on the east is the boundary change with Strelley Parish where a section of open countryside was adjusted to be in Cossall parish.</i></p> <p><i>The boundary changes mean that the Parish Councils and their Neighbourhood Plan Steering Groups will need to co-</i></p>
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⁹ https://www.broxtowe.gov.uk/media/42bf41u0/3-agreed-additional-text-and-plans-october-2023_redacted.pdf

¹⁰ See footnote 9 above.

		<i>operate to secure harmonious delivery of their Neighbourhood Plans.</i>
PM4	Page 16	<p>Policy 1 Sustainable Development</p> <p>Criterion 2. e) incorporate measures which would promote walking and cycling development <i>where practicable</i>;</p> <p>Extend the footnote below Policy 1 as follows:</p> <p><i>Severn Trent encourages developers to get in touch at an early stage, and details as to how to submit a Developer Enquiry can be found at https://www.stwater.co.uk/building-and-developing/new-site-developments/developer-enquiries/</i></p>
PM5	Pages 18-20	<p>Table 3 Significant Green Gaps</p> <p>Delete Number 3.</p> <p>Map 3 Significant Green Gaps</p> <p>Delete Gap 3.</p>
PM6	Page 27	<p>Map 5b Cossall Canal Walk</p> <p>Modify the compass point to show that the top of the map faces East, not North.</p>
PM7	Pages 29 & 30	<p>Paragraph 89</p> <p>Add a new sentence to the end:</p> <p><i>Cossall is connected to the bridleways and footpaths of Derbyshire to the west, notably by way of Footpaths 11 and 31, as shown on Map 5d.</i></p> <p>Map 5d. Footpaths and Bridleways</p> <p>Modify the map to confirm that Footpaths 31 and 11 in Cossall cross the Area boundary to connect with onward footpaths in Derbyshire, by adding west-facing arrows.</p>
PM8	Pages 32 & 33	<p>Policy 3b Protecting and Enhancing Biodiversity</p> <p>1. Proposals should provide <i>a minimum 10% net biodiversity net</i> gain. Enhancement</p>

		<p>measures.....</p> <p>i) linking the grassland habitats as identified in the Broxtowe Borough Council Green Infrastructure Policy ...</p>
PM9	Page 43 & 44	<p>Paragraph 126</p> <p>As Cossall Parish now benefitsall development (other than householder extensions) which would include new buildings or extensions to buildings, or alter the entrances and spaces/boundary treatment around buildings demonstrating how</p> <p>Policy 6</p> <p>3. Developments adjoining public open space should, where practicable, arrange main building facades</p>
PM10	Page 60	<p>Paragraph 192</p> <p>There are several areas of activity shaping Cossall Parish Neighbourhood Plan Area in the months</p> <p>b) Investment inof the Parish Neighbourhood Plan Area.</p> <p>d) The role of the Cossall Parish Council, in collaboration with Awsworth Parish Council and other neighbouring Parish Councils when cross-boundary issues are raised, in delivering the projects</p> <p>e)The Parish Council Neighbourhood Plan Steering Group will also look to Borough and County Council investment programmes</p> <p>Paragraph 194. The impact will be monitored by Cossall Parish Council Neighbourhood Plan Steering Group</p> <p>Paragraph 196. Any amendments to the Planlocal residents, neighbours notably Awsworth Parish Council and other statutory stake holders</p>

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate: **Chief Executive's Department**

Lead officer responsible for EIA: **Ryan Dawson**

Name of the policy or function to be assessed: **Cossall Neighbourhood Plan**

Names of the officers undertaking the assessment: **Tom Genway**

Is this a new or an existing policy or function? **New local planning policy which will form part of the Development Plan, sitting alongside the Local Plan, if successful at referendum.**

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

Neighbourhood Development Plans set out the (community's) vision for an area and planning policies for the use and development of land within the Neighbourhood Area (in this case, the area within the pre-April 2023 boundary of Cossall Parish). If the Neighbourhood Plan is successful at referendum, then once adopted its policies will form a part of the Development Plan for this part of Broxtowe Borough, sitting alongside the Local Plan. The specific vision and objectives of the Cossall Neighbourhood Plan can be found on pages 11 – 12 of the (Submission Version) Neighbourhood Plan (<https://www.broxtowe.gov.uk/media/10611/cossall-neighbourhood-plan.pdf>). Please note that the modifications proposed within the Independent Examiner's Report have not been applied to this version of the Plan.

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

Neighbourhood Plans should help to deliver the aspirations of the local community in terms of protecting and enhancing built development and the environment of their local area.

Part of the Community Vision for the Cossall Neighbourhood Plan stresses that community facilities will be protected and enhanced to meet the needs of all sections of the community and that a strong sense of community spirit will ensure residents feel valued and cared for.

Policy 7 (A Mix of Housing Types) should be beneficial in terms of ensuring that a mix of housing is available for different sections of the local community.

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

The local community including residents and businesses, landowners and potential developers and a range of other stakeholders.

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

Cossall Parish Council, Broxtowe Borough Council, Nottinghamshire County Council, local residents and businesses, community organisations and other groups within the local community and a range of other organisations.

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

Extensive research was undertaken throughout the development of the Neighbourhood Plan. Please refer to the Neighbourhood Plan (main text) and the Consultation Statement (these documents can be viewed on Broxtowe Borough Council's website at the following link: <https://www.broxtowe.gov.uk/cossallneighbourhoodplan>), and also the results of the consultation activities undertaken, which can be viewed on the website of Cossall Parish Council at the following link: <https://www.cossallparishcouncil.co.uk/initiatives/neighbourhood-plan/cossall-neighbourhood-plan-consultation/>.

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

Extensive research was undertaken throughout the development of the Neighbourhood Plan. Please refer to the Neighbourhood Plan (main text) and the Consultation Statement (these documents can be viewed on Broxtowe Borough Council's website at the following link: <https://www.broxtowe.gov.uk/cossallneighbourhoodplan>), and the results of the consultation activities undertaken, which can be viewed on the website of Cossall Parish Council at the following link: <https://www.cossallparishcouncil.co.uk/initiatives/neighbourhood-plan/cossall-neighbourhood-plan-consultation/>.

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

A number of community and business consultations were undertaken. These helped to develop the policies, aspirations and supporting text within the Neighbourhood Plan.

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

In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:

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

The policies of the Neighbourhood Plan have the potential to benefit all members of the local community. No groups should be excluded.

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

No. The policies apply to all members of the local community equally.

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

Yes, the Neighbourhood Plan has been developed by the Parish Council and members of the local community for the benefit of all members of the local community.

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

This should not be the case.

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

Yes, as the development of the Neighbourhood Plan has been led by the Parish Council with the support and widespread involvement of the local community, it has already helped to promote and enhance community cohesion through this process.

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

It is not considered that any further evidence is needed.

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 identified

Disability: None identified

Gender: None identified

Gender Reassignment: None identified

Marriage and Civil Partnership: None identified

Pregnancy and Maternity: None identified

Race: None identified

Religion and Belief: None identified

Sexual Orientation: None identified

In relation to 'Human Rights', the Independent Examiner for the Cossall Neighbourhood Plan stated within her Report that: *'The CNP Basic Conditions Statement states, at paragraph 1.38, that the Neighbourhood Plan has had regard to, and is compatible with, the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. I recognise that great care was exercised throughout the preparation and drafting of the CNP, to ensure that the views of the whole community were embraced and to avoid unintentional negative effects on particular groups. Broxtowe Borough Council has not stated that the Plan would breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment, I see no reason to disagree.'*

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 Service:

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

PUBLIC TOILET STRATEGY

1. Purpose of Report

The purpose of this report is to develop a strategy to improve access for all to public toilet facilities across the Borough.

2. Recommendation

The Policy Overview Working Group **RECOMMENDED** to Cabinet to **RESOLVE** that:

1. the development of a public toilet strategy based upon options 4 and 5 of *“Options considered to improve provision of public toilet facilities”* be approved
2. sufficient funding is included in future years’ budgets to ensure toilet facilities are fit for purpose. (*Section 4. Financial Implications*)
3. adopting the suggestions provided by staff for the upgrading of staff toilet facilities within Council office buildings be approved. (*Appendix 4*)
4. the possibility of siting a new public toilet facility on the ground floor of the Enterprise Hub at Stapleford is explored. The development of this facility will be dependent on the cost and space required. These factors will be known once the architects have drawn up the plans and provided costings. (*Future Strategy. Stapleford*)
5. a programme of publicity to promote locations and opening times of all public facilities across the Borough be approved. (*Appendix 3*)
6. people with a variety of needs are involved in the design and / or refurbishment of public and staff toilet facilities (*Appendix 4*)

3. Detail

The report also covers a review of the toilet facilities within the Council Offices at Beeston and the Depot at Kimberley. This review was undertaken by a group consisting of Officers who live with disabilities.

- Appendix 1 covers the main details of the report.
- Appendix 2 includes the Equality Impact Assessment.

- Appendix 3 outlines the details of opening hours and facilities within public buildings.
- Appendix 4 includes the feedback from the public consultation and employees.

4. Financial Implications

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

The cost of providing public toilet facilities is contained within existing budgets. Further details on spending is provided within the appendix to this report along with projected future maintenance costs which are not yet factored into the base budget. Considerations on the ongoing affordability of public toilets is also covered in the appendix.

There is currently no capital budget for any additional enhancement or replacement of existing public toilets. Any significant budget implications with regards to this strategy, going forward, would need to be carefully considered and require approval by Cabinet.

5. Legal Implications

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

Section 87 The Public Health Act 1936 (as amended) provides that a local authority may provide sanitary conveniences in proper and convenient situations. The provision of public toilets is therefore a discretionary service. The discretion should be exercised reasonably and with a clear, objective rationale, by having a strategy will ensure this is achieved.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

In relation to any adjustments to employee facilities, HR support any reasonable adjustments for colleagues with disabilities or other health difficulties.

7. Union Comments

The Union comments were as follows:

A Unison representative is a member of the staff panel who gave feedback on staff toilet facilities with the Council offices at Beeston and the Depot at Kimberley.

8. Climate Change Implications

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

Sharing toilet facilities across the borough offers a practical and efficient use of resource with positive environmental benefits. Doing so will lead to a reduction in energy consumption and lower carbon emissions.

If new toilet facilities are built, the environmental impact during the construction and running of any new facilities needs to be considered part of the toilet strategy. It is important to prioritise sustainable practices in order to minimise the carbon footprint associated with not only the construction process of any new facilities but the on-going running and maintenance of them. Some measures to be considered include, appropriate insulation of the building fabric, LED lighting, greywater harvesting systems and the possibility of installing a living wall or roof

9. Data Protection Compliance Implications

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

10. Equality Impact Assessment

As this is a change to policy / a new policy an equality impact assessment is included in Appendix 2 to this report.

11. Background Papers

Nil

APPENDIX 1

Background

As well as the new Changing Places toilet in Beeston Square, public toilets can be found in the following locations within the Borough.

- Beeston Town Centre: Broadgate.
- Beeston: Council Offices, Foster Avenue.
- Eastwood Town Centre: Nottingham Road.
- Kimberley Town Centre: Eastwood Road.
- Stapleford Town Centre: The Roaches.

All of the public toilets provided by the Council conform to the Equality Act 2010 but only the new toilet facilities in Beeston Square meet Changing Places standards. There is currently no budgetary provision for the Capital improvement of existing public toilets or to provide new facilities. Day to day maintenance and operation is covered by existing approved Revenue budgets and responsibility for ongoing maintenance of the buildings is undertaken by the Estates Department.

The table below shows the opening times of the public toilets and the facilities located at each site. The table will be updated with information for the new toilets in Beeston Square, when the information is available.

Table 1: Public Toilets in the Borough

Location	Opening Times	Facilities	Baby Change
Beeston, Broadgate	8:00-16:30 Monday to Thursday and Saturday 8:00-16:00 Friday	Female, Unisex, DDA	In the Unisex facility
Beeston Council Offices, Foster Avenue	8:30-17:00 Monday to Thursday 8:30-16:30 Friday	Unisex/DDA	In the Unisex/DDA facility
Kimberley, Main Street	8:00-16:30 Monday to Thursday and Saturday 8:00-16:00 Friday	Male, Female, DDA	N/A
Stapleford, The Roach, Nottingham Road	8:00-16:30 Monday to Thursday and Saturdays 8:00-16:00 Friday	Male, Female, DDA	In the male and female facility
Eastwood, Nottingham Road	8:00-16:30 Monday to Thursday and Saturday 8:00-16:00 Friday	Male, Female, DDA	In the female facility

Current cost of maintenance

Table 2 outlines the cost of maintaining the toilets within the four town centres. The cost is for 2022/23 only. Unfortunately, there is no breakdown of the individual elements to the individual toilets. The total associated costs for 2022/23 was £134,881.

Table 2: Public Toilets' Maintenance cost 2022/23

Public Toilets Maintenance 2022/23	
Staff costs	£112,240
Repairs and Maintenance	£3,032
Electricity	£12,849
Water Charges	£3,061
Cleaning Materials	£3,388
Towel Supply	£311
Total	£134,881

Future Maintenance of Current Facilities

A report to the Community Safety Committee in September 2020 outlined the estimated cost of refurbishment of the toilets within the next few years. The 2020 report estimated potential refurbishment costs of £18,000 by 2025/26 and costs of £45,000 by 2030/31 for all the toilets within the four centres.

Department of Business and Trade statistics show that from 2020 to 2023, costs of building materials for repairs and maintenance work increased by 40.7%. During that time, non-domestic energy costs increased by 282.5% and labour costs by 13.5%. When labour costs and increased energy costs are added, it is not unrealistic to assume an overall price increase in repair and maintenance costs of 300%

Table 3 has been updated to show the present anticipated cost of refurbishment. As costs of building materials are expected to continue to rise, the costs below will increase too. The table does not take into account any new maintenance issues that may have arisen since 2020.

Table 3: Anticipated maintenance spend on public toilets

Public Toilet	Estimated refurbishment spend by 2025/26	Estimated refurbishment spend by 2030/31
Broadgate, Beeston	£12,000	£30,000
Eastwood	£12,000	£30,000
Kimberley	£18,000	£45,000
Stapleford	£12,000	£30,000
TOTAL	£54,000	£135,000

If a replacement programme is agreed, in the short term, the toilet facilities could be upgraded via repainting of the walls a more welcoming colour and covering this in an anti-graffiti varnish so that it is more difficult to graffiti the walls.

Damaged panels could also be replaced. The building exteriors can be made more welcoming by the addition of hanging baskets outside the entrances. The baskets can be maintained by the Ground Maintenance Teams.

The costs for the additional work should be in the region of £4,000 to £5,000 per site resulting in a total bill of £16,000 to £20,000

Changing Place Toilet Beeston

The total construction cost for the new toilet facilities is anticipated to be £270,000, when construction is complete. Maintenance costs for the facility have not been finalised as yet but as it cost almost £135,000 to clean and maintain four public facilities in 2022/23, a rough guide of £33,750 for each toilet facility can be assumed. The addition of a new facility would mean that the cost for five toilet facilities across the Borough would be (on present costs) at least £168,750 per annum.

The Changing Place toilet also incurs specific costs. Access to the unit which houses the Changing Place facilities (not access to the main toilets) will be via an entry card. These cards will have to be purchased by Broxtowe Borough Council and although may not be a large expense, will still contribute to increased costs.

Usage of toilet facilities

A dedicated count of numbers of people using toilet facilities across the Borough has not been undertaken since 2015. During the 2015 count, there was difficulty accessing true numbers as the counters were tampered with, multiple times during the day rendering the data unreliable. Even though monitoring of usage was undertaken by independent observers, this was only for one hour at different times of the day so could not give a full picture.

A more recent count has not been undertaken but is recommended in order to gain more accurate figures. If new and upgraded toilets are provided across the Borough, then it is likely that the numbers of people using the toilets will increase as many people may find the state of the current facilities off putting.

Anti-Social Behaviour in Public Toilets

Beeston Broadgate toilets are situated next to Broadgate Park, away from the main area of Beeston Square. These facilities suffer the most from illicit drug use and like the other public facilities, the toilet for people with disabilities is used by homeless people as a place to sleep (mainly on the weekends). Disabled toilets are easy to access as RADAR keys are used to operate the doors and RADAR keys can easily be bought online. The town centre attendant's office is within Beeston Square so they are not able to regularly monitor usage of the toilets.

The public toilets with the Beeston Council offices have also seen some anti-social behaviour. Empty wine bottles have been found in the toilets and recently, suspicious behaviour has been observed.

Eastwood's facilities are based within a newer building than the toilets at Beeston Broadgate, Kimberley and Stapleford. Eastwood also benefits from the toilets being near the library and a bus stop, in the town centre. The town centre attendant has an office next to the toilets and is able to monitor usage regularly. These factors combined, encourage people to use the facilities and Eastwood's public toilets are seen as the most widely used, of all the facilities in the Borough.

