



Friday, 27 December 2024

Dear Sir/Madam

A meeting of the Cabinet will be held on Tuesday, 7 January 2025 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)  
P J Bales  
G Bunn  
C Carr

T A Cullen  
H J Faccio  
J W McGrath  
H E Skinner  
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

(Pages 5 - 12)

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 13 - 22)

Cabinet is asked to confirm as a correct record the minutes of the meeting held on 3 December 2024.

4. Minutes of the UKSPF Advisory Panel 25 October 2024 (Pages 23 - 26)

Members are asked to NOTE the minutes of the UKSPF Advisory Panel meeting.

UKSPF Advisory Panel  
25 October 2024

5. Urgency Powers to Award Works to Talbot Landscapes for the Construction of a Cricket Pitch near Stapleford and Trowell (Pages 27 - 30)

The Chief Executive, in consultation with the Leader and Deputy Leader of the Council, has given permission to Officers to appoint Talbot Landscapes to build the replacement cricket pitch on land adjacent to Field Farm, using funding from the Stapleford Town Deal. The Leader of the Opposition was also given an opportunity to comment. This is in accordance with the Council's priorities of Business Growth (invest in our towns and our people), Environment (protect the Environment for the future) and Health (support people to live well).

6. Scrutiny Reviews (Pages 31 - 34)

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.

7. Equality, Inclusivity and Diversity at the Council's Parks (Pages 35 - 92)

To present the findings of the Overview and Scrutiny Committee review into Equality, Inclusion and Diversity at the Council parks. This is in accordance with the Council's corporate values, aims and objectives of protecting the environment for the future by continuing to invest in our parks and open spaces, promoting active and healthy lifestyles in every area of Broxtowe, and supporting people to live well with dementia.

8. Resources and Personnel Policy

8.1 Budget Consultation 2025/26 (Pages 93 - 106)

To report the results of the recent 2025/26 budget consultation exercise. This is in accordance with all of the Council's Corporate Priorities.

8.2 Report on Regulation of Investigating Powers Act 2000 Policy (Pages 107 - 144)

To seek Cabinet approval for the Regulation of Investigatory Powers Act 2000 policy and to inform Members that none of the RIPA powers have been used in the last 12 months. This relates to the Council's Corporate Plan Priority for Community Safety priority, to make Broxtowe a safe place for everyone.

9. Economic Development and Asset Management

9.1 Biodiversity Net Gain Monitoring Fees (Pages 145 - 154)

To set out a charging schedule for monitoring of S106 agreements for Biodiversity Net Gain (BNG) sites for all sites where such an obligation exists and to justify and seek approval. This is in accordance with several of the Council's Corporate Aims but especially Priority of Environment – protect the environment for the future.

9.2 Eastwood Community Service Delivery Office for the CEDARS Project (Pages 155 - 168)

To ask Cabinet to consider a proposal for the Eastwood Community, Employment, Dementia Awareness, Resources and Services (CEDARS) Project to be located at 47 Nottingham Road, Eastwood

10. Environment and Climate Change

10.1 Food Waste and Simpler Recycling (Pages 169 - 196)

To update Members on progress regards food waste collections, particularly around options for trade waste implementation, due 31 March 2025. The report will also provide an update on Simpler Recycling initiatives. This is in accordance with the Council's Corporate Priority of Environment – 'Protect the environment for the future'.

11. Cabinet Work Programme (Pages 197 - 198)

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.

12. Exclusion of Public and Press

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

13. Major Aids and Adaptations - Disabled Facilities Grant (Pages 199 - 204)

14. Affordable Housing Contract (Pages 205 - 242)

15. Opportunity to Provide Two New Houses (Pages 243 - 246)

16. Opportunity to Provide Two New Flats to Rent (Pages 247 - 250)

## Report of the Monitoring Officer

### DECLARATIONS OF INTEREST

#### 1. Purpose of Report

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda. The following information is extracted from the Code of Conduct, in addition to advice from the Monitoring Officer which will assist Members to consider any declarations of interest.

#### **Part 2 – Member Code of Conduct**

##### General Obligations:

##### **10. Interest**

10.1 You will register and disclose your interests in accordance with the provisions set out in Appendix A.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Members of the Council. The register is publicly available and protects you by demonstrating openness and willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting which allows the public, Council employees and fellow Councillors know which of your interests gives rise to a conflict of interest. If in doubt you should always seek advice from your Monitoring Officer.

**You should note that failure to register or disclose a disclosable pecuniary interest as defined in Appendix A of the Code of Conduct, is a criminal offence under the Localism Act 2011.**

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##### Advice from the Monitoring Officer:

On reading the agenda it is advised that you:

1. Consider whether you have any form of interest to declare as set out in the Code of Conduct.
2. Consider whether you have a declaration of any bias or predetermination to make as set out at the end of this document
3. Update Democratic Services and the Monitoring Officer and or Deputy Monitoring Officers of any declarations you have to make ahead of the meeting and take advice as required.
4. Use the Member Interest flowchart to consider whether you have an interest to declare and what action to take.
5. Update the Chair at the meeting of any interest declarations as follows:

‘I have an interest in Item xx of the agenda’

‘The nature of my interest is ..... therefore the type of interest is  
DPI/ORI/NRI/BIAS/PREDETERMINATION  
‘The action I will take is...’

This will help Officer record a more accurate record of the interest being declared and the actions taken. You will also be able to consider whether it is necessary to send a substitute Members in your place and to provide Democratic Services with notice of your substitute Members name.

**Note: If at the meeting you recognise one of the speakers and only then become aware of an interest you should declare your interest and take any necessary action**

6. Update your Member Interest Register of any registerable interests within 28days of becoming aware of the Interest.

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### **Ask yourself do you have any of the following interest to declare?**

#### **1. DISCLOSABLE PECUNIARY INTERESTS (DPIs)**

A “Disclosable Pecuniary Interest” is any interest described as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and includes an interest of yourself, or of your Spouse/Partner (if you are aware of your Partner's interest) that falls within the following categories: Employment, Trade, Profession, Sponsorship, Contracts, Land, Licences, Tenancies and Securities.

#### **2. OTHER REGISTERABLE INTERESTS (ORIs)**

An “Other Registerable Interest” is a personal interest in any business of your authority which relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body
  - (i) exercising functions of a public nature
  - (ii) anybody directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)  
of which you are a Member or in a position of general control or management.

#### **3. NON-REGISTRABLE INTERESTS (NRIs)**

“Non-Registrable Interests” are those that you are not required to register but need to be disclosed when a matter arises at a meeting which directly relates to your financial interest or wellbeing or a financial interest or wellbeing of a relative or close associate that is not a DPI.

A matter “directly relates” to one of your interests where the matter is directly about that interest. For example, the matter being discussed is an application about a particular property in which you or somebody associated with you has a financial interest.

A matter “affects” your interest where the matter is not directly about that interest but would still have clear implications for the interest. For example, the matter concerns a neighbouring property.

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## **Declarations and Participation in Meetings**

### **1. DISCLOSABLE PECUNIARY INTERESTS (DPIs)**

1.1 Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests which include both the interests of yourself and your partner then:

#### **Action to be taken**

- **you must disclose the nature of the interest** at the commencement of that consideration, or when the interest becomes apparent, whether or not such interest is registered in the Council’s register of interests of Member and Co-opted Members or for which you have made a pending notification. If it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
- **you must not participate in any discussion** of that particular business at the meeting, or if you become aware of a disclosable pecuniary interest during the meeting you must not participate further in any discussion of the business, including by speaking as a member of the public
- **you must not participate in any vote** or further vote taken on the matter at the meeting and
- **you must withdraw from the room** at this point to make clear to the public that you are not influencing the meeting in anyway and to protect you from the criminal sanctions that apply should you take part, unless you have been granted a Dispensation.

### **2. OTHER REGISTERABLE INTERESTS (ORIs)**

2.1 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests i.e. relating to a body you may be involved in:

- **you must disclose** the interest at the commencement of that consideration, or when the interest becomes apparent, whether or not such interest is registered in the Council’s register of interests of Member and Co-opted Members or for which you have made a pending notification. If it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
- **you must not take part in any discussion or vote** on the matter, but may speak on the matter only if members of the public are also allowed to speak at the meeting
- **you must withdraw from the room** unless you have been granted a Dispensation.

### **3. NON-REGISTRABLE INTERESTS (NRIs)**

3.1 Where a matter arises at a meeting, which is not registrable but may become relevant when a particular item arises i.e. interests which relate to you and /or other people you are connected with (e.g. friends, relative or close associates) then:

- **you must** disclose the interest; if it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
- **you must not take part in any discussion or vote**, but may speak on the matter only if members of the public are also allowed to speak at the meeting; and
- **you must withdraw** from the room unless you have been granted a Dispensation.

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#### **Dispensation and Sensitive Interests**

A “Dispensation” is agreement that you may continue to participate in the decision-making process notwithstanding your interest as detailed at section 12 of the Code of the Conduct and the Appendix.

A “Sensitive Interest” is as an interest which, if disclosed, could lead to the Member, or a person connected with the Member, being subject to violence or intimidation. In any case where this Code of Conduct requires to you to disclose an interest (subject to the agreement of the Monitoring Officer in accordance with paragraph 2.4 of this Appendix regarding registration of interests), you do not have to disclose the nature of the interest, if it is a Sensitive Interest in such circumstances you just have to disclose that you have a Sensitive Interest under S32(2) of the Localism Act 2011. You must update the Monitoring Officer when the interest is no longer sensitive, so that the interest can be recorded, made available for inspection and published.

#### **BIAS and PREDETERMINATION**

The following are not explicitly covered in the code of conduct but are important legal concepts to ensure that decisions are taken solely in the public interest and not to further any private interests.

The risk in both cases is that the decision maker does not approach the decision with an objective, open mind.

This makes the local authority’s decision challengeable (and may also be a breach of the Code of Conduct by the Councillor).

Please seek advice from the Monitoring Officer or Deputy Monitoring Officers, if you need assistance ahead of the meeting.

## **BIAS**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest:

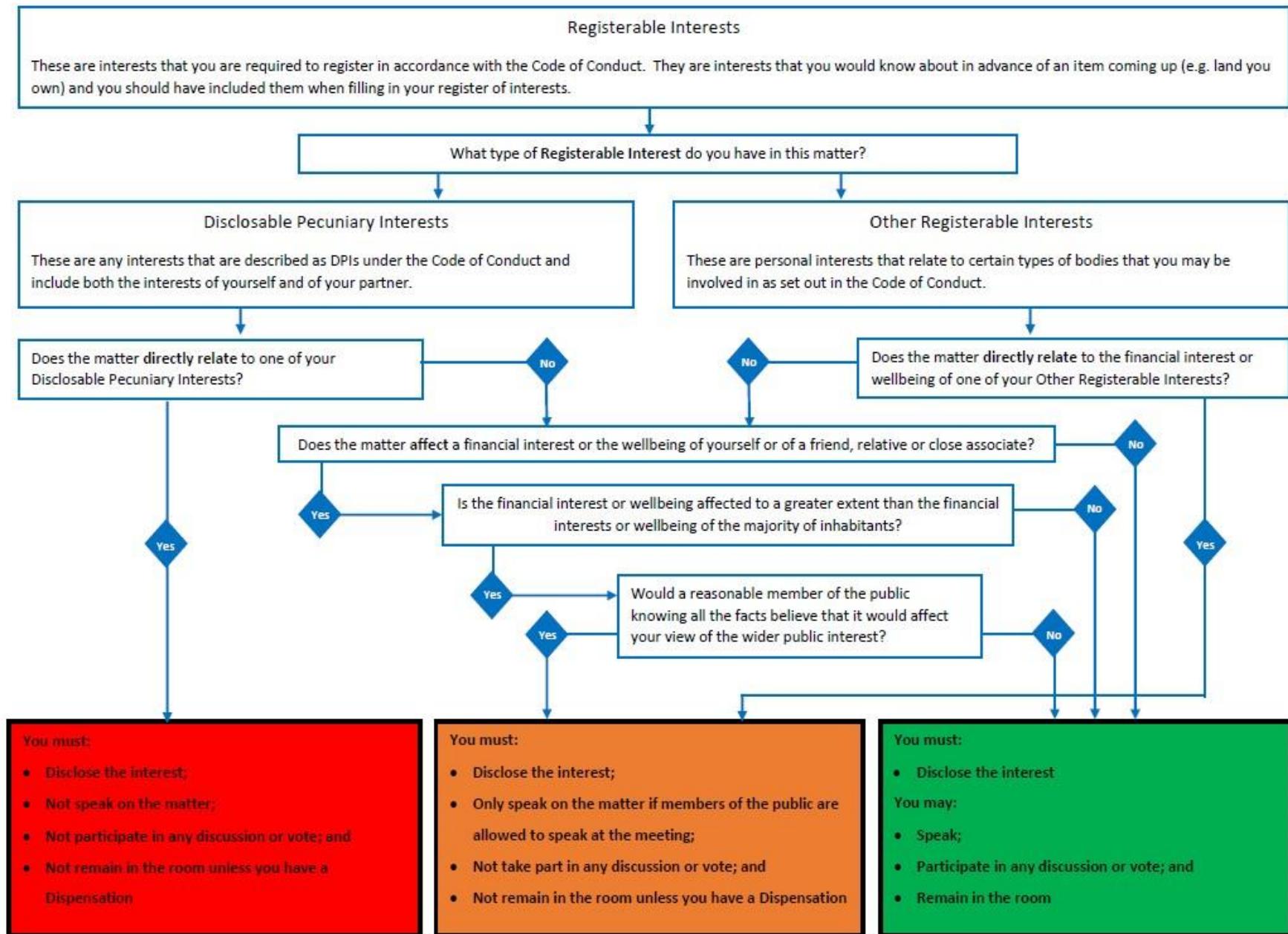
- a) you should not take part in the decision-making process
- b) you should state that your position in this matter prohibits you from taking part
- c) you should leave the room.

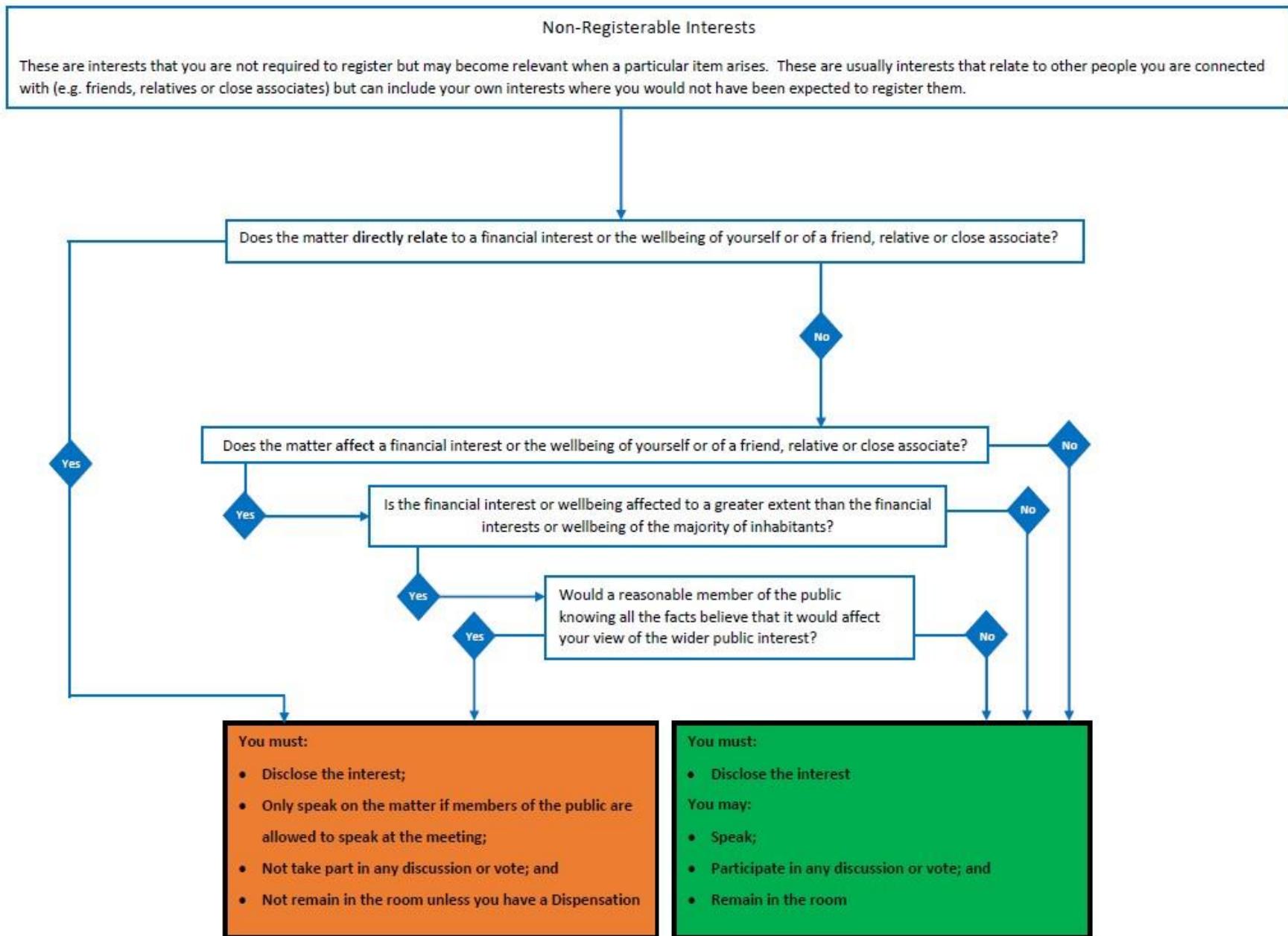
## **PREDETERMINATION**

Where a decision maker has completely made up his/her mind before the decision is taken or that the public are likely to perceive you to be predetermined due to comments or statements you have made:

- a) you should not take part in the decision-making process
- b) you should state that your position in this matter prohibits you from taking part
- c) you should leave the room.

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# Agenda Item 3

## CABINET

**TUESDAY, 3 DECEMBER 2024**

Present: Councillor M Radulovic MBE, Chair

Councillors: G Marshall (Vice-Chair)  
P J Bales  
G Bunn  
C Carr  
T A Cullen  
H J Faccio  
J W McGrath  
V C Smith

70 **APOLOGIES**

An apology for absence was received from Councillor H E Skinner.

71 **DECLARATIONS OF INTEREST**

Councillor M Radulovic MBE declared an other-registerable interest in item 8.6 as he is a member of Eastwood Town Council, minute number 76.6 refers. Councillor J W McGrath declared an other-registerable interest in item 11.1 as he is a member of the Stapleford Town Board, minute number 79.1 refers.

72 **MINUTES**

The minutes of the meeting held on 5 November 2024 were confirmed and signed as a correct record.

73 **DRAFT MINUTES OF OTHER MEETINGS**

Members noted the minutes of the meetings of the Bramcote Bereavement Services Joint Committee meetings held on 20 June and 24 October 2024.

74 **SCRUTINY REVIEWS**

Cabinet noted the matters proposed for and undergoing scrutiny.

## 75 REFERENCES

### 75.1 FOSTER CARER POLICY

Members considered the creation of a Foster Care Scheme to support employees who were Foster Carers or were applying to become Foster Carers. Clarification was requested that additional leave for employees going through the application process to become a Foster Carer could be taken as half days.

**RESOLVED that the Foster Carer Scheme Policy be approved.**

#### Reason

The Policy will ensure the Council retains talent and continues to be an employer of choice.

### 75.2 COMPASSIONATE LEAVE

Cabinet considered the Policy, it was proposed to increase compassionate leave entitlement to up to fifteen days in the event of the death of a spouse, partner or child. It was considered that five days was not sufficient to support employees experiencing the death. The proposed increase would support employees and reduce sickness. It was confirmed that the Chief Executive had scope to use discretion on a case-by-case basis in exceptional circumstances.

**RESOLVED that the amended Compassionate Leave Scheme, including an amendment that the leave be taken within six months of bereavement, be approved.**

#### Reason

This would address previous occasions where the Policy entitlements were not deemed sufficient to support employees.

### 75.3 NEONATAL CARE LEAVE

The Neonatal Care (Leave and Pay) Act 2023 received Royal Assent on 24 May 2023, and will come into force in 2025. Its intention is to provide parents with a right to twelve weeks' leave when their baby requires neonatal care. Neonatal Care Leave would run consecutively to existing parental leave entitlements, effectively extending maternity and paternity leave.

**RESOLVED that the Neonatal Care Leave Policy, with the following amendments, be approved.**

1. **That the wording regarding the eligibility for paid leave being 26 weeks' continuous service be made clearer.**
2. **That the Chief Executive will have discretion in instances where the Neonatal Policy is used, in conjunction with the Human Resources Manager.**
3. **That it be clarified that a period of absence related to the Policy would not impact on probation.**

Reason

The Act seeks to provide parents of newborns who require medical or palliative care for seven or more consecutive days within the first 28 days of life, additional leave of up to twelve weeks.

**75.4 PROBATION POLICY**

The Probation Policy was last reviewed in 2018, and required updating. Since the introduction of Apprentices under the Government's Apprenticeship Legislation, the Policy had required some clarification on the management of Apprentices' probation periods.

**RESOLVED that the Probation Policy be approved.**

Reason

The proposed changes to the Policy make clear this process.

**75.5 REVIEW OF CORPORATE PLAN PROGRESS AND FINANCIAL PERFORMANCE - SEPTEMBER 2024 QUARTER 2**

Members noted the progress made in achieving the Corporate Plan priorities and financial performance for the quarter ended 30 September 2024. It was stated that forecasting would be improved in order to understand performance reporting and it was further stated that parking income would be reviewed in the near future.

**76 QUARTERLY COMPLAINT REPORT**

Members were provided with a summary of complaints made against the Council and noted a report which outlined the performance of the Council in dealing with complaints, at stage one by the service areas, at stage two by the Complaints and Compliments Officer and at stage three when complaints are referred to the Local Government and Social Care Ombudsman or the Housing Ombudsman.

It was stated that the report should be used for positive outcomes with performance indicators used to ensure that recommendations had been dispensed and lessons learned from complaints received by the Council.

**76.1 PEOPLE STRATEGY**

Members considered the People Strategy 2025-29 which set out the Council's approach to selecting, supporting and developing its employees; identifying its future workforce and skills needs; developing its approach to leadership in employee equality and diversity and supporting the wellbeing of the workforce. to ensure the continuation to deliver excellent, value for money services to the Borough. It was stated that this Council would set the standard that other authorities would aspire to.

**RESOLVED that the People Strategy 2025-29 be approved.**

### Reason

The People Strategy focuses on four themes that identifies key areas of the organisation which align with the Corporate Plan and vision.

## 76.2 COUNCIL TAX BASE 2025/26

Members considered the Council Tax Base for the year 2025/26. The Council tax base had been 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 during the year.

**RESOLVED 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 2025/26 as follows:**

1. **For the whole of its area 35,568.23**
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	607.40
Brinsley	773.41
Cossall	246.43
Eastwood	3,088.63
Greasley	3,756.84
Kimberley	1,898.97
Nuthall	2,258.62
Stapleford	4,274.82
Strelley	175.30
Trowell	842.43
 <u>Special Expenses Area</u>	
Beeston Area	17,645.38
<b>Total</b>	<b>35,568.23</b>

### Reason

The calculation of the tax base was a legal requirement and an essential part of the tax setting process. 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 31 January in the preceding financial year. These regulations had been made under the Local Government Finance Act 1992, as amended (LGFA 1992) and 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.

### 76.3 COUNCIL TAX LEVY

The Government announced the Levelling Up and Regeneration Bill in which Section 75 addressed long-term empty properties by amending the initial period at which point councils could place the 100% levy from two-years down to one-year. It was being proposed to implement this change from 1 April 2025. Members stated that any income from this would be nominal and there should be a consideration of the Levy in conjunction with the Council's policies around housing and bringing homes back into use around the Borough.

**RESOLVED that:**

1. **The adoption of an empty property levy at 100% for dwellings that have been vacant for more than one year from 1 April 2025, be approved.**
2. **A property levy for those classified as Second Homes at 100% from 1 April 2026, be approved.**

Reason

Whilst the changes will generate additional revenue, the primary focus is to bring empty homes back into use.

### 76.4 LOCAL COUNCIL TAX SUPPORT SCHEME 2025/26

Members considered the arrangements to operate the Local Council Tax Support Scheme 2025/26.

**RECOMMENDED to Council that the current Local Council Tax Support Scheme remains in place for 2025/26.**

Reason

Under section 13A (2) of the Local Government Finance Act 1992, the Council as billing authority must make a localised Council Tax Reduction Scheme in accordance with Schedule 1A to the Act. Each financial year the Council must consider whether to revise its scheme, or to replace it with another scheme.

### 76.5 HOUSING BENEFIT - WAR DISREGARD

Members considered a report which stated that the Housing Benefit and Council Tax Benefit (War Pensions Disregards) regulations 2007 allowed for local authorities to develop a local scheme that could disregard War Pension income from the calculation of Housing Benefit.

**RESOLVED that the continuation of the current Local Scheme Disregarding War Pensions for Housing Benefit Applications in 2025/26, be approved.**

Reason

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.

#### **76.6 GRANT AID REQUESTS FROM PARISH/TOWN COUNCILS**

Cabinet considered requests for grant assistance within the protocol for the consideration of grant aid to Parish and Town Councils. Eastwood Town Council had requested a grant of up to £1,722 towards the cost of security, first aid and traffic management for its Remembrance Sunday Event, and a request of up to £993 representing up to 50% of the cost of restoration of the 'Cadets Cross' memorial.

**RESOLVED that the grant requests to Eastwood Town Council of £1,722 and £993 be approved.**

##### Reason

Consideration was given in respect of awarding grants. As part of the Protocol, Grant Aid would only be given in support of specific projects or services and not as a general grant towards the services provided by a Parish/Town Council. There was no budgetary provision for Capital grants to Parish Councils.

(Councillor M Radulovic MBE, having declared an other-registerable interest, left the meeting without voting or discussion thereon. Councillor G Marshall took the Chair for the item.)

#### **76.7 GRANTS TO VOLUNTARY AND COMMUNITY ORGANISATIONS, CHARITABLE BODIES AND INDIVIDUALS INVOLVED IN SPORTS, THE ARTS AND DISABILITY MATTERS 2024/25**

Cabinet considered requests for grant aid in accordance with the provisions of the Council's Grant Aid Policy. On consideration of a potential grant to Toton Coronation Hall Community Association, concern was raised over whether there were sufficient activities being provided for the residents of Broxtowe. It was agreed that further consideration of the request was necessary prior to the grant being awarded.

##### **RESOLVED that:**

- 1. The grant of £4,529 to the Dig-In Community Allotment be approved.**
- 2. The grant of £7,000 to the Toton Coronation Hall Community Association be awarded subject a satisfactory review of the Service Level Agreement by the Leader and Ward Members, and a further review by the Overview & Scrutiny Committee as necessary.**

##### Reason

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

77 ENVIRONMENT AND CLIMATE CHANGE

77.1 GARDEN WASTE SUBSCRIPTION FEES 2025/26

Members were updated with the proposals to increase the subscription for the collection service of garden waste for 2025/26. Consideration of an 'early bird' discounted rate for residents would be given for the collection service for 2026/27.

**RESOLVED that:**

1. **The subscription fee for the first garden bin be increased by £2.**
2. **The subscription fee for additional bins be increased by £1.**
3. **From 1 October 2025, the subscription fee for the first garden bin be reduced to £26 and any other additional bins are discounted by 50%.**
4. **The method of communication regarding the new garden waste season changed from a direct letter to a leaflet for each household, be approved.**

Reason

The Council was 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 stated "no charge 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 stated that charges may be made for the collection of household garden waste. Additionally, Section 45(3) (b) of the Environmental Protection Act 1990 required that collection authorities made a reasonable charge for the collection of household garden waste.

78 ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT

78.1 ECONOMIC DEVELOPMENT & REGENERATION STRATEGY

An Economic Development Framework Document was approved by Cabinet in July 2022. Members were informed that this document fell between a full strategy and a statement of intent. The Economic Development and Regeneration Strategy 2022–28 was a direct replacement for the Framework. Being dated from 2022 allowed the capture of key detail presented in the Framework whilst also developing a detailed action plan for 2024–28.

Members considered the report to be positive, however, the addition of free parking over the festive period would assist retailers and residents in the Borough. It was suggested the period be extended in comparison to the previous year and be implemented through use of the Chief Executive's Urgency Powers.

**RESOLVED that:**

1. **The Economic Development Strategy 2022-28 be approved.**
2. **The Chief Executive's Urgency Powers be used for the cessation of parking charges, in Council-owned car parks, as appropriate, between 9 December and 28 December 2024, be approved.**

Reasons

1. The Economic Development and Regeneration Strategy sets out a vision for future growth within the Borough.
2. The cessation of parking charges over the Christmas period will assist local businesses and encourage footfall in Broxtowe's town centres.

