



Monday, 12 December 2022

Dear Sir/Madam

A meeting of the Cabinet will be held on Tuesday, 20 December 2022 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
S A Bagshaw
S J Carr
B C Carr
T Hallam

R D MacRae
G Marshall
J W McGrath
H E Skinner
E Williamson

A G E N D A

1. APOLOGIES

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

2. DECLARATIONS OF INTEREST

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

3. SCRUTINY WORK PROGRAMME

(Pages 5 - 8)

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.

4. RESOURCES AND POLICY

4.1 COUNCIL TAX BASE 2023/24 (Pages 9 - 12)

To approve the Council Tax Base for the year 2023/24.

4.2 LOCAL COUNCIL TAX SUPPORT SCHEME 2023/24 (Pages 13 - 16)

To seek approval for arrangements to operate in 2023/24 in respect of the Local Council Tax Support Scheme.

5. ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT

5.1 ENDORSEMENT OF STAPLEFORD TOWN DEAL DELIVERY BOARD PROCUREMENT DECISION (Pages 17 - 30)

The purpose of this report is to give formal endorsement to a procurement and budget decision made by both the Stapleford Town Deal Executive Board and the Town Deal Delivery Board. Broxtowe Borough Council needs to ratify this decision as overall Accountable Body for the programme.

6. GREATER NOTTINGHAM STRATEGIC PLAN: PREFERRED APPROACH (UPDATE) (Pages 31 - 32)

To provide an update regarding the Greater Nottingham Strategic Plan Preferred Approach consultation following an amendment made relating to Gedling Borough Council.

7. HOUSING

7.1 HOUSING DELIVERY PLAN (Pages 33 - 36)

To inform Members about the delivery outcomes of the Housing Delivery Plan. It recommends that an updated Housing Delivery Plan be brought to Cabinet for approval in 2023.

8. ENVIRONMENT AND CLIMATE CHANGE

8.1 SHARED ELECTRIC VEHICLE CHARGING POINTS (Pages 37 - 40)

To seek approval to enter into a shared charging point agreement and to approve the funding for the installation of four electric vehicle charging points at Kimberley Depot.

9. COMMUNITY SAFETY

9.1 ANTI SOCIAL BEHAVIOUR CASE REVIEW (COMMUNITY TRIGGER) POLICY AND PROCEDURE (Pages 41 - 60)

To inform Members of an updated policy in respect of anti-social behaviour case reviews requested under the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014.

9.2 FEELING SAFE IN BROXTOWE (Pages 61 - 68)

To invite Councillors to comment on a proposed survey about how safe people feel in Broxtowe, to inform community safety responses; and the proposed targeted audience for the survey.

10. CHIEF EXECUTIVE URGENCY POWERS (Pages 69 - 72)

To report the use of the Chief Executive's urgency powers.

11. CABINET WORK PROGRAMME (Pages 73 - 74)

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, 3 and 4 of Schedule 12A of the Act.

13. HOUSING DELIVERY PLAN - APPENDIX 1 AND 2 (Pages 75 - 80)
14. ENDORSEMENT OF STAPLEFORD TOWN DEAL DELIVERY BOARD PROCUREMENT DECISION - APPENDIX 3 (Pages 81 - 82)
15. USE OF CHIEF EXECUTIVE'S URGENCY POWERS - CONFIDENTIAL APPENDIX (Pages 83 - 84)

Report of the Overview and Scrutiny Committee

SCRUTINY WORK PROGRAMME

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

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

The Overview and Scrutiny Committee (OSC) and the Overview and Scrutiny Committee Working Groups (OSCWG) are considering their respective topics as follows:

- OSC – Service and Financial Plans
- OSCWG – Agile Working
- OSCWG – Missed Bins
- OSCWG – Cost of Living

The work programme for the next four meetings is as follows:

12 January 2022	<ul style="list-style-type: none"> • Service and Financial Plans Training
30 January 2023	<ul style="list-style-type: none"> • Service and Financial Plans
31 January 2023	<ul style="list-style-type: none"> • Service and Financial Plans
23 February 2023	<ul style="list-style-type: none"> • Consideration of a future work programme