Kimberley's toilet facilities are based on the busy main road which has a heavy traffic flow for most of the day. Like Beeston Broadgate, the facilities are slightly away from the main centre of the town. The building is used for male sexual activity. This is of concern as the toilets are near Kimberley School and a number of years ago, the School was contacted by the Council to warn them that this type of activity was taking place. The Police have also been informed. There is no attendant's office at Kimberley public toilets as the facilities are opened by the Street Cleansing Crew in the morning and cleaned, restocked and closed in the afternoon by an agency employee from Kimberley Depot.

Stapleford's toilets are located within the Roaches area, next to a crossroads and

are not in the main town centre. This building is also used for drug taking and sexual activity in the male toilets. There has also been occasions when the toilet for people with disabilities has been used by homeless people to sleep in. Like Beeston, the town centre attendant's office is not next to Stapleford' toilets but housed further down, in Stapleford Business Hub (the old Police Station) which reduces the amount of time that can be spent monitoring usage of the toilets.

For all toilet facilities across the Borough, when the town centre attendants are on leave, then the Street Cleansing crew open the toilets. However, additional staff have to be paid to close the toilets as closure times are later than the working hours of the Street Cleansing crew.

Overall, anti-social behaviour and activities generate sites which are not welcoming and attractive to other users. It also creates issues for any attendant who has to clean up any paraphernalia or debris. Finally, it damages the Council's reputation when some of their facilities are used for illegal activities.

Can the Council afford to build new toilet facilities?

In 2020, quotes were gathered for the new toilets in Beeston Square. These quotes were not for Changing Places toilets but facilities of a more general nature. The quotes were for two types of toilet facilities:

- One unit toilets which are suitable for use by people both with and without disabilities. These toilets are for single occupancy only. Therefore, in a town centre, there would need to be at least two of these units to meet future building requirements.
- The other type of toilets facilities quoted for, were facilities which included one separate unisex cubicle and one cubicle accessible for people with disabilities.

The prices in Table 4 reflect the basic specifications; upgrades and modifications can be made but this would entail a price increase in the unit cost.

Since 2020, overall construction costs have risen substantially. Department of Business and Trade statistics show that from 2020 to 2023, the cost of building materials for new work increased by 41.3%. When labour costs and increased energy costs are added (total fuel increase of 282.5%), it is not unrealistic to assume an overall price increase in repair and maintenance costs of 300%.

Table 4: Estimated cost of new toilet facilities

Number	Toilet Type	2020 Cost	VAT Included	Cost Increase	2023 Cost	Comments:
1	One pod	£24,800	No	300%	£74,400	Includes delivery and installation
2	One pod	£36,500	No	300%	£109,500	Includes delivery (clad in red brick)
3	Two units	£83,000	No	300%	£249,000	Includes delivery, installation and utility connections.
4	Two units	£94,837	No	300%	£284,511	Includes delivery and installation
5	Two units	£106,710	Unclear	300%	£320,130	Includes delivery and installation Construction of the toilets is in Germany so price subject to exchange rate fluctuations

Future Proofing any new build

In July 2020, the Government amended the Buildings Regulations to include the specification that buildings for assembly, recreation or entertainment that had a capacity for 350 or more people (or a collection of smaller buildings with a capacity of 2,000 or more) must include a Changing Places toilet.

Also in 2020, the Government announced that they were undertaking a review on toilet provision for men and women. Following the review, it was announced in July 2022 that all new public buildings should have separate male and female toilets and that Building Regulations would be changed to reflect this.

To date, no further information has been given as to what the definition of a public building covers and whether or not public toilets are included. However, it may be safer to assume that public toilet facilities will be included in the amended building regulations and ensure that all new facilities can meet the requirements, if needed.

Options considered to improve provision of public toilet facilities:**1. Do Nothing:**

This is not a feasible option due to toilet facilities being housed in ageing buildings which will incur increasing repair and maintenance costs over the next few years.

2. Council to utilise own funding to build new stand-alone toilet facilities:

Table 4 “Estimated costs for new facilities” outlines the costs of new facilities based upon quotes which were gathered in 2020.

This is not a feasible option due to the many competing demands upon Council budgets. Due to increasing costs, there is substantial financial strain upon funding available. Priorisation for allocation of funding to projects is undertaken via the annual budget process where priorities are agreed for the forthcoming year.

3. Town centres: negotiate with larger businesses in town centres to enable their toilet facilities to be accessed by the public. The business to then receive an annual payment from the Council to cover their additional maintenance and cleaning costs

This is not a feasible option due to potential ongoing costs and uncertainty about how much use the public will make of these facilities.

4. Utilise the toilet facilities within public buildings such as libraries and Town Halls:

The opening hours for both libraries and Town Hall are outlined in Appendix 3. Usage of these facilities could help improve access to facilities across the Borough.

5. Close current toilet facilities (when appropriate) and utilise external funding to build new public toilet facilities within or adjacent to new town centre buildings funded by the Levelling Up Fund and the Towns Fund. The order of prioritisation of building new facilities funded by external monies would be Stapleford, Eastwood, Kimberley and Beeston Broadgate

Options 4 and 5 are seen as the most effective strategy both in terms of cost and ability to provide improved facilities within Broxtowe.

Future Strategy

Currently the public toilets provided for the use of the residents and visitors to the Borough's town centres do not deliver up to date, attractive or welcoming facilities. The estimated refurbishment costs outlined in Table 3 will not bring the facilities up to date but will merely ensure that they provide the same standard of facility as is currently available.

There is currently no Governmental funding available for refurbishment or for building new toilet facilities. The Changing Places Fund, which provided a contribution towards the building of these facilities, has now closed and no announcements about new funding have been made. There are no other sources of potential funding

Due to the cost of building new standalone toilet facilities, it would be more cost efficient to incorporate facilities into public buildings across the Borough, wherever possible.

Beeston:

Prior to the construction of the new toilet unit in Beeston Square, Beeston only had one set of toilets, which were located at Broadgate Park. With the opening of the new, up to date toilet facilities in Beeston Square, the future of the toilets at Broadgate can be investigated.

As the toilets are adjacent to a well-used park and are not near Beeston Square, the toilet facilities should remain open until additional funding is identified to upgrade them. As Beeston already has a Changing Places toilet located within Beeston Square, a new Changing Places toilet for Broadgate should be considered only after the other three town centres within the Borough have had their new facilities built.

Eastwood

Eastwood's toilets are located in a busy thoroughfare and are well used. There are fewer instances of anti-social behaviour in the toilets than in other areas of the Borough. However, the toilets do need updating. It would be prudent to wait until the next round of Government funding for towns / areas is announced and

then build in the provision of updated public toilet facilities into buildings which could be funded by new Government funding.

Working in this way would enable adequate time for public consultation to identify what is really required in the area as well as the drawing up of plans for the new buildings and their facilities.

In the meantime, as the toilets are situated next to Eastwood Library, a partnership with Inspire could be agreed to enable the library's toilet facilities to be used by the general public.

Kimberley

Although Kimberley's public toilets are on the main road, they can be difficult to access as they are near the edge of the town centre and are close to a junction of three roads. There is a large Sainsbury's supermarket within the town centre which has accessible toilets with baby changing facilities. The toilets are already free for customer use. The store is open 6 days per week from 7am to 10pm and on Sundays, from 10am to 4pm. These opening hours are longer than the Council's public toilets.

Even though these facilities are available, it would still be prudent to have a Changing Places toilet facility when external funding is available to do so. Like Eastwood, this would enable adequate time for public consultation to identify what is really required in the area as well as the drawing up of plans for the new buildings and their facilities.

Stapleford

Like Kimberley, Stapleford's toilet facilities are located out of the main town centre and so do not meet the needs of the majority of the people who visit the town centre. Unlike the other three town centres, Stapleford does not have as many public buildings in the town centre where toilet facilities could be utilised.

When Stapleford won Government funding via the Town Fund, one of the projects was to build an Enterprise Hub in the centre of the town. The planning for the Hub is currently at RIBA stage 1 (preparation and briefing prior to the design being drawn up). As part of the stakeholder consultation for the development of the Enterprise Hub design, the architects have been approached to consider how public toilets could be considered as part of the new design, where they would not impact upon the management of the building.

As the Enterprise Hub will be centrally located, there will be substantial footfall in

and around the area as shoppers, businesses and residents use the variety of services nearby. Placing public toilets within this area will enable more people to have quick and easy access to toilet facilities.

In order to meet all needs, it is proposed that new toilet facilities match those in Beeston; a Changing Places toilet, a toilet for people with disabilities who are mobile and separate male and female toilet facilities. The options for siteing the facilities are as follows:

1. Build all facilities adjacent to the Enterprise Hub, so that no access to the building is required
2. Build all facilities within the Hub which enables access when the building is open
3. Build the Changing Places toilet so that it is accessed via reception within the building. Other toilet facilities for people with disabilities who are mobile and the male and female units could be accessed by the public from a door that is external to the building

It is recommended that option 2 is adopted as Changing Places toilets contain specialised equipment which is expensive to purchase and replace. The ability to monitor access to all toilet facilities should help to reduce the possibility of vandalism and theft.

The addition of public toilets to the Enterprise Hub may require additional funding as the Town Fund grant may not be sufficient to fund the new toilet facilities.

There is an additional advantage to relocating the current public toilets in Stapleford. The Council own land around the toilets and if the current toilets were closed and demolished, then the Council could build new housing in the area, which would contribute to meeting the Council's housing target as well as providing much needed housing for the local area.

Order of Prioritisation

In order to maximise external funding, it would be beneficial to prioritise the building of public toilet facilities, including Changing Places toilets, in the following order:

- Stapleford

- Eastwood
- Kimberley
- Beeston Broadgate

Additional factors for consideration

Aside from the public toilets currently adjacent to Broadgate Park, there are no dedicated public toilet facilities in other parks or open spaces within the Borough. Provision of permanent facilities would not be feasible within current budgetary constraints. The provision of temporary portable toilets is potentially only feasible for large events and not as a more permanent fixture.

Baby changing facilities in older facilities are often housed in the female toilets. Any new toilet facilities that are commissioned should include baby changing facilities in both male and female toilets.

People who live with disabilities often need urgent access to toilet facilities. The provision of a card which highlights this need could be developed by the Council and promoted via specific networks to increase uptake.

Potential Savings

The cost of keeping four public toilets open in 2022/23 was in the region of £135,000. The majority of that cost was staff costs of £112,000. If the current toilets are closed and facilities located in other public buildings, the staff cost will remain as staff will be allocated other duties around the Borough.

However, it is in the long term, that financial savings will be apparent as the current facilities will need refurbishment at a cost of £135,000 by 2030/31. It is likely that maintenance costs will continue to rise until then and there is no contingency fund to meet these costs. Any future costs will have to be taken from current years' budgets and agreed by Cabinet.

Effects of closure of current facilities on town centre attendants

Libraries and businesses around the Borough will have their own cleaning schedules, undertaken by their own staff. As they would not have to clean public toilet facilities, the workload of the town centre attendants would be reduced. However, as the attendants already have an extensive workload, the closure of

the current public toilet facilities will enable the attendants to undertake additional cleaning of the overall area, resulting in cleaner, more inviting town centres.

Staff toilet facilities

Feedback regarding current staff facilities can be found in Appendix 4. If the comments and points raised are implemented, this will result in toilet facilities which cater to more people's needs.

Overall, it is clear that people with disabilities should be included from the beginning of the decision making process when decisions are taken about how to adapt (or build) toilets for those with additional needs. When the plans are drawn up for new toilet facilities on the ground floor of the Council offices, a staff survey should be circulated as well as a Teams presentation outlining the proposals. Using a variety of communication methods to highlight the issues and proposed solutions will enable people with different visualisation techniques to understand and feedback on the proposals.

APPENDIX 2

Equality Impact Assessment

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

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

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

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

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

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

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

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

The council has agreed to treat people with care experience as if they had a protected characteristic

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

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

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

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

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

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

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

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

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

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

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

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	DCE	Lead officer responsible for EIA	Commercial Manager
Name of the policy or function to be assessed:	Toilet Strategy		
Names of the officers undertaking the assessment:	Commercial Manager		
Is this a new or an existing policy or function?	New		
1. What are the aims and objectives of the policy or function? To offer up to date, fit for purpose public toilet facilities which meet the needs of all people regardless of (dis)abilities. To provide toilet facilities in town centres which will maximise access to the facilities To provide toilet facilities in a safe environment for all users To provide toilets with Council buildings which meet the needs of all staff.			

Directorate:	DCE	Lead officer responsible for EIA	Commercial Manager
2. What outcomes do you want to achieve from the policy or function? Increased use of public toilets. Decreased incidents of illicit activities Minimise financial strain to Council by use of Governmental funding to provide new toilet facilities. This will maximise the impact of Governmental funding.			
3. Who is intended to benefit from the policy or function? All residents, staff, businesses and visitors to the Borough			
4. Who are the main stakeholders in relation to the policy or function? Councillors, residents, staff, visitors and businesses of Broxtowe			
5. What baseline quantitative data do you have about the policy or function relating to the different equality strands? ONS data relating to Broxtowe.			
6. What baseline qualitative data do you have about the policy or function relating to the different equality strands? The Public Toilet Strategy report outlines the reasons why improvement of public toilets facilities is needed.			
7. What has stakeholder consultation, if carried out, revealed about the nature of the impact? <ul style="list-style-type: none"> • The Disability Forum has been consulted. • A variety of groups have been consulted via the Health Communities Officer • Staff who live with disabilities have been consulted 			
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:			

<ul style="list-style-type: none"> • Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified? <p>No group or community will be targeted or excluded due to this strategy. The needs of people with disabilities need to be addressed through the delivery of the strategy to ensure they are enabled to have equal access to toilet facilities and not be disadvantaged.</p>
<ul style="list-style-type: none"> • Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified? <p>Yes, the strategy enables equal access by all groups / communities (see previous comments relating to people with disabilities)</p>
<ul style="list-style-type: none"> • Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function? <p>The aim of the strategy is to ensure that toilet facilities are accessible to as many people as possible and remove barriers that may previously have made access to toilets facilities difficult.</p> <p>Although the current toilet facilities met previous disability standards, the buildings are not in line with updated provision which takes into account a wider variety of disabilities. Facilities such as Changing Places toilets enable people with severe disabilities to use public toilets in a safe and appropriate manner.</p>
<ul style="list-style-type: none"> • Could the policy or function promote or contribute to equality and good relations between different groups? If so, how? <p>Not applicable</p>
<ul style="list-style-type: none"> • What further evidence is needed to understand the impact on equality? <p>Stakeholder consultation with groups with specific needs to assess the diversity of need for continued provision of public toilets</p>

<p>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?</p>
<p>Age:</p> <p>It may be the case that older people and very young children are more dependent on toilet facilities than other age groups. Changing facilities for babies need to be incorporated into both male and female public toilets.</p>
<p>Disability:</p> <p>The aim is to ensure that there are facilities available for people with disabilities</p>

which meet as wide a variety of needs, as possible.

Gender:

Ensure that new built facilities are future proofed by being able to conform to any potential new amendments to Building Regulations, regarding separate provision for male and female toilets. While men can then use both cubicles and urinals, women can only use the former, and women also need safe spaces given their particular health and sanitary needs (for example, women who are menstruating, pregnant or at menopause, may need to use the toilet more often).

Gender Reassignment:

This does not mean that gender-specific toilets should be replaced with gender-neutral toilets. But there should be balanced consideration of how the needs of all those with protected characteristics including gender reassignment should be considered, based on the mix of the population and customer demand.

Marriage and Civil Partnership: None

Pregnancy and Maternity: see above (gender)

Race: None

Religion and Belief: None

Sexual Orientation: None

Deputy Chief Executive: Zulf Darr

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:



APPENDIX 3Public Buildings across the Borough with toilet facilities

There are 5 libraries across the Borough which are managed by Inspire (community benefit society). The library at Inham Nook which is open for 8 hours per week has no toilet facilities

The library in Beeston is based in Foster Avenue and has customer toilets as well as wheel chair friendly access both inside and outside the building. Opening hours total fifty-three hours per week and are as follows:

Monday, Wednesday, Thursday & Friday:	9am to 6pm
Tuesday	9am to 7pm
Saturday	9am to 4pm

Eastwood's library is based in Wellington Place. Like Beeston, the building has customer toilets as well as wheel chair friendly access both inside and outside the building. Opening hours total thirty-one hours per week and are as follows:

Monday and Thursday:	9am to 6pm
Tuesday and Saturday:	9am to 1pm
Friday:	9am to 2pm

Kimberley's library is based on Main St and also has customer toilets as well as wheel chair friendly access both inside and outside the building. Opening hours total twenty-four hours per week and are as follows:

Monday and Friday:	9am to 5pm
Wednesday and Saturday	9am to 1pm

Toton Library which is based in Stapleford Lane has customer toilets but it is unclear if there is wheel chair accessibility. Opening hours total thirteen and a half hours per week and are as follows:

Monday:	1:30pm to 5pm
Wednesday and Friday:	9:30am to 1pm and 2pm to 5pm
Saturday:	9:30am to 1pm

The opening hours for the town halls across the Borough are as follows:

- Eastwood: Monday to Thursday. 10am to 2pm
- Kimberley: Monday to Friday. 10am to 2pm
- Stapleford: Monday to Friday 11.30am to 1pm

APPENDIX 4

Feedback

Public Consultation

There have been 5 responses to the consultation. The feedback is outlined below.