78.2 FORMER BEAMLIGHT FACTORY ARTICLE 4 DIRECTION

Members considered a report which requested the removal of certain permitted development rights for dwellings built at the former Beamlight Factory.

**RESOLVED that the Broxtowe Borough Council (Former Beamlight Factory) Direction 2025 be made and notified.**

Reason

The resolution will assist in minimising any potential risk at the site.

79 COMMUNITY SAFETY

79.1 PROPOSED CCTV PROVISION IN DERBY ROAD CAR PARK STAPLEFORD

Cabinet was informed that the current provision for car parking at Victoria Street, Stapleford would be closed in order for a Business Hub to be constructed in January to February 2025. There was currently no Surveillance Camera presence at this location. A new car park was to be built on land acquired at Derby Road, Stapleford and would include two Surveillance Cameras.

**RESOLVED that the provision of the two Surveillance Camera Units at the Derby Road Car Park, Stapleford be approved.**

Reason

The purpose is for crime prevention, detection of crime and public safety in the area.

(Councillor J W McGrath, having declared an other-registerable interest, left the meeting without voting or discussion thereon.)

80 HOUSING

80.1 PETS POLICY

The Council allowed tenants and leaseholders to keep pets in their properties and for tenants, there were clauses in the tenancy agreement that set out the need for tenants to request permission to keep pets and also how the Council would manage the tenancy in this respect. The Policy provided a framework for the types of pets that were permissible by the Council and what additional measures or enquiries that tenants were required to undertake for the request to be approved. It was clarified that current owners of XL Bully dogs would not be affected but new XL Bully dogs would not be permitted for Council tenants.

**RESOLVED that the Pets Policy be approved.**

Reason

The Policy also provides clarification on what measures the Council will take should a pet be kept without permission and what actions the Council will take should pets become a nuisance and their continued ownership becomes an issue at the property or in the community.

81 CABINET WORK PROGRAMME

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

Reason

This will assist with all of the Council's Corporate Priorities.

82 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 7 of Schedule 12A of the Act.**

83 IRRECOVERABLE ARREARS

**RESOLVED that the arrears in excess of £7,500 on national non-domestic rates, council tax, rents, housing and council tax benefit overpayment and sundry debtors as set out in the report be written off and to note the exercise of the Deputy Chief Executive's delegated authority under Financial Procedure Rule 5.9.**

Reason

This will assist with the Council's aim to deliver cost effectiveness.

84 PERMANENT RECRUITMENT OF A WASTE AND RECYCLING ENGAGEMENT OFFICER

**RESOLVED that the transfer of the Waste and Recycling Engagement Officer post onto the permanent establishment be approved.**

Reason

This will ensure continuity of support and expertise for the Council's recycling initiatives, ultimately benefiting the environment.

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# Agenda Item 4

## UK SHARED PROSPERITY FUND ADVISORY PANEL

FRIDAY 25 OCTOBER 2024

Present: Councillor M Radulovic, (Chair)  
Councillor G Marshall  
Councillor G Bunn

Officers: Mr Z Darr  
Mr J Little  
Mr F Lowe  
Ms R Sharp  
Ms P Ward

### 1. Apologies

Apologies for absence were received from Ruth Hyde and Councillors P J Owen and S J Carr.

### 2. Declarations of Interest

There were no Declarations of Interest raised.

### 3. Minutes

The minutes of the meeting held on 2 August 2024 were confirmed and agreed as a true record.

### 4. Matters Arising

#### Local Enterprise Agency

If there was any underspend it had been intended that it would be deposited into an account to support a Community Interest Company (CIC). Due to government direction that this would not be allowable at the end of year three this funding would now be deployed into assets to create an income stream. One proposal would be to convert one of the unlet business units in Beeston town centre for an Air B&B generating up to £20k per annum to support Town Centre Initiatives during the 2025/26 financial year.

#### Eastwood Visitor Economy

Following discussion, the Blue Line Trail project is to be re-organised into a new more technology driven solution. Officers would pass on these comments to the Culture Team. Members accepted the brass footprints signage works for the Blue Line Trail only at this stage of the project.

Officers were also working with Culture Colleagues to integrate work into the AR Trail.

### Beeston Bike Storage

Members asked for an update with Lime Bikes. Officers reported that the bikes could be delivered week commencing 28 October 2024.

### Beeston Water Sculpture

Officers advised that the statue will be relocated week commencing 28 October in discussion with Members and the Beeston & District Civic Society.

### Economic Development Project activities

- (a) An Inward Investment project with a £25,000 budget is being planned for the new year;
- (b) Town Centre Support Initiatives

Officers provided feedback from the four Business Retail Forums held as part of the Town Centre Initiatives. Each town experienced different issues relating to parking. The amount of £22,500 has been allocated from UKSPF.

- Wifi and mobile telephony – to be piloted through UKSPF
- Keep retailer meetings ongoing for networking
- Parking, scheme for one hour/scratch scheme (£2k generated).
- Local shopping campaigns (but not Saturdays)
- Physical totem signage
- There is an exercise to produce a BID for Giltbrook stores under town centre improvements. It was also worth considering one for Beeston and Stapleford to avoid any bad feeling.

Members will be kept informed of developments.

Members expressed the importance of delivering projects within budget and timelines. Good performance will support our applications for future funding through the Combined Authority and Health Authority.

### UKSPF Journey

A copy of the document will be circulated to Panel Members.

5. UKSPF Year 3 Business Grants 2024/25

**RECOMMENDED to the Deputy Chief Executive and Section 151 Officer the following businesses should receive financial assistance from the 2024/25 Business Support Programme as listed below:**

<u>Applicant</u>	<u>£ Grant Awarded</u>
L&JT Holdings Ltd	£2,800.00
The Doughmother	£3,500.00
Little Foxes Play Town	£10,000.00
Castle Estates	£5,262.00
GH Hurt & Son	£1,935.00
Best Fabrics International	£10,000.00
Rigsby's Seasonal Foods	£4,143.55
Yellow Wood Café	£7,300.00
MTG Energy Solutions Ltd	£10,000.00
PMF Recruitment	£10,000.00
Aria Sustainability	£10,000.00
JD Motor Company	£10,000.00
Fitzmark Promotions	£10,000.00
Lindley Productions	£8,123.00
Response Mechanical Services Ltd	£10,000.00
Hilltop Florist	£5,000.00
Prime Mobility	£10,000.00
Marshall Rowell and Company Ltd	£10,000.00
The New Fat	£4,499.00
Quensus	£7,500.00
High Park Properties	£10,000.00
Coffee Central	£10,000.00
Madhatters Kimberley	£4,459.31
The Beaute Salon	£4,425.00
Little Chippy	£8,000.00
Vivo Italian Restaurant	£7,100.00
Bold Fitness	£6,548.33
Your Chiropractic	£4,700.00
Baileys Hairdressing	£5,000.00
Sew at 174 Ltd	£4,992.00
Marcus Verney Sports Therapy	£4,303.56
Magali Coiffure et Beaute	£5,000.00
Tap and Growler	£4,500.00
Belle Hair	£5,400.00
The Greenhouse Café and Bar	£4,500.00
Beautique Beauty	£2,500.00
Invincible Results	£2,500.00
Never Surrender Tattoo & Art Studio	£2,500.00
Street Machine	£6,500.00
Rachel Carter Sculpture Ltd	£6,252.55
DW Graphic Design Ltd	£2,500.00

It was noted to approve all the grant applications rated green. Members voted unanimously to recommend all grant applications highlighted in blue to be approved subject to due diligence checks.

It was voted unanimously that the Advisory Panel would reconvene during December to allocate any underspend or under delivered/Performed schemes. It was reported that all unsuccessful applicants would be signposted to the Council's current business advisers to offer them business support.

## Report of the Chief Executive - Use of Urgency Powers

### **Urgency Powers to Award Works to Talbot Landscapes for the Construction of a Cricket Pitch near Stapleford and Trowell**

#### **1. Purpose of Report**

The Chief Executive, in consultation with the Leader and Deputy Leader of the Council, has given permission to Officers to appoint Talbot Landscapes to build the replacement cricket pitch on land adjacent to Field Farm, using funding from the Stapleford Town Deal. The Leader of the Opposition was also given an opportunity to comment. This is in accordance with the Council's priorities of Business Growth (invest in our towns and our people), Environment (protect the Environment for the future) and Health (support people to live well).

#### **2. Recommendation**

Cabinet is asked to NOTE that:

**After satisfying due diligence checks and consulting partners on the Stapleford Town Deal Board, Talbot Landscapes have been awarded a JCT contract to the value of £268,425.80. The Urgency Powers in the Council constitution allow for such an award to be made on two grounds:**

- (i) The contract which Talbot Landscapes have been awarded provides a net gain to the flood prevention in the area. The site of new cricket pitch currently has a flow rate into the Boundary Brook of 51.8 litres and so the designs incorporate measures to slow this down to flow into a retention basin which will restrict the flow rate into the brook to 4.6 litres a second. An early start on these works would be advantageous.**
- (ii) The original procurement strategy failed to deliver an appropriate contractor and a retendering exercise could put several months onto a process that is already behind schedule. A cricket pitch takes a considerable period to settle and there is a danger that if the works do not commence early in 2025 the project will run beyond the Town Deal funding deadline of 31 March 2026.**

#### **3. Further Detail**

The Council, as the accountable body for Stapleford Town Deal Board, was tasked with providing a replacement cricket pitch to replace the access that Stapleford Cricket Club have enjoyed during the summer months at Hickings Lane Park. After several options were discounted the Council acquired land adjacent to Field Farm to build a new cricket ground for the club and possibly other groups interested in cricket. GMA were competitively awarded the contract to manage the design process and recommended using a landscape framework

(a direct purchasing scheme) for tendering for the cricket pitch. However, the extension drainage design meant that it could not fit into the criteria perfectly, so local partners asked for recommendations from GMA, Nottinghamshire County Cricket Club and England and Wales Cricket Board to suggest contractors that could competently perform these works.

In total six contractors were suggested, all with experience working within the local area and all have relevant experience constructing Cricket pitches and have extension experience working on drainage systems. All six contractors were given two weeks to provide a quote for the works and they were provided the designs and specifications for the works but not budget or costings.

Only four of the contractors provided quotes for the works. The costings were evaluated against estimations by GMA and out of the four bids two were under the GMA evaluation. Special care was taken to look at the breakdown of the cost to ensure that contractors understood the specification and the attention to detail required for drainage and quality. Furthermore, evaluation was based on previous experience with works of similar scale and specifications. In addition, contractors with expanded capabilities to conduct surveys of their own were scored highly so that they could gain planning permission for development. Talbot Landscapes, based in Etwall, Derbyshire were by far the outstanding company because:

- They were the lowest priced quotation and came in £55,800 under budget;
- They have been recommended by GMA who designed the pitch;
- Have experience in Ecology and Biodiversity, and tree surveys which will be needed for the planning application;
- Were examined by internal audit and given a credit rating of very good;
- Are in a position to start works quickly.

#### **4. Key Decision**

This report is not a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

#### **5. Updates from Scrutiny**

Not applicable.

#### **6. Financial Implications**

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

The total cost of the scheme will be fully funded by an allocation from the overall Stapleford Towns Fund grant. These schemes are recognised in the Capital Programme 2024/25.

**7. Legal Implications**

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

Chapter 2 Part 1 of the Council Procedure Rules in the Council's Constitution states: In consultation with the Leader of the Council and where possible the Leader of the opposition, the Chief Executive has the power to authorise the taking or carrying out of action, notwithstanding anything in the Council's Procedure Rules, Financial Regulations all other delegations, where they consider that circumstances exist that make it expedient or necessary for action to be taken prior to the time when such action could be approved through the normal Council procedures. A report on such action, and the circumstances justifying the exercise of the delegated powers, shall be made to the next meeting of the Council as appropriate

The circumstances detailed in paragraph 2 are such circumstances having been necessary for the action to be taken prior to the usual approval procedure.

**8. Human Resources Implications**

Not applicable.

**9. Union Comments**

Not applicable.

**10. Climate Change Implications**

The climate change implications are contained within the report in respect of improving flood resilience.

**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**

Not applicable.

**13. Background Papers**

Nil.

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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 28 November 2024. Members considered the request from the Chair of the Licensing Committee to give thought to the GamCare recommendations and requested the data from the National Gambling Helpline to support a decision to scrutinise the topic.

An update on the review on Markets Across the Borough was presented to the Members. The recommendations were initially presented to Cabinet on 3 October 2023. The Committee requested a further update in six months.

The Equality, Inclusivity and Diversity Working Group presented their findings of Parks Across the Borough along with their recommendations. The Committee welcomed the report and resolved that the recommendations arising from the report be submitted to Cabinet on 7 January 2024.

The Head of Finance Services provided an early opportunity to scrutinise and input into the Council's annual budget setting process. This included an overview of the Council's financial position through its Medium Term Financial Strategy, an update on the refreshed Business Strategy and the approach to the setting of fees and charges for 2025/26. The Committee suggested freezing the Lifeline charges and asked if the various Environmental Health Licences charges were fixed by legislation as the report indicated that some fees and charges had not been changed since 2023/24. The Head of Finance Services will update the Committee at the forthcoming Budget meetings in January.

Cabinet will receive updates at each future meeting as to the progress of the Overview and Scrutiny Committee's work programme as contained in the attached **Appendix** and is asked to give consideration to the future programme and decision-making with knowledge of the forthcoming scrutiny agenda. The work programme also enables Cabinet to suggest topics for future scrutiny.

**4. Key Decision**

This report is not a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

**5. Updates from Scrutiny**

Not applicable.

**6. Financial Implications**

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

There are no direct financial implications arising from this report.

**7. Legal Implications**

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

There are no legal implications arising from the report.

**8. Human Resources Implications**

Not applicable.

**9. Union Comments**

Not applicable.

**10. Climate Change Implications**

The climate change implications are contained within the report.

**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**

Not required.

**13. Background Papers**

Nil.

## Appendix

## 1. Topics under Review:

Topic	Committee/Group	Start date	Proposed Cabinet submission
Equality, Diversity and Inclusion at the Council	Councillor S Dannheimer	23 October 2023	First part of the Scrutiny report: 3 September 2024 Second part: 7 January 2025

## 2. Topics Reserved for Future Consideration:

	Topic	Topic suggested by	Link to corporate priorities/values
1.	Child Poverty	Overview and Scrutiny Committee	Support people to live well, A good quality home for everyone
2.	Budget Consultation	Overview and Scrutiny Committee	All Corporate Priorities
3.	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.	A good quality home for everyone
4.	Committee Agendas	Councillor T Marsh	Protect the environment for the future.
5.	Environmental Enforcement Fines	Cabinet	Protect the environment for the future.

**3. Topics to be Reviewed after Six Months:**

	<b>Topic</b>	<b>Topic suggested by</b>	<b>Link to corporate priorities/values</b>	<b>Proposed Date to Overview and Scrutiny Committee</b>
1.	Markets in the Borough	Overview and Scrutiny Committee	Invest in our towns and our people.	Reviewed again in June 2025
2.	Housing Repairs	Overview and Scrutiny Committee	The Housing aim of a good quality home for everyone and to support people to live well.	January 2025
3.	D.H. Lawrence Museum	Overview and Scrutiny Committee	Invest in our towns and our people	February 2025
4.	Equality, Diversity and Inclusion at the Council. (Report to Cabinet 3 September 2024)	Councillor S Dannheimer	Invest in our towns and our people, Support people to live well, Protect the environment for the future, and a good quality home for everyone.	June 2025

## Report of the Overview and Scrutiny Committee

### Equality, Diversity and Inclusion at the Council

#### 1. Purpose of Report

To present the findings of the Overview and Scrutiny Committee review into Equality, Inclusion and Diversity at the Council parks. This is in accordance with the Council's corporate values, aims and objectives of protecting the environment for the future by continuing to invest in our parks and open spaces, promoting active and healthy lifestyles in every area of Broxtowe, and supporting people to live well with dementia.

#### 2. Recommendation

**The Overview and Scrutiny Committee RECOMMENDS to Cabinet that the following recommendations be CONSIDERED and to RESOLVE accordingly.**

1. **That all entrances to parks are audited, to allow wheelchair/mobility access where possible.**
2. **Where a play park is fenced around, to ensure the access gate for a wheelchair is close to any accessible/inclusive play equipment or to consider the surface for the travel to the equipment.**
3. **Where possible, that every play park in the Borough has access to a minimum of one piece of accessible/inclusive play equipment.**
4. **To introduce further sensory play panels to the parks with some possibly away from climbing frames in quiet areas.**
5. **When replacing play equipment that a double slide be provided instead of a single slide option.**
6. **Exploring options to provide sensory gardens in parks and, where appropriate, to provide a sensory experience for all users to touch, smell, hear and see. To consider utilising parks already established with garden areas in the first instance.**
7. **To provide signage across all parks for users to establish areas of rewilding, butterfly and bee planting, sensory and park areas.**
8. **To consider the toilet options in large multi-use parks that are not near town centre facilities.**

- 9. To consider accessibility/inclusive benches as standard across all parks in the Borough and investigate the triangular benches with back supports as the standard park bench.**
- 10. The results from the Parks Survey are made available to the Overview and Scrutiny Committee.**

**3. Detail**

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

- To develop recommendations to support improvements.
- To improve the overall Equality, Diversity and Inclusion within the Council including service users, Members and employees.

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

**4. Key Decision**

This report is a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as it will be significant in terms of its effects on communities living or working in an area comprising two or more Wards or electoral divisions in the Council's area.

**5. Updates from Scrutiny**

As detailed within the report.

**6. Financial Implications**

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

Whilst there are no additional financial implications to consider at this stage, the proposed recommendations would include additional cost implications, both revenue and capital, which may not be contained within existing budgets. Any significant budget implications in the future, over and above virement limits, would require approval by Cabinet.

**7. Legal Implications**

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

The Public Sector Equality Duty came in to force in April 2011, s.149 of the Equality Act 2010 requires Councils when carrying out their functions, to have

due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010. This is to:

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The proposed recommendations as set out in the report supports compliance with the above legal obligation.

**8. Human Resources Implications**

Not applicable.

**9. Union Comments**

Not applicable.

**10. Climate Change Implications**

The climate change implications are contained within the report.

**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**

Not applicable

**13. Background Papers**

Nil.

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**Report of the Monitoring Officer**

**Equality, Inclusivity and Diversity at the Council's Parks**

**1. Purpose of Report**

To present the findings of the Overview and Scrutiny Committee Working Group's review into Equality, Inclusion and Diversity at the Council. This is in accordance with all of the Council's corporate values.

**2. Recommendation**

**The Overview and Scrutiny Committee is asked to RECOMMEND to Cabinet that the following recommendations be CONSIDERED and to RESOLVE accordingly.**

- 1. That all entrances to parks are audited, to allow wheelchair/mobility access where possible.**
- 2. Where a play park is fenced around, to ensure the access gate for a wheelchair is close to any accessible/inclusive play equipment or to consider the surface for the travel to the equipment.**
- 3. Where possible, that every play park in the Borough has access to a minimum of one piece of accessible/inclusive play equipment.**
- 4. To introduce further sensory play panels to the parks with some possibly away from climbing frames in quiet areas.**
- 5. When replacing play equipment that a double slide be provided instead of a single slide option.**
- 6. Exploring options to provide sensory gardens in parks and, where appropriate, to provide a sensory experience for all users to touch, smell, hear and see. To consider utilising parks already established with garden areas in the first instance.**
- 7. To provide signage across all parks for users to establish areas of rewilding, butterfly and bee planting, sensory and park areas.**
- 8. To consider the toilet options in large multi-use parks that are not near town centre facilities.**
- 9. To consider accessibility/inclusive benches as standard across all parks in the Borough and investigate the triangular benches with back supports as the standard park bench.**

**10. The results from the Parks Survey are made available to the Overview and Scrutiny Committee.**

**3. Detail**

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

- To develop recommendations to support improvements.
- To improve the overall Equality, Diversity and Inclusion within the Council including service users, Members and employees.

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

**4. Key Decision**

This report is a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as it will be significant in terms of its effects on communities living or working in an area comprising two or more Wards or electoral divisions in the Council's area.

**5. Financial Implications**

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

Whilst there are no additional financial implications to consider at this stage, the proposed recommendations would include additional cost implications, both revenue and capital, which may not be contained within existing budgets. Any significant budget implications in the future, over and above virement limits, would require approval by Cabinet.

**6. Legal Implications**

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

The Public Sector Equality Duty came in to force in April 2011, s.149 of the Equality Act 2010 requires Councils when carrying out their functions, to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010.

This is to:

- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The proposed recommendations as set out in the report supports compliance with the above legal obligation.

7. Human Resources Implications

Not applicable.

8. Union Comments

Not applicable.

9. Climate Change Implications

The climate change implications are contained within the report.

10. 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.

11. Equality Impact Assessment

Not applicable.

12. Background Papers

Nil.

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**Broxtowe  
Borough  
COUNCIL**



**Report of the Overview and Scrutiny Committee**



**Review of the Parks in the Borough  
Equality, Diversity and Inclusion at the Council  
Report.**



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## **Summary**

1. Broxtowe Borough Council's Overview and Scrutiny Committee established a review of Equality, Diversity and Inclusion at the Council, to be carried out by the Overview and Scrutiny Working Group was appointed at the meeting on 23 November 2023. The review was requested by Councillor S Dannheimer, who suggested that a review should consider whether the Council met the needs of all service users, Members and employees.
2. The review is in accordance with the Council's Priorities for Leisure and Health, and Environment, with the objectives of developing a programme of investment for Broxtowe's parks and open spaces, including accessible facilities, litter bins, picnic tables, signage, and enhanced bike trails. Furthermore, by developing the implementation of a new public toilet strategy in order to renew and improve these facilities, and supporting the development of community support for people with mental health issues and for people living with dementia and their carers.
3. The Working Group met on 2 August 2024 after receiving information from the Head of Environment and Climate Change to assist the Group in relation to the specific points on the scoping report. The Group also met on 16 August 2024 to visit Rushcliffe Country Park.
4. The purpose of the review was to achieve the outcomes outlined in the scoping report<sup>1</sup>. The review sought the following outcome:
  - To develop recommendations to support improvements.
  - To improve the overall Equality, Diversity and Inclusion within the Council including service users, Members and employees.
5. This report sets out the review process that was adopted and the recommendations to be made.

## **Members of the Overview and Scrutiny Committee Working Group**

1. The Working Group was chaired by Councillor S Dannheimer, with Councillor S Webb as the Vice Chair.
2. Councillors E Winfield, E Williamson and C Tideswell was also part of the Working Group.

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<sup>1</sup> The scoping report is attached at appendix 1.

3. The Portfolio Holder for Environment and Climate Change was in attendance on the site visits around the chosen parks.
4. The Working Group was assisted by the Head of Environment and the Democratic Services Manager.



*Figure 1 Accessible and Inclusive Swing*



*Figure 2 Accessible and Inclusive Roundabout*

## Recommendations

The Overview and Scrutiny Committee is asked to RECOMMEND to Cabinet that the following recommendations be CONSIDERED and to RESOLVE accordingly.

1. That all entrances to parks are audited, to allow wheelchair/mobility access where possible.
2. Where a play park is fenced around, to ensure the access gate for a wheelchair is close to any accessible/inclusive play equipment or to consider the surface for the travel to the equipment.
3. Where possible, that every play park in the Borough has access to a minimum of one piece of accessible/inclusive play equipment.
4. To introduce further sensory play panels to the parks with some possibly away from climbing frames in quiet areas.
5. When replacing play equipment that a double slide be provided instead of a single slide option.
6. Exploring options to provide sensory gardens in parks and, where appropriate, to provide a sensory experience for all users to touch, smell, hear and see. To consider utilising parks already established with garden areas in the first instance.
7. To provide signage across all parks for users to establish areas of rewilding, butterfly and bee planting, sensory and park areas.
8. To consider the toilet options in large multi-use parks that are not near town centre facilities.
9. To consider accessibility/inclusive benches as standard across all parks in the Borough and investigate the triangular benches with back supports as the standard park bench.
10. The results from the Parks Survey are made available to the Overview and Scrutiny Committee.

## Background

1. The topic was suggested by Councillor S Dannheimer to consider the Equality, Inclusivity, Diversity and Accessibility at the Council.
2. The review was scoped at the meeting of Overview and Scrutiny Committee Working Group on 23 November 2023 which sought to provide explanatory data.
3. The Working Group took the following principles into account when visiting the parks – Accessibility is about removing barriers that may prevent users from taking part. Inclusion is about going that step further, to offer opportunities to promote integration, creativity and fun. When thinking about play, there are many principles to follow including plan to go, plan to access, plan to play, plan to rest and recharge, and plan to engage.

## Considerations at the Working Group Meetings and Site Visits

1. There were a number of lines of enquiry from the full scrutiny topic of Equality, Diversity and Inclusion at the Council. The relevant line of inquiry is detailed below for Parks in the Borough.
  - Accessibility for leisure provided across the Borough, including parks and play equipment. Benchmark across other Authorities.
2. A briefing note was provided to the Scrutiny Group by the Head of Environment. The briefing provided background information relating to parks and open spaces across the Borough and clarified how many pieces of equipment are installed and maintained in the play areas. A table of information was provided regarding the location of inclusive play equipment included a replacement programme which aimed to enhance the play areas and play surfaces. The briefing note is included at **Appendix 2**:
3. Members were provided with a guide from Scope, which is included at **Appendix 3**. Scope is the disability equality charity which had produced a guide to support parents of disabled children. This provided guidance to Members to assist with the site visits with also provided ideas and a checklist of areas for consideration<sup>2</sup>.

The social model, as stated in the Scope report helps recognise barriers that make life harder for disabled people. Removing these barriers creates equality and offers disabled people more independence, choice and control. These included:

- Flat paths with a well maintained, solid surface both into and around the playground

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<sup>2</sup> [Campaigning for Inclusive Playgrounds Guide | Disability charity Scope UK](#)

- Inclusive play equipment on solid surfaces like rubbery ground, or concrete
- Fences around the playground
- Accessible toilets, including [changing places toilets](#).

4. Members selected five parks to visit from the list provided at **Appendix 2**.

- Mansfield Hall Park
- Hall om Wong
- Beeston Fields
- Bramcote Hills Park
- Queen Elizabeth Park, Stapleford

5. Members considered the entrances into the parks and play areas and reviewed the car parking spaces and any marked out for disabilities. The Group assessed gate accesses to assess if they were floor level and where paths met they remained flat. If there were steps were in the park, Members discussed whether they could be seen as a barrier, in all cases there were accessible entrances to the park and play area. However, in most cases, where there were multiple entrances, these were not clearly signposted, especially in larger parks. The Group considered that in some cases, accessible entrances to the play equipment was the furthest away from the car parking area.

6. Members assessed whether the main access to the parks was adjacent to a main road, and if there was a barrier to enter the park, such as a gate with a latch, or barriers to prevent entry to motor bikes, and steps or an uneven surface. Some of the parks had multiple entrances but were not clearly signposted. Furthermore, the nearest entrance for accessibility may not always have been the main entrance into the park. For example, Hall om Wong Park had several entrances with only one being accessible. The other entrances were either stepped or had footpath barriers to prevent bikes, it was considered that these kind of entrances may prevent a wheelchair user from accessing the park. The Group stated that all park entrances should be assessed across the Borough to determine whether the barriers could be removed where appropriate, especially where there was housing, zebra crossing, and bus stops nearby to consider making more accessible. Members, in addition, assessed the park entrances adjacent to housing estates, bus routes, zebra crossings, wide pathways, and barriers around the playgrounds for accessibility. It was stated that an audit of all entrances should be undertaken to consider if any changes could be made, where possible for accessibility.

7. Members stated that the different surfaces in the play areas worked well as long as the travel to the accessible/inclusive play equipment was considered. The paths around the parks were all wide and flat and well maintained and all led to the play equipment area. Beeston Fields Park had a path that went around the main grassed area and reached both entrances to the park. However, it was noted that the accessible group swing within the play area

was furthest away from the accessible gated entrance to the play park. Furthermore, the nearest entrance to the play park from the car park had steps, and the accessible entrance was not clear from the car park entrance. The entrance was slightly raised and may be difficult for a wheelchair to easily access.