4. Legal Implications

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

Background papers

Nil

APPENDIX

1. Topics under review:

Topic	Committee/Group	Start date	Proposed Cabinet submission
Agile Working	Overview and Scrutiny Working Group	19/10/22	TBC
Cost of Living	Overview and Scrutiny Committee	10/11/22	TBC
Missed Bins	Overview and Scrutiny Working Group	16/12/22	TBC

2. Topics reserved for future consideration:

	Topic	Topic suggested by	Link to corporate priorities/values
1.	Broxtowe Lotto	Councillor S J Carr	A strong caring focus on the needs of all communities
2.	Disabled Facilities Grants	Councillor B C Carr	The Housing aim of a good quality home for everyone
3.	Kimberley Leisure Centre	Councillor S Easom	Continuous improvement and delivering value for money
4.	Environment Strategy	Overview and Scrutiny Committee	This links to all of the Council's Corporate Priorities.
5.	Child Poverty	Overview and Scrutiny Committee	A strong caring focus on the needs of all communities
6.	Budget Consultation	Overview and Scrutiny Committee	Continuous improvement and delivering value for money
7.	Houses In Multiple Occupation	Overview and Scrutiny Committee	The Housing aim of a good quality home for everyone

	Topic	Topic suggested by	Link to corporate priorities/values
8.	Service Provided by the Duty Planning Team and Acknowledgment of Calls	Overview and Scrutiny Committee	Continuous improvement and delivering value for money

3. Topics deferred:

	Topic	Topic suggested by	Notes	Link to corporate priorities/values
1.	Housing Repairs Review	Councillor P J Owen	This topic has been deferred to allow for services to be reviewed. Committee to be updated at a future meeting from Head of Housing.	Continuous improvement and delivering value for money

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Report of the Portfolio Holder for Resources and Personnel Policy

COUNCIL TAX BASE 2023/24

1. Purpose of report

To approve the Council Tax Base for the year 2023/24.

2. Recommendation

Cabinet is asked to RESOLVE that based on the number of Band D equivalent properties and in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, Broxtowe Borough Council calculates its Council Tax Base for the year 2023/24 as follows:

1. For the whole of its area 34,861.86
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	577.62
Brinsley	713.48
Cossall	248.54
Eastwood	3,050.06
Greasley	3,732.76
Kimberley	1,883.90
Nuthall	2,265.27
Stapleford	4,206.21
Strelley	178.49
Trowell	841.96
 <u>Special Expenses Area</u>	
Beeston Area	17,163.57

3. Detail

The 2022/23 Council Tax Base has now been calculated in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012. The calculated Council Tax Base for the Borough for the full year commencing 1 April 2023, assuming a collection rate of 98.5%, is **34,861.86**. Separate calculations have been made for the parishes and special expenses areas. Further details are given in the appendices.

4. Financial Implications

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

The proposed Council Tax Base has been prudently estimated in terms of growth and reliefs and discounts. It is broadly in line with the assumptions made in the Medium Term Financial Strategy approved by Cabinet on 4 October 2022, which assumed an increase in the Council Tax Base of 1%.

5. Legal Implications

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

The calculation of the tax base is a legal requirement and an essential part of the tax setting process. As stated in paragraph 3 the tax base calculations for a particular financial year must comply with the Local Authorities (Calculation of Council Tax Base) Regulations 2012 and be determined by no later than 31st January in the preceding financial year. These regulations have been made under the Local Government Finance Act 1992, as amended (LGFA 1992). The Local Government Finance Act 2012 (LGFA 2012) includes several amendments to the LGFA 1992 that affect the calculation of the Council Tax base. These amendments require the Council to operate a Council Tax Support Scheme (as a replacement of Council Tax benefit) and gave powers to determine further discounts and set premiums.

6. Human Resources Implications

There were no comments from the Human Resources Manager.

7. Union Comments

There were no Unison comments in relation to this report.

8. Data Protection Compliance Implications

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

9. Equality Impact Assessment

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

10. Background Papers

Nil

APPENDIX

The Council Tax Base is calculated on the estimated full year equivalent number of chargeable dwellings expressed as the equivalent number of band D dwellings in the Council's area after allowing for dwelling demolitions and completions during the year, Council Tax exemptions, discounts, disabled reliefs and premiums, and the estimated collection rate.