1. What do you think about the current public toilet facilities?

- a. I am not really aware of any.
- b. Kimberley's public toilets are dire. Poor interior aesthetic and upkeep. Very, very dreary toilets. Never use them and never see anyone else use them except for occasionally at Kimberley Council run events. Then we receive complaints about the cleanliness and hygiene of the toilets.
- c. I think that the public toilet facilities in Beeston are practically non-existent. If I need to use the toilet I normally have to wait until I get home. If such facilities were available, I would use them.
- d. Not very good.

2. What facilities would you like to see in public toilets?

- a. I no longer have young children but the ability to change babies is important, plus accessibility for people with disabilities.
- b. Better hand washing and hand drying facilities. Better toilets and urinals.
- c. In addition to toilet cubicles it would be good if there were shower facilities for cyclists and also baby changing facilities; I would not use these extra facilities myself, but I bet there are many who would
- d. Clean, usable facilities with good lighting and open longer hours

3. Currently the public toilets are located in town centres; is there anywhere else where toilets should be located?

- a. Has the Council ever considered supporting larger shops opening up (if not already) their toilets to the public? They would be responsible for maintaining the facilities but subject to Council inspections. If their standards fall short, withdraw the funding. The current costs are eye watering but toilets are important.

Beeston has Sainsbury's and Tesco - I personally would always choose a supermarket over unattended public toilets. Stapleford has Lidl and Aldi so maybe a shop in between - the old Co-op? Also, the libraries. Support these areas and promote them. Plus pubs. Accessibility also needs consideration but I am not sure why we need separate buildings but these businesses should be compensated to a degree, subject to meeting set standards.

- b. No
- c. By bus/tram stations
- d. Where are the toilet facilities in Beeston town centre? There used to be toilets at the old bus station but these have not been built for the new bus/tram interchange. In general, toilets should be situated in bus stations, busy shopping areas and car parks.

4. Would you use public toilets if they were located in public buildings such as villages halls and libraries? Please explain why / why not?

- a. Yes
- b. I would, providing they were accessible during the hours required, but not if the public toilets were better maintained as they are closer. That being said, the Kimberley public toilets are further away from the central shopping precinct and Kimberley Sainsbury's have public toilets.
- c. I would use toilets if they were located in libraries and village halls. I don't use them now because I'm unsure if I'm allowed to use them.
- d. Yes, but opening hours may restrict availability.

5. Any other comments.

- a. Work with existing businesses for a cost-effective solution.
- b. Yes, the exterior visage of the public toilets whilst basic and of the age of those sorts of buildings, it could benefit from an exterior face-lift to make them look more appealing and in keeping with the Kimberley street scene. Also, work to the roof to

accommodate a cycling store and or electric scooter/bike charging point would be good.

- c. If not already done so, then it would be useful to show maps in noticeboards in town centres showing where public toilets are situated. Also need signposting of toilets
- d. Please keep male and female toilets separate. You could have a unisex toilet but I think women would find it intimidating if men were in there at the same time.

5th person's feedback

- Clean fresh smelling toilets, ladies, and gents, separate.
- Disabled access in convenient locations, city centres and establishments where one is welcome to use them, even if not purchasing any products.
- Simple to use well maintained not much to ask.

General feedback

- a. Map/signage of alternate provision
- b. Important that toilets are accessible and preferably changing places toilets.

Staff feedback

Toilets within Council Buildings:

As well as staff toilets within the Foster Avenue building, there is a public toilet on the ground which includes a cubicle, urinal and baby change facilities. When the plans for the refurbishment of the ground floor of the office are drawn up, modifications to meet the needs of all groups will be highlighted and included.

One of the staff toilets within the building was recently modified to provide additional facilities for people with disabilities. The room which houses the 2nd floor disabled toilet was made slightly bigger with the addition of a floor drain, sink, small shower and a folding seat. Feedback indicated that other toilets within the building are too small to modify

Despite the modifications, it is clear that additional work could be undertaken to ensure that the facilities truly meet peoples' needs. When looking at digestive disorders, it is clear that the following additional modifications are needed:

1. Hooks to hang clothing and belongings as well as shelves to place personal belongings when dealing with medical matters
2. Certain conditions require mats on which to kneel when cleaning medical aids.

3. Paper toilet covers to cover toilet seat that users with digestive disorders can use the facilities without fear of contamination and reduce issues of spillage.
4. Sanitary surfaces where medical supplies can be placed. The surfaces need to be able to be wiped clean before and after use.
5. A full length mirror so that if placement of valves etc. is correct
6. A closed bin and liners / bags in which to dispose of used medical equipment.
7. Currently the modifications appear to be too far away from each other and are not placed within an easy to use range. This adds to the stress of having to undertake medical procedures in a public place.

Staff panel comments

The staff panel consisted of members of staff who are living with different disabilities. This enabled a variety of viewpoints to be raised when considered toilet facilities within Council premises. These views are outlined below.

1. All toilets which have facilities suitable for those with disabilities should have a sign on their doors highlighting this fact. This will not only enable toilets with disabled access and facilities to be easily identified by those who need to use them but also make people aware that it is not just a normal toilet. The sticker should include "Not all disabilities are visible" and not just focus on a person in a wheelchair.
2. Kimberley Depot has no disabled access to the main office building. There are no ramps, only stairs at the entrance, no ramp only stairs at the entrance. An important point was raised in that the seasons can affect a person's mobility and ability to do different things. In winter when muscles etc. are stiffer/ seize up, climbing stairs may be impossible whereas in Summer, it may have been possible with effort.
3. There are no disabled toilets at the Depot. There are male and female toilets on the first floor which provide neither access nor facilities for people with disabilities. On the ground floor, female toilets are located outside of the main building. Access to the toilets is via a step. The door is kept locked but the toilets are located outside the male changing room where people often gather to chat.
4. A basin should be installed in each of the cubicles in every toilet on each of the floors in the Council Offices. This would enable users of menstrual cups and those dealing with Crohns, diverticulitis and other digestive diseases to clean up after themselves effectively and privately.

5. The placement of air fresheners in each cubicle as well as the main body of the toilets would also aid those with digestive issues and provide a pleasanter atmosphere.
6. People tend to bring in their own sanitary product and leave them in the cubicles for use when necessary. It would be beneficial if the Council provided baskets in each cubicle for storage of the sanitary products.
7. It is not clear if the red flashing light for the fire alarm can be seen from all cubicles. A concern has been raised that should a deaf employee be using a cubicle and their hearing aid is not operating correctly, they may not hear the alarm if they are in a cubicle.
8. The drains in the toilets are old and often unfit for task. This leads to toilet windows being left open constantly whilst the building is in use and results in the toilets often being extremely cold.
9. The panel requested that when plans for new toilets in Council buildings are being drawn up, that a survey is included which outlines the proposals. This will enable staff to comment on the plans to ensure that they meet as wide a range of needs as possible. The survey should include a Teams presentation so that people who are not visual learners can understand the two dimensional drawings.

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Report of the Portfolio Holder for Community Safety

REVISED POLICY ON THE PROVISION OF CUSTOMER SANITARY ACCOMMODATION IN PREMISES SELLING FOOD AND DRINK

1. Purpose of report

To advise Members of, and seek approval for, a revised policy on sanitary accommodation (toilet) provision in premises selling food and drink.

2. Recommendation

The Policy Overview Working RECOMMENDS to Cabinet to RESOLVE that the relaxation on the number of toilets required in smaller premises providing food and drink for consumption on the premises be approved.

3. Detail

Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act) empowers local authorities to require sanitary facilities to be made available for the use of the public in “relevant places” defined under the Act including *“places used for the sale of food and drink to members of the public for consumption at the place”*. The Act gives the local authority the power to require the owner/occupier to provide sanitary accommodation of specific kinds and number, in a specified time. ‘Relevant Place’ includes a place which is used or is proposed to be normally used for the sale of food or drink to members of the public for consumption at that place.

Broxtowe Borough Council Officers have been applying the guidelines contained in a policy developed in the 1990s, which attempts to reduce the burden on smaller food businesses from providing toilet numbers as required in the British Standard but ensuring they have adequate provision for customers. The existing policy is attached at appendix 1. However, due to planning relaxations on business to convert premises and a case which was progressing in respect of the provision of toilets in premises with some takeaway provision, in recent years’ officers have only been recommending good practice or the British Standard requirements but not felt able to pursue situations where no provision has been made, even when pre-conversion advice had been provided.

Very few complaints are received from the public about this issue but they do occur and potentially disproportionately affect parents of young children, the elderly and those with health conditions if inadequate facilities are unavailable. Whilst enforcement action is likely to be rare, it is felt that the situation in Broxtowe should be regularised, so that businesses, individuals and officers are all clear about what is expected and that enforcement action based on an approved policy (and a staged approach as defined by our corporate enforcement policy) could be applied if appropriate. The proposed revised policy is attached at appendix 2 and a change table is included at appendix 3.

Within Nottinghamshire, none of the other authorities have policies on this issue, but simply refer to the relevant British Standard.

4. Financial Implications

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

There are no additional financial implications for the Council with operational costs being contained within existing budgets.

5. Legal Implications

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

The legal implications are sufficiently covered in the body of the report and policy.

6. Human Resources Implications

The comments from the Head of Human Resources were as follows:

No comments

7. Union Comments

The comments from the union were as follows:

No comments

8. 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.

9. Climate Change Implications

The comments from the Climate Change Manager were as follows:

No comments

10. Equality Impact Assessment

An Equality Impact Assessment is not required as it is a relaxation of an existing policy.

11. Background Papers

None.

BROXTOWE BOROUGH COUNCIL
OCCUPATIONAL HEALTH AND SAFETY SERVICE
Policy on Provision of Customer Sanitary Accommodation in Catering
Premises

1.0 Introduction

- 1.1 Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 enables a Local Authority to serve a notice on the owner/occupier of a 'relevant place' requiring the provision of sanitary accommodation including washing facilities for customers. Relevant premises include those providing entertainment, betting shops and premises selling food or drink for consumption on the premises.
- 1.2 Broxtowe Borough Council adopted the Act. Whilst national standards exist for facilities required in larger premises, there is no relevant standard for what facilities should be provided in smaller catering premises even though the power exists to require these facilities.
- 1.3 This policy has been produced to provide consistency in application, improve standards of facilities within the Borough, reduce behaviour which is detrimental on the area (e.g. urinating in the street) and provide clarity to businesses.

2.0 Newly established, converted or modernised catering premises.

- 2.1 All newly established, converted or modernised catering premises must provide separate sanitary accommodation including hand washing facilities for customers in accordance with the relevant British Standard, adequate drainage and sufficient ventilation.

- 2.2 For smaller premises the requirements is as follows;

Number of Covers	Number of W.C.s
Less than 12	Minimum 1 water closet and wash hand basin
12 – 30 covers	Minimum of 1 male and 1 female W.C. and wash hand basin
31 or more	Relevant British Standard BS6465 1994 or successor standard

- 2.3 The facilities should be accessible to wheelchair users.
- 2.4 All facilities are to be accessible from inside the business and be under the control of the management of the business. Public access through food preparation and storage areas will not be acceptable.
- 2.5 Where practicable separate staff facilities should be provided in accordance with relevant health, safety and welfare regulations and staff facilities must be separate where there are 31 or more covers.

The standard of staff facilities must be in accordance with relevant food safety legislation and maintained in good repair and condition.

- 2.6 The ratio of male/female customers will be assumed to be equal (50% male/50% female).
- 2.7 Provision of tables and chairs outside (even on a seasonal basis) will be included in the number of covers calculation. Specific additional permission may be required from Highways, Licensing or Planning to site seating on pavements outside premises.
- 2.8 Advice should be sought from the Building Control regarding accessible sanitary accommodation.
- 2.9 Rooms containing W.C.s should not open directly into areas where open food is handled.
- 2.10 Consultations at the planning stage may indicate that a premises has specified insufficient toilet provision or by virtue of its size cannot accommodate suitable toilet facilities. In this case the applicant will be advised directly and that representations may be made to planning to refuse the application, unless adequate facilities are incorporated into the plans.
- 2.11 Public toilets are not considered to be an acceptable alternative to the provision of customer toilets within the premises due to not being under the control of the proprietor, require access outside and may not be open at the same time as the business.
- 2.12 Premises located within shopping malls may rely on the provision of shared customer toilets if they are inside the mall, open at the same time of the business and there is a contractual agreement in place that facilities will be maintained. In these circumstances, separate staff facilities must be available within the business.

3.0 Existing premises

- 3.1 Existing premises serving food and drink with less than 12 seats will not be expected to upgrade facilities to the requirements outlined in this policy unless; they are refurbished or structurally altered, they mainly provide food for consumption on the premises (regardless of whether they have the correct planning permission), the nature of the business has changed or it is unreasonable to do so.
- 3.2 It is probable that there are premises within the Borough which were in existence prior to the Local Government (Miscellaneous Provisions) Act 1976 which have more than 12 seats but less sanitary facilities than required and where it would be impossible to install additional facilities. These premises will be considered on a case by case basis, but

- 3.3 'Reasonableness' will be determined by assessing issues including the size and layout of the premises, the space available and accessibility of drainage and water supplies etc. Any other constraints such as Listed Building status will be considered. Cost alone will not form the basis of whether it would be reasonable to provide adequate sanitary facilities. Where practicable following refurbishment or structural changes, at least one sanitary facility should be disabled accessible but advice will be sought from Building Control in respect of such a requirement.

4.0 Provision in Takeaway Premises

- 4.1 There is a presumption that customer toilets will be provided in all premises where food is sold for consumption on the premises, even if the main use of the undertaking is a takeaway and the provision is occasional.

5.0 Shared Facilities/Shopping Centres

- 4.1 Shared facilities will only be acceptable when there is full control over the facilities available, they are available at all times the premises are open for the sale of food and drink and are located in close proximity to the outlets where food is consumed – e.g. motorway services where food outlets are concessions of the company operating the services and the public toilets within the same building.

6.0 Exemptions

- 6.1 This policy does not apply to places where members of the public are not invited or facilitated to eat on the premises e.g. takeaways with seats for waiting only. In some cases, it may be requested to provide signage stating that seating is for customers waiting for food orders only. Invitation to eat on the premises includes provision of condiments; cutlery and/or crockery, separate eat in and takeaway prices etc.

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Policy: Provision of Customer Sanitary Accommodation in Catering and Licensed Premises

Author: Adam French
Division: Public Protection/Environmental Health
Date: 10 November 2023
Review Date: 9 November 2028

Contents

1.	Purpose	2
2.	Scope.....	2
3.	Policy	2
3.1	Principles.....	2
3.11	General Principles.....	2
3.12	Existing Premises.....	3
3.13	Small Catering Premises.....	3
3.14	Refurbishment or Alteration of Existing Premises.....	3
3.15	Conversion of an Existing Building into a “Relevant Place”.....	4
3.16	New Build Premises.....	4
3.17	Shopping Centres.....	4
3.18	Deviation from the Policy.....	4
3.2	Risk	5
3.3	Responsibilities	5
4.	Related Policies, Standards and Guidelines	5
5.	Terms and Definitions	6
6.	Enforcement	6
7.	Review	6
8.	Appendices	7
	Appendix 1	7
9.	Document Attributes	8
	Document Information.....	8
	Document Approval	8
	Document History	8
	Distribution.....	8
	Coverage	8

1. Purpose

The document describes how Broxtowe Borough Council will advise, deal with and ultimately enforce the provision of sanitary accommodation in catering and licensed premises in the Borough. This document builds on, and supersedes Broxtowe Borough Council's previous policy on Provision of Customer Sanitary Accommodation in Catering Premises dated June 1996 (see Appendix 1).

2. Scope

Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 enables a Local Authority to serve a notice on the owner/occupier of a "relevant place" requiring the provision of sanitary accommodation including washing facilities for customers. Relevant premises include those providing entertainment, betting shops and premises selling food or drink for consumption on the premises.

Broxtowe Borough Council adopted the Act. Whilst national standards exist for facilities required in premises (BS 6465-1:2006 +A1:2009. Sanitary Installations - Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances), this is not suited to calculating facilities required in smaller catering premises, even though the power exists to require these facilities.

This updated policy has been produced to provide guidance to aid compliance, place businesses on a level playing field (those that comply with the standard are investing in facilities other businesses are not providing), be more reasonable for smaller businesses and provide a level of consistency on enforcement with respect to the provision of sanitary accommodation at relevant places within the Borough. The policy also provides for a measure of officer discretion, taking into account the size, nature, layout and listed status of existing buildings in the borough.

The policy will apply to new premises, premises undergoing conversion or the alteration of existing premises. The policy will only apply to existing premises should Broxtowe Borough Council receive substantiated complaints, or specific issues arise that warrant requiring additional facilities.

3. Policy

3.1 Principles

3.11 General Principles

1. The assumption of 50% female and 50% male customers shall apply.
2. Where unisex toilets are provided, they must be in self-contained rooms with full height walls and doors.

3. Under the Equalities Act 2010 and Building Regulations, accessible facilities must be provided in new or altered premises where it is reasonable and practicable to do so. Such facilities will be taken into account when determining total sanitary accommodation provision.