8. Queen Elizabeth Park had an accessible swing but no pathway to travel to use it. Members stated that there should be some consideration for the travel to accessible play equipment in future planning of parks. The fence around the park equipment provided protection for young children especially if there was a car park or main road nearby. The gates around the play equipment areas were wide enough to accommodate a wheelchair. However, it was noted that sometimes this was furthest away from the car park or entrance to the park. Equipment for older age groups was outside the main park in some cases, for instance the zip wire or group swing at Bramcote Park. Members would like to see pathways to the accessible equipment for ease of travel in a wheelchair, especially in areas of bark or if the play equipment had been installed on grassy areas.
9. The Group discussed the travel to the Borough parks, and was pleased that all parks provided free car parking and had disabled car parking spaces marked out. Where there was a split level, ramps and handrails were provided. Queen Elizabeth Park, Stapleford was a very good example of ramps and handrails for entrances to the bowls area and tennis courts. Bus routes were nearby to entrances, especially the larger parks. The smaller parks tended to be within housing areas and were seen to be in short distance from where residential areas.
10. Members were pleased to see that there was a mixture of accessible/inclusive play equipment across the parks<sup>3</sup>. However, it was noted that some parks were only suitable for younger age groups and that there was only one or two pieces that would meet the needs of accessible/inclusive play for all ages. Members liked the accessible play panels that were on the outskirts of the play parks which allowed for quiet play. The panels provided individual play or could be part of a game with more than one person. The larger parks across the Borough provided similar themed play equipment. The report indicated that not all parks across the Borough had accessible play equipment, especially the smaller residential play areas. The smaller parks had less play equipment, but in most cases, were nearby to the larger play areas with the variety of play. Some other features at parks included landscapes which offered trees for playing hide and seek, hills for rolling, shaded areas and a variety of colour contrasts around the equipment. Members would like to see at least one piece of accessible/inclusive play equipment being provided at each park across the Borough. Along with feedback from the recent park survey to see if residents felt any improvements could be made.
11. Members liked the option of the shared play equipment. This included double width slides, saucer style swings and roundabouts. This equipment allowed

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<sup>3</sup> Further information is included in Appendix 2.

for shared play with parents and other children at the same time for inclusivity play. The Group also liked the play panels that had been installed around the perimeters of the play parks. They offered a variety of play and the recent consultation indicated the panels were the most favoured. Accessible panels provided different play opportunities and had been installed at a number of sites across the Borough including:

- Manor Farm recreation ground, Toton
- Chetwynd Rd open space, Chilwell
- Queen Elizabeth Park, Stapleford
- Jubilee Park, Eastwood
- Laurel Crescent Nuthall
- Eastcote Avenue, Bramcote
- Flixton Rd, Kimberley
- Smithurst Rd, Giltbrook
- Bramcote Park
- Beeston Fields

12. Members considered sensory gardens at the parks for all ages and/or disabilities. Play was not just for children but should be considered for all ages and abilities. There are six senses that should be planned for:

- Touch
- Smell
- Sound
- Sight
- Proprioception – awareness of location and movement of our bodies
- Vestibular – awareness of balance and spatial orientation.

13. Members researched many articles provided on websites for sensory experiences<sup>4</sup>. The Sensory Trust recommends creating accessible and engaging nature experiences that makes green spaces accessible and sensory rich to be enjoyed by people of all ages and abilities. Inclusive places are more popular with people in general, The Sensory Trust comment that when done well, good access is not obvious, it just makes the place easier to understand and use and be more comfortable to be in. This benefits everyone. Barriers often result in expensive retrofits and limits usability for most people.

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<sup>4</sup> <https://www.sensorytrust.org.uk/>  
[Improving Access – Sensory Trust](#)  
[How to use braille for accessible information \(sensorytrust.org.uk\)](#)  
[Sensory Trust – Inclusive Nature Experiences](#)  
[Sensory and dementia gardens - NHS Forest](#)  
[Sensory Garden – Friends of Wollaton Park](#)  
[Sensory Garden — Parc Bryn Bach](#)

14. Providing Braille signs or materials pre visit enables a visually impaired visitor to gather information at their own pace, without relying on a sighted person to read everything for them. Members noticed at Rushcliffe Country Park, braille had been included in some of the signs. Sensory play could be play equipment in a quiet shaded area that allows the user to feel, play with a variety of sounds and smells in a separate space to a play area.
15. Sensory gardens tend to be a green space that has been designed to appeal to as many senses as possible. Children with special educational needs, including autism, benefit from being able to explore multiple senses in an environmental that feels soothing and safe. Sensory planting can also be designed for people with dementia, as colour, touch, and scent can be calming, and inspire the recollection of distant memories and sensations. Using tactile or aromatic plants, allows people with sight loss to experience nature up close by touching and scent. Engagement with community groups could support this project. Members visited the memorial garden at Mansfield Road, Eastwood, and the Walled Garden at Bramcote Park. At Bramcote Park there was a sundial maze that could be used for accessible play. This area appeared to be neglected but there was an opportunity to provide the Community with a wonderful space to enjoy a sensory garden experience and providing a relaxing experience. There were already some planting of flowers and herbs, wind chimes, water features, and it was felt that further planting would help with the sensory experience. Other parks had opportunity for areas to be created such as bee and butterfly areas but it was recognised they would need to be maintained. Community groups and local schools in the area could help to support and maintain these designated areas. Signage could be provided in Braille or a leaflet could be available before the visit. Members considered that the current signage around the walled garden area was dated. Other parks in the Borough could also be developed and advertised to provide sensory style gardens especially where flowers, herbs and tall grasses were already planted.
16. There was a general lack of signage around the parks indicating wilding areas, bee pollinating and butterfly areas for sensory experiences and to identify the nearest toilets. Some of the signage around the parks was no longer relevant, aged and had overgrown planting in areas. Members would like to see improved signage around the parks, including signposting to the nearest toilets, accessible entrances, sensory spaces, and warning signs cleared from overgrown planting where appropriate.
17. There was a lack of toilet facilities, especially at out of Town Centre Park areas. On the day the Members visited Bramcote Park, visitors also raised this as an issue. Water access, vandalism and maintenance was factored into the conversation with options such as compost toilets or Portaloos suggested within the Group. Members attended Rushcliffe Country Park to look at the toilets provided and further information was obtained from the Rushcliffe Park Manager. The Benchmarking section details the outcome of the visit. Members were able to look at the toilet options at Rushcliffe Country park and seek further information [Visiting Rushcliffe Country Park - Rushcliffe Borough Council](#).

18. Members liked that some of the picnic benches at the parks had space to accommodate a wheelchair or pushchair around the table to provide inclusivity and that the pathway to these benches had been extended to allow for easy travel. The group analysed the different styles of picnic benches across the parks and preferred the triangular version that was at Bramcote Park, due to back support being provided and ease of getting in and out of the bench. There was opportunity for everyone to sit around the triangular version and this style provided more spaces for wheelchair and pushchair use.
19. The Group was pleased to see that consultation had taken place with the local Special Education Needs and Disabilities (SENDs) school to ask for a preference as to which of the play equipment, when Bramcote Park was modified. The consultation suggested the sensory panels were most favoured over large play equipment such as swings and slides. Other consultations had taken place and the Members would like to see the results of the Park Survey that was out for consultation when the review was taking place. The Group reviewed the report from Scope, 'The Play Investigation', which provided information on campaigners visiting local playgrounds. They answered some questions to see how accessible and inclusive the playgrounds were for disabled children across the country. Inham Nook Play Park at Chilwell had been included in the report. <https://www.scope.org.uk/campaigns/lets-play-fair/playground-accessibility-map>
20. Members were provided with a guide from Scope, which had produced a guide to support parents of disabled children. The guide assisted Members with the site visits to the Parks. [Campaigning for Inclusive Playgrounds Guide | Disability charity Scope UK](#)

16. Members noted that there was no mandate requiring Councils to offer play areas. The Council's [Play Strategy, 2017-2025](#), emphasises key drivers that advocate for the provision of play spaces. The Strategy identified many types of play and indicated that play was a natural process that should be able to take place for all ages. Within the Strategy, consultation on play needs in Broxtowe was carried out, including a group session with Foxwood Academy, a school specialising in serving the educational needs of children with disabilities. The Group discussed issues relating to children with special needs including facilities for adults and carers within play areas, equipment that could accommodate a companion, alternatives to traditional swings that were more inclusive and the avoidance of physical barriers.
17. Bramcote Park, having recently undergone refurbishment, had a large variety of play equipment that was for a variety of ages and provided inclusive play too. Accessible/Inclusive play equipment included a dish roundabout, low level toddler unit, wheelchair roundabout, low level junior unit, talk tubes, music pipes and a sensory panel. Other parks in the Borough mainly consisted of low-level toddler units, a group swing, sit in springy, and a dish roundabout. Members thought the sensory panels were very impressive. Members liked the group swings, wheelchair roundabouts and double swings as they provided inclusive play for everyone. Accessible paths had been provided for

access to the group swing, which had been installed outside of the perimeter of the play area. Members stated that they would like to see at least one accessible/inclusive play equipment at all play parks in the Borough. It was noted that some of the smaller parks had no accessible play but was in the vicinity of another play area that had accessible/inclusive play equipment nearby.

18. Members noted the date of the last improvements to the parks, and the programme for the replacement of play equipment across the parks in the Borough. The potential accessible/inclusive improvements included converting the bark pits to rubber and replacement of some play equipment across the parks. Members liked the split between rubber and bark in the main play areas as long as the access to any accessible equipment within the area had been considered, additionally the travel areas needed to be flat and wide enough to accommodate a wheelchair user. The costs of replacing the flooring to rubber was expensive and Members considered that the play equipment should take priority, especially where there is no accessible play equipment available. The Group felt this should be a replacement priority within the programme rather than the full replacement of the flooring. The cost to replace the flooring was also based on current prices and the replacement programme extended to the year 2040 in some cases. An option could be to look at funding to support some of these requirements especially where the timeline for replacement was quite lengthy.



Figure 3 A Councillor playing with a Sensory Panel at Bramcote Park



Figure 4 Double Slide



Figure 5 Sensory Panel Creating Music



Figure 6 Roundabout



Figure 7 Sensory Play



Figure 8 Sensory Panel



Figure 9 Split Level Surface



Figure 10 Councillors looking at the Split Level Surface



Figure 11 Paths at Hall om Wong



Figure 12 Accessible entrance Hall om Wong



Figure 13 handrails and car park QE Park



Figure 14 Pathway to the play equipment Beeston Fields



Figure 15 flowers that could be incorporated into a sensory garden in the Memorial area of Mansfield Park Eastwood





Figure 16 Sundial Maze



Figure 17 Walled Garden Signage



Figure 18 Old Butterfly Signage



Figure 19 Picnic Bench with Path



Figure 20 Picnic Bench



Figure 21 Triangle Picnic Bench Preferred Option with Members



Figure 22 Sensory Panel



Figure 23 Sensory Panel



Figure 24 Sensory Panel



Figure 25 Sensory Panel

## Benchmarking

1. Members visited Rushcliffe Country park to compare the parks visited in the Borough. They were particularly interested in the toilet facilities, the sensory trail and signage. There was a purpose built café area with integrated toilets that could be accessed using a radar key out-of-hours and a picnic area. There was baby changing and separate toilets. Further to the play area there were additional toilets that had been adapted from composter toilets to Zero Discharge toilets.
2. The toilets near to the play area had been compostable but was found over the years with the high amount of footfall and usage meant they never composted properly. Composters are only really suitable for low use areas. They are now Zero Discharge toilets, and get emptied by a tanker around five times a year. Full-time employees open the toilets in the morning and close them in the evening. The toilets are accessible but are not accessed with a radar key. This option could be provided. There is no electricity or running water, and hand gel and toilet roll are supplied. Visitors commented to the Group that they were pleased the toilets were in situ as it saved a trek back to the café toilets or using bushes nearby. There was no smell, and the inside was clean. Members commented they toilet floors may get muddy in wet weather.
3. The main play park had a variety of flooring with a wide pathway that led you to different zones of play including sand, toddler, swings and slides. There was also a bike track, skate park, concrete table tennis facilities, a labyrinth and sensory trail in the woods. The Sensory trail, due to it being in the woody area was rather neglected and required some repair. It was being well used however. Play equipment was available to hire or visitors could bring their own to use free of charge. Play at Rushcliffe Country Park was not just at the main play park.
4. There were a variety of play areas that could be used by all ages and abilities including trees for hide and seek and rolling hills. The labyrinth at Rushcliffe had been labelled as a being aimed at mindfulness, labyrinths, are found all around the world and provide a journey with one continuous path, it had shelter trees, seats, a raised earth bank, an interpretation board, and access paths. It was designed to be inclusive for motorised wheelchairs, pushchairs, bicycles, and less mobile people, with wide hardcore paths marked by bricks of contrasting colours, all lying flat to the ground. Members considered if the Sundial maze at Bramcote could be ideal for mindfulness and inclusive play in the same way. There was a small sensory garden with herbs and flowers. The signage around the park was clear and Members liked the information boards which identified the variety of trees and flowers in the area. Some of the plants' signage had QR readers on for further information and interactive purposes. There were insect homes and mosaic stepping stones that provided interactive play too. All pathways were wide enough to accommodate a wheelchair, although the sensory play area in the woods may be difficult to explore, especially in wet weather. The car park was small for visitors and the park was out of the main town area. There was a bus stop nearby.



Figure 26 Café and Accessible Toilets with a Baby Changing Station.



Figure 27 Inside the Portaloo Toilet



Figure 28 The Portaloo Style toilets



Figure 29 Play Equipment at Rushcliffe Park



Figure 30 Mosaic Stepping Stones



Figure 31 Table Tennis



Figure 32 Labyrinth for Mindfulness



Figure 33 Sensory Play in the Woods



Figure 34 Small Sensory Garden



Figure 35 Insect Garden



Figure 36 Wooden Signage.



Figure 37 Wooden Signage



Figure 38 Sensory Trail Signage



Figure 39 Radar Key Instructions



Figure 40 Signage to Identify Trees

5. Rugby Borough Council had pushed ahead with plans to make play areas accessible for all. They had recently invited residents and community organisations to a consultation event to help the Council's plans to boost accessibility at play areas in the Borough along with the UK's leading manufacturer of outdoor play equipment.<sup>5</sup>

The event aimed to raise awareness of the work the Council had already undertaken to increase play area accessibility and to discover community organisations' and residents' experiences of visiting play areas in the Borough, following a notice of motion at a meeting of full Council, the Council backed plans to hold the event and committed to creating a set of design principles to inform all future play area installations and maintenance. Members looked at accessibility of parks through the lens of a user with cerebral palsy. Recent refurbishment demonstrated the Council's work to improve accessibility, with ramps leading to the refurbished bandstand, extended picnic benches to cater for wheelchairs and a wheelchair-accessible roundabout. The Council had also followed the accessibility guidelines from the Green Flag Awards, Fields in Trust and Make Space for Girls, a campaign which calls for inclusivity to be placed at the heart of play area and public space design.

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<sup>5</sup> [Council pushes ahead with plans to make play areas accessible to all - Rugby Borough Council](#)

# Scoping Form Information

## Appendix 1

### Scoping Report

<b>Title of review</b>	Equality, Diversity and Inclusion within the Council
<b>Expected outcomes</b>	<ul style="list-style-type: none"><li>• To develop recommendations to support improvements</li><li>• To Improve the overall Equality, Diversity and Inclusion within the Council including service users, Members and employees</li></ul>
<b>Terms of reference/Key lines of enquiry</b>	<p>Who is the Diversity and Inclusion Officer (Check Equalities Officer and HR Officer look at the Policies and EIA form. Equality Impact Assessments Check relevant and assessments are carried out to meet the needs of the user. Apprenticeship Award. To question if recruitment and accessibility needs are met.</p> <p>Accessibility of all buildings/sites and rooms. Car park access. Accessibility to Council Offices (travel and transport) Accessibility to the Councils Websites/forms. Is the same shared across the Authority?</p> <p>Training awareness for all Members and employee's accessibility of Training for Members</p> <p>Accessibility to services the Council provides and inclusivity of leaflets, how residents/businesses pay</p> <p>To consider if there is a North/South divide within the Borough including access to services and travel.</p> <p>Accessibility for leisure provided across the Borough including parks and play equipment. Benchmark across other Authorities</p> <p>Councillor inclusion</p> <p>Town Centres including signage for all and assets across the Authority Head of Asset Management.</p>
<b>Possible sources of information</b>	<a href="http://Equality, Diversity and Inclusion - Centre for Governance and Scrutiny (cfgs.org.uk)"><u>Equality, Diversity and Inclusion - Centre for Governance and Scrutiny (cfgs.org.uk)</u></a> <a href="https://www.local.gov.uk/publications/equality-framework-local-government-eflg-2021"><u>https://www.local.gov.uk/publications/equality-framework-local-government-eflg-2021</u></a>

	HR statistics and reports from Head of HR re recruitment (Hidden disabilities) Diversity and Inclusion report. Copy of the Equality, Diversity and Inclusion report. How are the employees of BBC feeling, do they feel barriers within the organisation? Employee Survey questions. Websites for accessibilities and other Scrutiny conducted on the topic. Previous reports to Cabinet including Equality, Play Strategy, Recruitment policies. What works well how can this be replicated across the Authority.		
<b>How review could be publicised</b>	Website, Members Matters, Report to Cabinet, email me briefings.		
<b>Specify site visits</b>	Kimberley Depot, Main Offices, Housing Complex, Accessible toilets. Check Housing properties for accessibilities including the non-visual disabilities any relets the Group could visit or willing tenants. Equalities Working Group attend next meeting		
<b>Possible witnesses</b>	Benchmark other Authorities Head of HR Equalities Officer Employees of Broxtowe Borough Council Residents (Senior Private Sector Housing Officer Accessibility) Head of Housing Head of Asset Management Head of Environment		
<b>Resource requirements</b>	Transport off site Background papers such as exiting reports		
<b>Projected start date</b>	04.12.2023	<b>Draft report deadline</b>	December 2024 Cabinet tbc
<b>Projected completion date</b>	04.11.2024		

## Appendix 2

**Briefing note:** Accessible play: Parks for all.

**Prepared by:** Parks and Open Spaces Manager

**Date:** 1 June 2024

### Vision

To create play areas that promote inclusivity, enabling children of all ages and abilities to play together.

### Background

There are 62 Parks and Opens Spaces across the Borough, of which 37 have a play area. These play areas vary in size, as does the variety of play equipment pieces available at each site. **Appendix 1a** shows the spread of both Council and Parish owned play areas across the Borough.

There are 323 pieces of equipment installed and maintained in these play areas. All equipment is installed to BS EN 1176 (which is the British and European Standard for playground equipment) and BS EN 1177 (which covers playground surfacing and provides guidance on critical fall height and impact safety). All of the Borough Council and Parish Council owned play equipment is inspected by playground inspectors on a weekly basis.

As can be seen in **Appendix 2a**, the majority of play areas across the Borough, incorporates some form of inclusive play equipment. The Parks and Open spaces team is currently implementing a replacement programme to enhance accessibility to the park areas. They are currently replacing the traditional bark surfaces with recycled rubber crumb material. This transition aims to improve safety, durability and accessibility for park users.

### Legislative drivers

Whilst there is no mandate requiring Councils to offer play areas, evidence from National policies and practices underscores the significance of play. The Council's [Play Strategy, 2017-2025](#), emphasises the following key drivers that advocate for the provision of play spaces.

### Charter for Children's Play – Play England (2004)

*"Children have the right to play All children and young people have the right to play and need to play: free to choose what they do – lively or relaxed, noisy or quiet – with the chance to stretch and challenge themselves, take risks and enjoy freedom. The right to play is enshrined in Article 31 of the UN Convention on the Rights of the Child.*

*Every child needs time and space to play All children and young people – disabled and non-disabled – whatever their age, culture, ethnicity or social and economic background, need time and space to play freely and confidently with their peers, free of charge, indoors and outdoors, somewhere they feel safe. Play provision should actively include the widest range of children and seek to engage with those from minority groups". (Broxtowe Borough Council Play Strategy 2017-2025)*

### Every Child Matters – Green Paper (2003)

Every Child Matters – Green Paper (2003), published in September 2003, the basis and aim of the Government's Green paper was to ensure that every child has the chance to fulfil their potential by reducing levels of educational failure, ill health, substance misuse, teenage pregnancy, abuse and neglect, crime and anti-social behaviour among children and young people.

Five Key outcomes were identified; these were:

- Being Healthy – Engaging in play enhances emotional well-being, alleviates symptoms of depression and anxiety, boosts self-confidence and self-esteem and promotes better mental health.
- Staying Safe - Research indicates that parents that permit their children to play outdoors tend to have a wider social support network, compared to those that don't. This expanded network includes friends who can provide additional supervision and assistance, contributing to a safer environment for both the parents and their children in the community.
- Enjoying and Achieving – Engaging in play provides marginalised children and young people, such as those with disabilities, traveller children and those from minority ethnic groups with opportunities to experience a sense of belonging and inclusion, fostering a feeling of community and acceptance.
- Making a Positive Contribution - Play is a fundamental pathway to enable children to develop their social skills, learning to make friends and build their sense of community and justice.
- Achieving Economic Well-Being - Play provision is often free of charge, promoting opportunities for all, regardless of economic status.

## Accessible play areas

According to a report by the disability equality charity Scope, it was found that less than half of playgrounds in the UK are currently accessible for people that have a disability. This sparked a national campaign aimed at enhancing inclusivity in play areas.

Various strategies exist for enhancing inclusivity in park play equipment. This involves incorporating accessible and inclusive pieces of equipment. The definitions of accessibility and inclusivity used by Scope are derived from a joint position statement by the Children's Play Policy Forum and the UK Play safety Forum regarding the inclusion of disabled children in play provision.

These are:

- **'Accessible'** Play Space is a space which is barrier-free, allows users access to move around the space and offers participation opportunities for a range of differing abilities. **Not every child of every ability will be able to actively use everything within an accessible play space.**
- **'Inclusive'** Play Space provides a barrier-free environment, with supporting infrastructure, which meets the wide and varying play needs of every child. **Disabled children and non-disabled children will enjoy high levels of participation opportunities, equally rich in play value.**

(Source: <https://playsafetyforum.wordpress.com/wp-content/uploads/2022/06/including-disabled-children-in-play-provision-2022.pdf> referenced 23 May 2024 )

Of the 37 play areas in the Borough, 33 feature inclusive or accessible play equipment. Table 2, **Appendix 2a** provides a detailed breakdown of each play area, indicating the accessible play equipment available and outlining the potential replacement programme timeframe.

**Appendix 3a** provides examples of inclusive and accessible play equipment already installed or scheduled for installation in Council play areas.

The Council aims to incorporate inclusive play equipment to improve user experience. This can include small and cost effective play panels and talk tubes, as well as larger group swings, allowing multiple people to play on them. Such equipment is designed to be accessible to both those with disabilities and those that don't.

As part of the forthcoming update to the Play Strategy scheduled for 2025, locations with the potential for enhanced accessibility and inclusivity will be pinpointed. These sites could then be integrated into the Pride in Parks programme. The programme will also look to focus on enhancing existing parks infrastructure, such as paths and

benches ensuring that these are also accessible and inclusive. **Financial implications**

The installation of exclusively accessible play equipment incurs higher costs compared to non-inclusive or partially inclusive play equipment. This can be attributed to the complexity of the equipment's construction and the need for additional infrastructure. For example, a wheelchair accessible swing would cost £19,000 to install, compared to £1,500 for a standard swing.

If a comprehensive long-term initiative were to be implemented to improve the level of accessibility and inclusivity of all the Council's parks, the estimated cost to do so would be approximately **£1.7 million pounds**. Over a fifteen-year capital programme, (not including other required parks upgrades) this equates to £113,000 per year. Further detail is provided in **Appendix 2a**.

Future play areas

Currently, two play areas are set to be transferred to the Council under Section 106 agreements. These are linked to ongoing housing developments. These are:

- The Bellway site, off Hassocks Lane, Beeston.
- A play area within the Field Farm development in Stapleford.

Both sites, though compact, feature a mix of equipment including some accessible pieces.

Parish and Town Councils

The Council is not responsible for the management or maintenance of eight sites in the Borough, these fall under the responsibility of five Parish and Town Councils. These sites are outlined in table 1. The Parish and Town Councils order and pay for all new equipment and repairs to existing infrastructure. However, the Council does undertake inspections of these play areas on behalf of the Town and Parish Councils and also provides assistance in identifying and sourcing any spare parts.

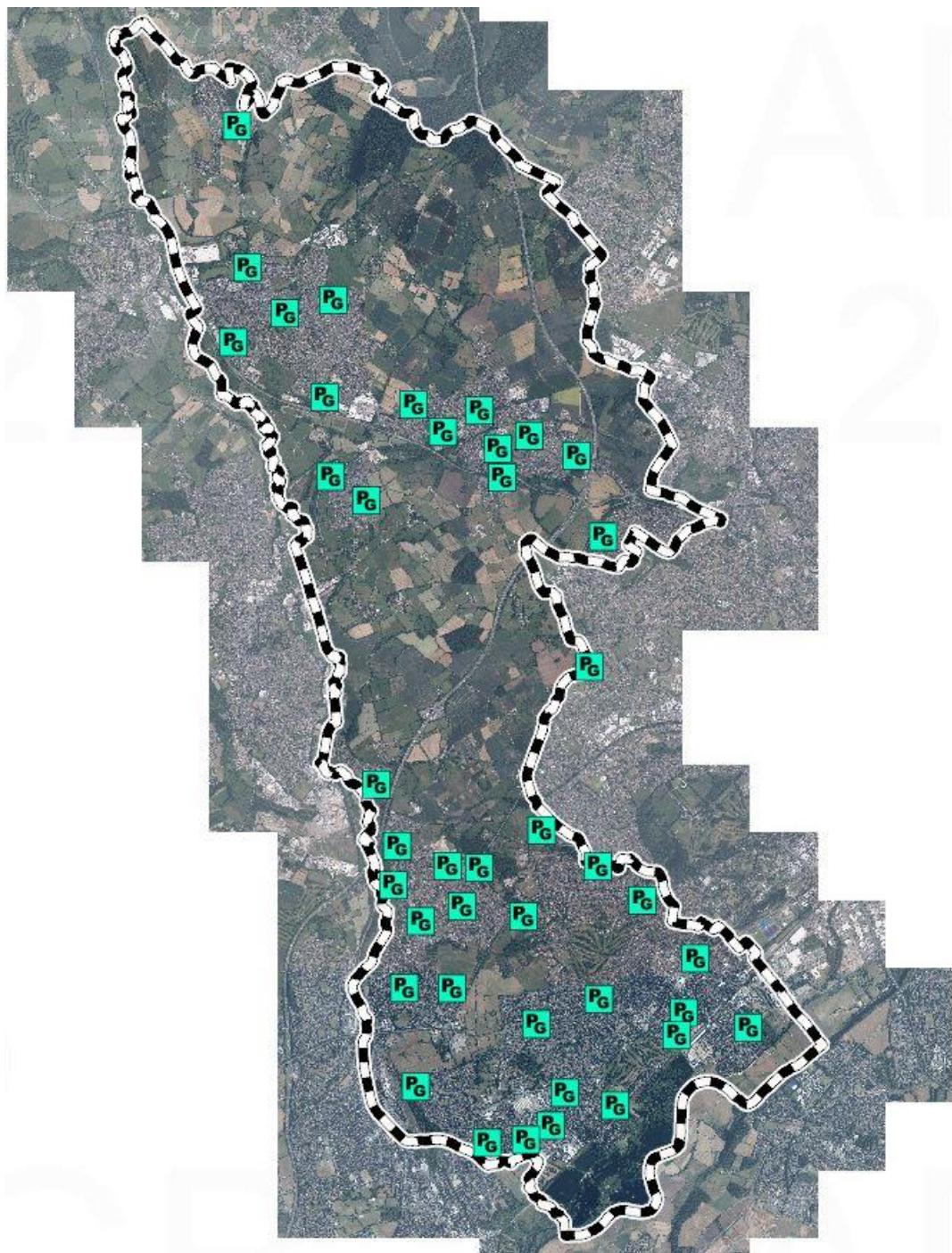
Area	Park
Awswoth	Shilo Recreation Ground The Lane Recreation Ground
Brinsley	Brinsley Recreation Ground
Greasley	Greasley Recreation Ground Lower Beavale

Area	Park
<b>Kimberley</b>	Knowle Park The Stag Recreation Ground
<b>Trowell</b>	Festival Hall

Table 1: Parish and Town Council play areas

## Appendix 1a

### Council and Parish owned play areas across the Borough



**Appendix 2a**Accessible and inclusive play equipment in Parks across the Borough

Area	Park	Accessible/Inclusive play equipment	Accessible infrastructure	Date of last improvement/Programmed replacement date	Potential Inclusive/accessible improvements and estimated costs
Attenborough	Long Lane	<ul style="list-style-type: none"> <li>Group swing.</li> <li>Inclusive low level play unit.</li> <li>In ground trampoline.</li> </ul>	<ul style="list-style-type: none"> <li>Tarmac path to play area.</li> <li>Part rubber part bark surfacing.</li> <li>Wheelchair accessible Easy-Gates.</li> </ul>	Date of last improvement - 2023	Convert bark pit to rubber £60k.
		Programmed full replacement - 2036			
Beeston	Beeston Fields	<ul style="list-style-type: none"> <li>Group swing.</li> </ul>	<ul style="list-style-type: none"> <li>Wheelchair accessible Easy-Gates.</li> <li>Car park with 2 disabled bays.</li> <li>Accessible paths throughout park.</li> </ul>	Date of last improvement - 2015	Convert bark pit to rubber £140k.
		Programmed full replacement - 2036			
Beeston	Broadgate Park	<ul style="list-style-type: none"> <li>In ground trampoline.</li> <li>Water and sand play unit.</li> <li>Dish roundabout.</li> <li>Sit in springy.</li> <li>Low level junior play unit.</li> <li>Group swing.</li> </ul>	<ul style="list-style-type: none"> <li>Pay and display car park with disabled bays.</li> <li>Accessible paths throughout the park.</li> <li>Wheelchair accessible Easy-Gate.</li> <li>80% rubber surface within the play area.</li> </ul>	Date of last improvement - 2018	Replace play unit £20k.
		Programmed full replacement - 2038			