Under the Local Council Tax Support Scheme (LCTSS), the Council Tax Base is affected by whether persons living in a dwelling within an authority area are in receipt of a Council Tax reduction awarded under the Scheme, as the billing authority foregoes Council Tax income from those dwellings. These local Council Tax reductions are reflected in the calculation of the Council Tax Base, in order to calculate the correct amount of band D Council Tax for the billing and precepting authorities in the area.

The calculated Council Tax Base for the Borough for the full year commencing 1 April 2023, assuming a 98.5% collection rate, is **34,861.86**. Separate calculations are required to be made for the parishes and special expenses areas. The table below gives a comparison of the Council Tax Base for 2022/23 with the proposed figures for 2023/24 so that Members can see the growth between years. There has been some movement too between areas with recent changes to parish boundaries.

Part of Council's area	Council Tax Base 2022/23	Council Tax Base Proposed 2023/24	Change
Awsworth	606.78	577.62	-4.81%
Brinsley	695.96	713.48	2.52%
Cossall	216.56	248.54	14.77%
Eastwood	3,017.84	3,050.06	1.07%
Greasley	3,727.31	3,732.76	0.15%
Kimberley	1,855.54	1,883.90	1.53%
Nuthall	2,266.30	2,265.27	-0.05%
Stapleford	4,178.70	4,206.21	0.66%
Strelley	179.15	178.49	-0.37%
Trowell	832.42	841.96	1.15%
Beeston Special Expenses Area	16,953.44	17,163.57	1.24%
TOTAL	34,530.00	34,861.86	0.96%

The Council Tax Base figures will be notified to the parish and town councils in order that they may calculate their precepts. The overall summary for the Borough Council area broken down by band of property is shown below.

Band	No of Dwellings	% of Total	Chargeable Dwellings	Equivalent Discounts at 25%	Empty Homes Premium 100%	Empty Homes Premium 200%	Equivalent No of Dwellings	Ratio to Band D	Chargeable Band D Equivalent Properties	CTS Reduction on average Band D	LCTSS Adjustment Band D Equivalent	No of Dwellings Relevant to Band D
(1)	(2)	(3)	(4)	(5)	(6)	(6a)	(7)	(8)	(9)	(10)	(11)	(12)
A DPR	0	0	34.0	11.9	0	0	31.03	0.56	17.24	7.42	4.12	13.11
A	16717	32.58%	16143.5	8597.6	36	46	14076.10	0.67	9384.07	3066.35	2044.23	7339.83
B	13287	25.90%	13046.0	4514.2	19	14	11950.45	0.78	9294.79	925.20	719.60	8575.19
C	11077	21.59%	10946.0	3223.4	14	16	10170.15	0.89	9040.13	399.14	354.79	8685.34
D	6116	11.92%	6025.0	1400.7	10	6	5690.83	1.00	5690.83	110.89	110.89	5579.94
E	2762	5.38%	2727.0	468.7	3	0	2612.83	1.22	3193.45	47.52	58.08	3135.37
F	811	1.58%	782.0	148.7	2	2	748.82	1.44	1081.64	10.38	14.99	1066.64
G	505	0.99%	498.0	102.2	3	4	479.45	1.67	799.08	2.20	3.67	795.42
H	29	0.06%	22.0	17.0	0	0	17.75	2.00	35.50	0.00	0.00	35.50
Totals	51304	100%	50223.5	18484.4	87	88	45777.40		38536.73	4569.10	3310.38	35226.35

CALCULATION OF COUNCIL TAX BASE 2023/24

Council Tax including estimated collection rate of 98.5%	34,697.96
Add: Band D equivalents for class O dwellings	163.90
Council Tax Base for Broxtowe Borough Council	34,861.86

NOTES (figures may not add up exactly due to rounding)

1. Column 4 equals column 2 less estimated exempt properties.
2. Column 7 equals column 4 less 25% of column 5 plus column 6 and 6a.
3. Column 9 equals column 7 multiplied by column 8.
4. Column 12 equals column 9 less column 11.

Report of the Portfolio Holder for Resources and Personnel Policy

LOCAL COUNCIL TAX SUPPORT SCHEME 2023/241. Purpose of Report

To seek approval for arrangements to operate in 2023/24 in respect of the Local Council Tax Support Scheme (LCTSS).

2. Recommendation

Cabinet is asked to CONSIDER and RECOMMEND to Council that the current Local Council Tax Support Scheme remains in place for 2023/24.