4. Sanitary accommodation primarily used by employees can be shared with members of the public in small premises as long as access is not through a food room (a room where food is prepared or stored) and there is no additional hygiene or safety risk from doing so.

5. If a business provides outdoor seating this will be counted when calculating sanitary accommodation provision when the seats fall within the curtilage of the premises and are primarily used by customers of said business.

6. Rooms containing W.C.s must not open directly into areas where open food is handled.

3.12 Existing Premises

This policy will not apply to existing premises unless:

- Broxtowe Borough Council receives substantiated complaints which lead officers to consider serving a Notice for inadequate provision of sanitary accommodation; or
- Any of 3.14 – 3.17 apply.

3.13 Small Catering Premises

- For premises providing up to 25 seats the minimum requirement will be 1 unisex toilet and 1 washbasin. This includes small cafes, restaurants and micro pubs. For **takeaway premises with fewer than 10 seats**, no sanitary accommodation will be expected. This includes “Food on the Go” type premises where fewer than 10 seats are provided. Where a “Food on the Go” type premises also provides 10 or more seats they would be required to follow the other requirements depending on the number of seats provided.
- For premises with between 26 and 40 seats the minimum requirement will be 1 female toilet with a washbasin and 1 male toilet with a washbasin.
- For premises with 41 or more seats, the numbers in the relevant table of the British Standard will be required.

3.14 Refurbishment or Alteration of Existing Premises

Where an existing relevant place is being refurbished, extended or repurposed, it is expected that the provisions laid out in BS 6465-1:2006 +A1:2009 (Sanitary Installations - Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances) are followed.

3.15 Conversion of an Existing Building into a “Relevant Place”

When an existing building is being converted into a “relevant place”, it is expected that the provisions laid out in BS 6465-1:2006 +A1:2009 (Sanitary Installations - Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances) are followed.

These requirements will be highlighted at the planning stage (if required) of the project.

3.16 New Build Premises

For new builds, it is expected that the provisions laid out in BS 6465-1:2006 +A1:2009 (Sanitary Installations - Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances) are followed.

These requirements will be highlighted at the planning stage of the project.

3.17 Shopping Centres

Premises located within shopping malls such as a food court, small cafes and coffee shops may rely on the provision of shared customer toilets if they are inside the mall, open at the same time as the business and there is a contractual agreement in place that facilities will be maintained. In these circumstances, separate staff facilities must be available within the business.

Restaurants and bars located within an enclosed shopping centre must provide sanitary accommodation for their guests in line with the provisions laid out in BS 6465-1:2006 +A1:2009 (Sanitary Installations - Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances). Consideration may be given to reducing this provision if shared customer toilets are located nearby that can be accessed when the business is open.

3.18 Deviation from the Policy

The policy will be applied consistently across the borough. If a business or developer has a justifiable reason why provision of sanitary accommodation cannot meet the required standard, they can apply in writing to request deviation from the policy. The request must explain why minimum standards cannot be met and detail the proposed provision of sanitary accommodation. This request will be considered by the Chief Environmental Health Officer or the Senior Environmental Health Officer taking into account the views of the case officer and those of Planning and the Building Control. Should an exception be made this will be agreed in writing and a copy of the decision retained on the premises' file for future reference. Acceptance of deviation from the policy will be made on a case by case basis only. If significant alterations are subsequently made to the premises, the deviation will be reviewed and additional facilities may be required. Blanket deviations, for example for a new shopping centre, will not be considered.

3.2 Risk

There is a risk to the reputation of Broxtowe Borough Council if the policy is not fairly and evenly applied across the borough. In addition, there could be unwarranted costs to businesses and/or developers should this occur. The Chief EHO and Senior EHO will ensure all officers are sufficiently familiar and trained on the procedure and will oversee implementation.

The introduction of the policy will provide certainty for businesses and developers across the borough when refurbishments, renovations, extensions, re-purposing of buildings and new builds are undertaken. In addition, the inclusion of a deviation from the policy in certain circumstances, will assist businesses and/or developers on those occasions where full sanitary accommodation cannot be provided. The policy provides a method to consider, approve and document such deviations to ensure fairness and consistency.

3.3 Responsibilities

- Individual businesses and/or developers have a duty to comply with relevant legislation and the requirements of this policy, subject to any agreed deviation.
- Public Protection Officers will be responsible for alerting businesses and/or developers to the policy and for ensuring compliance, subject to any agreed deviation.
- Public Protection Officers will be responsible for the investigation of complaints resulting from a perceived or actual lack of sanitary accommodation.
- Public Protection Officers will be responsible for bringing any proposed deviations to the policy to the attention of the Chief EHO/Senior EHO.
- The Chief EHO or Senior EHO will be responsible for reviewing and agreeing any deviation from the policy, or reviewing any appropriate enforcement action required.
- Public Protection Officers will be responsible for ensuring any deviations are communicated to the business and/or developer concerned and for a record to be retained on the premises' file.
- The Senior EHO or Chief EHO will be responsible for the review of the policy and will also ensure officers are consistent in applying the provisions of the policy and associated legislation.

4. Related Policies, Standards and Guidelines

- BS 6465-1:2006 +A1:2009. Sanitary Installations - Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances.
- Local Government (Miscellaneous Provisions) Act 1976
- The Workplace (Health, Safety and Welfare) Regulations 1992
- Equality Act 2010

5. Terms and Definitions

“relevant place” means any of the following places—

(a) a place which is normally used or is proposed to be normally used for any of the following purposes, namely—

(i) the holding of any entertainment, exhibition or sporting event to which members of the public are admitted either as spectators or otherwise,

(ii) the sale of food or drink to members of the public for consumption at the place;

(b) a place which is used on some occasion or occasions or is proposed to be used on some occasion or occasions for any of the purposes aforesaid; and

(c) a betting office.

6. Enforcement

The Public Protection team are responsible for investigating complaints and enforcement of the policy and relevant legislation. Where required, Planning and the Building Control will be consulted.

Any enforcement action taken will be in line with Broxtowe Borough Council's Enforcement Policy.

7. Review

This document will be reviewed every five years or wherever there may be a change of influencing circumstances. Any review will be undertaken by either the Senior EHO or the Chief EHO.

8. Appendices

Appendix 1

**Broxtowe Borough Council's Policy on Provision of Customer Sanitary
Accommodation in Catering Premises – June 1996**

9. Document Attributes

Document Information

Information Type	Document Information
Title	Provision of Customer Sanitary Accommodation in Catering and Licensed Premises Policy
Identifier	Provision of Customer Sanitary Accommodation in Catering and Licensed Premises Policy
File Location	Y drive
Description	Policy for determining provision of sanitary accommodation in catering and licensed premises
Keywords	Policy; Sanitary Accommodation; Relevant Place; Catering and Licensed Premises; Deviation
Format	Microsoft Word
Author	Adam French
Owner	Public Protection
Classification	OFFICIAL
Date Created	2 nd October 2023
Last Review Date	2 nd October 2023
Next Review Date	2 nd October 2028
Date to Dispose	12 months after later version of policy released

Document Approval

Date	Name & Job Title of Approver(s)	Version
3/10/2023	Chief Environmental Health Officer	1b

Document History

Date	Summary of Changes	Version
02/10/23	First Draft	1
03/10/23	Second Draft	1a
10/11/23	More detail in 3.13 following POWG.	1b
XXXX	Policy Issued	1.0

Distribution

Name/Group:

Members of POWG
Cabinet Members

Coverage

Name/Group:

All Staff within Environmental Health and Licensing.

End of Document

APPENDIX 3

Policy Section	Suggested Change	Reason for Change
Layout of entire document	Entire report layout	Updated using corporate format
<p>Previous 2.2</p> <p>For smaller premises the requirements are as follows; Number of Covers Number of W.C.s</p> <p>Less than 12 Minimum 1 water closet and wash hand basin</p> <p>12 – 30 covers Minimum of 1 male and 1 female W.C. and wash hand basin</p> <p>31 or more Relevant British Standard BS6465 1994 or successor standard</p>	<p>New 3.13</p> <p>For premises with up to 25 seats the minimum requirement will be 1 unisex toilet and 1 washbasin.</p> <p>For premises with up to 40 seats the minimum requirement will be 1 female toilet with a washbasin and 1 male toilet with a washbasin.</p>	<p>Refreshes requirements for provision of customer toilets in premises serving food and drink and relaxes requirements ensuring provision is made for customers and being less onerous for smaller premises to comply with.</p>

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Joint report of the Portfolio Holder for Housing and the Portfolio Holder for Resources and Personnel Policy

UPDATE TO HOUSING REVENUE ACCOUNT (HRA) 30-YEAR BUSINESS PLAN MODEL 2023/24

1. Purpose of report

To approve the updated Housing Revenue Account (HRA) 30-year financial model to reflect the current approved and forecast revenue and capital budgets.

2. Recommendation

Cabinet is asked to RESOLVE that the updated financial model for the Housing Revenue Account (HRA) 30-Year Business Plan be approved.

3. Details

In February 2012, the Council approved a HRA 30-Year Business Plan for the period 2012/13 through to 2041/42. The business plan included a detailed financial plan and tables modelling the capital programme and revenue position for the HRA throughout the period. The financial model has subsequently been updated and approved by Council on a regular basis.

This year the modelling has taken place using the services of Keith Finch from Housing Finance Specialists Ltd (HFS). The consultant has worked with the Council on previous HRA Business Plan models and consulted on other housing related matters. The model used for this update is used by a number of other local authority housing providers.

The updated Business Plan has been prepared incorporating projections for revenue and capital expenditure based on the budgets approved for 2023/24 and subsequent budget adjustments approved up to October 2023. This base model does not include any additional expenditure or financing assumptions in relation to new housing provision other than that already approved by the Council.

4. Financial Implications

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

The modelling shows that the HRA is projected to be viable for the next 30 years and there is sufficient flexibility to provide the necessary finance for the capital programme and for a substantial development programme. There are several risks present throughout the period, such as pay and price inflation, unexpected compliance costs and the conditions of use for capital receipts, which must be carefully monitored to ensure the sustainability of the HRA. Further details are provided in the appendices.

5. Legal Implications

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

The duty to keep a Housing Revenue Account and prevent a debit balance on it and restrictions as to what may be credited or debited to the account (“the ring-fence”) are governed by Part VI of the Local Government and Housing Act 1989 (the 1989 Act). The provision of a HRA business plan (the Plan) is a requirement of s.88 of the Local Government Act 2003. The purpose of the Plan is to set out the actions to be taken in line with relevant strategies and budget available to show that the Council will continue to deliver housing services which are fit for purpose. The Council has a legal duty to budget to ensure the account remains solvent and to review the account throughout the year. The Council has a duty to disclose specified information pertaining to the HRA and its operation as set out in The Housing Revenue Account (Accounting Practices) Directions 2016.

6. Human Resources Implications

There are no comments from the Human Resources Manager.

7. Union Comments

The Union comments were as follows:

8. Climate Change Implications

The Council’s response to Climate Change is a key consideration as part of the business planning and 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

An equality impact assessment is not required.

11. Background Papers

Nil.

APPENDIX

HRA 30-YEAR BUSINESS PLAN 2023 UPDATE

1. Background

In February 2012 the Council approved a HRA 30-Year Business Plan for the period 2012/13 through to 2041/42. The business plan included a detailed financial plan and tables modelling the capital programme and revenue position for the HRA throughout the period. The financial model has subsequently been updated and approved by Council on a regular basis.

This year the modelling has taken place using the services of Keith Finch from Housing Finance Specialists Ltd (HFS). The consultant has worked with the Council on previous HRA Business Plan models and consulted on other housing related matters. The model used for this update is used by a number of other local authority housing providers.

2. Business Plan Update 2023

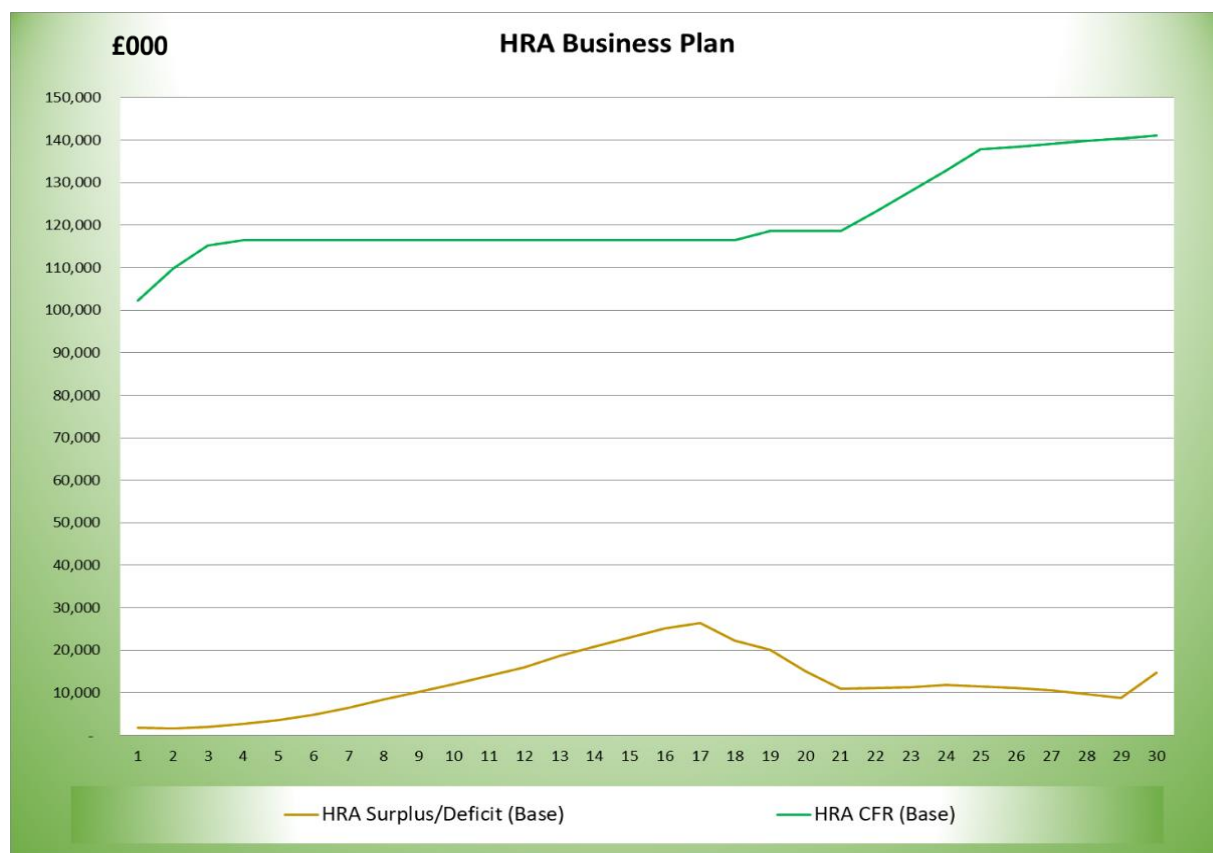
The updated Business Plan model has been prepared incorporating projections for revenue and capital expenditure based on the budgets approved for 2023/24 and budget adjustments approved up to and including October 2023. This is a base model and does not include any additional expenditure or financing assumptions in relation to new housing provision other than that already approved by the Council.

The full HRA 30-Year Business Plan Update 2023 report from HFS includes the key assumptions underpinning the Base Model. This report has been updated by officers since its production to include the latest budget changes for both capital works and housing acquisitions. Any subsequent changes, including the pending Homes England grant applications recently submitted to support housing acquisitions, will be incorporated into future updates to the 30-Year Business Plan.

Figure 1 below shows an overview of the base Business Plan represented by the 30-year projections for HRA revenue balances and the HRA Capital Financing Requirement (CFR) (i.e. capital expenditure financed by both internal and external borrowing).

The green line on the graph projects the HRA Capital Financing Requirement (CFR). The CFRs figure is important as it shows the HRA capital expenditure financed by internal and/or external borrowing. Even where capital spend is initially financed by internal borrowing, it is typical that at least some of this will eventually need to be refinanced by external borrowing. So, as a general rule, the higher the CFR figure is, the higher the HRA external borrowing will be which in turn increases the cost to service the debt (interest payments).

Figure 1: HRA Working Balances and Capital Financing Requirement (CFR) for period 2023/24 to 2052/53 (30 Years)



Borrowing Levels and Provision for the Repayment of Debt

The Council had £88.1m of loan debt outstanding as at 31 March 2023, the majority being with the Public Works Loan Board (PWLB). This level of borrowing can be considered in the context of the assets held by the Council. The last valuation used for the Balance Sheet on 31 March 2023 showed that the Council held fixed assets with a total value of £263.3m. This included HRA assets at £224.0m (42% of the 'market valuation' of £533.3m). This compares favourably with the debt portfolio totalling £88.1m as at 31 March 2023.

The model and current HRA budget does not include any provision to repay borrowing. Instead, the Council has focused on investment into its stock rather than paying down debt. It remains essential that this position is closely monitored as this strategy does have its risks in terms of interest rates and refinancing risk i.e. not paying down debt will mean borrowing needing to be refinanced in future.