Area	Park	Accessible/Inclusive play equipment	Accessible infrastructure	Date of last improvement/Programmed replacement date	Potential Inclusive/accessible improvements and estimated costs
Beeston	Templar Road	None. A single climbing frame is available on site, which is not accessible.	None	Date of last improvement - 2012	N/A
				Programmed full replacement - 2035	
Beeston	Leyton Crescent	<ul style="list-style-type: none"> <li>• In ground trampoline.</li> <li>• Low level play unit.</li> <li>• Group swing.</li> </ul>	<ul style="list-style-type: none"> <li>• Accessible paths throughout the park.</li> <li>• Wheelchair accessible Easy-Gates.</li> <li>• 70% rubber surfacing within the play area.</li> </ul>	Date of last improvement - 2018	Replacement play unit £20k.
Beeston	Hetley Pearson	<ul style="list-style-type: none"> <li>• Low level play unit equipment with inclusive play panels.</li> </ul>	<ul style="list-style-type: none"> <li>• Accessible path to the park.</li> <li>• Car park with disabled bays.</li> <li>• 100% rubber surfaced play area.</li> <li>• Wheelchair accessible Easy-Gates.</li> </ul>	Programmed full replacement - 2035	
Beeston				Date of last improvement - 2012	S106 contributions will support a full refurbishment of the play area to include inclusive and accessible play equipment. Works to be

Area	Park	Accessible/Inclusive play equipment	Accessible infrastructure	Date of last improvement/Programmed replacement date	Potential Inclusive/accessible improvements and estimated costs
				Programmed full replacement - 2033	<p>undertaken late 2024.</p> <p>£10k resurface of rubber surface.</p> <p>£10k group swing.</p> <p>£10k accessible low level play unit.</p> <p>£5k accessible springy dish roundabout and play panel.</p>
Beeston	Dovecote Lane	<ul style="list-style-type: none"> <li>Group swing.</li> <li>2x low level play units.</li> </ul>	<ul style="list-style-type: none"> <li>Accessible paths throughout the park.</li> <li>Wheelchair accessible Easy-Gates.</li> <li>Wheelchair accessible picnic benches.</li> </ul>	Date of last improvement - 2021	<p>Replace two play units £30k.</p>
				Programmed full replacement - 2041	

Area	Park	Accessible/Inclusive play equipment	Accessible infrastructure	Date of last improvement/Programmed replacement date	Potential Inclusive/accessible improvements and estimated costs
Bilborough	College Way	<ul style="list-style-type: none"> <li>Toddler Low level play unit.</li> </ul>	<ul style="list-style-type: none"> <li>Accessible paths.</li> <li>Wheelchair accessible Easy-Gates but bark path surface.</li> </ul>	Date of last improvement - 2011	Convert bark pit to rubber £60k.
				Programmed full replacement - 2030	Upgrade play unit £15k. Install group swing £10k.
Bramcote	Bramcote Hills Park	<ul style="list-style-type: none"> <li>Dish roundabout.</li> <li>Low level toddler unit.</li> <li>Wheelchair roundabout.</li> <li>Low level junior unit.</li> <li>Talk tubes.</li> <li>Music pipes.</li> <li>Sensory panel.</li> </ul>	<ul style="list-style-type: none"> <li>Car park with disabled bays.</li> <li>Accessible paths throughout the park.</li> <li>Wheelchair accessible Easy-Gates.</li> <li>Wheelchair accessible picnic benches.</li> <li>70% rubber surfacing within the play area.</li> </ul>	Date of last improvement - 2024	Convert remaining bark pit to rubber £54k.
			Programmed full replacement - 2044		
Bramcote	Eastcote Avenue	None	<ul style="list-style-type: none"> <li>50% rubber surfacing within the play area</li> <li>Accessible paths throughout the park</li> </ul>	Date of last improvement - 2010	Convert bark pit to rubber £65k.
				Programmed full replacement - 2030	Group swing £10k.

Area	Park	Accessible/Inclusive play equipment	Accessible infrastructure	Date of last improvement/Programmed replacement date	Potential Inclusive/accessible improvements and estimated costs
					Upgraded play unit £10k.
Beeston	Lowes Estate/ Sandgate	<ul style="list-style-type: none"> <li>• Group swing.</li> <li>• Low level toddler unit.</li> <li>• Sit in springy.</li> </ul>	<ul style="list-style-type: none"> <li>• Wheelchair accessible Easy-Gate but bark path surface.</li> <li>• Accessible paths.</li> </ul>	Date of last improvement - 2023	Convert bark pit to rubber £55k.
				Programmed full replacement - 2043	
Bramcote	King George's park	<ul style="list-style-type: none"> <li>• In ground trampoline.</li> <li>• Low level toddler unit.</li> <li>• Group swing.</li> </ul>	<ul style="list-style-type: none"> <li>• 100% rubber surfacing within play area.</li> <li>• Car park with disabled bays.</li> <li>• Wheelchair accessible Easy-Gates.</li> <li>• Accessible paths.</li> </ul>	Date of last improvement - 2020	Install inclusive roundabout £10k.
				Programmed full replacement - 2040	
Chilwell	Swiney Way	<ul style="list-style-type: none"> <li>• Dish roundabout.</li> <li>• Low level toddler unit.</li> </ul>	<ul style="list-style-type: none"> <li>• 100% rubber surfaced play area.</li> <li>• Wheelchair accessible Easy-Gates.</li> <li>• Accessible paths.</li> </ul>	Date of last improvement - 2020	Install group swing £10k.
				Programmed full replacement - 2040	

Area	Park	Accessible/Inclusive play equipment	Accessible infrastructure	Date of last improvement/Programmed replacement date	Potential Inclusive/accessible improvements and estimated costs
Chilwell	Inham Nook	<ul style="list-style-type: none"> <li>Low level play unit.</li> <li>Group swing.</li> </ul>	<ul style="list-style-type: none"> <li>50% rubber surfacing within the play area.</li> <li>Wheelchair accessible Easy-Gates.</li> <li>Accessible paths throughout the park.</li> </ul>	Date of last improvement - 2014	Convert bark pit to rubber £45k.
		Programmed full replacement - 2034	Upgraded play unit £10k.		
Chilwell	Cator Lane	<ul style="list-style-type: none"> <li>Sit in springy.</li> <li>Low level toddler unit.</li> </ul>	<ul style="list-style-type: none"> <li>80% rubber surfacing within the play area.</li> <li>Wheelchair accessible Easy-Gates.</li> <li>Accessible paths throughout park.</li> </ul>	Date of last improvement - 2023	Convert remaining bark pit to rubber £21k.
		Programmed full replacement - 2034	Install inclusive roundabout £10k.		
Chilwell	Barncroft	None	<ul style="list-style-type: none"> <li>Rubber surface but no play equipment.</li> </ul>	N/A	N/A
Chilwell	Chetwynd Road	None	<ul style="list-style-type: none"> <li>Wheelchair accessible Easy-Gate but bark surface within play area.</li> <li>Accessible paths.</li> </ul>	Date of last improvement - 2025	Convert bark pit to rubber £73k.
			Programmed full replacement - 2035	Install group swing £10k.	

Area	Park	Accessible/Inclusive play equipment	Accessible infrastructure	Date of last improvement/Programmed replacement date	Potential Inclusive/accessible improvements and estimated costs
Chilwell	Sherman Drive	<ul style="list-style-type: none"> <li>• 2 x low level play units.</li> <li>• Group swing.</li> <li>• Sit in springy.</li> </ul>	<ul style="list-style-type: none"> <li>• 30% rubber surfacing within the play area.</li> <li>• Wheelchair accessible Easy-Gates.</li> <li>• Accessible paths.</li> </ul>	Date of last improvement - 2019	Convert bark pit to rubber £100k.
				Programmed full replacement - 2039	Group swing £10k. Inclusive roundabout £10k.
Eastwood	Jubilee Park	<ul style="list-style-type: none"> <li>• Group swing.</li> <li>• Large multi play unit.</li> </ul>	<ul style="list-style-type: none"> <li>• 100% rubber surface play area.</li> <li>• Wheelchair accessible Easy-Gates.</li> <li>• Accessible paths.</li> <li>• Wheelchair accessible picnic table.</li> </ul>	Date of last improvement - 2018	Resurface existing rubber £16k.
				Programmed full replacement - 2038	
Eastwood	Mansfield Road Park	<ul style="list-style-type: none"> <li>• Group swing.</li> <li>• Low level play unit.</li> </ul>	<ul style="list-style-type: none"> <li>• Car park with 2 disabled bays.</li> </ul>	Date of last improvement - 2018	Convert remaining bark pit to rubber £50k.

Area	Park	Accessible/Inclusive play equipment	Accessible infrastructure	Date of last improvement/Programmed replacement date	Potential Inclusive/accessible improvements and estimated costs
			<ul style="list-style-type: none"> <li>• Wheelchair accessible Easy-Gates.</li> <li>• Accessible paths.</li> <li>• 50% rubber surfacing within the play area.</li> </ul>	Programmed full replacement - 2038	Install inclusive roundabout £10k.
Eastwood	Coronation Park	<ul style="list-style-type: none"> <li>• Talk tubes.</li> <li>• Water play unit.</li> <li>• Low level play.</li> <li>• Sand play unit.</li> <li>• Sit in springy.</li> <li>• Group swing.</li> </ul>	<ul style="list-style-type: none"> <li>• Accessible paths throughout the park.</li> <li>• Accessible picnic table.</li> <li>• 80% rubber surfacing within the play area.</li> <li>• Wheelchair accessible Easy-Gates.</li> </ul>	Date of last improvement - 2010	Install inclusive roundabout £10k.
				Programmed full replacement - 2030	Resurface rubber £7k.
Giltbrook	Smithurst Road	<ul style="list-style-type: none"> <li>• Sit in springy.</li> <li>• Group swing.</li> <li>• Dish roundabout.</li> <li>• 2x Low level play units.</li> </ul>	<ul style="list-style-type: none"> <li>• Accessible paths.</li> <li>• 50% rubber surfacing within the play area.</li> <li>• Wheelchair accessible Easy-Gates.</li> </ul>	Date of last improvement - 2017	Convert bark pit to rubber £63k.
				Programmed full replacement - 2037	Upgrade older play unit £15k.
Kimberley	Hall-Om-Wong	<ul style="list-style-type: none"> <li>• Group swing.</li> <li>• Dish roundabout.</li> </ul>	<ul style="list-style-type: none"> <li>• Accessible paths throughout the park.</li> </ul>	Date of last improvement - 2020	Convert bark pit to rubber £66k.

Area	Park	Accessible/Inclusive play equipment	Accessible infrastructure	Date of last improvement/Programmed replacement date	Potential Inclusive/accessible improvements and estimated costs
		<ul style="list-style-type: none"> <li>2x Low level play units.</li> </ul>	<ul style="list-style-type: none"> <li>60% rubber surfacing within the play area.</li> <li>Wheelchair accessible Easy-Gates.</li> </ul>	Programmed full replacement - 2040	Install inclusive roundabout £10k.
Kimberley	Windmill/Millfield Road	<ul style="list-style-type: none"> <li>Low level play unit.</li> </ul>	<ul style="list-style-type: none"> <li>Accessible paths.</li> <li>100% rubber surfaced play area.</li> <li>Wheelchair accessible Easy-Gates.</li> </ul>	Date of last improvement - 2018	Install group swing £10k.
				Programmed full replacement - 2038	
Kimberley	Flixton Road	<ul style="list-style-type: none"> <li>Group swing.</li> <li>Low level play unit.</li> </ul>	<ul style="list-style-type: none"> <li>Accessible paths.</li> <li>50% rubber surfacing within the play area.</li> <li>Wheelchair accessible Easy- Gates.</li> </ul>	Date of last improvement - 2016  Programmed full replacement - 2036	Convert bark pit to rubber £36k  Install group swing £10k.  Install inclusive roundabout £10k.
Nuthall	The Spinney (Laurel Crescent)	<ul style="list-style-type: none"> <li>Low Level toddler play unit</li> </ul>	<ul style="list-style-type: none"> <li>Wheelchair accessible Easy-Gates.</li> </ul>	Date of last improvement - 2023	Convert bark pit to rubber £20k.

Area	Park	Accessible/Inclusive play equipment	Accessible infrastructure	Date of last improvement/Programmed replacement date	Potential Inclusive/accessible improvements and estimated costs
			<ul style="list-style-type: none"> <li>60% rubber surfacing within the play area.</li> </ul>	Programmed full replacement - 2043	Install group swing £10k. Install inclusive roundabout £10k.
Nuthall	Redbridge Drive	<ul style="list-style-type: none"> <li>Dish roundabout.</li> <li>Group swing.</li> <li>Sit in springy.</li> <li>2x Low level play units.</li> <li>In ground trampoline.</li> </ul>	<ul style="list-style-type: none"> <li>Accessible path.</li> <li>50% rubber surfacing within the play area.</li> <li>Wheelchair accessible Easy-Gates.</li> </ul>	Date of last improvement - 2018	Convert bark pit to rubber £40k.
				Programmed full replacement - 2038	
Stapleford	Ilkeston Road	<ul style="list-style-type: none"> <li>Low Level play unit.</li> <li>In ground trampoline.</li> <li>Dish roundabout.</li> <li>Sit in springy.</li> </ul>	<ul style="list-style-type: none"> <li>Accessible path.</li> <li>Wheelchair accessible Easy-Gates.</li> </ul>	Date of last improvement - 2016  Programmed full replacement - 2036	Convert bark pit to rubber £120k. Install group swing £10k.

Area	Park	Accessible/Inclusive play equipment	Accessible infrastructure	Date of last improvement/Programmed replacement date	Potential Inclusive/accessible improvements and estimated costs
Stapleford	Pasture Road	<ul style="list-style-type: none"> <li>Group swing.</li> <li>2x Low Level play units.</li> </ul>	<ul style="list-style-type: none"> <li>Car park with disabled bay.</li> <li>Accessible path.</li> <li>Wheelchair accessible Easy-Gates.</li> <li>Wheelchair accessible picnic table.</li> <li>100% rubber surfaced play area.</li> </ul>	Date of last improvement - 2022	Recent refurbishment. No further enhancements required at this stage.
				Programmed full replacement - 2042	
Stapleford	Hickings Lane	<ul style="list-style-type: none"> <li>2x Low level play units.</li> <li>Group swing.</li> <li>In ground trampoline.</li> </ul>	<ul style="list-style-type: none"> <li>Car park with 2 disabled bays.</li> <li>Accessible path.</li> <li>Wheelchair accessible Easy-Gates.</li> <li>Wheelchair accessible picnic table.</li> <li>100% rubber surfaced play area.</li> </ul>	Date of last improvement - 2019	Recent refurbishment. No further enhancements required at this stage.
			Programmed full replacement - 2039		
Stapleford	Pippins/Judson	<ul style="list-style-type: none"> <li>Dish roundabout.</li> <li>In ground trampoline.</li> <li>Group springy.</li> <li>Low level toddler play unit.</li> </ul>	<ul style="list-style-type: none"> <li>20% rubber surfacing within the play area.</li> <li>Accessible path.</li> <li>Wheelchair accessible Easy-Gates.</li> </ul>	Date of last improvement - 2018	Convert bark pit to rubber 60k.
			Programmed full replacement - 2038	Install group swing 10k.	

Area	Park	Accessible/Inclusive play equipment	Accessible infrastructure	Date of last improvement/Programmed replacement date	Potential Inclusive/accessible improvements and estimated costs
Stapleford	Archers Field	None	None	Although there is no play area onsite, there is a MUGA and hard surface that will be inspected and replaced if needed. Possible renewal date – 2030.	No play equipment on site.
Stapleford	Queen Elizabeth Park	<ul style="list-style-type: none"> <li>Group swing.</li> <li>Low level toddler unit.</li> </ul>	<ul style="list-style-type: none"> <li>Car park with disabled 2 bays.</li> <li>Accessible path.</li> <li>Wheelchair accessible Easy-Gates. (Bark surface within play area).</li> <li>Wheelchair accessible picnic table.</li> </ul>	Date of last improvement - 2024  Programmed full replacement - 2030	Convert bark pit to rubber £100k.
Stapleford	Central Avenue	<ul style="list-style-type: none"> <li>Sit in springy.</li> <li>Low level toddler unit.</li> </ul>	<ul style="list-style-type: none"> <li>Accessible path.</li> <li>Wheelchair accessible Easy-Gates.</li> </ul>	Date of last improvement - 2018	Resurface rubber surfacing £15k.

Area	Park	Accessible/Inclusive play equipment	Accessible infrastructure	Date of last improvement/Programmed replacement date	Potential Inclusive/accessible improvements and estimated costs
			<ul style="list-style-type: none"> <li>100% rubber surfaced play area.</li> </ul>	Programmed full replacement - 2028	Install group swing £10k. Install inclusive roundabout £10k.
Toton	Manor Farm	<ul style="list-style-type: none"> <li>Group swing.</li> <li>In ground trampoline.</li> <li>Dish roundabout.</li> </ul>	<ul style="list-style-type: none"> <li>Accessible paths.</li> <li>50% rubber surfacing within the play area.</li> <li>Wheelchair accessible Easy- Gates.</li> <li>Car parks with disabled 3 bays.</li> </ul>	Date of last improvement - 2013	Convert bark pit to rubber £50k.
				Programmed full replacement - 2033	
Toton	Chester Green	None	None	Although there is no play area onsite, there is a MUGA and hard surface that will be inspected and replaced if needed. Possible renewal date – 2030.	No play equipment on site.

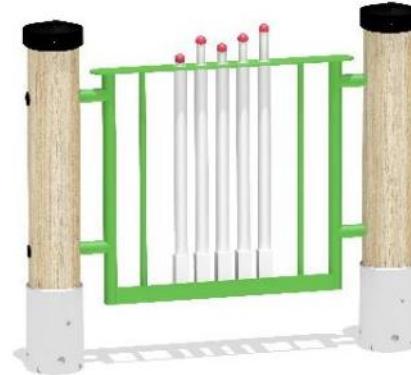
Area	Park	Accessible/Inclusive play equipment	Accessible infrastructure	Date of last improvement/Programmed replacement date	Potential Inclusive/accessible improvements and estimated costs
Toton	Banks Road	<ul style="list-style-type: none"> <li>• Sit in springy.</li> <li>• 2x Low level toddler units.</li> </ul>	<ul style="list-style-type: none"> <li>• Accessible paths.</li> <li>• 50% rubber surfacing within the play area.</li> <li>• Wheelchair accessible Easy- Gates.</li> </ul>	Date of last improvement - 2022	Convert bark pit to rubber £28k.
		Programmed full replacement - 2042	Install group swing £10k.		
Trowell	Salcey Drive/Trowell Park Open Space	<ul style="list-style-type: none"> <li>• Low level toddler unit.</li> </ul>	<ul style="list-style-type: none"> <li>• 100% rubber surfaced play area.</li> <li>• Wheelchair accessible gate.</li> </ul>	Date of last improvement - 2019 Programmed full replacement - 2029	Resurface rubber £15k.

Table 2. Breakdown of accessible or inclusive play equipment and accessible infrastructure in Council owned play areas.

## Appendix 3a

### Accessible and inclusive play equipment

Examples of accessible and inclusive play equipment currently installed or due to be installed on play areas in the Borough.

<u>Inclusive Roundabout</u>  An inclusive roundabout with a central platform, a green and white seat, and a handlebar, all mounted on a black rubberized surface.	<u>Music Pipes.</u>  A musical instrument consisting of several vertical pipes of different heights, mounted between two wooden posts with black caps.	<u>Dish roundabout.</u>  A large, shallow, hemispherical metal dish mounted on a central post.
<u>Low level play unit with interactive panels.</u>  A low-level play unit featuring a blue slide, a green climbing structure, and various interactive panels with colorful graphics and buttons.	<u>Group Swing.</u>  A group swing with a blue curved metal frame and two black seats suspended by ropes.	<u>Talking tubes</u>  Two tall, thin tubes with blue cloud-shaped tops; one features a yellow bird and the other features yellow headphones.

### **Scope Campaign Lets Play Fair Inclusive Playgrounds Guide**

#### **Introducing the social model of disability**

The social model of disability is a way of viewing the world, developed by disabled people.

The model says that people are disabled by barriers in society, not by their impairment or difference. Barriers can be physical, like playgrounds not having accessible toilets. Or they can be caused by people's attitudes to difference, like assuming disabled children can't play with other children.

The social model helps us recognise barriers that make life harder for disabled people. Removing these barriers creates equality and offers disabled people more independence, choice and control.

- 21. Flat paths with a well maintained, solid surface both into and around the playground
- 22. Inclusive play equipment on solid surfaces like rubbery ground, or concrete
- 23. Fences around the playground
- 24. Accessible toilets, including [changing places toilets](#)

It should not have:

Only grass, sand, loose woodchips or other hard-to-wheel on paths into the playground, and in the playground itself

- Gates that are too narrow for a wheelchair to get through, such as kissing gates designed to keep bikes out.
- Inclusive equipment on loose surfaces, like those already listed

#### **Plan to play**

This principle looks at the engaging the senses.

When thinking about play, there are 6 senses that should be planned for. Whilst not all playgrounds will cover all 6 senses, a great playground will engage them all.

These are:

- Touch
- Smell
- Sound
- Sight

- Proprioception which is an awareness of location and movement of our bodies
- Vestibular, which is the awareness of balance and spatial orientation

### **Plan to rest and recharge**

This principle looks at the providing downtime.

- The opportunity for regular rest stops is a necessary function of playground design. This is vital to keep disabled children playing who might need breaks.
- Tables and benches should be where they won't block access. Picnic tables should allow for a wheelchair user to sit at the table.
- Seating with back rests and arm supports are best.

### **Plan to engage**

This principle looks at the promoting the inclusive playground.

This involves promoting the inclusive play space within the community through accessible, easy to find channels like the local council's website, social media and signage. When local councils provide information regarding the accessibility of equipment and facilities at the playground, this helps families to make an informed decision about the suitability of the park for them.

### **Universal design**

Universal design is the concept of creating environments that are accessible to everyone. The principle is that by eliminating a barrier for one group, more people overall can use it.

For example:

- A playground with a sensory garden is great for engaging autistic children. But it also provides learning opportunities about nature for all children.
- A fence around the playground keeps children with a learning disability, who are less aware of the dangers of a road, in a safe place. But it also keeps all children safe.

The Let's Play Fair campaign takes a universal design approach. The playground becomes a more inclusive place for all children. This is a useful concept to return to when trying to advocate for changes at a playground.

### **Accessible playgrounds: equipment and features**

When advocating for features and equipment you want to see in your playground, consider the 6 senses and universal design principles to make your argument.

Below is a non-exhaustive list of inclusive play equipment and features. You can use these to get specific about what you want to see in your playground, and what it is lacking.

## **Equipment**

- Wheelchair accessible Roundabout
- Seesaw with back support and a footrest or a wheelchair accessible seesaw
- High-back swing
- Large nest swing
- Variety of play panels which offer opportunities to explore the senses of light, touch and sound and games to play with others
- Double width slide – so an adult can accompany their child down the slide
- Play frames which have ramped access
- Wheelchair accessible swing
- In ground trampolines (at least 2 meters by 2 meters) to allow a parent/carer to accompany their child.
- Playhouses which allow wheelchair access
- Contained, step-free sandpits
- Musical equipment

## **Features**

- Shaded areas
- Private spaces
- Benches with backs and armrests.
- Landscape which offers play value such as hills for rolling or trees for playing hide and seek.
- Sensory garden
- Water features
- Soft, rubbery floor surfaces
- Ramps to high-up equipment
- Fencing around the playground
- Wide gates
- Colour contrast around equipment
- Changing places toilets

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## Report of the Portfolio Holder for Resources and Personnel Policy

### Budget Consultation 2025/26

#### 1. Purpose of Report

To report the results of the recent 2025/26 budget consultation exercise. This is in accordance with all of the Council's Corporate Plan Priorities.

#### 2. Recommendation

**Cabinet is asked to NOTE the outcome of the Budget Consultation and to CONSIDER the findings as part of the budget setting process for 2025/26.**

#### 3. Detail

As with earlier budget consultation exercises, a web-based survey publicised through social media has been used to consult on the 2025/26 budget. This included no reference to any specific policy options but sought views on all Council services and indications of satisfaction, or otherwise, with these as well as the way in which they are provided and with the local area generally.

Local people were asked for their preferred approach to balancing the Council's budget and to provide an indication as to which services they thought should have their funding increased, decreased or remain the same.

Residents were asked how frequently they access Council services and how satisfied they were with the way in which this can be done. They were also asked how they prefer to conduct business with the Council and if they would consider accessing services in another way. There was a question regarding the Council's approach to climate change. Finally, they were asked if they thought that the Council listened to them.

Respondents were also asked to provide demographic data, including which area of the Borough they live in so that any correlation between location and satisfaction levels could be analysed.

A total of 1,290 responses were received on the extended survey. Although the response was slightly lower than the 1,393 received in 2023, it is still above the 1,210 received in 2022 and significantly higher than those received in 2021 (606), 2020 (277) and 2019 (407). The results are summarised in the **Appendix** along with a summary of the demographic data for the respondents.

#### 4. Key Decision

This is not a Key Decision.

**5. Updates from Scrutiny**

Not applicable.

**6. Financial Implications**

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

The budget consultation with local residents provides useful feedback to inform the budget setting process that will culminate in the overall budget report being recommended to Council for approval on 5 March 2025.

**7. Legal Implications**

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

Section 65 of the Local Government Finance Act 1992 places a duty upon local authorities to consult representatives of non-domestic ratepayers before setting the budget. Whilst there is no specific statutory requirement to consult with residents, local authorities were placed under a general duty to 'inform, consult and involve' representatives of local people when exercising their functions by the Local Democracy, Economic Development and Construction Act 2009. This was repealed and replaced by more prescriptive forms of involvement by the Localism Act 2011.

**8. Human Resources Implications**

There were no comments from the Human Resources Manager.

**9. Union Comments**

Not applicable.

**10. Climate Change Implications**

The budget consultation exercise included asking how satisfied residents are with the Council's approach to tackling climate change. The outcome is considered in the appendix.

**11. Data Protection Compliance Implications**

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

**12. Equality Impact Assessment**

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

**13. Background Papers**

Nil.

**Appendix****Summary of Responses**

The analysis of ethnicity indicates a bias towards White British respondents (87%). A further 5% of respondents indicated they considered themselves to be White Irish or White Other (similar to previous years). Around 8% (98 responses) were received from people who identified as being Asian or Chinese or Black or Mixed race and any other ethnic group categories (increased from 69 responses, 5% last year). The sample of respondents was not considered to be wholly representative of the local communities in Broxtowe.

In terms of gender, 49% of the respondents were male, with 48% female and others being another way or prefer not to say. Around 84% of respondents identified as being over 45 years old with 23% being between 45 and 59 years, 14% between 60 and 64 years, 31% being between 65 and 74 years and 16% over 75. The number of younger respondents was lower than previously with 16% of responders being under 45 compared to 17% in the previous year.

Around 24% of responders identified themselves as being disabled or with long term health problems limiting daily activity, a similar level to the previous year.

In terms of geographical location, Beeston residents responded the most (25%), with residents in Chilwell accounting for 12% of respondents and Stapleford at 13%. Other areas included Bramcote (10%), Eastwood (7%), Kimberley (5%), Nuthall (5%) and Toton (5%). The splits across each area were broadly similar to previous years and there was at least one respondent from every area. Further consideration needs to be given as to how take up of the survey can be improved in Stapleford and in the north of Broxtowe.

A total of 1,241 responders confirmed that they were Council Taxpayers, which at 96% was similar to previous years.

A full breakdown of gender, age ranges, ethnicity, disability and location is included later in the appendix. As a proportion of the total population of Broxtowe, the number of respondents means that the results cannot be taken as statistically significant. It is advisable to only consider the results as indications of local views rather than attempt to draw strategic conclusions from the detailed responses.

## **Satisfaction with Services**

The questionnaire asked residents “how satisfied or dissatisfied are you with the way in which the Council provides services; and your local area as a place to live.”