As seen recently, interest rates can be volatile and the Council could be exposed to refinancing maturing loans at higher interest rates than current loans, resulting in pressure on the HRA revenue working balance. CFR borrowing is forecasted to increase to nearly £140m by year 30 due to two factors:

1. Increased capital expenditure on both the housing delivery programme and major repairs and improvement works to HRA housing stock which will require additional borrowing.
2. No provision currently in the HRA budget to repay debt capital. There is no statutory requirement for the HRA to make a provision for debt repayment (whereas there is a requirement for General Fund debt). The Council has historically taken the decision to use HRA balances to invest in its housing stock rather than to repay debt. This position will be kept under review by the Deputy Chief Executive and Section 151 Officer, in consultation with the Council's treasury advisors and housing finance advisors to ensure the sustainability of the HRA.

Analysis provided by the consultants for 14 of their other local authority client's business plans shows four clients are repaying loans at maturity; three clients are using Major Repairs Reserve (MRR) balances, in part, to address the internal borrowing created by payment of annuity loans; three clients not making any provision or repayments; two clients are using capital receipts; and one client is replacing internal borrowing with external loans. Only one client is making a provision in the HRA.

In addition, analysis of the 21 local authorities in the East Midlands with a HRA shows that the majority are appearing to be making no repayment of HRA debt. Of the others, five are making Voluntary Revenue Provision (VRP) in the HRA; one is using its capital receipts; and another is using contributions from the Major Repairs Reserve. It is evident that although some local authorities have chosen to use various methods to repay HRA related borrowing, this Council is not an outlier in choosing investment in its stock over the repayment of debt.

Whilst it is considered that the management of debt in this updated Business Plan remains prudent, affordable and sustainable, this position must continue to be carefully monitored as there are several risks, such as adverse interest rates and re-financing risks, which could impact on HRA working balances.

Revenue Contributions and Prudential Borrowing

Investment in HRA housing stock has seen revenue contributions funding to the capital programme in recent years. This revenue contribution is set to continue until 2025/26 as per the current three-year rolling capital programme.

It has become evident in preparing this Business Plan, that the HRA cannot support this level of revenue contribution and maintain its £1.0m minimum balance, largely due to increased costs and higher interest rates. Revised financing for the current financial year, potentially reducing the level of revenue contribution, will be included as part of the 2023/24 accounts outturn for approval. Revised financing for the forthcoming three financial years will be presented for approval as part of the 2024/25 budget setting process.

Once revenue contributions to the capital programme are discontinued, the HRA balance is projected to increase significantly, providing funds for future investment and protecting the HRA from future risks. Around year 18 (2040/41) it is forecast that revenue contributions to support the financing of the capital programme will once again be required. This is based on the most recent stock condition survey which suggests that major schemes of maintenance and improvement to existing stock will be required. An updated stock condition survey is being undertaken shortly.

A breakdown of the HRA operating account, detailing income and expenditure over the life of the Business Plan, is provided in Figure 2. The table shows that the HRA is capable of maintaining its minimum balance of £1.0m over the next 30 years. This must be carefully monitored as there are several risks, such as interest rate risk, unexpected or higher than expected costs related to repairs and maintenance, and unforeseen events that may negatively affect income.

Although the analysis shows the HRA working balance rising towards £4.9m in year 6 (2028/29) and even higher in the year afterwards up to £26.5m in year 17 2023/40. Whilst the model does not include any provision to repay borrowing at this stage, there will clearly be opportunities to repay some HRA debt once balances start climbing towards £5m. The Deputy Chief Executive and Section 151 Officer, in conjunction with the Finance Service team and the housing finance advisors, will carefully monitor this position with a view to balancing the needs of capital investment in the Council's housing portfolio and maintaining sustainable HRA working balances.

Figure 2: Detailed HRA Working balance 2023/24 to 2052/53

	Year	Income			Expenditure							Net Operating Spend	Repayment of loans	RCCO	Surplus/ (Deficit) for the Year	Opening Surplus/ (Deficit)	Interest Receipts	Closing Surplus/ (Deficit)
		Net rent Income	Other income	Total Income	Management	Depreciation	Responsive & Cyclical	Other Revenue spend	Misc Expenses	Total Expenses	Capital Charges							
		£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000
Y1	2023/24	16,867	1,244	18,111	(5,707)	(4,629)	(4,537)	(160)	(443)	(15,476)	(2,902)	(268)	0	(1,002)	(1,270)	2,969	41	1,740
Y2	2024/25	18,002	1,300	19,302	(5,966)	(4,832)	(4,727)	(168)	(462)	(16,155)	(3,276)	(129)	0	0	(129)	1,740	42	1,653
Y3	2025/26	19,045	1,357	20,402	(6,239)	(5,054)	(4,930)	(175)	(483)	(16,880)	(3,343)	179	0	0	179	1,653	53	1,885
Y4	2026/27	20,246	1,413	21,658	(6,500)	(5,301)	(5,117)	(182)	(502)	(17,603)	(3,356)	700	0	0	700	1,885	79	2,664
Y5	2027/28	20,832	1,455	22,287	(6,685)	(5,430)	(5,235)	(188)	(518)	(18,055)	(3,356)	877	0	0	877	2,664	120	3,660
Y6	2028/29	21,408	1,499	22,906	(6,873)	(5,554)	(5,353)	(193)	(533)	(18,507)	(3,356)	1,044	0	0	1,044	3,660	193	4,896
Y7	2029/30	21,989	1,543	23,532	(7,067)	(5,680)	(5,474)	(199)	(549)	(18,970)	(3,356)	1,207	0	0	1,207	4,896	280	6,384
Y8	2030/31	22,907	1,590	24,496	(7,267)	(5,809)	(5,597)	(205)	(566)	(19,444)	(3,356)	1,697	0	0	1,697	6,384	364	8,444
Y9	2031/32	22,956	1,637	24,593	(7,472)	(5,940)	(5,723)	(211)	(583)	(19,929)	(3,356)	1,308	0	(0)	1,308	8,444	452	10,205
Y10	2032/33	23,441	1,687	25,128	(7,683)	(6,074)	(5,851)	(217)	(600)	(20,426)	(3,356)	1,346	0	0	1,346	10,205	523	12,074
Y11	2033/34	23,928	1,737	25,665	(7,900)	(6,211)	(5,982)	(224)	(618)	(20,935)	(3,356)	1,375	0	0	1,375	12,074	578	14,027
Y12	2034/35	24,417	1,789	26,207	(8,123)	(6,351)	(6,115)	(231)	(637)	(21,456)	(3,356)	1,395	0	0	1,395	14,027	634	16,056
Y13	2035/36	25,391	1,843	27,234	(8,352)	(6,493)	(6,251)	(238)	(656)	(21,990)	(3,356)	1,888	0	0	1,888	16,056	697	18,641
Y14	2036/37	25,403	1,898	27,301	(8,587)	(6,638)	(6,390)	(245)	(675)	(22,536)	(3,356)	1,409	0	0	1,409	18,641	761	20,811
Y15	2037/38	25,900	1,955	27,855	(8,830)	(6,786)	(6,531)	(252)	(696)	(23,095)	(3,356)	1,404	0	0	1,404	20,811	818	23,033
Y16	2038/39	26,400	2,014	28,414	(9,079)	(6,937)	(6,675)	(260)	(716)	(23,667)	(3,455)	1,291	0	0	1,291	23,033	807	25,131
Y17	2039/40	26,903	2,074	28,978	(9,335)	(7,091)	(6,822)	(267)	(738)	(24,253)	(4,069)	655	0	0	655	25,131	714	26,501
Y18	2040/41	27,411	2,137	29,547	(9,598)	(7,248)	(6,972)	(275)	(760)	(24,853)	(4,121)	572	0	(5,325)	(4,753)	26,501	607	22,355
Y19	2041/42	28,462	2,201	30,663	(9,869)	(7,408)	(7,124)	(284)	(783)	(25,467)	(4,175)	1,020	0	(3,782)	(2,762)	22,355	524	20,118
Y20	2042/43	28,437	2,267	30,703	(10,147)	(7,571)	(7,280)	(292)	(806)	(26,096)	(4,210)	397	0	(5,907)	(5,510)	20,118	434	15,042
Y21	2043/44	28,956	2,335	31,291	(10,433)	(7,737)	(7,438)	(301)	(831)	(26,739)	(4,291)	260	0	(4,601)	(4,341)	15,042	322	11,023
Y22	2044/45	29,480	2,405	31,884	(10,727)	(7,906)	(7,599)	(310)	(855)	(27,398)	(4,422)	65	0	(156)	(91)	11,023	274	11,206
Y23	2045/46	30,008	2,477	32,485	(11,029)	(8,079)	(7,763)	(319)	(881)	(28,071)	(4,558)	(144)	0	0	(144)	11,206	278	11,341
Y24	2046/47	31,132	2,551	33,683	(11,340)	(8,254)	(7,930)	(329)	(908)	(28,761)	(4,696)	226	0	0	226	11,341	286	11,853
Y25	2047/48	31,079	2,628	33,707	(11,660)	(8,433)	(8,101)	(339)	(935)	(29,467)	(4,794)	(554)	0	0	(554)	11,853	289	11,588
Y26	2048/49	31,622	2,707	34,328	(11,988)	(8,615)	(8,274)	(349)	(963)	(30,189)	(4,850)	(710)	0	0	(710)	11,588	281	11,158
Y27	2049/50	32,169	2,788	34,957	(12,326)	(8,801)	(8,450)	(359)	(992)	(30,928)	(4,907)	(878)	0	0	(878)	11,158	268	10,548
Y28	2050/51	32,722	2,871	35,594	(12,673)	(8,990)	(8,630)	(370)	(1,021)	(31,684)	(4,966)	(1,056)	0	0	(1,056)	10,548	251	9,743
Y29	2051/52	33,281	2,957	36,238	(13,030)	(9,182)	(8,813)	(381)	(1,052)	(32,458)	(5,026)	(1,246)	0	0	(1,246)	9,743	228	8,725
Y30	2052/53	34,687	3,046	37,733	(13,247)	(9,378)	(9,000)	(393)	(1,084)	(33,102)	(4,981)	(350)	0	0	(350)	8,725	215	8,590

3. Capital Programme and Housing Development

Figure 3 below shows the five-year capital programme and its proposed financing. Years 1 to 3 are the current rolling three-year programme approved by the Council, including the approved in year adjustments for 2023/24 up to and including October 2023. Years 4 and 5 are projected based on the Housing Delivery Programme and forecast major repairs and improvements required to the stock.

Figure 3: Capital Programme and Financing 2023/24 to 2027/28

Year	Expenditure					Financing					
	Major Works & Imps.	Decarbonisation Works	New Build Development Costs	New Build Major Repairs	Total Expenditure	Borrowing	RTB 141 Receipts	Other	MRR	RCCO	Total Financing
	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000
Y1 2023/24	8,859	2,000	19,489	0	30,348	18,275	3,700	2,665	4,706	1,002	30,348
Y2 2024/25	5,962	0	10,078	0	16,040	7,555	2,088	1,780	4,617	0	16,040
Y3 2025/26	5,896	0	6,363	0	12,259	5,418	1,588	636	4,617	0	12,259
Y4 2026/27	6,084	0	1,400	0	7,484	1,279	475	1,113	4,617	0	7,484
Y5 2027/28	6,084	0	0	0	6,084	0	532	935	4,617	0	6,084

As can be seen the 30-year capital projection in figure 1 below, the HRA is capable of sustaining the capital programme in its current form. However, new external borrowing will be required which will increase the HRA revenue costs in servicing that debt.

The projected investment in the Council's housing stock assumes that debt will not be repaid over the life of the Business Plan. If the Council was to choose to repay some or all of the HRA current debt, funds available to invest in the housing stock would be reduced. This would then mean the Council would have to revise its capital programme with an emphasis on compliance with decent homes standards and other relevant regulations. Any decision to divert funds away from investment in the stock must take into account the impact this may have on meeting regulations. It must also be considered that any unexpected increase in costs and/or reductions in income, such as higher than expected inflation or unexpected government caps on rents increases, may also require the capital programme be reviewed to ensure compliance with regulation is prioritised which in turn may reduce funds available funds for non-compliance works.

Over the life of the Business Plan, it is projected that Right to Buy (RTB) sales will average 30 each year. Although this figure may be lower in the short-term due to higher mortgage rates, over the lifetime of the model this is considered to be a reasonable average. The current new build and acquisitions programme forecasts 112 new build properties and 30 acquisitions (assuming an average of six per year). In addition, the Council is currently in the process of purchasing several blocks of flats on the open market, resulting in a total of 183 new properties in the current programme. Over the 30-year life of the Business Plan this sees a net reduction of 717 properties.

Capital Expenditure and Financing

The model indicates that sufficient capital resources will be available to meet the planned capital spend over the lifetime of the programme. Whilst this will require the HRA to borrow to finance some of this capital expenditure, the model indicates that this level of borrowing is currently sustainable and there will be no issues with the HRA servicing the debt. This is shown in figure 1:

Figure 4: Planned Capital Spending and Financing 2023/24 to 2052/53

	Year	Expenditure					Financing					
		Major Works & Imps.	Decarbonisation Works	New Build Development Costs	New Build Major Repairs	Total Expenditure	Borrowing	RTB 141 Receipts	Other	MRR	RCCO	Total Financing
		£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000	£,000
Y1	2023/24	8,859	2,000	19,489	0	30,348	18,275	3,700	2,665	4,706	1,002	30,348
Y2	2024/25	5,962	0	10,078	0	16,040	7,555	2,088	1,780	4,617	0	16,040
Y3	2025/26	5,896	0	6,363	0	12,259	5,418	1,588	636	4,617	0	12,259
Y4	2026/27	6,084	0	1,400	0	7,484	1,279	475	1,113	4,617	0	7,484
Y5	2027/28	6,084	0	0	0	6,084	0	532	935	4,617	0	6,084
Y6	2028/29	5,232	0	0	0	5,232	0	0	2,550	2,683	0	5,232
Y7	2029/30	5,350	0	0	0	5,350	0	0	1,239	4,111	0	5,350
Y8	2030/31	5,470	0	0	0	5,470	0	0	1,300	4,170	0	5,470
Y9	2031/32	5,592	0	0	0	5,592	0	0	1,363	4,230	0	5,592
Y10	2032/33	5,717	0	0	20	5,737	0	0	25	5,712	0	5,737
Y11	2033/34	5,851	0	0	59	5,910	0	0	(0)	5,910	0	5,910
Y12	2034/35	5,981	0	0	104	6,085	0	0	(0)	6,085	0	6,085
Y13	2035/36	6,114	0	0	180	6,294	0	0	(0)	6,294	0	6,294
Y14	2036/37	6,248	0	0	239	6,487	0	0	(0)	6,487	0	6,487
Y15	2037/38	6,386	0	0	251	6,637	0	0	(0)	6,637	0	6,637
Y16	2038/39	12,098	0	0	258	12,357	0	0	(0)	12,357	0	12,357
Y17	2039/40	12,363	0	0	266	12,629	0	0	(0)	12,629	0	12,629
Y18	2040/41	12,633	0	0	274	12,907	0	0	(0)	7,582	5,325	12,907
Y19	2041/42	12,907	0	0	282	13,190	2,000	0	(0)	7,408	3,782	13,190
Y20	2042/43	13,187	0	0	291	13,478	0	0	(0)	7,571	5,907	13,478
Y21	2043/44	12,038	0	0	300	12,338	0	0	(0)	7,737	4,601	12,338
Y22	2044/45	12,297	0	0	308	12,606	4,544	0	(0)	7,906	156	12,606
Y23	2045/46	12,562	0	0	318	12,879	4,803	0	(0)	8,076	0	12,879
Y24	2046/47	12,830	0	0	327	13,158	4,906	0	(0)	8,252	0	13,158
Y25	2047/48	13,104	0	0	337	13,441	5,011	0	(0)	8,431	0	13,441
Y26	2048/49	8,904	0	0	347	9,252	639	0	(0)	8,613	0	9,252
Y27	2049/50	9,093	0	0	358	9,451	652	0	(0)	8,798	0	9,451
Y28	2050/51	9,285	0	0	368	9,653	666	0	(0)	8,987	0	9,653
Y29	2051/52	9,480	0	0	379	9,860	680	0	(0)	9,179	0	9,860
Y30	2052/53	9,679	0	0	391	10,070	694	0	(0)	9,375	0	10,070

Note: Other - grants, contributions etc. from other bodies; MRR - Major Repairs Reserve; RCCO - Revenue Contributions

Right to Buy Receipts (RTB)

A further consideration is the use of retained capital receipts. When a housing property is sold under Right to Buy (RTB), a formula is used by central government (DLUHC) to calculate the amount the Council can retain and the amount to be paid over to the Treasury. Various amounts are deducted from the RTB receipt (such as an allowance for transactions costs and debt costs) and the remainder is split between the Council and the Treasury. The Council's share known as a one-for-one receipt. There are various restrictions on the use of these one-for-one receipts, including:

- The Council can fund up to 40% of a new build scheme/acquisitions using these receipts.
- Expenditure must take place within five-years of the receipt. Any receipts not used within this time must be paid to the Treasury with interest.
- The maximum allowable expenditure on acquisitions is 50% of total expenditure within a year. This is set to be reduced to 40% and subsequently 30% over the next five years. However, the first 20 units purchased are excluded from the percentage calculation (although this may change when the percentage allowable is reduced in future years).
- One-for-one receipts cannot be used on schemes where other grants or contributions are used to part-fund the scheme, such as Homes England grants or Section 106 contributions.

The above creates four areas of concern for the Council:

- Depleting housing stock will make it increasingly difficult to provide housing for those who need it.
- Reduced housing stock will reduce total rental income, which creates pressure on the HRA budget that may result in reductions in spend elsewhere and/or force the Council to increase rents more than it would like to (dependant on rent caps set by the government).
- The Council may have to repay one-for-one receipts with interest. The model forecasts that if the Council does not invest in housing development and acquisitions beyond the current programme, with RTB sales at 30 per year, it will have to pay around £46m to the Treasury in repaid receipts and interest over the 30 years of the Business Plan.
- Potential reputational damage to the Council due to a dwindling social housing stock and a lack of investment in replacements.

In order to mitigate these risks, the Council could choose to explore potential sites for new build developments and continue to support the acquisition of former RTB properties and other housing on the open market. It must be noted that, as stated above, only 40% of development costs can be funded by one-for-one receipts and these cannot be used in conjunction with other grants or contributions. Based on the model, the HRA will have insufficient revenue resources to fund the additional costs. As such, the Council would need to increase borrowing in order to finance the 60% of costs. This will increase the HRA revenue cost of servicing the debt, albeit offset by the new stock contributing to through rental income.

4. Conclusion

It is clear that with careful financial management and control, the HRA is capable of maintaining its minimum working balance of £1.0m over the life of its 30-year Business Plan. In addition to maintaining its revenue balances, the HRA is in a position to invest in its housing stock to ensure compliance with regulations; to improve the quality of the stock for residents; and to invest in building and acquiring new stock. There are several risks, such as inflation, unexpected costs and the conditions of use for one-for-one receipts, present throughout the period which must be carefully monitored to ensure the sustainability of the HRA.

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Report of the Portfolio Holder for Housing

DAMP AND MOULD POLICY

1. Purpose of Report

To seek Cabinet approval for a new Damp and Mould Policy and associated procedure.

2. Recommendation

Cabinet is asked to RESOLVE that the Damp and Mould Policy and associated procedure be approved

3. Detail

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

In September 2023, Cabinet considered a self-assessment of the 26 recommendations for landlords outlined in the Housing Ombudsman report: 'Spotlight on Damp and Mould, it's not Lifestyle'. This included some new proposed actions for inclusion in an updated Action Plan.

One of the actions approved was for a new Damp and Mould Policy to be written. The new policy considers the expectations of the Housing Ombudsman and the Regulator of Social Housing. Government guidance: 'Understanding and addressing the health risks of damp and mould in the home' published in September 2023 has also been considered.

The policy is included in appendix 1, the associated procedure in appendix 2 and an equality impact assessment in appendix 3.

4. Financial Implications

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

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

5. Legal Implications

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

Landlord and Tenant Act 1985 as amended by the Housing (Fitness for

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

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

N/A.

7. Union Comments

The Union comments were as follows:

N/A.

8. Climate Change Implications

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

Some of the works that will be completed in response to reports of damp and mould will help increase the energy efficiency of the Council's housing stock. Cabinet approval has previously been given to update Energy Performance Certificates (EPCs) for all of the housing stock which will allow us to monitor the positive improvements made to EPC ratings.

9. Data Protection Compliance Implications

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

10. Equality Impact Assessment

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

11. Background Papers

Nil.



DAMP AND MOULD POLICY

Contents

1.0 Scope	3
2.0 Purpose	3
3.0 Aims and Objectives.....	3
4.0 Regulatory Code and Legal Framework.....	3
5.0 Policy Outline	3
5.1 Risk management.....	4
5.2 Types of damp	4
5.3 Mould.....	5
5.4 Tenants with additional support needs	5
5.5 Information and support for tenants	5
5.6 Offer of temporary accommodation	6
5.7 Training.....	6
5.8 Complaints and compensation.....	6
5.9 Quality assurance	6
6.0 Related Policies, Procedures and Guidelines	6
7.0 Review	6
8.0 Document History and Approval.....	7

1.0 Scope

The policy applies to all Council housing properties, both General Needs and Independent Living. Leaseholders have different obligations with regards to maintaining their homes. However, we will always provide relevant support and advice.

Reports received about properties not owned by the Council will be investigated by the Council's Private Sector Housing team.

The Policy should be read in conjunction with the Damp and Mould procedure, which sets out timescales for completion of works and roles and responsibilities.

2.0 Purpose

The policy outlines the approach that the Council will take in regards to reports of damp and mould. The policy and associated procedure will ensure that effective investigations are undertaken to identify that cause of the problem and that all reasonable repair solutions are implemented to resolve it.

3.0 Aims and Objectives

The Policy will:

- Ensure that all reports of damp and mould are responded to promptly, and that the Council works pro-actively to identify issues
- Provide a safe and healthy home for our tenants
- Ensure that the Council protects our assets from deterioration and damage resulting from damp
- Comply with all relevant guidance, statutory requirements and good practice

4.0 Regulatory Code and Legal Framework

The policy is aligned with the regulatory framework of the Regulator of Social Housing.

The recommendations from the Housing Ombudsman report 'Spotlight on Damp and Mould, It's not lifestyle' have also been considered.

Relevant legislation has been considered:

- Landlord and Tenant Act 1985
- Housing Health and Safety Rating System within the Housing Act 2004
- Decent Homes Guidance, particularly Section 5

5.0 Policy Outline

5.1 Risk management

It is important to recognise that not all damp and mould presents the same risk. The most immediate and serious risk relates to severe mould growth which presents airborne toxicity. The risk is higher if mould growth is found in multiple areas or if the mould growth is in bedrooms.

Minor instances of mould such as around window frames and in silicone is considered lower risk and should be treated as not urgent. Once mould appears in any degree on ceilings walls and soft furnishing it becomes higher risk.

Repairs Inspectors will complete an assessment form and consider the risk to the tenant when ordering works. Cases where a higher risk has been identified will be prioritised.

5.2 Types of damp

To be able to treat the damp and mould correctly and completely resolve the issue, the type of damp must be identified correctly. External specialist advice will be sought, and a full range of tests will be completed to support diagnosis. Tests may include a carbide test and hygrometer salt analysis. If the external specialist advice recommended further tests, these will also be completed.

Rising Damp

This is the movement of moisture from the ground rising through the structure of the building. This is caused by building defects, such as a breakdown of a damp proof course, which allows moisture to enter the property. This can be identified by wet patches on walls; flaking or bubbling plaster and rotting skirting boards. If a damp proof course has broken down, there may also be a tide mark line around the perimeter of the room.

Penetrating Damp

Penetrating damp is water that gets into the building from outside due to defects in the walls, roofs, windows or floors.

Traumatic Damp

Traumatic damp can be caused by leaking water from waste and heating pipes, overflowing baths or sinks, burst pipes or defective water storage vessels inside the building. Traumatic damp can also originate from outside the property, for example from another building or from environmental flooding.

Condensation

Condensation occurs when moisture held in warm air comes into contact with a cold surface and then condenses producing water droplets. The conditions that can increase the risk of condensation include:

- Inadequate heating, including undersized radiators and tenant not using the heating
- Inadequate ventilation, including lack of vents and mechanical extraction and these not being used correctly
- Inadequate insulation, including missing or defective cavity wall insulation or loft insulation
- High humidity, including not covering pans when cooking or drying laundry inside
- Overcrowding, which increases moisture levels

5.3 Mould

Mould is a natural organic compound that develops in damp conditions. Mould will only grow on damp surfaces. It is often present in situation where there is condensation. If moisture accumulates, mould growth will often occur on indoor surfaces.

In order to reproduce, mould produces tiny particles called spores. Spores are carried in the air and may cause health problems if inhaled by people who are sensitive or allergic to them. It is important to note that most people will not experience any health problems from coming into contact with mould. However, mould exposure can cause a runny or blocked nose and irritation of the eyes and skin.

5.4 Tenants with additional support needs

The most at risk tenants are the very young, elderly and those with certain health conditions. Those with medical vulnerabilities such as asthma and allergies and those undergoing some medical treatments require urgent attention. Cases of damp and mould in properties where someone is at higher risk will be prioritised.

The Council will be supportive and responsive to the needs of our tenants, including adapting our approach when required to ensure that the issue is fully resolved.

5.5 Information and support for tenants

Information regarding damp and mould will be available in a variety of formats, including online and on paper. Information will be translated into different languages when required to ensure that it is understood.

When a damp survey is completed by an external specialist company the tenant will be provided with a copy of the survey and the recommendations.

When the lack of use of heating is identified as a contributing factor, a referral to the Financial Inclusion service will be made to offer advice to offer solutions, which may include increasing household income or reducing utility bills.

When overcrowding is identified as a contributing factor, our tenant will be supported to make a housing application and register their interest for a mutual exchange.

5.6 Offer of temporary accommodation

In some circumstances it may be necessary for the tenant to move out of their home whilst works are completed. This will only be in extreme cases. Wherever possible the tenant will be offered a decant to another property. In these circumstances the Decant Policy will be followed.

If a suitable decant is not available, or if the tenant needs to move out of the property quicker than a decant will be ready then other temporary accommodation will be offered. This may be in Council owned accommodation, bed and breakfast or a hotel.

5.7 Training

Training will be provided to visiting officers to help them identify damp and mould issues. Repairs Inspectors will be fully trained to complete inspections and undertake initial tests.

5.8 Complaints and compensation

If the tenant wishes to make a complaint, or request compensation from the Council in regards to the damp and mould in their home then a formal stage one complaint will be raised. This is to ensure that all complaints and compensation payments are recorded and so that the Council can ensure that trends are identified and learning points are shared.

5.9 Quality assurance

The Housing Repairs and Compliance Manager is responsible for monitoring the work of the Repairs Inspectors and checking that inspections and follow up work are completed. This will be completed using management reports and dip sampling on a monthly basis. The Council's response to damp and mould will be included in the Council's internal audit programme.

6.0 Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the:

- Repairs Policy
- Reports of damp and mould procedure
- Customers with Additional Support Needs Policy
- Financial Inclusion Policy
- Allocations Policy
- Tenancy Management Policy
- Decant Policy
- Compensation Policy

7.0 Review

The policy will be reviewed every 3 years, unless changes to legislation or guidance require an earlier review.

8.0 Document History and Approval

Date	Version	Committee Name
7/12/2023	1.0	Cabinet

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REPORTS OF DAMP AND MOULD PROCEDURE



APPENDIX 2

Contents

1.0 Aims and Objectives.....	2
2.0 Roles and Responsibilities	2
3.0 Procedure.....	2
3.1 Reports of damp and mould – initiating procedure	2
3.2 Inspection	3
3.3 Follow-up works.....	3
3.4 Second report of damp and mould.....	4
3.5 Review of information	4
3.6 Review after six months.....	4
3.7 Consideration of a decant.....	4
4.0 Monitoring and Performance	5

1.0 Aims and Objectives

This procedure outlines the actions that will be taken when a report of damp and mould is made.

2.0 Roles and Responsibilities

Repairs Inspectors are responsible for undertaking inspections following a report of damp or mould, taking initial tests to confirm if damp is present, recording findings and liaising with external contractors if further tests or work is required.

Multi-Skilled and Single Trade Operatives are responsible for completing work requested by Repairs Inspectors to address damp and mould issues.

Housing Repairs and Compliance Manager is responsible for monitoring the work of the Repairs Inspectors and checking that inspections and follow up work are completed.

Housing Repairs Manager is responsible for reviewing all information gathered after a second visit.

Repairs Customer Services Manager is responsible for responding to formal complaints regarding damp and mould.

Tenancy Services Manager and **Independent Living Manager** are responsible for ensuring that their teams report issues regarding damp and mould if identified during a home visit and for liaising with tenants if a decant is required.

Lettings Manager is responsible for ensuring that reports of damp and mould made on housing applications are referred to the Repairs team for investigation and for identifying potential decant properties if required.

All housing employees are responsible for reporting damp and mould issues if identified during home visits

Head of Housing has overall responsibility for ensuring the procedure is followed and appropriate action is being taken in regards to reports of damp and mould.

3.0 Procedure

3.1 Reports of damp and mould – initiating procedure

A report of damp and mould in a property can be made in a number of ways. This can be directly from a tenant through the report of a repair, by telephone, e-mail or online. Issues of damp could be noted on stock condition surveys. Reports of damp and mould are also received as complaints, and from members and MP enquiries. In some instances, reports of damp and mould are made on housing applications. Employees may also see damp or mould when completing home visits.

All reports, irrespective of how they are made, will initiate this procedure.

3.2 Inspection

Following a report of damp and mould an inspection by a Repairs Inspector will be arranged. The Council will aim to complete the inspection within 3 working days. If the household contains someone with respiratory conditions, or another need which means that they are more vulnerable then these situations will be treated with priority in accordance with our Customers with Additional Support Needs Policy.

The Repairs Inspector will record their findings on the damp and mould checklist on their tablet and will take moisture meter readings and photographs of all affected areas. This will include areas where mould is not currently present but the tenant reports that issues have occurred. If necessary, a carbide test and hygrometer salt analysis will be undertaken.

If the Repairs Inspector identifies any contributing factors, these will be noted to inform the Council's approach to the matter and the advice given to tenants. This could include overcrowding of the property, hoarding, extractor fans that have been switched off, or washing that is drying on radiators. The Repairs Inspector will provide advice on any ways that the tenant could look to improve the issue. Tenants will be shown how mould can be cleaned, and provided with an advice leaflet.

The Repairs Inspector will also note if the tenant indicates that the heating in the property is not being used adequately due to financial reasons. The Repairs Inspector will offer a referral to the Council's Financial Inclusion service.

If the tenant raises concerns regarding the impact on their health, the Repairs Inspector will advise the tenant to consult a healthcare professional. Action will not be delayed to await medical advice and opinion; it is not a requirement for action to be taken.

When contributing factors are identified the Repairs Inspector will consider these alongside other potential causes, such as the results of moisture meter readings and visual inspections.

If during the inspection the tenant raises that they wish to make a complaint or that they are seeking compensation, then it is the Repairs Inspector's responsibility to ensure that a formal stage one complaint is raised. This will then be investigated by the Repair Customer Services Manager.

3.3 Follow-up works

If required, the Repairs Inspector will arrange the following follow-up works:

- Clean and treat the mould area with anti-fungal paint - *The Repairs Inspector will ensure that tenant is aware that this can only be completed in white or magnolia, so may not match existing decoration. To be completed within 1 week of the inspection.*
- Extractor fans to be fitted, changed or repaired - *To be completed within 2 weeks of the inspection.*

- Referral to Tenancy Sustainment or Financial Inclusion Services to provide support to the household, particularly if hoarding is identified or fuel poverty is a contributing factor – *This will be made within 3 working days of the inspection.*
- If damp is suspected, immediate report to external contractor to investigate.

3.4 Second report of damp and mould

If the initial inspection and follow-up works do not resolve the issue, and a second report is made, then the Repairs Inspector will visit again. Prior to the visit they will review the photographs and readings from the first inspection.

The Repairs Inspector will take moisture meter readings and photographs again. These will be compared with the information from the first visit. If a carbide test and hygrometer salt analysis was not completed at the first visit, it will be arranged.

An 'EasyLog' device will be left in the property for two weeks to measure the temperature and humidity in the property.

If contributing factors are identified, further advice will be provided.

The Repairs Inspector can arrange any of the same follow-up actions as outlined in section 3.3.

Referral for external specialist advice will be undertaken for all properties where a second report has been received.

3.5 Review of information

If, after a full suite of tests are completed, including external specialist advice, the Repairs Inspector concludes that there are no property or structural contributing factors then they must refer the case to the Housing Repairs Manager.

The Housing Repairs Manager will review all of the evidence, including photographs and test results. If they agree with the conclusion then they will write to the tenant to inform them that there is no further action that can be taken, repeat any advice given, and confirm that a follow-up visit will be completed in six months.

3.6 Review after six months

All properties that reach stage 3.4 of the procedure will have a follow-up visit after six months to see if the problem is resolved or reoccurring. Actions outlined in 3.3 may be completed again depending on the findings of the visit.

3.7 Consideration of a decant

If work is required by an external contractor to rectify the cause of the damp and mould it may require the tenant to move to an alternative property for a short period of time. Usually less than one month. If this is required, the Decant Policy will be followed.

4.0 Monitoring and Performance

The Housing Repairs and Compliance Manager will monitor that inspections and follow up work is being completed.

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APPENDIX 3

Equality Impact Assessment

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

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

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

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

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

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

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

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

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

design, deliver and evaluate services, and how they commission and procure from others.