In overall terms, local people are satisfied with the borough of Broxtowe and the Council’s management of it. The results show that 69% of people (871 respondents) were either ‘satisfied’ or ‘very satisfied’ with the area in which they live which is slightly less than the 71% positive response in the previous year. Over 55% are either ‘satisfied’ or ‘very satisfied’ with the way that the Council delivers services (706 respondents), which again is less than 58% in the previous year. This level of satisfaction is very similar to the national picture.

A further 29% had a neutral stance. However, 3% of people are ‘very dissatisfied’ with the way that the Council delivers services which is slightly improved on last year’s consultation.

The progress with satisfaction rates between years, as part of the Budget Consultation process, can be seen in the following tables:

- Overall, how satisfied or dissatisfied are you with the way in which the Council provides its services?

	2020/21	2021/22	2022/23	2023/24	2024/25
Responses	275	604	1,204	1,377	1,284
Satisfied or very satisfied	63.6%	64.7%	65.2%	58.2%	55.0%
Neutral	28.4%	25.0%	25.2%	26.5%	29.0%
Dissatisfied or very dissatisfied	8.0%	10.3%	9.6%	15.3%	16.0%

- Overall, how satisfied or dissatisfied are you with your local area as a place to live?

	2020/21	2021/22	2022/23	2023/24	2024/25
Responses	275	602	1,189	1,379	1,268
Satisfied or very satisfied	72.7%	76.3%	76.0%	71.1%	68.7%
Neutral	10.9%	13.3%	14.1%	15.8%	15.0%
Dissatisfied or very dissatisfied	16.4%	10.4%	9.9%	13.1%	16.3%

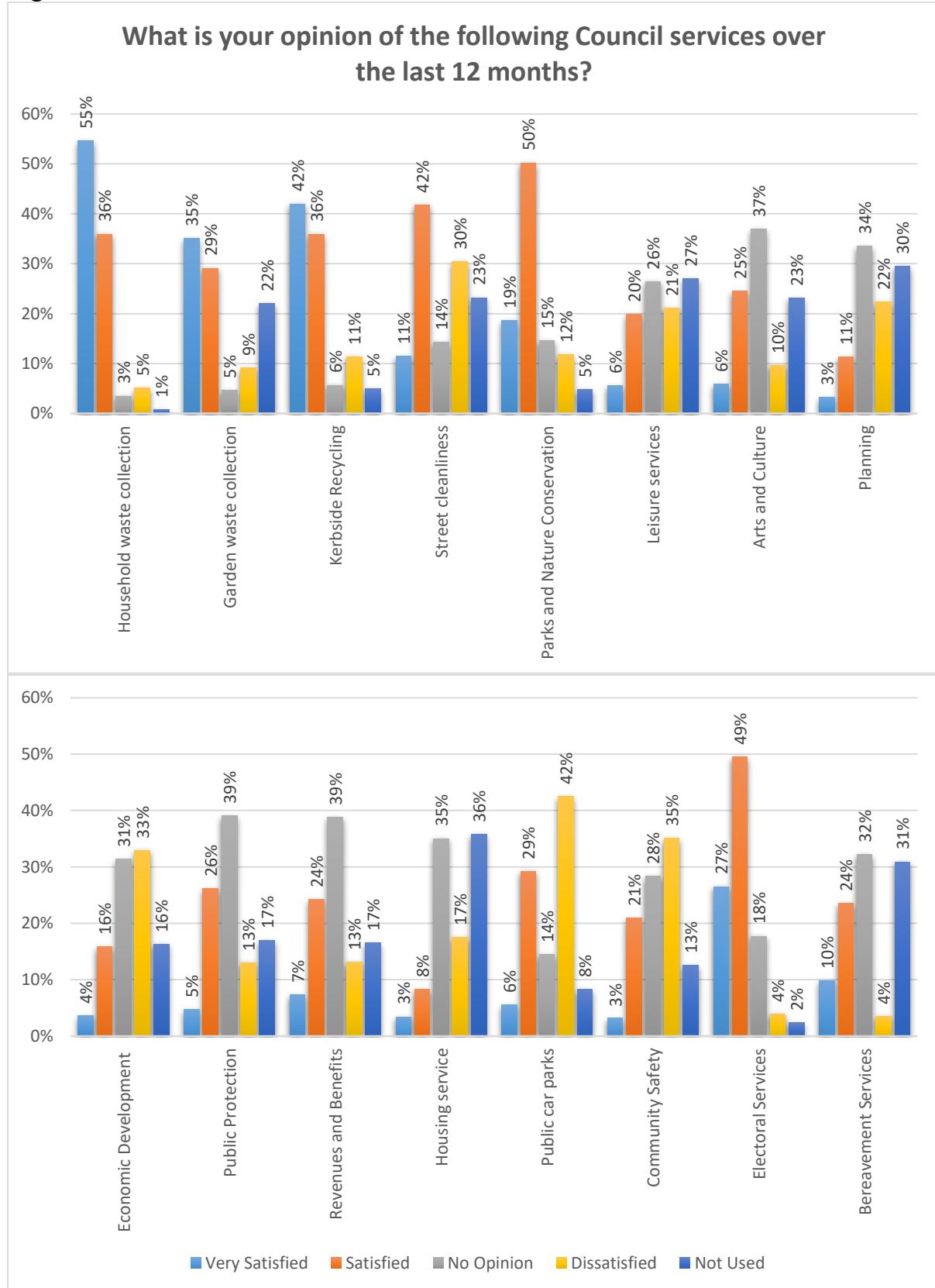
By way of national comparison, the LGA’s local government customer satisfaction survey in October 2024 gave a score of 56% of people being very or fairly satisfied with the service their council gives, and 74% of people being very or fairly satisfied with their area as a place to live in.

Figure 1 below analyses the level of satisfaction with individual Council services over the last twelve months. The services with the highest satisfied responses were Household Waste Collection (*black lidded bin*) with 91% (down from 92%); Kerbside Recycling (*green lidded bin, glass bag or red lidded glass bin, textiles*) with 78% (no change); Electoral Services with 76% (up from 71%); Parks and Nature Conservation with 69% (down from 76%); and Garden Waste Collection (*brown lidded bin*) with 54% (down from 65%) of responders being satisfied or very satisfied.

By way of national comparison, the LGA's local government customer satisfaction survey in October 2024 gave a score of 76% very or fairly satisfied with waste collection; 74% satisfied with parks and open spaces; 57% satisfied with street cleansing and 50% satisfied with sport and leisure.

The services with the highest levels of dissatisfied responses were Public Car Parks at 42% (worsened from 24%); Community Safety (*anti-social behaviour, domestic abuse, alcohol awareness*) with 35% (worsened from 31%); Economic Development (*support to businesses, regeneration, Town Centre Management, business growth*) at 33% (worsened from 23%); Street Cleanliness (*litter collection, graffiti removal, fly tipping, neighbourhood wardens*) with 30% (worsened from 28%); Planning (*planning applications and planning policy*) with 22% of responders (worsened from 20%); and Leisure Services (*leisure centres, sports development*) with 21% of responders (worsened from 18%). These rankings are similar to those seen in previous years.

Figure 1:



## **Spending on Services**

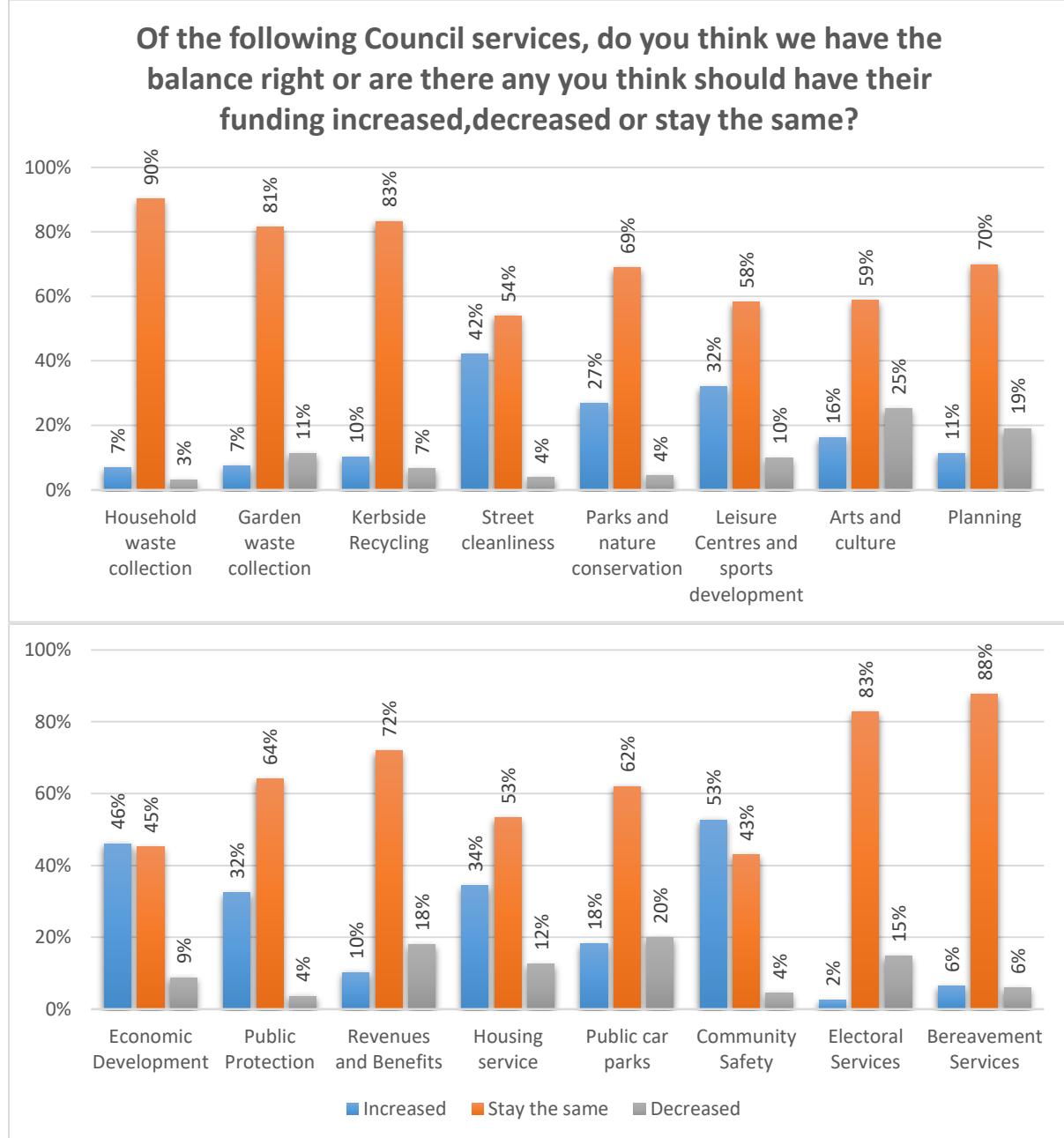
When asked about spending on services and whether the Council has the balance right or are there any services where funding should be increased, decreased or stay the same, Community Safety scored the highest again at 53% (previously 49%) in terms of respondents thinking their funding should be increased. This was followed by Economic Development at 46% (up from 38%); Street Cleanliness at 42% (previously 41%); Housing Service (*housing options advice, homelessness, provision of affordable housing, tenancies*) at 34% (down from 36%); Public Protection (licensing, food hygiene inspections, nuisance complaints) at 32% (up from 29%); Leisure Centres and Sports Development 32% (no change); and Parks and Nature Conservation 27% (down from 29%).

Arts and Culture at 25% (was 24%); Public Car Parks at 20% (was 12%); Planning (*planning applications and planning policy*) at 19% (was 18%); Revenues and Benefits (*housing benefit and council tax support payments*) at 18% (was 18%); Electoral Services (elections, voting) at 15% (no previously listed) and Housing Service 13% (was 12%) scored the highest in terms of respondents thinking their funding should be decreased.

These are similarly ranked to previous responses although the scores were generally higher.

Household Waste Collection at 90% (previously 91%), Kerbside Recycling at 83% (was 82%) and Garden Waste Collection at 81% (was 85%) scored highest in terms of respondents thinking their funding should stay the same. This could be interpreted as indicating a relationship with satisfaction levels as these services secured high satisfaction ratings. This pattern is reflected in most services with respondents consistently voting more for the funding of services to stay the same.

Figure 2 provides detailed analysis on whether spending on services should be increased, decreased or stay the same across a range of Council activities.

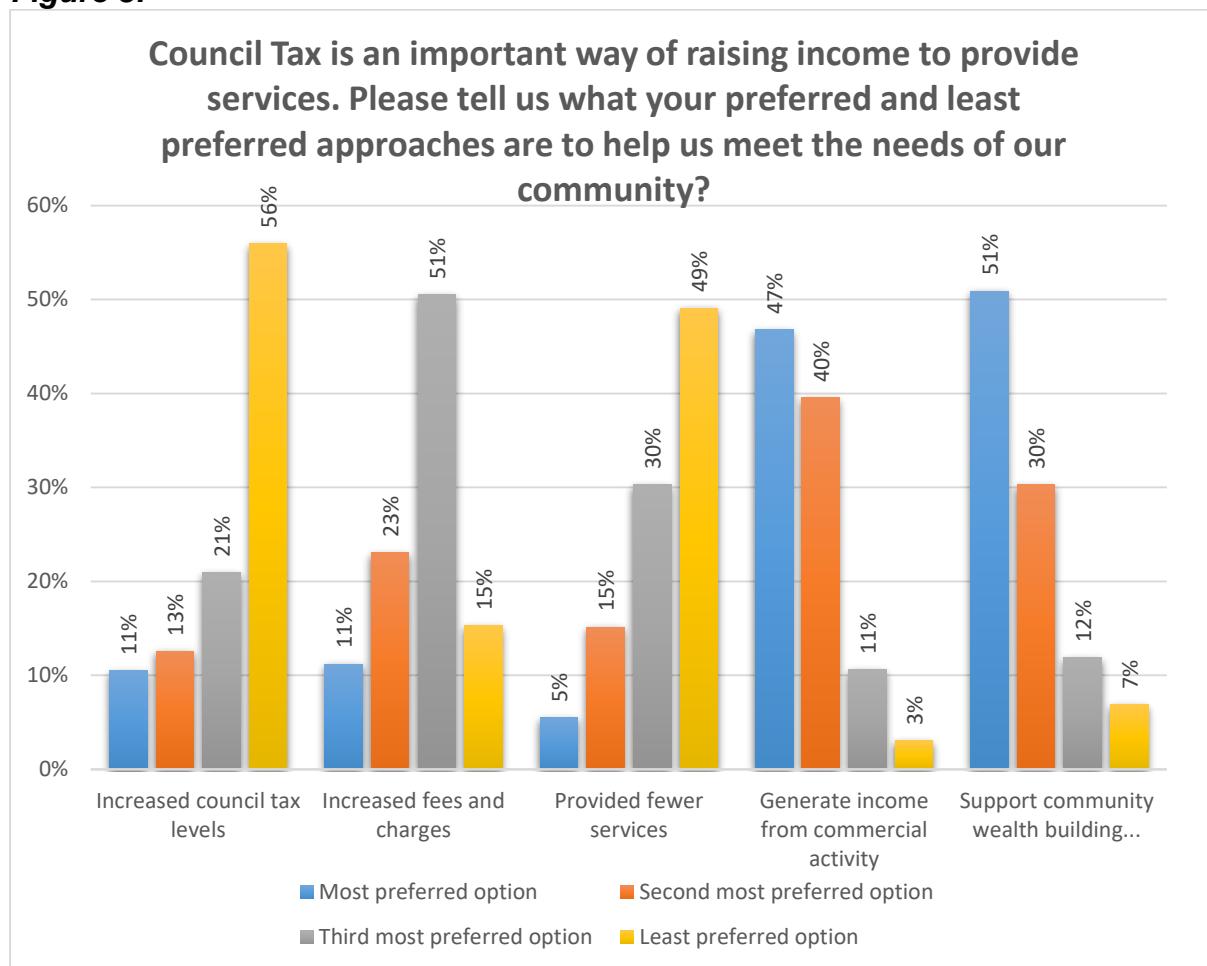
**Figure 2:**

### Balancing the Budget

The questionnaire asked that “Council tax is an important way of raising income to provide the services that we rely on in the community. Please tell us what your preferred and least preferred approaches are to help us meet the needs of our community”. Respondents were asked to state their preferred and least preferred approaches are to help us meet the needs of our community?

By far the most preferred option for balancing the budget was a new option to “support community wealth building approach to economic development, which redirects wealth back into the local economy and places control and benefits into the hands of local people” at 51%. The next most preferred option was to “generate income from commercial activity” at 47% (previously 72%), followed by “increased fees and charges” at 11% (previously 8%) and “increased council tax levels at 10% (previously 14%). The least preferred option for balancing the budget was increasing council tax levels with 56% (previously 40%) followed by to provide fewer services with 49% of respondents (previously 52%). The responses are provided in Figure 3 below.

**Figure 3:**



### Communicating with the Council

As in previous years, respondents were asked whether they feel the Council listens to them. Over 24% of responders agreed or strongly agreed with the statement (up from 22% previously), whilst 42% were neutral. Almost 34% of responders disagreed or strongly disagreed with the statement (was 32%). This is a slightly improved position from the previous consultation.

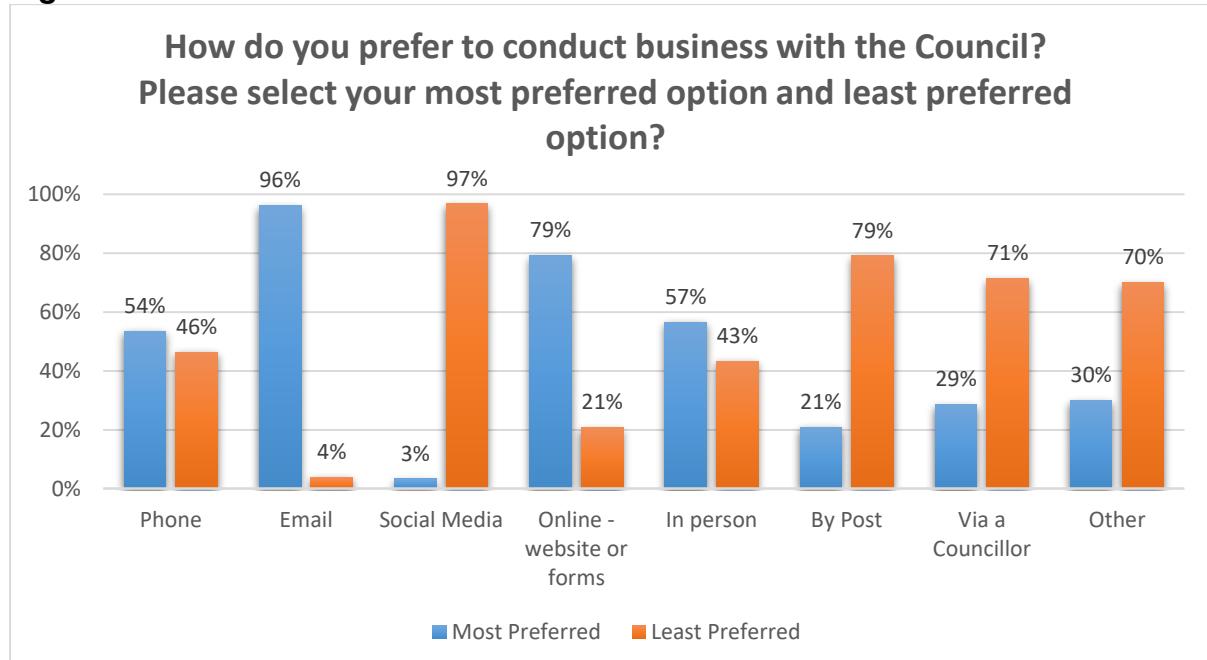
To obtain further information on how to shape services in future, local people were asked about how satisfied they are with the ways they can access Council services and how they prefer to contact the Council to do business. Over 51% of respondents were either very satisfied or satisfied with the way they can access Council services (previously 51%). Around 16% of respondents were either very dissatisfied or dissatisfied with the way in which they can access Council services (was 17%). However, 32% were neither satisfied nor dissatisfied (i.e. neutral) which is similar to previous years.

The large majority of responders at 78% only contacted the Council 'a few times a year' (up from 75%), with 20% of responders stating that they contact the Council on a weekly or daily basis (up from 14%).

In terms of what methods of communication local people prefer to use, there was again clearly a preference in the budget consultation for email contact (548 'positive' responses being 96%) and online which reinforced the results from recent years. It must be remembered however that all respondents were already able to access services online by virtue of them completing this survey.

Communicating via social media e.g. Facebook and Twitter was again the least preferred method of conducting business with the Council (415 responses) followed by 'phone' (199) and 'by post' (140). Further details are set out in Figure 4 below.

**Figure 4:**



## **Digital Strategy**

The Council is reviewing its Digital Strategy as it looks to continually develop and enhance its services to the community. The questionnaire asked “Do you believe the Council provides an appropriate level of digital accessibility?” Overall 48% of responders stated ‘yes’ with 27% saying ‘no’. The remaining were listed as ‘others’ and provided comments which have been taken on board by management.

## **Climate Change**

The questionnaire asked “how satisfied are you with the Council's approach to tackling climate change?” This was the third time that such this question was included on the budget consultation. Overall 33% of responders were either very satisfied or satisfied with the Council's approach (up from 26% previously), with a further 55% providing a neutral response (was 62%). The remaining 12% were either very dissatisfied or dissatisfied with the approach (previously 12%).

## **Implications and potential responses to the survey for budget setting**

1. Apart from surveillance cameras, which is a significant funding commitment and where the Council has maintained and improved provision over recent years, the budget for community safety is modest and reliant on external sources of funding which have to be bid for from agencies whose funding is being scaled back in future years by government. Even a relatively modest increase (say £10,000) in the revenue budget for community safety could make a difference in the Council being able to fund small initiatives which could enable work with voluntary groups for example with young people to address anti-social behaviour or diversionary activity. This may be worth consideration by Members.
2. In response to public demand for more investment in street cleansing, the Council is entering into a contact with a supplier which will result in more capacity to address enforcement activity targeted at littering and fly tipping. Any proceeds from this activity will be reinvested back into street cleansing services.
3. In response to public demand for more investment in economic development, work will continue to fully implement investment projects in Stapleford and Kimberley for which funding is already obtained. This represents significant additional investment and will be visible in these areas. The Council will continue to work with the East Midlands Combined Counties Authority (EMCCA) to try to attract funding for places such as Eastwood, and a share of any future UKSPF funding for our communities.
4. In response to public demand for more investment in Housing, the Council intends to continue to commit within its capital programme to the most substantial investment in new housing and buy back of former council homes

and other sites for redevelopment than it has ever done. The Council will continue to bid for external resources for new housing through EMCCA and Homes England.

5. On health and leisure, the completion of a new community leisure facility for Stapleford at Hickings Lane will be a substantial and additional investment in leisure in that area. The Council will continue to attempt to find sufficient funding to develop a new leisure centre at Bramcote and already has a significant sum within its capital programme committed to continue feasibility work.
6. The Council intends to keep under review the quality of charges for and the cost of provision of car parking. It continues to have ongoing discussions with local businesses in town centres about schemes to support the attraction of shoppers into the Borough's towns. There are no plans to further propose any increases to charging and free charge periods have been extended during the current financial year, and could be in next year as well.

**Demographic Data**

Gender	Number of Reponses	2024 %	2023 %
Male	620	48.9	49.4
Female	604	47.6	46.8
Another Way	9	0.7	0.4
Prefer not to say	36	2.8	3.7
<i>Not stated – 21</i>	1,269		

Age	Number of Reponses	2024 %	2023 %
Under 18	2	0.2	0.1
18 – 24	11	0.9	0.3
25 – 29	17	1.3	1.9
30 – 44	176	13.9	14.8
45 – 59	293	23.1	26.3
60 – 64	172	13.6	12.4
65 – 74	391	30.9	27.8
Over 75	204	16.1	16.5
<i>Not stated – 24</i>	1,266		

Ethnicity	Number of Reponses	2024 %	2023 %
White – British	1,090	87.0	90.1
White – Irish	17	1.4	0.7
White – Other	48	3.8	4.1
Asian or Asian British – Indian	14	1.1	1.2
Asian or Asian British – Pakistani	10	0.8	0.2
Asian or Asian British – Bangladeshi	2	0.2	-
Asian or Asian British – Other background	10	0.8	0.4
British or Black British – Caribbean	8	0.6	0.4
British or Black British – African	9	0.7	0.2
British or Black British – Other background	1	0.1	0.1
Mixed - White and Black Caribbean	4	0.3	0.4
Mixed - White and Black African	-	-	-
Mixed - White and Asian	6	0.5	0.3
Mixed - Other background	7	0.6	0.1
Chinese	8	0.6	0.4
Any other ethnic group	19	1.5	1.5
<i>Not stated – 37</i>	1,253		

Do you consider yourself as disabled or have any long-term health problems that limit daily activity?	Number of Reponses	2024 %	2023 %
Yes	310	24.5	24.4
No	954	75.5	75.6
<i>Not stated – 26</i>	1,264		

Which of the following areas do you live in?	Number of Reponses	2024 %	2023 %
Attenborough	36	2.9	2.5
Awsworth	14	1.1	1.2
Beeston	312	24.7	23.0
Bramcote	132	10.4	7.8
Brinsley	21	1.7	1.8
Chilwell	156	12.3	12.9
Cossall	3	0.2	0.5
Eastwood	94	7.4	7.8
Greasley	38	3.0	3.4
Kimberley	64	5.1	7.1
Newthorpe	35	2.8	3.7
Nuthall	67	5.3	6.1
Stapleford	163	12.9	12.7
Strelley	12	1.0	0.1
Toton	63	5.0	4.7
Trowell	31	2.5	3.1
Watnall	24	1.9	1.7
<i>Not stated – 25</i>	1,265		

## Report of the Chief Executive

### **Report on Regulation of Investigatory Powers Act 2000 Policy**

#### **1. Purpose of Report**

To seek Cabinet approval for the Regulation of Investigatory Powers Act 2000 (RIPA) Policy and to inform Members that none of the RIPA powers have been used in the last 12 months. This relates to the Council's Corporate Plan Priority for the Community Safety priority: to make Broxtowe a safe place for everyone.

#### **2. Recommendation**

**Cabinet is asked to RESOLVE that the Policy for ensuring compliance with RIPA is appropriate and shall remain as currently drafted and to NOTE that there has been no use of the RIPA powers in the last 12 months.**

#### **3. Detail**

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

A RIPA Policy is included at **Appendix 1** and the proposed changes to it are in the table at **Appendix 2**. No substantive changes have been proposed as the existing policy remains fit for purpose. One minor change has been made which is a grammatical correction.

The policy also requires Members to consider the use of the RIPA powers (on an annual basis) to ensure it is being used in accordance with the legislation. There has been no use of the RIPA powers since July 2015. This is due to the fact that these powers were only used previously by the Council in relation to the investigations into benefit fraud and this function was transferred to the Department of Work and Pensions in 2015. Additionally, these powers should only be used in exceptional circumstances and because the Council has not used them reflects a positive position.

The Council ensures that Officers who are responsible for undertaking tasks outlined in the Policy conduct regular training relating to the law and procedure in relation to this legislation so they properly understand their responsibilities and operate within regulatory requirements.

#### **4. Key Decision**

This is not a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

**5. Updates from Scrutiny**

Not applicable

**6. Financial Implications**

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

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

**7. Legal Implications**

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

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

**8. Human Resources Implications**

Not applicable.

**9. Union Comments**

Not applicable.

**10. Climate Change Implications**

Not applicable.

**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**

Not applicable.

**13. Background Papers**

Nil.



Broxtowe  
Borough  
COUNCIL

**Regulation of Investigatory Powers  
Act 2000 (RIPA) Policy**

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## **Introduction**

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

## **Applications for Authority**

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

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

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

## **Training**

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

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

## **Central Register and Records**

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

# REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

## GUIDANCE – PART I

### DIRECTED SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCE

#### 1. Purpose

The purpose of this guidance is to explain:

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

#### 2. Introduction

2.1 This Act came into force in 2000 is intended to regulate the use of investigatory powers exercised by various bodies including local authorities, and to ensure that they are used in accordance with the human rights legislation. This is achieved by the requirement for certain investigations to be authorised by an appropriate Officer together with judicial approval. From 1 November 2012 local authority authorisations and notices under RIPA will only be given effect once an order has been granted by a Justice of the Peace. See **Appendices C and D** for Home Office Guidance.

2.2 The investigatory powers which are relevant to a local authority are directed covert surveillance and covert human intelligence sources ('CHIS') in respect of specific operations involving criminal offences that are either punishable, whether on summary conviction or indictment by a term of imprisonment of at least six months, or are related to the underage sale of alcohol and tobacco. The Act makes it clear for which purposes they may be used, to what extent, and who may authorise their use. There are Codes of Practice relevant to the use of these powers which are attached as **Appendix E**.