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

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

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

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

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

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

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

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

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect

on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	CEO	Lead officer responsible for EIA	Head of Housing
Name of the policy or function to be assessed:		Damp and Mould Policy	
Names of the officers undertaking the assessment:		Head of Housing	
Is this a new or an existing policy or function?		New policy	
<p>1. What are the aims and objectives of the policy or function?</p> <p>The policy outlines the approach that the Council will take in regards to reports of damp and mould. The policy and associated procedure will ensure that effective investigations are undertaken to identify that cause of the problem and that all reasonable repair solutions are implemented to resolve it.</p>			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>The Policy will:</p> <ul style="list-style-type: none"> • Ensure that all reports of damp and mould are responded to promptly, and that the Council works pro-actively to identify issues • Provide a safe and healthy home for our tenants • Ensure that the Council protects our assets from deterioration and damage resulting from damp • Comply with all relevant guidance, statutory requirements and good practice 			
<p>3. Who is intended to benefit from the policy or function?</p> <p>Council tenants Council employees</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <p>Council tenants Council employees External damp and mould specialists</p>			

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

The Council records the number of reports of damp and mould. These are recorded on the housing management system, which also includes information about our tenants, including equalities data.

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

Records on the housing management system show if damp and mould has been reported previously and the findings.

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

The Council is completing a tenant perception survey from 13 November 2023 until 18 December 2023. This will provide all tenants with the opportunity to have their say on the housing service, including any comments about damp and mould.

After each repair is completed the tenant is invited to complete a satisfaction survey.

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?**

The policy is only for Council owned properties, so will exclude those that are not Council tenants.

People with health conditions and other vulnerabilities will be prioritised under the policy. This can be justified, as risk to the individual is being considered and works appropriately prioritised.

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

All tenants will have equal access to report issues of damp and mould.

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

Some tenants may be reluctant to report issues with their home. The Council encourages tenants to report issues so that they can be resolved. All visiting

officers have a duty to report any issues they identify on behalf of a tenant, even if the tenant does not ask them to.

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

The policy is in regards to individual properties, so it is unlikely that it will have an impact of relations between different groups.

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

The tenant survey being completed in November and December 2023 will provide additional information which will need to be considered.

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: It is acknowledged that younger tenants, often in their first tenancy, may require additional support to report issues with their property. Referrals to Tenancy Sustainment are considered for all younger tenants and those in their first tenancy. The Tenancy Sustainment Officer will visit them at home, so will identify any issues with damp and mould and ensure these are reported.

Disability: Damp and mould can exacerbate some health conditions. Treatment will be prioritised for those who have a higher risk of impact on their health from damp and mould.

Gender: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Gender Reassignment: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Marriage and Civil Partnership: Tenants that are married or in a civil partnership are more likely to be joint tenants, equally responsible for their tenancy. Teams will need to liaise with both tenants regarding damp and mould issues in a property. In extreme circumstances where a decant is considered, this requires agreement from both tenants.

Pregnancy and Maternity: If a tenant is pregnant or has young children, they will be at higher risk of impact on their health from damp and mould. Treatment of properties where the tenant is pregnant or has young children will be prioritised.

Race: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Religion and Belief: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

Sexual Orientation: It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

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: 

Report of the Portfolio Holder for Environment and Climate Change

UPDATE ON AIR QUALITY STATUS REPORT AND REVOCATION OF AIR QUALITY MANAGEMENT AREA (AQMA) 1

1. Purpose of Report

To advise Members of the response from the Department of Environment, Food and Rural Affairs (DEFRA) on this authority's latest Air Quality Annual Status Report (ASR) and to ask Members to revoke the Air Quality Management Area (AQMA) 1 in Trowell due to yearly Nitrogen Dioxide (NO₂) results being lower than the Air Quality Objective since 2016. The statutory air quality objective in England for Nitrogen Dioxide is 40µg/m³.

2. Recommendation

Cabinet is asked to NOTE DEFRA's feedback and RESOLVE that the revocation of Air Quality Management Area (AQMA) 1 be approved.

3. Detail

Local Air Quality Management (LAQM) is set out in Part IV of the Environment Act (1995) which places an obligation on all local authorities to regularly review and assess air quality in their area to determine whether or not the air quality objectives are likely to be achieved. Where an exceedance is considered likely the local authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.

An Annual Status Report (ASR) is sent to Defra for approval. The report details the results from the previous year's monitoring, and any measures that have been implemented to improve air quality.

On 25 July 2023 Cabinet approved the 2023 Annual Air Quality Status Report. The Air Quality Action plan is now incorporated into the Air Quality Strand of the Climate Change and Green Futures Action Plan. This report contained the recommendation to revoke the remaining Air Quality Management Area (AQMA) pending approval by DEFRA.

DEFRA confirmed acceptance of Broxtowe's Annual Status report and their appraisal report is attached at Appendix 1. The response is very positive and confirms that the report overall is an example of good practice due to the required information and significant detail provided throughout. It confirms that Broxtowe should now move to revoke the remaining AQMA.

Broxtowe currently have one remaining Air Quality Management Area (AQMA). The Trowell AQMA, was declared in 2006, and encompasses 20 residential properties alongside the M1, and it was declared for exceedances of the annual

mean NO₂ air quality objective (AQO) of 40 µg/m³. The AQO was not exceeded in 2022, as the highest concentration recorded in the AQMA was 22.3 µg/m³ and the average concentration across all seven non-automatic monitoring sites located within the AQMA was 21.5 µg/m³.

Table 1 shows the NO₂ levels since 2012 to 2022. The results show that for seven consecutive years the AQO has been met within the AQMA in Trowell, and there has not been an exceedance of the AQO in the AQMA since 2015. Since 2017, the concentrations have been consistently below 36 µg/m³ (90% of the objective).

TABLE 1. NO₂ RESULTS FOR AQMA 1 IN TROWELL

2

Site ID	NO ₂ Annual Mean Concentration (µg/m ³)										
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
18	-	-	-	-	34.3	32.9	28.2	28.4	17.9	22.3	21.5
19	42.2	38.7	38.1	42.3	37.6	37.2	31.9	30.9	22.9	23.8	22.3
58	-	-	-	-	-	-	-	-	24.8	27.6	20.7
59	-	-	-	-	-	-	-	-	20.1	20.8	20.3
61	-	-	-	-	-	-	-	-	-	-	21.8
62	-	-	-	-	-	-	-	-	-	-	21.6
63	-	-	-	-	-	-	-	-	-	-	22.1

In the 2023 ASR, the Council have stated that they will be revoking the remaining AQMA, but that we will continue to monitor NO₂ levels in this area, and work alongside National Highways to improve air quality levels, and that the Council will continue to review and implement measures stated within Table 2.2 of the 2023 ASR and future ASR's.

Defra's response to this statement is;

"This is in line with the LAQM Technical Guidance 2022 as keeping AQMAs in place longer than required risks diluting their meaning and impacting public trust in LAQM.

"There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period." (LAQM.TG22 Point 3.57, page 50).

After revocation of the AQMA BBC should continue to monitor for exceedances and should still have a local air quality strategy in place to

ensure air quality remains a high-profile issue, thereby enabling a quick response should there be any deterioration in condition.”

A revocation order has been attached.

4. Financial Implications

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

There are no additional financial implications to consider with the ongoing air quality monitoring duties continuing to be met within existing resource.

5. Legal Implications

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

Section 83 (2) (b) of the Environment Act 1995 allows for the revocation of an AQMA by an Order, if it appears on review that the air quality standards and objectives are being achieved, and are likely throughout the relevant period to be achieved, within the designated area.

6. Human Resources Implications

There are no comments from the Human Resources Manager.

7. Union Comments

There are no Union comments.

8. Climate Change Implications

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

Continued monitoring of air quality is essential for understanding and addressing its impact on climate change. The local air quality strategy has now been captured and integrated into the Climate Change and Green Futures programme. This will help to ensure that air quality monitoring continues after the revocation of the AQMA, allowing for the swift identification of any deterioration, which would prompt the deployment of mitigation strategies.

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. Key Decision

This is not a key decision.

11. Updates from Scrutiny

This has not been a topic for scrutiny.

12. Equality Impact Assessment

There are no changes to existing policies so an equality impact assessment is not required. The revocation of the remaining AQMA will benefit the occupiers and owners of the 20 properties within this area, that will no longer be located within a declared AQMA.

13. Background Papers

There were no background papers.

Local Authority:	Broxtowe Borough Council
Reference:	ASR23-1787
Date of issue	July 2023

Annual Status Report Appraisal Report

The Annual Status Report sets out new information on air quality obtained by Broxtowe Borough Council (BBC) as part of the Review & Assessment process required under the Environment Act 1995 (as amended by the Environment Act 2021) and subsequent Regulations.

Broxtowe Borough Council currently have one air quality management area (AQMA). The Trowell AQMA, declared in 2006 and encompasses 20 residential properties alongside the M1, it was declared for exceedances of the annual mean NO₂ air quality objective (AQO) of 40 µg/m³. The AQO was not exceeded in 2022, the highest concentration recorded in the AQMA was 22.3 µg/m³ and the average concentration across all five non-automatic monitoring sites located within the AQMA was 21.5 µg/m³. There has not been an exceedance of the AQO in the AQMA since 2015 and since 2017, the concentrations have been below 36 µg/m³ (90% of the objective). Broxtowe Borough Council have stated that they will revoke the AQMA in 2023/2024 as it has been consistently below 36 µg/m³ for five consecutive years, excluding 2020 due to Covid-19 restrictions. This is in line with the LAQM Technical Guidance 2022 as keeping AQMAs in place longer than required risks diluting their meaning and impacting public trust in LAQM.

"There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period." (LAQM.TG22 Point 3.57, page 50).

After revocation of the AQMA BBC should continue to monitor for exceedances and should still have a local air quality strategy in place to ensure air quality remains a high-profile issue, thereby enabling a quick response should there be any deterioration in condition.

The AQAP for Trowell AQMA has not been updated since 2008 however this is in agreement with the LAQM helpdesk. Broxtowe Borough Council are not required to update the AQAP as long as they meet several conditions - which they have done (1. To undertake a detailed monitoring study, by increasing the number of diffusion tubes within the AQMA to identify whether the AQMA designation is required, 2. To send the LAQM helpdesk the latest results on a regular basis rather than providing an annual figure, 3. To identify any factors that would contribute to the anomaly in 2015 when there was an increase in NO₂ levels.). The measures that BBC are implementing to improve the air quality are continued to be discussed annually in the ASR instead until the AQMA is revoked.

No automatic monitoring was undertaken in the borough during the 2021 reporting year, however a Zephyr real time monitor was purchased in late 2021 to monitor NO₂, PM₁₀ and PM_{2.5} in the

Local Authority:	Broxtowe Borough Council
Reference:	ASR23-1787
Date of issue	July 2023

Trowell AQMA. There were a variety of issues with the monitor throughout 2022, and as a result BBC felt that the data was not reliable enough to report on. These issues have since been rectified and the 2023 data will be reported on in the 2024 ASR.

Non-automatic, passive monitoring was carried out for NO₂ at 49 monitoring sites, with one triplicate location for a total of 51 diffusion tubes. None of the sites reported exceedances of the AQO. The highest concentration was 28.4 µg/m³ at DT 48 (Near 73 Town Street, Bramcote). Excluding the 2020 data as an anomaly, twenty-eight sites showed a consistent downward trend every year from 2018 to 2022, ten sites showed an overall downward trend from 2018 to 2022 and four sites reported an increase from 2021 to 2022. NO₂ tubes were analysed by Gradko, none required annualisation or distance correction. The national bias adjustment factor was used.

Broxtowe Borough Council clearly report the progress made on measures to improve air quality in the reporting year, as well as their priorities for the upcoming year. Key measures completed in 2022 include: improvement of council fleets by purchasing four electric vehicles to replace two older more polluting vehicles; increase of the number of electric vehicle charging points in the Borough and approval for introduction of an Electric Vehicle Cable Channel pilot scheme; and investigation of new heating technologies by introducing air source heat pumps into new builds (7 in 2021 and 5 in 2022). The council have also provided numerous priorities, these include; educating the public and businesses in matters that contribute to air quality; encouraging, supporting and promoting sustainable and green travel; and review suitable research methods for reducing air quality levels for both NO₂ and particulate matter.

On the basis of the evidence provided by the local authority the conclusions reached are **accepted** for all sources and pollutants. Following the completion of this report, Broxtowe Borough Council should submit an Annual Status Report in 2024.

Local Authority:	Broxtowe Borough Council
Reference:	ASR23-1787
Date of issue	July 2023

Commentary

The report is well structured, detailed, and provides the information specified in the Guidance. The following comments are designed to help inform future reports:

1. The executive summary provides additional information about NO₂ and particulate matter, as well as the health impacts of both. This is a welcome addition and should be continued in future ASRs.
2. The “how to get involved” section of the executive summary provides numerous suggestions. Along with the additional information provided about pollutants, this is useful for informing the general public.
3. The trends observed in the data reported in this ASR are discussed for the AQMA, former AQMAs, individual tubes and small areas. This provides significant detail about the air quality in the borough and is appreciated. The addition of colour to table B.1. is welcomed as it helps add context to missing periods of data.
4. The report is descriptive and informative throughout with each section providing a significant amount of detail, this is appreciated and encouraged to continue in future ASRs. In particular, the measures to manage PM_{2.5} by the Council and individuals, the key priorities for the next reporting year and the measures completed in this reporting year.
5. The PM_{2.5} modelling undertaken by the council is detailed and helps provide context for the councils PM_{2.5} measures, the addition of the map is very useful for visualization of areas to prioritize.
6. The Council could include an image of the appropriate national bias adjustment spreadsheet to demonstrate where the chosen bias adjustment factor has come from.
7. The council could also provide the latest results from the AIR PT/WASP Scheme to verify the quality of the analysis lab's results.
8. It would be good if the council verify if tube deployments are in line with the Defra Calendar, or if there was any reason as to why this couldn't happen.
9. Overall this report is an example of good practice due to the required information and significant detail provided throughout.

This commentary is not designed to deal with every aspect of the report. It highlights a number of issues that should help the local authority either in completing the Annual Status Report adequately (if required) or in carrying out future Review & Assessment work.

Local Authority:	Broxtowe Borough Council
Reference:	ASR23-1787
Date of issue	July 2023

Issues specifically related to this appraisal can be followed up by returning the attached comment form to Defra, Welsh Government, Scottish Government or DOE.

For any other queries please contact the Local Air Quality Management Helpdesk:

Telephone: 0800 0327 953

Email: LAQMHelpdesk@bureauveritas.com

Local Authority:	Broxtowe Borough Council
Reference:	ASR23-1787
Date of issue	July 2023

LAQM Guidance Notes – 2023

Changes to the Local Air Quality Management Framework

Through the Environment Act 2021 and updated Local Air Quality Management Statutory Policy Guidance 2022, the Local Air Quality Management (LAQM) framework has been considerably strengthened. This page highlights some of the changes for delivery to help you prioritise action for improved air quality:

1. Strengthened Criteria for Air Quality Action Plans (AQAPs)

Where a Local Authority is not meeting air quality objectives, they must create an AQAP setting out their intentions to improve air quality in the area. Without current action plans in place, Local Authorities risk negatively impacting their communities by not proactively working to reduce air pollution in the area.

The requirements and guidance around AQAPs were recently strengthened under the Environment Act 2021 and revised LAQM Statutory policy guidance, which Local Authorities must have regard to. The key criteria for action plans are that they:

- set out the measures they will take to secure the achievement, and maintenance, of air quality standards and objectives
- specify a date by which each measure will be carried out
- are revised no later than every five years

2. New Escalation Process for Reporting

Government is committed to increasing transparency by requiring timely and accurate publication of Annual Status Reports (ASRs) and AQAPs by local authorities, as set out in the [Environmental Improvement Plan 2023](#). These documents are public-facing and serve to keep local communities informed of the steps being taken by their local authority to improve air quality.

To ensure ASRs and AQAPs are delivered on time, Defra has introduced a new reminder and warning letter system for Local Authorities. This system was set out in the [LAQM Statutory Policy Guidance 2022](#) and started to apply from 30 June 2023.

Local Authority:	Broxtowe Borough Council
Reference:	ASR23-1787
Date of issue	July 2023

If reporting requirements continue to be missed, the matter can be escalated to a Section 85 Secretary of State direction to the relevant Local Authority Chief Executive specifying action. You are therefore advised to ensure all statutory reporting duties for LAQM are met on time.

3. Public Bodies Required to Contribute to Action Plans

The Environment Act 2021 amended the Environment Act 1995 to increase the number of public bodies that have a duty to co-operate with Local Authorities for LAQM. Air quality partners are certain other public bodies that a Local Authority identifies as having responsibility for a source of emissions contributing to an exceedance of local air quality objectives. This could be a neighbouring authority, National Highways, or the Environment Agency. Once identified, there is a statutory requirement for such public bodies to engage and to contribute actions they will take to secure achievement of the local air quality objective and to maintain achievement thereafter.

All tiers of local Government are also now required by law to collaborate to address exceedances of Air Quality Objectives. County councils, the Mayor of London and combined authorities have similar duties to air quality partners. The difference is that, when requested, they must contribute to an action plan being prepared by a Local Authority, regardless of whether the local authority has identified them as being responsible for a source of emissions.

Under the new legislation, you may choose to request the support of another public body in the development of an AQAP and the same may be requested of your organisation.