2.3 Consideration must be given, prior to authorisation as to whether or not the surveillance and associated collateral intrusion is **necessary** and **proportionate** i.e. whether a potential breach of the human rights legislation is justified in the interests of the community as a whole, or whether the information could be obtained in other ways.

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

### **3. Scrutiny and Tribunal**

#### **3.1 External**

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

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

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

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

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

- Award compensation

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

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

### 3.2 Internal Scrutiny

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

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

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

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

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

## 4. Benefits of RIPA authorisations

The Act states that, if authorisation confers entitlement to engage in a certain

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

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

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

## **5. Definitions**

- 5.1 'Covert' is defined as surveillance carried out in such a manner that is calculated to ensure that the person subject to it is unaware that it is or may be taking place. (s.26 (9)(a)).
- 5.2 'Covert human intelligence source' (CHIS) is defined as a person who establishes or maintains a personal or other relationship with a person for the covert process of obtaining/providing access to/disclosing, information obtained through that relationship or as a consequence of the relationship (s.26 (8)).
- 5.3 'Directed surveillance' is defined as covert but not intrusive and undertaken:
  - for a specific investigation or operations
  - in such a way that is likely to result in the obtaining of private information about any person
  - other than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorization under this Part to be sought for the carrying out of the surveillance (s.26(2)(2)).
- 5.4 'Surveillance' includes monitoring, observing, listening, with or without the

assistance of a surveillance device, and includes recording of any information obtained.

- 5.5 'Private information' includes, and possibly goes beyond, information relating to a person's private or family life, and aspects of business and professional life.
- 5.6 'Intrusive' surveillance is covert surveillance that is carried out in relation to anything taking place on any residential premises or in any private vehicle and involves the presence of an individual on the premises or in the vehicle or using a surveillance device. Broxtowe Borough Council may not authorise such surveillance.
- 5.7 'Authorising Officer' in the case of local authorities these are specified as the Deputy Chief Executive (and more senior Officers), Heads of Service, Service Managers or equivalent, responsible for the management of an investigation (see Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (SI 2010 No.521) As amended (from 1st November 2012) by the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources (Amendment) Order 2012 No. 1500. At Broxtowe Borough Council, they are nominated Heads of Service and above. (see Appendix F).
- 5.8 'Senior Responsible Officer' (see **Appendix G**) is responsible for:
  - The integrity of the process in place within the public authority for the management of CHIS
  - Compliance with Part II of the Act and with the Codes
  - Oversight of the reporting of errors to the relevant oversight Commissioner and the identification of both the cause(s) of errors and the implementation of processes to minimize repetition of errors
  - Engagement with the IPCO inspectors when they conduct their inspections, where applicable
  - Where necessary, oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner.

Within local authorities, the senior responsible Officer should be a member of the

General Management Team and should be responsible for ensuring that all authorising Officers are of an appropriate standard in light of any recommendations in the inspection reports prepared by the IPCO. Where an inspection report highlights concerns about the standards of authorising Officers, this individual will be responsible for ensuring the concerns are addressed.

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

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

**6. When does RIPA apply?**

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

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

- (a) Section 146 Licensing Act 2003 (sale of alcohol to children)
- (b) Section 147 Licensing Act 2003 (allowing the sale of alcohol to children)
- (c) Section 147a Licensing Act 2003 (persistently selling alcohol to children)
- (d) Section 7 of the Children and Young Persons Act 1933 (sale of tobacco, etc to persons under eighteen).

6.3 CCTV

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

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

#### 6.4 Special considerations in respect of social networking sites

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

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

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

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

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

*It is not unlawful for a member of a public authority to set up a false identity but it is inadvisable for a member of a public authority to do so for a covert*

*purpose without authorisation. Using photographs of other persons without their permission to support the false identity infringes other laws.*

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

## **7. Covert Human Intelligence Source**

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

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

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

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

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

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

parties to the relationship is unaware of the use or disclosure in question.

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

#### 7.3 Juvenile Sources

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

#### 7.4 Vulnerable Individuals

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

#### 7.5 Legal Advice

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

#### 7.6 Handler and Controller

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

The Handler has day to day responsibility for:

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

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

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

## 8. Authorisations

### 8.1 Applications for directed surveillance

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

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

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

obtained by overt means, and

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

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

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

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

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

## 8.2 Necessity

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

## 8.3 Proportionality

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

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

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

The following elements of proportionality should therefore be considered:

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

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

#### 8.4 Collateral intrusion

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

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

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

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

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

#### 8.5 Special consideration in respect of confidential information

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

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

#### 8.6 Legal privilege

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

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

8.7 Confidential personal information

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

8.8 Confidential journalistic material

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

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

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

8.9 Authorisations must be in writing.

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

8.10 Notifications to Inspector/Commissioner

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

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

#### 8.11 Applications for CHIS

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

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

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

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

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

#### 8.12 Judicial Approval of authorisations

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

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

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

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

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

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

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

The Justice of the Peace can:

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

## Appeals

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

### 8.13 Working in partnership with the police

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

## 9. Duration and Cancellation

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

This does not mean that the authorisation should be given for the whole period so that it lapses at the end of this time. The Authorising Officer, in accordance with s.45 of the Act, must cancel each authorisation as soon as that Officer decides that the surveillance should be discontinued.

Authorisations should continue for the minimum period reasonable for the purpose they are given and in any event will not last longer than 3 months.

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

## **10. Reviews**

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

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

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

## **11. Renewals**

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

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

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

## **12. Central Register of authorisations**

12.1 The authority must maintain the following documents:

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

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

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

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

- type of authorisation
- date the authorisation was given

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

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

### **13. Retention of records**

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

### **14. Complaints procedure**

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

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

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

## REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

### APPENDIX A

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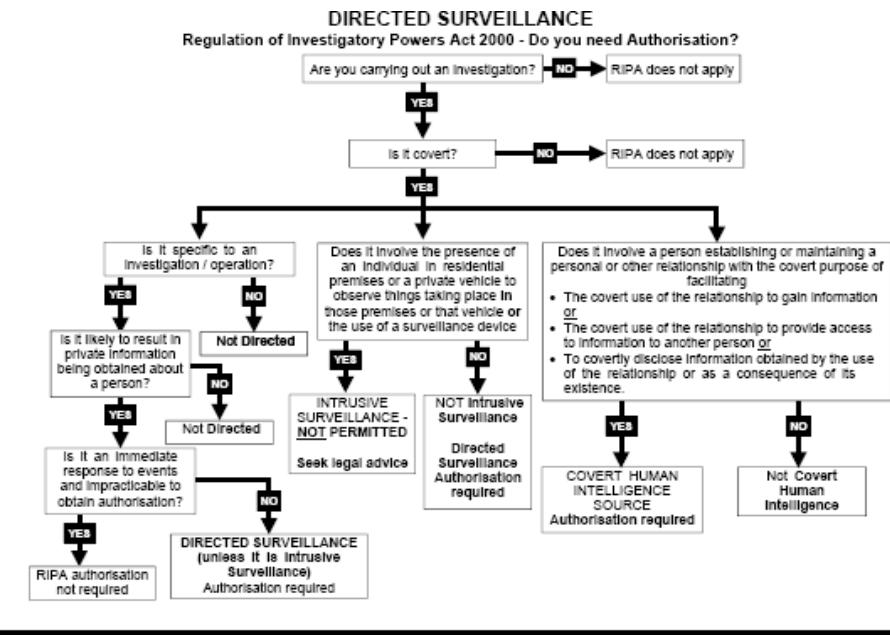
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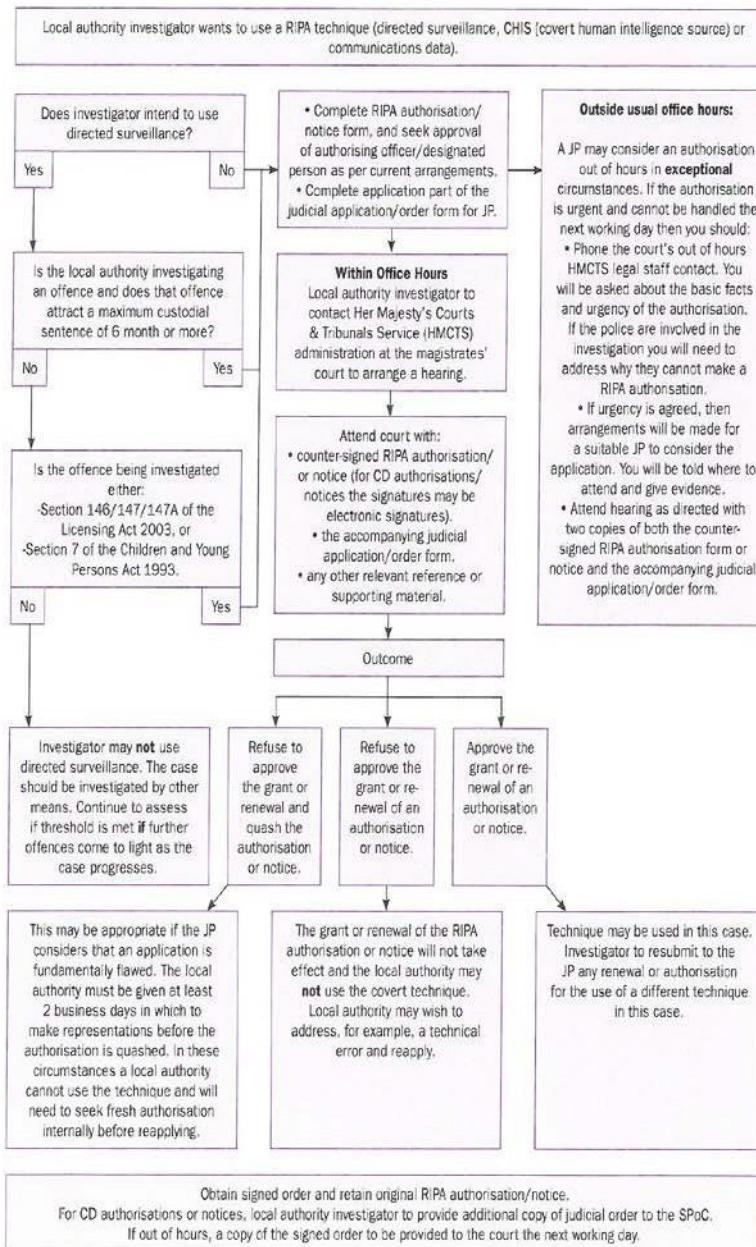
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REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

## APPENDIX B



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



REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

## APPENDIX C

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REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

## APPENDIX D

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

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

## APPENDIX E

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384975/Covert\\_Surveillance\\_Property\\_Interference\\_web\\_2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384975/Covert_Surveillance_Property_Interference_web_2.pdf)

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

## APPENDIX F

### ***BROXTOWE BOROUGH COUNCIL'S AUTHORISING OFFICERS***

***CHIEF EXECUTIVE***

***DEPUTY CHIEF EXECUTIVE/SECTION 151 OFFICER***

***HEAD OF REVENUES AND BENEFITS and Customer Services***

***HEAD OF HOUSING***

***HEAD OF LEGAL AND DEPUTY MONITORING OFFICER***

REGULATION OF INVESTIGATORY POWERS ACT 2000  
(RIPA)

## APPENDIX G

**Senior Responsible Officer**

Chief Executive

**RIPA Co-ordinating Officer**

Head of Legal Services and Deputy Monitoring Officer

## Appendix 2

RIPA Policy Section	Suggested Change	Reason for Change
Scrutiny and Tribunal Paragraph at 3.1.2 Page 6	<p>Existing Text:</p> <p>The IPCO <del>OSC</del> has “a duty to keep under review the exercise and performance by the relevant persons of the powers and duties.”</p> <p>Suggested Text:</p> <p>The IPCO has “a duty to keep under review the exercise and performance by the relevant persons of the powers and duties”.</p>	Grammatical error

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## **Report of the Portfolio Holders for Economic Development and Asset Management, and Resources and Personnel Policy.**

### **Biodiversity Net Gain Monitoring Fees**

#### **1. Purpose of Report**

To set out a charging schedule for monitoring of Section 106 (S106) agreements for Biodiversity Net Gain (BNG) sites for all sites where such an obligation exists and to justify this and seek approval. This is in accordance with several of the Council's Corporate Aims but especially the priority of Environment – protect the environment for the future.

#### **2. Recommendation**

**Cabinet is asked to RESOLVE that the charging schedule for the Biodiversity Net Gain monitoring fees set out in appendix 1 be approved.**

#### **3. Detail**

Mandatory Biodiversity Net Gain (BNG) commenced in February 2024, with any development larger than one dwelling legally required to contribute. This means there is a requirement for any developer to show an enhancement of 10% BNG on their respective development, and this must be in place for 30 years. The main reasoning behind this is historically the UK's BNG has significantly diminished and this approach would try and redress that balance. In some instances, this issue can be covered through a planning condition, but for the majority of cases this matter will be outlined within an accompanying S106 agreement agreed alongside any planning permission. The developer will be required to provide the Local Planning Authority (LPA) with a copy of its site monitoring reports at agreed intervals throughout the 30-year period.

Monitoring of activities by the LPA carry a significant cost, given that the burden of ongoing agreements will grow over time. The monitoring of land in BNG agreements will require review of condition reports and site visits by a qualified Ecologist at regular intervals. There will also be a further burden on Administration, Finance, and Legal. This is a resource/capacity issue that cannot be accommodated within the existing regime and as such a charging structure is proposed. The intention is to make full recovery of costs associated with Council Officer's monitoring the progress of BNG sites. Members are asked that the costs outlined in the **Appendix 1** are agreed. **Appendix 2** outlines some case studies from other LPA areas for comparison.

**4. Key Decision**

This report is a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

**5. Financial Implications**

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

There is a risk that not imposing monitoring fees would be detrimental to the Council's finances. Costs are expected to rise significantly over 30 years and the total caseload of agreements to be monitored will increase. An over-simplified charging structure could result in the Council failing to recover its costs in full or risk significantly over-charging developers. The monies collected for the BNG monitoring process will need to be ring-fenced within an earmarked reserve.

**6. Legal Implications**

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

Section 93 Local Government Act 2003 gives the Council the power to charge for discretionary services. Furthermore, regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 No 948, as amended by the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 gives specific powers for monitoring fees.

Whilst there are no direct legal implications of the new fees' calculator. New legal agreements to secure BNG will be mandatory in the BNG legislation so whilst the authority will have an increased legal burden resulting from BNG, the levying of a fee has no effect on that legal burden. There is current practice already within Legal Services to charge for work on S106 agreements (for any purpose). This proposal relates to additional planning and administration officer time associated with these additional S106 agreements. At present any such fees would have to be determined and negotiated ad hoc with each developer. The fees and charges calculator simply provides a standardised way to derive that fee in a way that accounts for true costs over 30 years.

**7. Human Resources Implications**

Not applicable.

**8. Union Comments**

Not applicable.

**9. Climate Change Implications**

The climate change implications are contained within the report.

**10. Data Protection Compliance Implications**

Not applicable.

**11. Equality Impact Assessment**

Not applicable.

**12. Background Papers**

Nil.

**Appendix 1**Justification

It is proposed that Broxtowe Borough Council charging structure follows a basic one off fee approach, based on the size of the development (which in turn directly links to amount of BNG). This approach is proposed based on the size of the borough and the number of BNG S106 agreements we are likely to receive.

Though this approach will need to be revisited in the future and amended if necessary.

Very small sites (less than 1ha)	£2000
Small sites (up to 5ha)	£4000
Medium Sites (up to 15ha)	£6000
Large Sites (above 15ha)	£8000
Very Large Sites (over 30ha)	£10,000

Larger sites and higher difficulty are reflected in increased time allowance or site visits and for reviewing the reports.

BNG is evaluated against Biodiversity Units which is the unit of measurement used by the Biodiversity Metric.

Policy Context

BNG must be achieved through creation of habitats on the development site, or where a deficit remains, on sites elsewhere (known as offsite BNG). The habitat value is quantified in Biodiversity Units (BUs) using a statutory metric. Areas of habitat are split into three distinct biomes: area, riverine, and hedgerow/line of trees, and then the area is assessed based on its quality and this is recorded as a BU score. The higher the quality of the BNG habitat the higher the BU score. Then any BNG enhancement (off or on site) must indicate a BU score which is 10% higher than that assessed initially, to comply with BNG regulations.

All habitats created or enhanced offsite must be secured by a Planning Obligation for a minimum of 30 years. Any significant BNG habitat onsite must also be likewise secured for the same timeframe.

Planning obligations are legal obligations entered into to mitigate the impacts of a proposed development. Planning obligations are normally secured through a legal agreement under S106 of the Town & Country Planning Act 1990 (as amended) and are a mechanism through which development proposals can be made acceptable in planning terms.

The Local Government Act 2003 -Section 93 provides the legislative basis for local authorities to charge for discretionary services such as the administration/monitoring of obligations within the S106 Agreement. An amendment to the CIL and S106 regulations in September 2019 (addition of Regulation 10) clarified that monitoring contributions could be sought through a S106 agreement provided (a) the sum to be paid fairly and reasonably relates in scale and kind to the development; and (b) the sum to be paid to the authority does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development.

Furthermore, the PPG Community Infrastructure Levy, Paragraph: 028 Reference ID: 74-028-20240214 provides for the local planning authorities to charge a monitoring fee through section 106 planning obligations, to cover the cost of monitoring and reporting on delivery of BNG obligations within that S106 agreement. (- <https://www.gov.uk/guidance/biodiversity-net-gain>)

Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime of that obligation. The PPG provides for the mechanism for charging the fees. It states that the "fees could be a fixed percentage of the total value of the S106 agreement or individual obligation; or could be a fixed monetary amount per agreement obligation (for example, for in-kind contributions). Authorities may decide to set fees using other methods. However, in all cases, monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring. Authorities could consider setting a cap to ensure that any fees are not excessive".

All off-site and significant on-site BNG will have to be secured by a legal agreement, specifying an agreed Habitat Management and Monitoring Plan. The developer or third parties (such as a Habitat Bank provider) acting on their behalf will provide the LPA with monitoring reports at specified intervals. Key monitoring points throughout the 30-year period, will be set out in the s106, for example in years 1, 3, 5, 10, 15, 20, 25 and 30 after the initial work to establish the habitats. (Total of eight monitoring years per site.)

At some monitoring intervals an external ecologist may also need to conduct a site visit to verify the ecology report. They may need to discuss remedial management actions with the biodiversity gain site manager, for example if the habitats are not on track to meet standards committed to in the agreement.

All of these activities carry a significant cost, given that the burden of ongoing agreements will grow over time as new developments, tied to 30-year commitments are granted planning permission. Further, the costs of staff time can be expected to grow year on year, so inflation effects should be considered. As an illustration, an assumed inflation rate of 3.5%, compounded yearly would make a cost approximately 2.8 times greater by year 30 compared to year one.

### Fee Charging

This report presents a proposed charging structure for Broxtowe Borough Council based on a monitoring fees calculator. The intention is to make full recovery of costs associated with Council Officers monitoring the progress of BNG sites.

The monitoring fees charging structure accords with the principle of making it cost neutral to the authority and in accordance with Regulation 10 of the CIL regulations.

The charging structure is based on estimated officer time at each monitoring event, related to both size (total habitat area to be monitored, in hectares) and complexity of the site (based on the highest technical difficulty category of the habitats included, using the difficulty scores in the Statutory Metric). We also include allowances for corporate overheads and inflation.

For benchmarking, the charging structures for BNG monitoring in several other English LPAs have been reviewed. These case study examples are included in Appendix 2, namely Leeds City Council, Buckinghamshire County Council, New Forest District Council, Bracknell Forest Council, Calderdale Council and South Cambridgeshire District Council.

In summary, most of the case study LPAs charge a one-off fee payable at the signing of the legal agreement to cover the costs over the 30 years and most include an index-linked element to account for inflation. Most also have charges tiered by size of the BNG site and some also by technical difficulty of creating or enhancing the habitats therein. It is proposed that Broxtowe generically follows a '*charges tiered by size of the BNG site*' approach.

Of all the benchmarked Councils, the lower end examples start their scale of charges at around £2,000 to £5,000. The upper end ranges are more variable, some open ended for large complex sites. Leeds City Council have a simple two-tier scale, charging £2,500 or £5,000 with the threshold for the higher fee being sites yielding more than 10 Biodiversity Units. However, it is not clear how they have arrived at those figures.

Buckinghamshire County Council developed the most comprehensive staff-time calculator spreadsheet: the smallest and simplest sites are charged £8,618 ranging to the largest and most complex sites charged at £50,316, for greater than 20ha. Buckinghamshire specified the most monitoring intervals (10) and used a much higher staff day rate of £700.

One benchmarked Council, Bracknell Forest, charges pro-rata by hectares, e.g. a 25ha site (large in BNG terms) would be £90,000 (versus £50,000 in the Buckinghamshire calculator) for the 30-year monitoring costs.

## Appendix 2

Benchmarking of BNG Monitoring and Reporting Fees: Case study examples for monitoring fees in other local planning authorities.

Council	Details	Comments
Leeds City Council	<ul style="list-style-type: none"> <li>-Charge a one off-fee for 'Biodiversity Monitoring &amp; Reporting Body' function</li> <li>-Two-tier fee, scaled by number of Biodiversity Units (BUs) involved in the agreement</li> <li>-£2,500 for up to 10 biodiversity units or £5,000 for over 10 biodiversity units (where units purchased directly from a private Habitat Bank or on developers' own land*)</li> </ul>	<ul style="list-style-type: none"> <li>-No indication of allowance for price inflation over 30 years.</li> <li>-Simple, easy to understand.</li> <li>-This applies only to non-council Council land.</li> <li>-They suggest cost is in line with similar monitoring obligations of other S106 items such as Highways</li> </ul>
Buckinghamshire County Council	<ul style="list-style-type: none"> <li>-Charging a one-off fee for Biodiversity Monitoring</li> <li>-Developed a Monitoring Fees Calculator – an excel spreadsheet based on estimated staff time</li> <li>-Uses an assumed officer day rate of £700</li> <li>-Uses an assumed inflation rate of 3.5% per annum</li> <li>-Uses an assumed corporate overheads multiplier of 1.4 (ie 40%)</li> <li>-Fees Calculator based on several input variables and pre-determined values:</li> <li>-Size of BNG offset site (small 0-10ha, medium 11-20ha, large &gt;20ha)</li> <li>-Technical Difficulty of BNG habitats involved (Low, Moderate, High – use highest present on site)</li> </ul>	<ul style="list-style-type: none"> <li>-Rather involved; initially complicated to understand but generates the figures automatically.</li> <li>-The calculator would be consulted for each new agreement.</li> <li>-Useful approach and the calculator could be adapted or simplified.</li> <li>-Fixed inflation projection could draw criticism.</li> <li>-Could also be used for levying a fee at time of each monitoring event rather than a one-off up-front payment, index linked for actual inflation using CPI or RPI.</li> </ul>

Council	Details	Comments
	<ul style="list-style-type: none"> <li>-Number of monitoring events = 10, plus initial review of plan year zero – Some years reviewing report only, some years report plus site visit (4, 5 or 7 occasions depending technical difficulty)</li> <li>-Estimated time per report or site visit (range: small sites of low diff to large sites of high difficulty)</li> <li>-Track record/ experience level of site manager (a lower scale if they already manage more than 10 existing sites for nature)</li> </ul>	
New Forest Council	<ul style="list-style-type: none"> <li>-Charging a one-off fee for Biodiversity Monitoring</li> <li>-Based on 10 officer days (at £400) plus 2.5 general officer support days (at £250) for review of reports</li> <li>-Based on five monitoring points at years 2, 5, 10, 20 and 30</li> <li>-Flat fee of £4,625, 'developments up to 50 units' (but units here meaning dwellings)</li> <li>-Developments over 50 units 'Minimum £4,625. Additional rate charged if physical inspection likely to take additional time.'</li> <li>-'Subject to annual indexation uplift using the Retail Prices Index (RPI).'</li> </ul>	<ul style="list-style-type: none"> <li>-RPI indexation applied to agreements is revised annually, but as it is still a one-off fee charged up-front this does not factor the ongoing cost (of officer time etc) increasing over the 30 years.</li> <li>-On the other hand, a very straightforward approach to inflation and there will be an income stream from new agreements which rises year on year with RPI.</li> <li>-Their proposals, as of March '22, also set out different fees for the range of other s106 agreements eg POS, affordable housing.</li> </ul>
Bracknell Forest Council	<ul style="list-style-type: none"> <li>-Charging a one off-fee for 'administration monitoring' of S106 agreements for BNG.</li> <li>-Scaled by area; up to one hectare £3600</li> <li>-Over one hectare £3,660/ha pro rata</li> </ul>	<ul style="list-style-type: none"> <li>-Based on estimate of hours 60hrs/ 60+hrs spent in admin and monitoring.</li> <li>-No mention of indexation so does not factor costs increasing over 30 years.</li> <li>-Pro rata the most expensive eg a 25ha site x £3,600 = £90,000 compared</li> </ul>

Council	Details	Comments
Calderdale Council	<p>-One-off charges payable 'to cover facilitation, monitoring and strategic biodiversity delivery':</p> <p>-£2,000 per Biodiversity Unit BU 'to cover the cost of monitoring over 30-year period'</p> <p>-£1,000 per BU 'strategic biodiversity delivery charge'</p> <p>-£2,000 per BU one-off 'facilitation charge' for Council owned land-banks</p>	<p>to Buckinghamshire's £50,000 for 20-40ha, high complexity.</p> <p>-The above were arrived at based on a proposal to sell BUs on Council land priced at £20,000 per BU.</p> <p>-The monitoring cost and the facilitation charge each being 10% of £20,000, the strategic charge being 5% of £20,000.</p> <p>-For Habitat Banks, only the strategic charge would be levied, £1,000.</p> <p>-Monitoring fee plus Strategic charge applies to other cases.</p> <p>-Facilitation charge applies to council land banks for baseline surveys, management plans etc.</p> <p>-Strategic fee to contribute to biodiversity projects such as LWS surveys and management advice.</p> <p>-Would query whether the strategic fee can be justified for BNG or whether a statutory duty of LPA.</p>

Council	Details	Comments
South Cambridgeshire District Council	<ul style="list-style-type: none"><li>- 'District Council Ecologist Monitoring Fee' payable at each monitoring event</li><li>- 'To cover the cost of monitoring the Habitat Site and reviewing the Management Plan and the Monitoring Report'</li><li>-Paid in 10 instalments years 1, 2, 3, 4, 5, 10, 15, 20, 25, 30</li><li>-Index Linked by Way Of CPI</li></ul>	<p>-Appears to be the only one of these case studies levying a fee at each monitoring event.</p>

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

**Eastwood Community Service Delivery Office for the CEDARS Project**

**1. Purpose of Report**

To consider a proposal for the Eastwood Community, Employment, Dementia Awareness, Resources and Services (CEDARS) Project to be located at 47 Nottingham Road, Eastwood.

**2. Recommendation**

**Cabinet is asked to RESOLVE that, subject to the conditions set out in paragraph 3 below, the Council agree to lease and refurbish 47 Nottingham Road, Eastwood to create the Eastwood CEDARS Office for a pilot period of two years**

**3. Detail**

Eastwood is an area which suffers from significant pockets of ill health, lower skills, higher unemployment and poor access to health and Department of Work and Pensions (DWP) services. Residents have to go to Heanor to access DWP services.

It is proposed to carry out refurbishment work on a high street property in Eastwood at 47 Nottingham Road, using Shared Prosperity Funding (UKSPF) and East Midlands Combined Council Authority (EMCCA) funds in order to create a multi-agency working and common service delivery hub for NHS, DWP, Council employees and other public and voluntary service partners. Provision within the hub would include:

- Private consultations on health related services
- Provision of employment advice
- Voluntary community offerings
- Carer support, especially for people with dementia
- Some Broxtowe Borough Council contact services such as community safety drop in events or health promotion.

The delivery of some services, including voluntary sector projects in the north of Broxtowe can be challenging. The penetration rates for several UKSPF funded skills services remain lower in the north of the Borough than in the south. The Citizens Advice Bureau resource office is a very valuable port for local people, but there are restrictions on the space available for expansion. Since the closure of the health centre a number of clinics and services have been disbursed across neighbouring settlements including Ilkeston and Heanor. The

Job Centre Plus offices are located in Ilkeston or Ripley. In an area with high unemployment and endemic health issues there is an unmet need for additional services to be attainable locally. It is arguable that the lack of local infrastructure is a barrier to inclusive growth.

Eastwood CEDARS could play a substantial role in addressing these inclusive growth issues, tackling the barriers experienced by those in Eastwood who are being left behind. Investment in Eastwood is the overriding priority for the Council as the town has not been a recipient of any large funding grants such as the Levelling Up Fund and Towns Deal. Ultimately, this project addresses one of the most important considerations for the Council which is to tackle health, financial inequality and deprivation within Eastwood and its surrounding areas. If approved quickly, it can be delivered in quarter four of the 2024/25 financial year. Multi-agency service delivery might also start in quarter four.