Please refer to the LAQM Statutory Policy Guidance 2022 for more information. Should you require further assistance, please contact the LAQM Helpdesk: <https://laqm.defra.gov.uk/air-quality/featured/england-exc-london-policy-guidance/>

Web: <http://laqm.defra.gov.uk/helpdesks.html>

FAQs: <http://laqm.defra.gov.uk/laqm-faqs/>

Tel: 0800 032 7953

Email: laqmhelpdesk@uk.bureauveritas.com

The Air Quality Hub also provides free online information and is a knowledge sharing resource for local authority air quality professionals: <https://www.airqualityhub.co.uk/>

Local Authority:	Broxtowe Borough Council
Reference:	ASR23-1787
Date of issue	July 2023

Appraisal Response Comment Form

Contact Name:	
Contact Telephone number:	
Contact email address:	UKLAQMAppraisals@aecom.com

Comments on appraisal/Further information:

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Environment Act 1995 Part IV Section 83(2)(b)

Broxtowe Borough Council

Order revoking an Air Quality Management Area

Broxtowe Borough Council, in exercise of the powers conferred upon it by Section 83(2)(b) of the Environment Act 1995, hereby makes the following Order:-

1. This Order shall revoke the area known as **Air Quality Management Area 1** for Nitrogen Dioxide (Annual Mean) objective as specified in the Air Quality Regulations (England) (Wales) 2000. This designated area incorporates 20 properties; 9,11,15,30,32,34,36 Iona Drive, Trowell Nottingham NG9 3RF, and 2,4,6,8,10,12,14,16,18,20,22,24,26 Tiree Close, Trowell NG9 3RG and is shown in the attached map.
2. This Order shall come into force on 31 December 2023.

The Common Seal of Broxtowe Borough Council was hereto affixed on and signed in the presence of:

THE COMMON SEAL of **BROXTOWE**)
)
BOROUGH COUNCIL was hereunto)
)
 affixed in the presence of:-)

Mayor

Duly Authorised Officer

**A Map showing Air Quality Management Area (AQMA) 1 in
Towell outlined in red.**



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Report of the Portfolio Holder for Environment and Climate Change

GARDEN WASTE SUBSCRIPTION FEES 2024/25

1. Purpose of Report

To seek approval for the 2024/25 garden waste subscription fees.

2. Recommendation

Cabinet is to consider and RESOLVE that:

- 1. The subscription fee for the first garden bin is increased by either £3, £5 or £7.**
- 2. The subscription fee for additional garden bins is increased by either £1 or £2.**
- 3. From the 1 October, the subscription fee for the first garden waste bin is reduced to £25 and any additional bins are discounted by 50%, is approved.**

3. Detail

The collection of garden waste is a non-statutory recycling service. The aim of the garden waste subscription fee is to assist the authority in the delivery of this service to those residents who chose to subscribe.

On the 23 October 2023, DEFRA provided an update on the anticipated waste reforms stemming from the 'Our Waste Our Resources: A Strategy for England', published in December 2018. In the update, DEFRA confirmed that local authorities could continue to charge for garden waste collections.

An income target of £916,000 was set for the 2023/24 garden waste subscription period. As of 1 October 2023, 22,706 properties have subscribed to the current season generating an income of £923,250.

Compared to the previous year, the number of subscribers in 2023/24 has increased by 4%.

Outlined in appendix 1, are options relating to the proposed fees for the 2024/25 garden waste collection service. An equalities impact assessment is provided in appendix 2.

4. Financial Implications

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

It is vital that the price increases are supported and income maximised in order to meet the Council's anticipated budget gap in 2024/25. Ongoing marketing continues to drive forward the service with the aim of increasing the volume of subscriptions. A proposed £7 increase in the price for the first bin to £45 and a £2 increase for any additional bins could generate additional income in the region of £164,000. The revised Business Strategy approved by Cabinet on 7

November 2023 included an additional £100,000 in Garden Waste income from an expected fee increase from similar volumes of service users in 2024/25. The fees and charges agreed by Members will be built into the budget setting process for 2024/25.

5. Legal Implications

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

The Authority is the waste collection authority for the Borough with a duty to collect specified forms of waste. Section 45(3) of the Environmental Protection Act 1990 states “no fee shall be made for the collection of household waste except in cases prescribed in regulations made by the Secretary of State”. Section 4 of Schedule 1 of the Controlled Waste (England and Wales) Regulations 2012 states that fees may be made for the collection of household garden waste. Additionally, Section 45(3) (b) of the Environmental Protection Act 1990 requires that collection authorities make a reasonable fee for the collection of household garden waste.

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

The garden waste collection scheme encourages appropriate diversion of waste away from the black-lidded bin, thus helping to mitigate against additional carbon emissions.

9. Data Protection Compliance Implications

Not applicable.

10. Equality Impact Assessment

As the proposed options for an increase in garden waste subscription fees for 2024/25 is substantial, (as compared to previous years), an equality impact assessment (EIA) has been included in appendix 2 of this report.

11. Background Papers

None.

APPENDIX 1

Fees for 2023/24Comparison of fees

Table 1 below shows the current fees for the kerbside garden waste collection service for all district councils within Nottinghamshire.

Local Authority	First bin price (2023/24)	Additional bin price (2023/24)	Cost per collection	Service Provision
Broxtowe Borough Council	£38	£24	£1.65	Fortnightly March to November, monthly December through to February. Discount is offered to those signing up from 1 October (£33 for the first bin and then £12 for the second bin).
Ashfield District Council	£28	£14	£1.40	Fortnightly March to December.
Bassetlaw District Council	£34	£33	£1.70	Fortnightly March to November.
Gedling Borough Council	£38	£20	£1.81	Fortnightly April to March – no service January and February. Currently have a waiting list for the service.
Mansfield District Council	£32	£18	£1.68	Fortnightly March to November, one in December and no collections in January and February.
Newark and Sherwood District Council	£35	£35	£1.52	Fortnightly March to November, monthly December through to February.
Rushcliffe Borough Council	£40	£25	£1.67	Fortnightly but no collections over the Christmas and New Year period.

Table 1: Current garden waste subscription fees across Nottinghamshire

The current fee of £38 for the first bin is slightly above the average price of £35 across all the Nottinghamshire districts. There are differences in the subscription fees for additional bins. The authority's current fee for an additional bin is £24, which is also the average price across the Nottinghamshire districts.

As of 1 October 2023, 2,459 subscribers across the Borough have paid for the use of additional bins.

Comparative pricing for garden waste subscription fees has also been undertaken outside of the Nottinghamshire boundary but in areas still local to the Borough (Table 2). This was to evaluate the competitiveness of the Council's current garden waste fees. The findings show that the Council's subscription fee for the first bin, is lower than districts outside of, but local to Nottinghamshire.

Local Authority	First bin price (2023/24)	Additional bin price (2023/24)	Cost per Collection	Service Provision
Amber Valley Borough Council - Derbyshire	£45	£20	£2.25	Collections run fortnightly from February through to November. Residents also need to pay a one off fee of £23 to purchase the bin and have it delivered.
Derbyshire Dales District Council - Derbyshire	£50	£50	£2.08	Fortnightly throughout the year.
Erewash Borough Council – Derbyshire	-	-	-	Currently free of fee, but Erewash will be introducing charging from 2024. Full price will be £37 and £18.50 for additional bins.
Charnwood Borough Council - Leicestershire	£50	£50	£2.00	Fortnightly throughout the year (Except Christmas and New Year).
Harborough District Council - Leicestershire	£61	£61	£2.65	Collections run fortnightly April to November and then the following March. (Nine Months).
Boston Borough Council - Lincolnshire	£40	£20	£2.22	
South Holland District Council - Lincolnshire	£52	£30	£2.17	

Table 2: Current garden waste subscription fees for districts outside of Nottinghamshire but local to the Council.

Charging mechanism

Residents can currently subscribe to the service in two ways:

- Online
- By telephone

Approximately 89.6% of Broxtowe subscribers use the online or automated telephone system payment system. Online subscription is by far the cheapest and easiest payment method.

Options for subscription fees

In order to align the proposed fee structures for garden waste with current economic realities, the Council must consider adjustments that reflect increases in employee, material and fuel costs. These adjustments will ensure that the Council can continue to maintain appropriate services to residents, whilst maintaining the financial sustainability of its operations.

In order to achieve this, a price increase of between £3 and £7 for the first bin and £1 and £2 for any additional bins must be considered.

First bin

Fee options for 2024/25 are shown in tables 3 and 4 below. Current subscriber numbers have been used to assist in the forecast of the financial projections.

£38 (current price)	£41 (+£3)	£43 (+£5)	£45 (+£7)	£50 (+£12)
£862,828	£930,946	£976,358	£1,021,800	£1,135,300
Potential additional income against current subscription price.	£68,118	£113,530	£159,000	£272,500
Cost per Collection (23 collections per season)	£1.78	£1.87	£1.96	£2.17

Table 3: First garden bin subscription fee options

Additional bin prices

Number of additional bins	Number of subscribers	£24 (current price)	£25 (+£1)	£26 (+ £2)	£28 (+ £4)	£30 (+ £6)
1	2,162	£51,888	£54,050	£56,212	£60,536	£64,860
2	217	£5,208	£5,425	£5,642	£6,076	£6,510
3	52	£1,248	£1,300	£1,352	£1,456	£1,560
4	12	£288	£300	£312	£336	£360
5	9	£216	£225	£234	£252	£270
6	0	£0	£0	£0	£0	£0
7	4	£96	£100	£104	£112	£120

Number of additional bins	Number of subscribers	£24 (current price)	£25 (+£1)	£26 (+ £2)	£28 (+ £4)	£30 (+ £6)
8	0	£0	£0	£0	£0	£0
9	2	£48	£50	£52	£56	£60
10	0	£0	£0	£0	£0	£0
11	1	£24	£25	£26	£28	£30
Total		£51,888	£54,050	£56,212	£60,536	£64,860
Potential additional income		-	£2,459	£4,918	£9,836	£14,754

Table 4: Additional garden bin subscription fee options

Autumn/Winter discount

From the 1 October, subscription fees for garden waste are reduced to encourage residents that haven't already done so, to sign up to the service. At this time, there are approximately ten collections remaining until the end of the season.

Currently, subscribers signing up from the 1 October receive a £5 discount on the first bin and any additional bins ordered are half price. The fees for this year and subsequent 1 October discounts are highlighted in table 5.

Garden subscription fees	First bin price	Additional bins
3 April 2023 – 31 March 2024	£38	£24
1 October 2023 – 31 March 2024	£33	£12

Table 5: Subscription fees for 2023/24.

For the season 2024/25, it is proposed to offer an increased level of discount to encourage further registrations to the service.

Registration numbers after the 1 October over the past three years', are detailed in table 6.

Year	Number of registrations
2020/21	157
2021/22	85
2022/23	239

Table 6: Garden waste registrations after 1 October

Based on an average number of registrations across all three years (160), table 7 details potential income generation using the current £5 discount method based on proposed first garden bin subscription fees of either £41, £43 or £45.

It must be noted, that not all registrations from the 1 October are for a single bin. For the purpose of these calculations, a single bin registration has been assumed.

£41 (£36 with discount)	£43 (£38 with discount)	£45 (£40 with discount)
£5,760	£6,080	£6,400

Table 7: Discount options for 2024/25.

Proposal for 1 October discount

It is proposed, that from the 1 October, the first garden bin subscription fee is reduced to **£25**. Based on 160 subscribers, this would generate an income of **£4,000**. Any additional bins will continue to be offered at a **50%** discount rate (as per the current model).

This initiative will help in attracting households who have not yet signed up to the service. Furthermore, it is anticipated that a proportion of the new subscribers will be retained for the start of the new garden waste season in April.

Risks

The challenge for the 2024/25 season will be to maintain the existing customer base. Increasing the price may increase the risk that customers do not subscribe to the service. However, this needs to be balanced against the increase in the cost of providing the service.

A growth in subscriber numbers will place additional pressures operationally, although an additional freighter and employee request has been made in a report presented to Cabinet on the 7 November 2023. This resource will help to support the garden waste subscriber number growth.

APPENDIX 2

Equality Impact Assessment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Executive Director	Lead officer responsible for EIA	Head of Environment Services
Name of the policy or function to be assessed:		Garden waste subscription fee increase.	
Names of the officers undertaking the assessment:		Head of Environment Services	
Is this a new or an existing policy or function?		Existing function.	
<p>1. What are the aims and objectives of the policy or function?</p> <p>The collection of garden waste is a non-statutory recycling service. The aim of the garden waste subscription fee is to assist the authority in the delivery of this service to those residents who chose to subscribe.</p> <p>The aim of the decision is to increase the cost of the annual subscription fee for garden waste collections. This will ensure:</p> <ul style="list-style-type: none"> • The operation of the garden waste collection service is cost effective and efficient. • That garden waste disposal is diverted away from the black-lidded bin. • The move towards carbon neutrality by the end of 2027 and net zero for the Council's own operations is supported. • That households are influenced, encouraged and assisted to move towards the same carbon neutral and net zero goals. <p>The main impact of these changes will be experienced by residents with gardens. Residents who live in flats, apartments or houses without gardens are not considered to be affected by the proposed change.</p>			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>The outcome of the price increase is to operate and deliver a cost effective and efficient garden waste collection service.</p>			

Alternatives to increasing the charges are as follows:

Stop providing the service. This is not considered to be a viable option as 45% of households across the Borough utilise the service. At least 65% of all local authorities now charge for the collection of garden waste. In September 2023, DEFRA confirmed that Councils could continue to charge for garden waste collections.

Not continuing with the service would also have a detrimental effect on the Council's overall recycling rate.

Provision of a free of charge service. This is cost prohibitive. Employee, vehicle, material and fuel costs have increased, hence the need to increase current garden waste subscription charges.

Make savings in other areas of the service to support the service.

55% of households are not subscribed to the garden waste scheme as they live in flats, communal housing complexes, have properties with little or no garden or have decided not to subscribe. It's unfair to expect non-subscribing households to support a collection service they are not able / do not to benefit from.

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

Everyone who lives 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

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

- Garden waste subscription numbers – 22,706
- Income received from garden waste subscription fees - £923,250
- Collected garden waste tonnage: 5,600 tonnes in 2022/23
- Methodologies used by residents to subscribe to the garden waste service. – 89.6% online and automated phone system, 9.8% by telephone, 0.6% by cheque.
- Cost of operating **one** garden waste collection team for the year: £112,500

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

- Complaints and compliments about the garden waste service.
- Feedback from the budget survey.

- Feedback on the service when attending local events.

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

There has not been any direct public consultation with regard to this particular decision; however, a wider budget setting consultation is currently in the process of being 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?**

All households in the Borough are written to informing them of the new garden waste seasons fee charges (this is not just previous subscribers). This is also supported by a digital campaign and information on the website.

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

N/A

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

The results of the budget consultation currently being undertaken in

November 2023 may provide additional evidence.

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:

An increase in garden waste subscription fees may impact elderly residents, as they maybe on a lower income.

Accessing the Household Waste and Recycling Site as an alternative to the garden waste subscription service may be more difficult for older residents, as admission to site is only by car.

Alternative options for the disposal of garden waste are:

- Home composting.
- Sharing a bin/cost with a neighbour.
- One off bulky waste collections, offered by the Council.
- Small amounts of garden waste can currently be placed in the black bin, although this should not be encouraged.

An assisted collection scheme is available for service subscribers experiencing difficulties with moving their bin.

Disability:

An increase in garden waste subscription fees may impact residents with disabilities, as they maybe on a lower income.

Accessing the Household Waste and Recycling Site as an alternative to the garden waste subscription service may be more difficult for residents with disabilities, as admission to site is only by car.


Alternative options for the disposal of garden waste are:

- Home composting.
- Sharing a bin/cost with a neighbour.
- One off bulky waste collections, offered by the Council.
- Small amounts of garden waste can currently be placed in the black bin, although this should not be encouraged.

An assisted collection scheme is available for service subscribers experiencing difficulties with moving their bin.

Gender: No impacts identified.
Gender Reassignment: No impacts identified.
Marriage and Civil Partnership: No impacts identified.
Pregnancy and Maternity: No impacts identified.
Race: No impacts identified.
Religion and Belief: No impacts identified.
Sexual Orientation: No impacts identified.

Executive Director:

<p>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.</p> <p>Signature: Executive Director </p>
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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 *

9 January 2024	<ul style="list-style-type: none"> • Grants to Voluntary and Community Organisations • Irrecoverable Arrears* • Electric Vehicle Charging Points* • Pay Policy • Infrastructure Funding Statement* • Pride in Parks: Survey and Proposals Progress update* • ASB Policy* • ICT Contracts *exempt • Asset Management Plan* • Chetwynd the Toton and Chilwell Neighbourhood Plan* • Strategic Plan Update including updates on Logistics Consultation* • Event Programme 2024/28 • House Building Delivery Plan Update • Strategic Plan Update and Update on Logistics Consultation.
6 February 2024	<ul style="list-style-type: none"> • Budget Proposals and Associated Strategies* • White Ribbon Accreditation and Action Plan • People Strategy 2023-26 • Green and Blue Infrastructure Strategy
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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