The proposal will make a substantial contribution to remove obstacles for employment within the town, additionally addressing severe health, both preventative as well as established conditions, and financial inequalities faced by those within Eastwood.

Service delivery by agencies is sporadic. This project brings all the pieces together to offer what is currently missed most. CEDARS building brings together service providers such as the DWP, Job Centre Plus, NHS, the Council and numerous voluntary sector community groups to deliver services. The building is small, but sufficient to provide a suitable base for a pilot to provide proof of concept, funded by available UKSPF resources and within an affordable overhead cost using resources across public sector agencies.

Offering face to face financial and health based services will provide opportunities to the residents of Eastwood, and those in the north of the borough that are currently lacking. Consequently, in interacting with several agencies, partner organisations can address those with multiple barriers to inclusion and growth directly.

The planned full refurbishment will install:

- Private consultation spaces
- An accessible disabled toilet,
- Adequate lighting through the building,
- Wheelchair and mobility friendly entrance, Desks and work spaces,
- A shower block that will be integrated into the toilet unit at the property's rear
- A striking visual impact and messaging from the street
- Small multi-agency meeting space for cross service pilots.

The recently announced Connect to Work programme which took centre stage for the Autumn Budget, this is a specific example of the service ethos supported by CEDARS, but unattainable without a resource base. CEDARS will provide a

platform for those with disabilities or health conditions to assist them to link up with job opportunities vacancies and support them to succeed in their roles.

Quotes have been attained for some of the work and it appears that the landlord would be willing to accept an advance on the rent for two years with favourable terms. The initial set up costs of around £55,000 for the project could be met from UKSPF. A bid has also been made to EMCCA for further funding. At an EMCCA board meeting on 16 December 2024 it was confirmed that all 19 local authorities including Broxtowe will receive some UKSPF funding for the next financial year, which could further underpin future revenue costs for the pilot period. Early resolution would allow the project to secure the lease and make a start.

**Appendix 1** – is a plan of the refurbished office.

**Appendix 2** – contains an outline business case for CEDARS.

Conditions to be satisfied

- Confirmation by DWP, and Health partners of their willingness to commit to the pilot project
- The devising of suitable rota arrangements between the agencies to ensure that the proposed facility can be safely staffed during advertised hours
- Further development and refinement of the business case in **Appendix 2**
- Completion of the refurbishment works required and compliance with all health and safety requirements.

#### **4. Key Decision**

This report is not a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

#### **5. Updates from Scrutiny**

Not applicable.

#### **6. Financial Implications**

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

The total cost of the scheme will be fully funded by an allocation from UKPSF grants. The schemes are recognised accordingly in both the revenue budget and the Capital Programme. Any shortfall in revenue funding in future years

would have to be met by an allocation from the Council's own General Fund reserves.

#### **7. Legal Implications**

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

Section 1 of the localism act 2011 gives the Council the power to do anything that individuals may generally do and section 111 of the local government act 1972 gives a local authority power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

The Council must have contracting processes so they have mechanisms to recover funding where beneficiaries do not comply with fund parameters, UK law or any local requirements. The Council will require partnership agreements and contracts, Legal (and procurement) will be formally instructed for support to safeguard the Council

Legal Services will be instructed at the earliest opportunity to review the lease agreement to ensure there is clarity around any obligations and conditions placed the Council are able to minimise any risk incurred.

Works, goods and services must be procured in accordance with the Council's contract procedure rules and Public Contracts Regulations 2015 and other relevant legislation.

#### **8. Human Resources Implications**

Not applicable.

#### **9. Union Comments**

Not applicable

#### **10. Climate Change Implications**

The climate change implications are contained within the report.

#### **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.

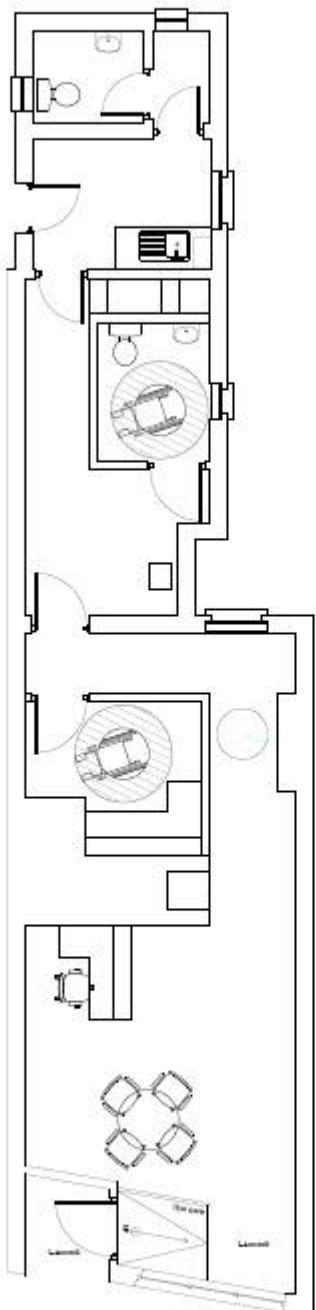
#### **12. Equality Impact Assessment**

Not applicable.

**13. Background Papers**

Nil.

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Proposed Plan 4



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Project: 47 Nottingham Road,  
Eastwood, NG16 3AN

Title: Floor Plan Option 4

Scale: 1:75 @ A3 Date: 05/11/2024

Drawn: AB Checked: SG Size: A3

Doc No: CW25.012.00

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**Appendix 2****Business Case for a UKSPF funded inter-agency office for the residents of Eastwood****Introduction**

There is a cost to the residents of Eastwood for receiving public services which is unacceptable in a community where income and opportunity is lowest. Since the Health Centre on Nottingham Road, closed in 2015 by NHS Nottingham West Clinical Commissioning Group due to issues within the building. Services such as District Nurses and specialist clinics are disbursed to other towns which include Ilkeston, Kimberley an Heanor. Those seeking Job Centre + services for benefits and work may also at times need to travel to Ilkeston or Ripley. Those with a car have the expense and carbon emissions to get there those without will have to pay up to £6.00 to travel by public transport. Both Health and DWP partners truly wish to see a platform for local service delivery and health in particular have been working tirelessly to bring services back into Eastwood. There is a rationale for some Council services to be delivered via the office and the voluntary sector would use it for dementia carers workshops and peer support.

The lack of health access points beyond GP services created the momentum for Durban House. Since the change of direction for Durban House, and the closure of the CIC, the Chief Communities Officer has led multi-agency discussions to find a solution to the above needs. Health partners have been particularly exercised about the need to find a community based location. Partners had been looking into various spaces around Eastwood and nothing came to light until the former insurance brokers at 47 Nottingham Hoard came to market. A joint effort by Estates, Regeneration, Capital Works and Community Services has scoped the following business case.

**Operational Asks**

There is a need to have a main meeting space / waiting area a confidential office for interviews and a clinical consultation room, small kitchenette, disabled toilet and accessible shower. The offices would need WIFI, telephony and modern electrical points. There would be some lockers for the safe storage of equipment. The "shop window" would have an LCD rolling display unit giving information about the services and other related matters – campaigns and so forth. There would be an intercom buzz in door.

The standard office layouts would be similar to the new rooms in reception at the Civic offices, albeit a bit smaller. The clinical consultation space would need the following modifications:

- Office would have a Clinical surface (i.e. no carpet, wipe able- germ resistant)
- Good quality lighting
- Desk/Table, 2 Chairs
- Power for camera and laptop (minimum 2 sockets)
- Secure storage

- Telephone Line
- Clinical Waste/General Waste
- Sink for handwashing (IPC)
- First aid provision

### **Refurbishment Costs**

Not all the quotations have been received at the time of this business case but based on a similar project the refurbishment and fit out costs for this property are estimated to be between £38,000 and £45,000.

### **Rental Costs**

The property was being marketed at £750 per calendar month but if the Council were prepared to pay in advance the rental would be reduced. With a further potential for some rent free period for betterment. Using a worst case scenario, the rent would be affordable probably less than £8,000 per annum. The Council have been offered a lease for three years with an option of a further two years in our favour. A break clause after two years or some rent free period in the three years would be an optimum agreement.

### **Operational Costs and Staffing**

It is intended that the building would be accessible by partners via a key safe and that there would be a common alarm that service users would have the code for. It is not intended that Broxtowe pays for any of the service delivery costs from other agencies, including their salaries. The intention is that the timetable would have at least two services operating there at a time, (or one service with at least two members of staff) so that there is no issue of lone workers. This could include a statutory service and a volunteer organisation. If the Borough Council employees are required to deliver services from there this would create an unknown unquantifiable cost and this business case would need revisiting. There is support from the Housing Department to deliver some face to face services in Eastwood at CEDARS.

### **Running costs**

Based on the previous operational use of the building which was open 6 days the following costs have been derived:

- Electricity at £90 to £100 per month – supplier British Gas
- Gas at £90 to £100 per month – supplier British Gas
- Water at £25 to £30 per month – supplier Water Plus
- Business Rates at £125 per month
- ICT Services at £90
- Alarm, cleaning and caretaking at £150
- Maintenance costs at £500 per month.

It is hoped there would be some savings using more energy efficient M&E but in total the building would require an annual operational budget of £7,580.

*Were the project unable to generate any income from other service providers it would be a net cost to the Council of £14,780 per annum.*

### **Income Assumptions**

Research for Durban House for those same community facilities has suggested that some of the clinics and counselling sessions would pay a sessional rate of around £12.00 (three to four hours). There are a number of Nottingham University Hospitals – NHS Trust services and Nottinghamshire Healthcare Foundation Trust services that are peripatetic and the PICS or its successor run health services from the three Eastwood surgeries, mostly in Church Street, but room capacity is at a premium. An example of the peripatetic service is the Greater Nottingham Diabetic Eye Screening Programme. They would require the clinical rooms up to 2 days per week, 8:30 till 4.pm and pay up to £115.00 per day.

The DWP do not appear to have access to any operational funding to contribute. DWP will not be able to pay for the sessions themselves, but their private or charity based partners will rent rooms and or table space. There has been a number of discussions with DWP to secure a peripatetic out-reach service at the office. Discussions with NHS are also positive but they are unlikely to be able to provide capital.

There are three rooms and its therefore hypothetically possible to generate income from all three but a safer scenario would be to suggest a maximum of two rooms are in use to scope for use by non-paying partners or Borough Council services. Table One below shows that with 2 days clinical hire the facility would be self-sufficient and with three days of full clinical hire it would make a small surplus. A limited shift towards more free use would also be possible based on 3 days' clinical use.

*Table One Specimen Income Schedule*

Day	Main Room	Private Room	Clinical Room
	Room One	Room Two	Room Three
Mon AM	£12	Free Use	
Mon PM	Free Use	£12	£115
Tue AM	Free Use	£12	
Tue PM	Free Use	£12	£115
Wed AM	£12	Free Use	£12
Wed PM	£12	£12	
Thur AM	£12	Free Use	£12
Thur PM	Free Use	Free Use	£12
Fri AM	Free Use	£12	
Fri PM	Free Use	Free Use	£115
Weekly	£48	£60	£381
X48 Wks	£2,304	£2,880	£18,288

Day	Main Room	Private Room	Clinical Room
	Room One	Room Two	Room Three
Annual Income			£23,472
Annual Income Less Operational costs			£15,892
Annual Income Minus Rent			£8,692

### **Capital Financing of the refurbishment & UKSPF Subsidy**

The UKSPF year three action plan had a budget of £12,000 to support the above. The funding identified was capital only although there is flexibility as the Council will comfortably meet its 20% spend target of capital. There is a possibility of diverting around the same amount again from another three projects, to create a £52,800 mixture of capital and revenue. The actual figures could be synthesised. A number of partners such as DWP Programmes, Job Centre Plus, NHS Trusts and a several voluntary groups (most notably the former Trustees of the Durban House Community Group) are in support.

This Project Budget would be conceived as follows:

UKSPF Project	Amount to be transferred	Revenue / Capital	Notes – Rationale
Skills Quest Eastwood DWP	£12,000	C	Always allocated to this project
Broxtowe LEA	£20,000	C	Not enough time to find a second Airbnb
CIO Eastwood	£13,000	R	Budget to advance pay the rent for this project
Brown Signs	£5,300	C	One sign location may not be possible
Grant Underspend	£2,500	R	

### Refit Costs for the Property

Capital works have been investigating different contractor costs for various items to make the property fit for purpose. These range from around £10,000 up to £55,000. Recently clarity an allocation of UKSPF next financial year has been determined by EMCCA. This would probably mean a full year's rent could be guaranteed for 2025/26 and a small pump priming grant. This could allow for £10,000 in 2025/26. Any surpluses could be used to track the success of this initiative as a pilot.

Officers remain confident that the property can be re-fitted for £40,000 which would leave enough for a one-year pre-payment of rent this financial year. If the landlord would accept a break after 2 years, (or some betterment rent free) with a further three years offer this project would only need to generate annual £8,000 income to be cost neutral to the Council.

### **Risk Analysis**

**Potential risks:** Underutilization - funding shortfalls - operational challenges (Booking Managers)

Development of a tracking system to measure the results must be instituted early into the exercise;

Landlord does not agree to best terms or all modifications;

Delay to the contractor starting could put UKSPF at risk;

### **Mitigations:**

Early engagement with all parties.

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## Report of the Portfolio Holder for Environment and Climate Change

### Food Waste and Simpler Recycling

#### 1. Purpose of Report

To update Members on progress regards food waste collections, particularly around options for trade waste implementation, due 31 March 2025. The report will also provide an update on Simpler Recycling initiatives. This is in accordance with the Council's Corporate Priority of Environment – 'Protect the environment for the future'.

#### 2. Recommendation

**Cabinet is asked to RESOLVE that the fees and charges for Trade waste food collections as detailed in Appendix 1 be approved.**

#### 3. Detail

After the Environment Act was mandated in November 2021, one of the expected outcomes was the introduction of consistent waste and recycling collections, with local authorities required to collect food waste from the kerbside on a weekly basis.

In September 2023, 'Consistency in Recycling' was rebadged as Simpler Recycling. At the time of writing this report additional information has emerged and key timeline deadlines include the following:

- Introduction of Simpler recycling and Food Waste to businesses – 31 March 2025.
- Introduction of Simpler recycling to households – 31 March 2026.
- Introduction of Simpler recycling and weekly food waste collections for micro businesses – 31 March 2027
- Collection of plastic film from businesses and households – 31 March 2027
- Introduction of weekly food waste collections for households – 1 October 2027.

These timelines are critical for ensuring that both businesses and residents are prepared for the forthcoming changes in waste management practices. These are aimed at enhancing recycling efficiency and reducing overall waste.

Prior to the release of new Government information at the end of November 2024, the Council anticipated that in general the collection practices for kerbside collections for recyclables would remain unchanged. The only expected

modification was an expansion of the waste acceptance criteria for the green-lidded recycling bin. However, newly published Government guidelines now mandate for a separate collection of paper and card, which is a shift away from the current operating model.

Discussions with the County Council and other Nottinghamshire Districts have highlighted the desire to maintain the current collection system, given the current costs (both in collection and processing) and logistical challenges. At the time of writing, consideration is being given to submitting an exemption request under the Technically, Environmentally and Economically Practicable (TEEP) framework. This exemption would illustrate that the costs of separating out paper and card would outweigh the benefits.

In addition to the changes in recycling, the introduction of weekly food waste collections is due to commence for households in October 2027 and businesses on 31 March 2025. However, businesses with fewer than 10 employees will not be mandated to participate until 31 March 2027. For trade waste collections, initially the focus will be on businesses that meet the employee threshold (those that have more than 10 employees) to ensure they are compliant but there will be a possibility of expanding the service depending on the trade waste rounds capacity. Further detail is highlighted in **Appendix 1**.

**Appendix 2** contains the Food waste collection service questionnaire, for Trade waste customers. **Appendix 3** contains information on simpler recycling and food waste for domestic collections, and **Appendix 4** contains a copy of the Government's letter relating to Extended Producer Responsibility for Packaging (EPR).

### Trade waste

This report also addresses the need for a review of the current trade waste service. This is due to an increase in the gate fee for recyclable material (A gate fee is a charge imposed by the County Council for each load of trade waste received at their facilities. The fee reflects the disposal costs associated with that type of waste), which necessitates an analysis of how the Council currently delivers this service. The current decline in the number of businesses utilising the Council's trade waste services underscores the need to undertake a review, which will then inform a marketing strategy and potentially lead to a re-evaluation of pricing. This review is included in the Environment Service's Business Plan 2025-2028 and is planned to occur towards the end of 2025.

### Simpler recycling and food waste collections for domestic households

Further detail on the effects of these new waste and recycling initiatives for households, along with the financial implications including pEPR and the New Burdens Capital funding are detailed in **Appendix 3**.

**4. Key Decision**

This report is a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 as it will affect two or more Wards.

**5. Updates from Scrutiny**

Not applicable.

**6. Financial Implications**

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

Further details on the financial implications are included within the appendices to this report.

The delivery of simpler recycling and weekly food waste is marked by several recent developments. The indications are that the Council will be faced with substantial increases in trade waste disposal fees. A proposed review of trade waste and its pricing in Spring 2025 is deemed prudent to assess the financial implications of these changes. Any significant budget implications in the future, over and above virement limits, would require approval by Cabinet.

The Council has received notice of the New Burdens Funding available to support the implementation of weekly household food waste collections. Whilst this will be used to cover the capital investment costs of the service, there is a funding gap of around £138,000, which may further widen due to inflation. Whilst this budget pressure could be eased by the receipt of a pEPR funding allocation (recent notice of £950,000 potentially being received later in 2025/26), this money may also be partially earmarked to offset Recycling Credits which may be phased out.

**7. Legal Implications**

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

Any legal comments will be provided at the meeting.

**8. Human Resources Implications**

Not applicable.

**9. Union Comments**

Not applicable.

**10. Climate Change Implications**

The implications of Climate Change on recycling and food waste collections are significant, especially in light of the mandates established by the Environment Act 2021. Both trade and domestic properties are required to enhance their recycling practices, which will help to support in the reduction in greenhouse gas emissions. The transition to more efficient recycling and food waste collection systems will not only help to support environmental goals but will contribute to a circular economy, ultimately mitigating the impacts of climate change.

**11. Data Protection Compliance Implications**

Not applicable.

**12. Equality Impact Assessment**

Not applicable.

**13. Background Papers**

Nil.

**Appendix 1****Summary information for Appendix 1 and 3****Implementation timeline:**

- Simpler recycling and food waste collections for trade waste are set to be implemented by 31 March 2025.
- Microbusinesses (10 or fewer employees) are exempt until the 31 March 2027.
- Trade glass will be collected with domestic glass collections. A volume to weight calculation will be undertaken to ascertain tonnage.
- Simpler recycling for households will be implemented 31 March 2026.
- Simpler recycling (Both trade and domestic) will see the inclusion of additional material to the recycling bin, including; foil, plastic pots, tubs and trays and waxed cardboard cartons.
- Weekly collection of food waste for households will be implemented 1 October 2027.

**Survey insights:**

Results from the trade waste questionnaire reveal:

- 67% of respondents are micro businesses, predominately in the hospitality sector (60%).
- Majority of the Councils Trade Waste Customers are aware of the new requirements for disposing of food and recycling.

**Trade waste food generation**

- Businesses anticipate generating less than 140 litres of food waste every week.
- An estimated 134 tonnes of food waste will be generated initially from the Councils trade waste customers, equating to 2.5 tonnes every week.

**Challenges for trade waste customers**

- Insufficient storage space for another bin.
- Not generating enough food waste.
- Difficulties with waste segregation.

**Collection and disposal logistics**

- Gate fee for trade waste recycling will increase significantly for 2025/26.
- Gate fee for residual waste will increase above inflation for 2025/26.
- Gate Fee for food waste will be much lower compared to the recycling and residual waste streams.
- Disposal point for food waste identified at Derby.
- Disposal point for Simpler recycling material identified at Alfreton. This adds a further 16 miles plus an hour on travel time to current disposal point.

- Customers initially will be offered a choice of a 140 or 240 litre bin (black body, dark green lid. The bin will also have an identifying orange sticker).

#### Proposed fees for food waste (2025/26)

Container size	Proposed Charge
23 litre container	£2.35
140 litre bin	£5.50
240 litre bin	£7.50

Table 1: Proposed fees for trade waste food collection

#### Trade waste review

A comprehensive service review will need to be undertaken in early 2025 to evaluate the sustainability and financial implications for trade waste collections given the rise in gate fees.

Trade Waste Collections – Simpler Recycling and Weekly food waste collections.

#### Domestic recycling and food waste collections

#### New Burden Funding and pEPR

- New Burden funding allocation of £1,074,000 has been received.
- There is an estimated funding gap of £138,000. The gap is anticipated to widen due to rising inflation rates
- pEPR funding letter received in November 2024 projects payments of around £950,000, which could help mitigate the gap.

#### Household trial for food waste

- Proposed trial for domestic weekly food waste collections to commence either at the end of 2025 or the spring of 2026.
- A Cabinet report will be prepared detailing the proposed scheme in spring 2025.

#### Background

Under the provisions outlined in the Environmental Protection Act 1990 (EPA), local authorities are mandated to provide trade waste collection services to local businesses. This is a service that is not covered under business rates. Whilst local businesses have the autonomy to select their waste collection provider, the Council has an obligation to offer a reliable and compliant service.

The Council currently provides trade waste collection services to 683 businesses, which generates £650,000 per annum. It is important to note that the number of trade waste customers accessing this service has declined since 2021/22, where the figure was 804. This represents a 15% decline (124 businesses).

In terms of services offered, trade waste businesses receive a weekly general waste collection, with an option to choose from a variety of bin sizes. This can be seen in Table 2. Additionally, businesses are eligible for a fortnightly recycling collection,

which is currently included within the general waste fee and is not priced separately. This approach was implemented to encourage businesses to recycle their waste, as the gate fee for recycling was significantly lower than that for residual waste.

Container type	Cost £ (General)	Cost £ (Recycling)
Bag	£3.65	£0.00
140 Litre bin	£7.35	£0.00
240 Litre bin	£11.35	£0.00
660 Litre bin	£26.70	£0.00
820 Litre bin	£31.70	£0.00
1100 Litre bin	£41.45	£0.00
<b>Notes</b>	Weekly collection	Fortnightly collection. £0 if alongside a general waste contract.

Table 2: Current costs of trade waste bins.

#### Trade waste questionnaire

In February 2024, the Council released a food waste collection service questionnaire (**Appendix 2**) to all of its customers to gauge their readiness to address the new changes in trade waste collections.

At that time, over 755 questionnaires were distributed, which included businesses and establishments that fall under schedule one collection arrangements, such as schools, charities and places of worship. A total of 191 questionnaires were returned, resulting in a response rate of 25.3%. Notably 86% of the responses were submitted via a paper copy, whilst the remaining 14% were completed online.

#### Results from the survey

##### **1. How many employees does your business have?**

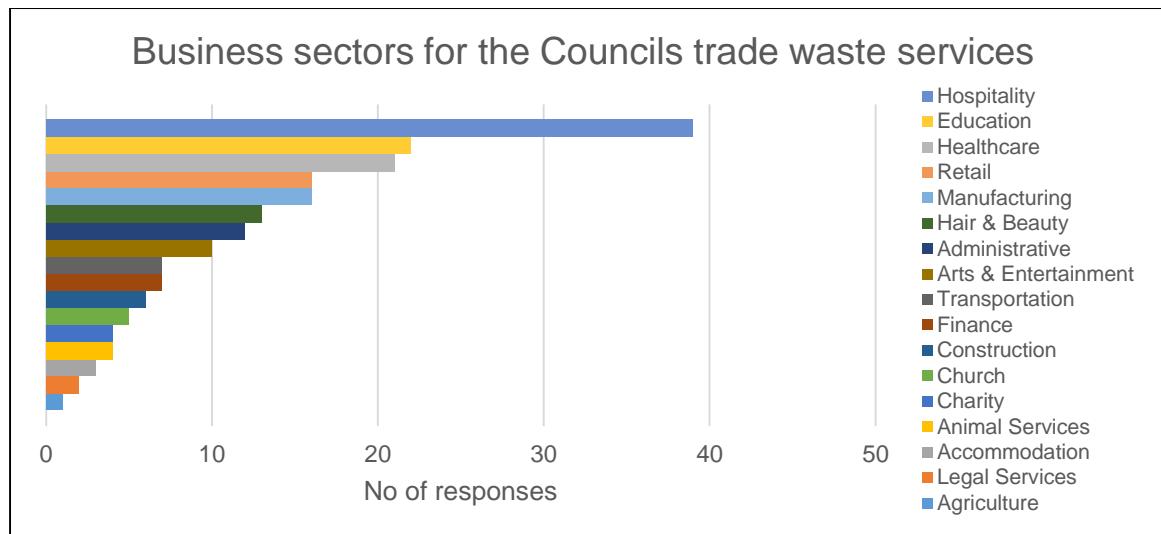
Table 3 highlights the size of the businesses that receive a collection from the Council. It should be noted that the majority of these are micro businesses, who do not need to comply with the regulations until 31 March 2027.

No of employees	% of responses
1 – 9 (micro business)	67%
10 – 249 (SME)	31%
250+ (Large business)	2%

Table 3: Size of business and % responses

##### **2. What Sector is your business involved in?**

Graph 1 provides a breakdown of the business sectors the trade waste customers belong to. It should be noted that hospitality (21%), accounts for the largest sector area.



Graph 1: Business sectors for the Council's trade waste services.

**3. Are you aware of the requirement for your business to recycle and dispose of food waste?**

Yes	58%	No	42%
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Table 4: Awareness to recycle and dispose of food waste.

**4. How do you currently dispose of any food waste from your business?**

Choices	Response %
Put it in the black bin	77%
Not applicable	21%
Use a contractor to collect	2%

Table 5: How businesses currently dispose of food waste

**5. On a weekly basis, how frequently does your business generate food waste?**

Choices	Response %
Every day	34%
2-3 times a week	19%
Once a week	22%
Not Applicable	25%

Table 6: Frequency of food waste generation

**6. If you do generate food waste, how much waste do you generate over a week)?**

Choices	Response %
Under 140 Litre	79%
140L-239 Litre	12%
240L-659 Litre	3%
660L-819 Litre	2%
820L-1100 Litre	1%
Over 1100 Litre	3%

Table 7: Amount of food waste disposed of

**7. What challenges do you foresee in implementing a weekly food waste collection?**

This was an open ended question and the answers received were around the following themes:

- Storage (Not enough room to store another bin).
- Don't generate enough food waste to warrant a separate bin.
- Cost.
- Smells, flies and rodents.
- Segregation would be difficult. There would need to be a lot of employee engagement.

**8. Are there any specific requirements or preferences that you have for a food waste collection service, such as bin size or frequency of collections?**

Choices	Response %
23 Litre	32%
140 Litre	24%
240 Litre	11%
660 Litre	4%
820 Litre	-
1100 Litre	3%
Not applicable	26%

Table 8: Food Waste bin size preference

Table 8 highlights that nearly a third of respondents would like to receive a 23 litre container collection. This would tie in with the fact the majority of respondents had 9 employees or less.

Comments also made on this question highlight that once a week for a collection would be sufficient.

**9. Would you be interested in a weekly food waste collection service provided by the council?**

Yes	40%	No	60%
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Table 9: Interest in a weekly food waste collection

**10. If you received food waste collections from another contractor, would you remain a Broxtowe Trade Waste customer?**

Choices	Response %
Yes	67%
No	16%
Other	6%
Depends on cost	11%

Table 10: Would a business remain with the Council for its trade waste services if it received a food waste collection from another contractor.

Options for food waste collections from trade waste customers

**1. Collection by a third party**

Given the timeline and potential challenges associated with implementing a separate food waste service, the option of utilising a contractor was considered. Whilst the contractor could handle the collection aspect of the service, the disposal element presented limitations. The contractor would be required to dispose of the food waste at facilities designated by the County Council. This stipulation would deter contractors, as they generally like to use their own disposal facilities.

The reliance on County Council directives for disposal may also create logistical complications for the contractor. Whilst engaging a contractor for food waste collection might offer a temporary solution, it would not be the most viable or attractive option in the long term.

**2. Signposting**

Signposting current trade waste customers to alternative suppliers for their food waste collections whilst allowing them to maintain their existing trade waste agreements was explored. Whilst 67% of respondents to the trade waste survey indicated that they would remain with the Council even if their food waste was collected by another contractor, was positive, given the current decline in the Council's customer trade waste base, this approach poses a risk.

Whilst some businesses might be open to splitting their services, the growing competition could lead to a further loss of customers.

**3. Council to undertake collections**

The Council has identified that undertaking food waste collections in-house as the preferred option, especially given the current capacity within the collection team. By managing these collections directly, the Council would help to mitigate any further loss in business (in the short term).

Initially the service would be available exclusively to the SMEs that meet the criteria, with an estimated 200 businesses likely to express an interest in the service (this also includes contracts that fall under schedule 1). It has been estimated that 134 tonnes of food waste will be collected from these businesses annually, which equates to 2.58 tonnes per week. This focus on SMEs is important as they are

required to be compliant with the upcoming regulations. In contrast, micro businesses have until 31 March 2027 to align with these requirements.

By concentrating on a smaller group, the team can effectively assess the collection process, identify any potential issues and enhance operational efficiency. This phased approach will provide valuable insights into service delivery whilst ensuring that the team has the capacity to manage collections smoothly. Should capacity allow, the service can be expanded to include more users.

#### How will weekly food waste collections work?

In the short term, the team will utilise the kerbside glass collection vehicle for food waste collections. These will take place on either a Tuesday or a Thursday. One of the days will be allocated for trade waste collections, whilst the other would be used for schedule 1. The choice of the glass vehicle is due to it being of a sealed unit design and would help to contain any liquid from the collections.

In the longer term, it is proposed to transition to a 7.5 tonne food waste vehicle. The designated disposal point for this service will be Severn Trent in Derby and has been designated by Nottinghamshire County Council.

Regarding the allocation of collection routes, specific details will be determined once businesses are approached in the new year. Initially, collections will be undertaken using a 140 or 240L bin, as there are concerns that larger bins may become too heavy for employees to manage safely. Additionally, smaller 23L containers (these will be the same size given to householders during the food waste roll out), will be considered for micro businesses, especially those businesses outside of the hospitality sector. These can be implemented later if it is deemed there is capacity within the collection rounds.

#### Colour of the food waste bin

Currently, trade waste bins for general waste feature a black body and an orange lid.

There is no differentiation in the colour between domestic recycling and trade recycling bins. To enhance clarity and ensure appropriate use, it is proposed to implement a darker green lid for the food waste bins, which aligns with the existing food related iconography and imagery used by Waste Resources Action Programme (WRAP).



Image 1: WRAP food waste iconography

In addition to the new lid colour, an orange sticker will be affixed to the bin so that it indicates clearly that the bin is designed for food waste. It is anticipated that the bin colour for householders will align with this standard; however, final approval would

need to be given across all districts. This unified approach will not only help to achieve efficiencies by purchasing in bulk, but will also allow for a consistency in waste management across Nottinghamshire.

#### Kitchen caddies and compostable bin liners

Kitchen caddies and compostable bin liners are being considered for household collections; however, for trade waste collections it was deemed not necessary to provide them. Research conducted with other contractors providing food waste services indicated that these items were not provided with the bin and that customers were expected to provide their own. This approach did not appear to adversely affect engagement with the service.

#### Pricing model

Indications from the County Council suggest that the gate fee for food waste in 2025/26 will be much lower than those for both residual waste and recycling. This competitive pricing for food waste is designed to encourage greater participation in food waste recycling.

The proposed pricing models (Table 10) have been developed after conducting research with other local authorities and Nottinghamshire districts to ensure consistency. Given fluctuations in gate fees, it is recommended that a comprehensive trade waste review is undertaken towards the end of 2025. This review will focus on evaluating the pricing structure for trade waste collections. Currently, recycling collections are included in the trade waste fees, but with rising costs, it is essential to reassess this approach to maintain and ensure the sustainability of the service.

	Collection 2025/26	Disposal 2025/26	Total 2025/26
23 litre container	£1.75	£0.60	£2.35
140 litre bin	£3.60	£1.90	£5.50
240 litre bin	£5.50	£2.00	£7.50

Table 11: Proposed food waste collection fees.

#### Financial Implications

In regard to the financial implications, it is important to acknowledge that there will be associated costs, including expenses related to employees, vehicle operation and containers. However, these costs are expected to be off-set by the revenue generated from the service, ensuring that the overall financial impact remains cost-neutral. This means that whilst there might be an initial outlay for implementing the service, there will be no need to draw from the general fund.

#### Trade Waste – Simpler Recycling

On 31 March 2025, recycling rules for trade waste will also undergo some adjustments, particularly concerning the items accepted in the green-lidded recycling bin. The revised waste acceptance criteria will allow for the collection of additional materials including foil, plastic food tubs, pots and trays and waxed cardboard

cartons. These same changes will also be applied to domestic collections from 31 March 2026.

As the teams already undertake recycling collections it is hoped that the impact from these changes will be limited, although the disposal point for recycling will change from Giltbrook to Alfreton. This will add an additional 16 miles and approximately one hour to collections with additional associated fuel costs. Currently, recycling takes place once a fortnight for businesses, although the team will need to reassess if demand for the dry recycling bin increases.

Glass will also be collected from businesses. Due to resources and the anticipated low volumes of glass these will be managed by the domestic glass collection team. A volume to weight calculation will be used to ascertain the weight of this material.

### Non-compliance

From April 2025, the general public and other parties will be able to report workplaces that do not follow these rules to the Environment Agency. Defra will update this guidance with information on how to report non-compliance when it is available. (Source: <https://www.gov.uk/guidance/simpler-recycling-workplace-recycling-in-england>. Referenced: 8 December 2024.

### Risk

The implementation of food waste presents uncertainties regarding both collected volumes and the subsequent effects on black bin collections. Whilst many businesses report minimal to no food waste, those that do, may experience a shift in their waste management (especially the amount of material placed in the black bin). Businesses that transition to a food waste collection, which is currently less expensive compared to black bin waste collection, may find that the amount of material they put in their black bin for collection will reduce. This reduction could lead to businesses opting for smaller black bins, which would then lead to an impact on trade waste revenue, as the cost of bin collection decreases.

As highlighted earlier, it is imperative to conduct a comprehensive service review post implementation to assess the sustainability and financial implications of these changes on trade waste collections.

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Ask for: Trade Waste Team  
Ext: 0115 917 7777  
Email: [depot@broxtowe.gov.uk](mailto:depot@broxtowe.gov.uk)  
Our Ref:  
Your Ref:  
Date:



**Broxtowe  
Borough  
COUNCIL**

Dear Customer,

### **FOOD WASTE COLLECTION SERVICE QUESTIONNAIRE**

The Environment Act, mandated in November 2021, aimed to ensure that a consistent set of recyclable material (including food waste) was collected from every household and business in England. I am writing to inform you about some important developments that have recently taken place that will affect the collection of waste from businesses.

In a recent update from Government, all businesses, excluding microfirms (those with up to nine employees) will be required to collect and recycle a core set of materials, including food waste (this currently excludes garden waste and plastic film) by 31 March 2025.

To support businesses with their new responsibilities under the Environment Act, the Council is seeking your views on the provision of a weekly food waste service.

To gather your feedback, a questionnaire has been prepared. There are two options available for you to be-able to submit your response. Firstly, you can access the online survey by using the following link:

<https://www.surveymonkey.com/r/foodwastecollection> Alternatively, you will find a copy of the questionnaire on the reverse of this letter, which can be filled out and returned in the pre-paid envelope provided. Please can all completed questionnaires be completed and returned by **Friday 15<sup>th</sup> March 2024**.

Your opinion is important to us and we thank you for your participation.

Yours faithfully,



Emma Georgiou

## Food Waste Collection Service – Questionnaire

In order for the Council to understand your opinion and needs, could you please answering the following questions.



**Broxtowe  
Borough  
COUNCIL**

1. How many employees does your business have?

<input type="checkbox"/> 1 – 9	<input type="checkbox"/> 10 – 99
<input type="checkbox"/> 100 – 250	<input type="checkbox"/> 250+

2. What sector is your business involved with?

<input type="checkbox"/> Accommodation	<input type="checkbox"/> Administrative	<input type="checkbox"/> Arts & Entertainment	<input type="checkbox"/> Construction	<input type="checkbox"/> Education
<input type="checkbox"/> Finance	<input type="checkbox"/> Hospitality	<input type="checkbox"/> Manufacturing	<input type="checkbox"/> Transportation	<input type="checkbox"/> Other

3. Are you aware of the requirement for your business to recycle and dispose of food waste?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
------------------------------	-----------------------------

4. How do you currently dispose of any food waste from your business?

<input type="checkbox"/> Put it in the black bin
<input type="checkbox"/> Use a contractor to collect
<input type="checkbox"/> Other

5. On a weekly basis, how frequently does your business generate food waste?

<input type="checkbox"/> Every day	<input type="checkbox"/> 2-3 times a week	<input type="checkbox"/> Once a week	<input type="checkbox"/> Other
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6. If you do generate food waste, how much waste do you generate over a week (The quantities below reflect bin sizes)?

<input type="checkbox"/> Under 140L	<input type="checkbox"/> Over 140L	<input type="checkbox"/> Over 240L	<input type="checkbox"/> Over 660L	<input type="checkbox"/> Over 820L	<input type="checkbox"/> Over 1100L
-------------------------------------	------------------------------------	------------------------------------	------------------------------------	------------------------------------	-------------------------------------

7. What challenges do you foresee in implementing a weekly food waste collection?

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8. Are there any specific requirements or preferences that you have for a food waste collection service, such as bin size or frequency of collections? Bin size:

<input type="checkbox"/> 23L	<input type="checkbox"/> 140L	<input type="checkbox"/> 240L	<input type="checkbox"/> 660L	<input type="checkbox"/> 820L	<input type="checkbox"/> 1100L
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9. Would you be interested in a weekly food waste collection service provided by the council?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
------------------------------	-----------------------------

10. If you received food waste collections from another contractor, would you remain a Broxtowe Trade Waste customer?

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Other
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11. Any other comments

## Appendix 3

**Simpler Recycling – Domestic Collections**

As part of the policy announcement from the Government in November 2024, providing clarity on the new Simpler Recycling initiatives; the new default requirement for most households in the Borough will be the following:

- Residual (non-recyclable) waste (Black bin)
- Dry recyclable materials (paper, card, plastic and metal) (Green-lidded recycling bin)
- Glass (Red-lidded bin or glass bag)
- Garden Waste (Brown-lidded bin)
- Food waste (23 litre container)

Table 1 below, contains a summary of the collection requirements. The main challenges for the Borough as a result of the current proposals will be the mandatory weekly food waste collections due to commence in October 2027.

Material	Details	Date of collection	Comments
Residual waste (Collected in the black lidded bin)	No changes		At this stage, the introduction of food waste and Simpler Recycling will significantly reduce material in the black lidded bin. The Government has removed the requirement for fortnightly collections on these bins, suggesting that a three or four-week cycle could be explored.
Paper and Card	All paper and card except: <ul style="list-style-type: none"> <li>• Paper and card that contains glitter or foil.</li> <li>• Paper that is laminated.</li> <li>• Stickers and sticky paper.</li> <li>• Padded lined envelopes.</li> <li>• Paperback and hardback books.</li> </ul>	31 March 2026	The Council is currently collecting these fortnightly, as part of a mixed recycling collection.  The recently released briefing paper from the Government aims to pursue a separate collection of paper and card. County will be exploring this as

Material	Details	Date of collection	Comments
	<ul style="list-style-type: none"> <li>• Wallpaper</li> </ul>		<p>an option. However, it is expected that the County and all districts will submit a TEEP, that will allow the continuation of paper and card in the recycling bin.</p> <p>Engagement/updates in relation to waste quality and requirements.</p>
Plastic	<p>Plastic bottles made of polyethylene terephthalate (PET, including amorphous, recycled PET), polypropylene (PP) and high-density polyethylene (HDPE).</p> <p>Pots, tubs and trays made of PET (including amorphous, recycled and crystalline PET), PP (including expanded PP) and polyethylene (PE).</p> <p>PE and PP plastic tubes larger than 50mm x 50mm.</p> <p>Cartons for food, drink and other liquids, including aseptic and chilled cartons.</p>	31 March 2026	<p>Broxtowe Borough Council is currently collecting some of these fortnightly as part of a mixed recycling collection.</p> <p>Additional materials collected in addition to the materials picked up at the moment include plastic pots tubs and trays and waxed cardboard cartons.</p> <p>Collection of soft plastic film will commence April 2027.</p>
Metal	<p>Steel and aluminium tins and cans.</p> <p>Steel and aluminium aerosols. (Empty)</p> <p>Aluminium foil.</p> <p>Aluminium food trays.</p> <p>Steel and aluminium jars and bottle lids.</p>	31 March 2026	<p>Broxtowe Borough Council is currently collecting some of these fortnightly as part of a mixed recycling collection.</p> <p>New additions to the waste acceptance criteria from April 2026 include foil and foil trays.</p>

Material	Details	Date of collection	Comments
	Aluminium tubes.		
Glass	Glass packaging including bottles and jars.	31 March 2026	Currently collected separately as part of a 4-week schedule.  Broxtowe Borough Council currently benefits financially from a separate collection of glass. Current indications are that the Council can continue to re-sell its glass to help support the delivery of this service.
Food	Weekly collections required  Biodegradable material resulting from the processing or preparation of food, including inedible food parts such as bones, eggshells, fruit and vegetable skins, tea bags and coffee grounds.	1 October 2027	Current Government preference is that food waste is sent for processing via an anaerobic digestion plant.

Table 1: Recycling components currently proposed.

#### Financial Implications

#### New Burden's Funding

In 2024, the Council was awarded New Burden's funding amounting to £1,074,000 to support with the capital elements of the food waste collection scheme. As reported to Cabinet in November 2023, these capital costs are primarily associated with the procurement of food waste vehicles and the necessary containers and caddies for residents.

A revision of these estimates has been undertaken and it is projected that the current capital costs for implementation will be in the region of £1,212,000 (Table 2).

Initial roll out	Item	Cost
8 x 7.5 food waste vehicles		£800,000
7l food caddies (Bulk purchased with other LAs)		£82,000
23l food caddies (Bulk purchased with other LAs)		£280,000
Route optimisation software (Purchased)		£50,000
<b>Total</b>		<b>£1,212,000</b>
New Burdens Funding Allocation		£1,074,000
<b>Potential funding gap</b>		<b>£138,000</b>

Table 2: Capital costs for food waste implementation

At present, the potential funding gap for the capital costs associated with the purchase of food waste vehicles and containers is around £138,000. This gap in funding is likely to increase in light of current inflation rates. Whilst there is a possibility that the funding shortfall could be addressed through the Extended Producer Responsibility (pEPR) funding, further details on this will be discussed later on in the report. However, it remains uncertain as to what level of revenue funding will be provided by the Government or whether local authorities are expected to utilise pEPR funding to cover this aspect.

#### Extended Producer Responsibility (pEPR)

Extended Producer Responsibility (pEPR) is a policy approach derived from the mandated Environment Act 2021, which provided the legislative foundation to enhancing producer responsibility and advancing sustainability.

pEPR mandates producers to assume financial responsibility for the collection, treatment and disposal of packaging materials. This has been undertaken to alleviate the financial and operational burden placed on local authorities and taxpayers, shifting responsibility to the producers who introduce packaging onto the market. By doing so, pEPR incentivises producers to design more sustainable packaging helping to reduce overall waste.

pEPR payments are intended to cover the costs incurred by local authorities for managing household packaging waste. Specifically, these payments are used to help support collection costs via the kerbside and bring sites.

pEPR payments are also intended to cover payments made to the waste collection authorities from the waste disposal authority, in the form of recycling credits. At the time of writing this report, the potential impact of pEPR is uncertain and further clarification is currently being sought.

At the end of November 2024, the Council received notice of an estimated pEPR payment for 2025/26, valued at £950,000. The Government has guaranteed that the Council will receive at least this amount and further details regarding the assessment will be received once the draft pEPR regulations come into force.

It is intended that these payments will be distributed on a quarterly basis (See Table 3). A copy of the letter can be found in **Appendix 4**.

Discussions with other Nottinghamshire districts has revealed a possible discrepancy in the payment calculated for the Council. This is currently being investigated and may necessitate in a challenge regarding the estimated amount that may be received.

Year 1 estimated quarterly payment schedule

Payment period payment relates to	Payment Date	Estimated Amount
1 April 2025 to 30 September 2025 (Quarter 1 & 2) November	November 2025	£475,000
1 October to 31 December 2025 (Quarter 3) January	January 2026	£237,500
1 January to 31 March 2026 (Quarter 4) March	March 2026	£237,500
Total amount		£950,000

Table 3: pEPR payment schedule – Year 1

At this stage it remains unclear what the pEPR payment can be used for, although there may be potential for it to help with the funding gap with the capital required for the implementation of food waste collections. Additionally, there is uncertainty regarding the revenue funding for the food waste initiative and whether the pEPR should also be used to cover the revenue aspects of the scheme. If this is the case, then currently the pEPR payment would cover these. However, it is unknown if this payment will increase/decrease in the future. Furthermore, it must also be noted that if there is an impact on recycling credit payments, the Council may not receive approximately £147,000 from this funding stream (this is paid annually), although there may be an expectation that the pEPR would cover this.

#### Household trial for food waste

Whilst the impact of food waste collections has been modelled, there remains uncertainty regarding how these changes will affect the Council's other kerbside collections. Therefore, it is prudent to consider a household trial for food waste, which is tentatively being planned for the end of 2025, beginning of 2026.

The specifics of this trial are still being developed, but implementing food waste collections on a designated bin round will provide valuable insights into its collection. This information would then help inform the wider roll out of food, which need to be in place by October 2027. A comprehensive report detailing this will be presented to Cabinet in spring 2025.

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## Broxtowe Borough Council Estimated 2025/26 pEPR payment – provisional notice of assessment November 2024

Your estimated total pEPR payment for Financial Year 2025 to 2026 is

**£950,000**

**This value is an estimate.** It has been rounded to the nearest £1000 and is **subject to change**<sup>1</sup>. Whilst your pEPR payment resulting from the collection of producer fees may still change, to provide certainty to authorities, the UK government is guaranteeing that **in 25/26 you will receive at least the amount displayed above**. Further details on how a government top up will work, and on how any revisions to scheme administrator payment figures will be treated under the government's guarantee, will be provided in due course.

We trust that this guaranteed funding will enable you to drive the changes needed to deliver an efficient service. The detailed methodology below explains how costs are calculated to give an understanding of the funding process going forward.

More information on why only estimated payments can be provided at this time can be found in the opening paragraphs of the accompanying guidance.

A further notice of assessment will be provided once the draft Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations are in force.

Your payment will be issued to you by bank transfer in the following instalments:

### Year 1 estimated quarterly payment schedule

Payment period payment relates to	Payment date	Estimated amount
1 April 2025 to 30 September 2025 (Quarter 1 & 2)	November	£475,000
1 October to 31 December 2025 (Quarter 3)	January	£237,500
1 January to 31 March 2026 (Quarter 4)	March	£237,500
<b>Total amount</b>		<b>£950,000</b>

<sup>1</sup>The model used to generate these values is still subject to an ongoing Quality Assurance process. The mean absolute percentage difference in a unitary authority's payments between model version 3 and 4 (the version used to generate these values) was 11.4%. We cannot provide a single figure that captures all possible variation due to improvements and quality assurance, but future developments to the model are generally expected to have smaller impact than historic changes. This information has been provided to help illustrate how future estimates could change.

## **What your payment covers**

As a Waste Collection Authority (WCA), your payment covers estimated net efficient costs associated with collection of household packaging waste from kerbside and communal collections, and waste brought to bring sites only. Your payment may also cover the cost of handling, sorting and sale of dry recyclate where appropriate.

As per the draft regulations, waste management costs associated with the following are excluded from pEPR payments in year 1:

- A. Drinks containers made of any material other than glass (as per the draft regulations, waste management costs associated with the following are excluded from pEPR payments in year 1: drinks containers made from polyethylene terephthalate (PET), steel, or aluminium between 150ml – 3l in size. This exclusion is until 2028. All drinks containers will be in scope from 2028 if a Deposit Return Scheme (DRS) is not in place by that time.
- B. Binned waste and littered packaging waste
- C. Business waste
- D. Packaging collected within food and garden waste services

Your payment will only cover the estimated cost of managing the in-scope (household) packaging element of the waste stream, subject to paragraphs A-D. Packaging is categorised depending on the material from which it is made into aluminium, fibre-based composite, glass, paper and card, plastic, steel, wood, and other materials.

More information and definitions for these terms can be found in the accompanying guidance.

## **How your payment is calculated**

A model (the Local Authority Packaging Cost and Performance model or LAPCAP) developed by Defra on behalf of the four nations has been used to determine the estimated net efficient costs incurred by every local authority (LA) in the UK for the management of household packaging waste.

In line with the draft Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations and where relevant to your authority, LAPCAP consider the following factors in determining your estimated net efficient costs:

1. The frequency, pattern and type of collections of household packaging waste undertaken within your LA
2. The population density in your relevant area
3. The type and accessibility of dwellings in your relevant area
4. The levels of deprivation in your relevant area
5. Government policies and the regulatory requirements affecting waste management to which your authority is subject

The below sections summarise the calculation the model has performed to determine your estimated payment. More information on this methodology can be found in the accompanying guidance.

Please note that any small discrepancies in calculations shown below are due to rounding – calculations in LAPCAP are done to more decimal places than shown in the tables.

## Section 1 – Your local authority's net efficient waste management costs

### Collection costs

The following sets out your estimated collection costs for collection of recyclate and residual waste from kerbside, bring sites and HWRCs.

<b>Estimated Collection Costs</b>			
<b>Service</b>	<b>£/t</b>	<b>Tonnes of packaging</b>	<b>£/t x Tonnes</b>
Recyclate kerbside collection cost	£159.95	3,897.11	£623,357.17
Residual waste kerbside collection cost	£86.01	3,569.26	£306,985.70
Bring Sites	£64.72	306.64	£19,844.49
HWRC	NA	NA	NA
<b>Service</b>	<b>£/household</b>	<b>Households</b>	<b>£/household x households</b>
HWRC (Overheads)	NA	48,361	NA
<b>TOTAL AMOUNT</b>			<b>£950,187.35</b>

Tonnage data from Waste Data Flow and composition data from the WRAP 2017 waste composition study, Zero Waste Scotland 2023 waste composition study and WRAP Welsh 2023 composition study has been used determine packaging tonnages collected by each service<sup>2</sup>. Where composition data is not sufficiently granular, additional sources have been used including data submitted by producers into the Report Packaging Data (RPD) online portal system for the calendar year 2023, and government commissioned work on the proportion of given packaging categories that are in scope of the Deposit Returns Scheme (DRS). More information can be found in the accompanying guidance.

Cost per tonne figures for kerbside recyclate and residual collections have been determined by analysing reported cost data from a subset of LAs from across the UK to identify the common characteristics which most strongly influence collection costs. The model uses findings from this analysis and data on LA characteristics to group LAs which are predicted to have similar costs per tonne of waste collected. An average cost per tonne figure for each group is then calculated by using reported cost data we hold for some LAs in each group.

Cost per tonne figures for bring sites are determined by averaging the cost per tonne within each recycling group. This average, derived from Request for Information (RFI) data is then applied to the Local Authorities in that group. If no sample LA exist within that group, then the overall average of all the RFI costs is applied.

For recyclate kerbside collections only, the cost per tonne figure has been adjusted to reflect the influence of the volume of packaging waste on collection costs, recognising that this is commonly the limiting factor in collections.

<sup>2</sup>Zero Waste Scotland 2023 waste composition study has been used to determine packaging tonnages collected by each service for Scotland and the WRAP Welsh 2023 composition study has been used to determine packaging tonnages collected by each service for Wales.

We have used the following characteristics of your LA to assign you a group to determine your cost per tonne for kerbside recyclate and residual collections.

Deprivation	0.22
Proportion Highly Rural	0.00
Proportion Rural	0.00
Proportion Urban	1.00
Residual Collection Frequency	fortnightly
Recycling Collection Frequency	fortnightly
Recycling Collection Scheme	two stream
Country	England
Proportion of Flats	0.12
Proportion of Residual Communal Collections	0.00
Residual Tonnes Collected per Household	0.50
Proportion of Recycling Communal Collections	0.00
Recycling Tonnes Collected per Household	0.17

### **WCA Disposal Costs (net of income)**

The following table sets out your estimated disposal costs net of income by disposal method. If no tonnage or payment is indicated, payment for this activity has been made to your Waste Disposal Authority. Please see the guidance for further information as to how these decisions have been made.

<b>Disposal Costs - £/t</b>			
<b>Disposal method</b>	<b>£/t</b>	<b>Packaging Tonnes</b>	<b>£/t x Tonnes</b>
Recyclate - Comingled MRF	NA	NA	NA
Recyclate - Multistream MRF / direct to reprocessor	£-53.34	<0.01	£-0.25
Other	NA	NA	NA
<b>TOTAL AMOUNT</b>			<b>£-0.25</b>

Tonnage data from Waste Data Flow and waste composition data from the Waste and Resources Action Programme (WRAP) 2017 waste composition study, Zero Waste Scotland 2023 waste composition study and WRAP Cymru 2023 composition study has been used to determined tonnages going to each disposal method<sup>3</sup>. Where composition data is not sufficiently granular, additional sources have been used including data on packaging tonnages placed on market, and government commissioned work on the proportion of given packaging categories that are in scope of the Deposit Returns Scheme.

Numbers of households are from the 2021 ONS Census<sup>4</sup>.

Costs per tonne figures for the different disposal methods, including Materials Recovery Facilities (MRFs) have been determined by national average net gate fees from the UK Gate Fees report 2023-24 (WRAP) and other data sources held by Defra's Waste Infrastructure Delivery Programme and Welsh Government for each of these disposal methods. Gate fees include bulking, transfer, and haulage costs. For residual waste treatment and disposal, the gate fee is net of income.

<sup>3</sup>Zero Waste Scotland 2023 waste composition study has been used to determine packaging tonnages collected by each service for Scotland and the WRAP Welsh 2023 composition study has been used to determine packaging tonnages collected by each service for Wales

<sup>4</sup>Data for the numbers of households in each authority for Scotland is taken from The National Records of Scotland estimates from 2021. For the numbers of household in each authority for Northern Ireland, 2021 NISRA was used.

## Section 2 – Payment summary

The below summarises the result of calculations outlined in previous sections and applies an adjustment to account for recycling credits you receive. Recycling credits will be paid to your WDA to enable them to reimburse you for these household packaging waste management costs. This determines your total estimated efficient cost for managing household packaging waste.

The financial value of the recycling credit adjustment has been calculated using the method set out in paragraph 3(6) of The Environmental Protection (Waste Recycling Payments) Regulations 2006 (using the default payment values set out in the Schedule to the regulation).

£/t	Packaging Tonnes	£/t x Tonnes
NA	NA	NA

### Basic payment calculation

**Total estimated efficient cost for managing household packaging waste: £950,187.11**

Total Collection Cost	£950,187.35
Total Disposal Cost	£-0.25

**Deduction for recycling credits (these will be paid to your WDA): NA**

**Total payment: £950,000**

**This value is an estimate only.**

If you would like to provide feedback about this letter, please complete the form provided in the email this letter was attached to.

Further guidance on feedback, including adjustments we may be able to make before your Year 1 payment is made, is provided in the linked form.



**Emma Bourne OBE**  
Director - Resources Waste  
Department for Environment Food and Rural Affairs



**Rhodri Asby**  
Deputy Director - Circular Economy and Resource Efficiency  
Welsh Government



**David McPhee**  
Deputy Director - Circular Economy  
Scottish Government



**Shane Doris**  
Director - Environmental Resources Policy Division  
Department for Agriculture and Rural Affairs,  
Northern Ireland

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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 to RESOLVE 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 \*.

4 February 2025	<ul style="list-style-type: none"><li>• Budget Proposals and Associated Strategies</li><li>• Pay Policy</li><li>• Housing Strategy</li><li>• Vulnerable Persons Policy</li><li>• Events Programme 2025/26</li><li>• Opportunity to purchase two new Houses - Eastwood</li><li>• Compliance Officer</li></ul>
11 March 2025	<ul style="list-style-type: none"><li>• Grants to Voluntary and Community Organisations</li><li>• Climate Change Strategy</li><li>• Tree Strategy</li><li>• Commercial Strategy</li><li>• Grievance Policy</li><li>• Disciplinary Policy</li><li>• Prevent Strategy</li><li>• HMO Strategy</li><li>• Litter Strategy</li><li>• Residential Guidance Supplementary Guidance Document</li><li>• House Building Delivery Plan Update</li></ul>

#### **4. Key Decisions**

This is not key decision.

**5. Financial Implications**

There are no additional financial implications.

**6. 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.

**7. Human Resources Implications**

There are HR implications purely from the point of view of clarifying roles and responsibilities of Council Officers and responsibilities of partner agencies.

**8. Union Comments**

There were no comments received

**9. Climate Change Implications**

There were no comments received.

**10. Data Protection Compliance Implications**

This report does not contain OFFICIAL(SENSITIVE) information. There are no Data Protection issues in relation to this report.

**11. Equality Impact Assessment**

There are no Equality Impact Assessment issues.

**12. Background Papers**

Nil

# Agenda Item 13

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