3. Detail

Members will recall that council tax benefit ceased at the end of 2012/13 and was replaced by a Local Council Tax Support Scheme defined by each local authority. Cabinet considered the LCTSS on 27 November 2012 and the new scheme was approved by Council on 19 December 2012. The new scheme was effectively the government's default scheme with due allowance being made to allow the continuation of the discretionary policy relating to the treatment of war pensions.

The current scheme allows for up to 100% of the council tax liability to be paid in council tax support. The majority of local authorities have not adopted this approach. Most have passed some of the reduction in funding on to LCTSS recipients. The Council had benefitted from the overall bill for LCTSS falling from 2013/14 to 2016/17 as the numbers of claimants requiring support had reduced. Since 2017/18, the level of LCTSS has risen slightly each year, with a significant increase in 2020/21 as a result of the pandemic. The last and current financial years are showing a reducing spend. Further details are provided in the appendix to this report.

Should members wish to make any alterations then any scheme changes would have to go through a formal consultation process. This would require planning of an alternate scheme and consultation with constituents of the borough before the deadline of March 2023.

The Local Council Tax Support Scheme does not provide a direct cost to the Council. The Scheme is incorporated within the Council Tax Base calculation.

4. Financial Implications

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

There are no direct financial implications arising from the proposals in respect of LCTSS. The revenue budget for 2023/24 will be set on the basis of existing estimates of take-up and collection.

5. Legal Implications

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

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. The Council must make any revision to its scheme, or any replacement scheme, no later than 11 March in the financial year preceding that for which the revision or replacement scheme is to have effect.

Schedule 1A allows the Government to make regulations about the prescribed requirements for schemes and these are contained in the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012/2885. Any scheme that the Council adopts must comply with these regulations.

6. Human Resources Implications

There were no comments from the Human Resources Manager.

7. Union Comments

There were no Unison comments in relation to this report.

8. Data Protection Compliance Implications

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

9. Equality Impact Assessment

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

10. Background Papers

Nil

APPENDIX

Council Tax Support to Date

The Council has maintained a consistent approach to the administration of LCTSS, which has been influential in the continued high level of Council Tax collection. Many local authorities adopted schemes which required all those Council Tax payers receiving support to pay a minimum of 8.5% up to 100% of their liability.

In doing this, they have seen a significant increase in the number of small levels of Council Tax required to collect, with the associated costs that come with this approach. The methodology at Broxtowe of continuing with a scheme, almost identical to Council Tax Benefit, has ensured a greater understanding for residents of the Borough, whilst also seeing an improvement in relation to collection.

The estimated charge for the LCTSS in 2022/23 is £7,261,952, which is a reduction from 2021/22.

Year	LCTSS charge (£)
2021/22	7,304,375
2020/21	7,889,034
2019/20	6,858,435
2018/19	6,786,378
2017/18	6,676,016
2016/17	6,661,822
2015/16	6,799,286

Proposals for 2023/24 Onwards

The current scheme has worked successfully with no administration issues. Although the overall LCTSS spend has increased, it is still felt that this outweighs the increase in expenditure that would be incurred in recovering or writing off small amounts of Council Tax charge.

From 2014/15, the LCTSS grant to local authorities has not been separately identified but has been subsumed within the overall funding assessment. The government has on several occasions indicated that it has made no moves to further reduce funding towards the LCTSS but this cannot be quantified due to the lack of a financial breakdown.

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Report of the Portfolio Holder for Economic Development and Asset Management**ENDORSEMENT OF STAPLEFORD TOWN DEAL DELIVERY BOARD PROCUREMENT DECISION****1. Purpose of Report**

The purpose of this report is to give formal endorsement to a procurement and budget decision made by both the Stapleford Town Deal Executive Board and the Town Deal Delivery Board. Broxtowe Borough Council needs to ratify this decision as overall Accountable Body for the programme.

2. Recommendation

Cabinet is asked to RESOLVE that:

- 1. The Stapleford Town Deal's Executive and Delivery Boards' decisions to appoint VIA EM to design the whole town highway improvement scheme; provide detailed designs and construct the replacement car park on Derby Road be endorsed.**
- 2. An exemption to the Council's Contract Procedure Rules be approved to allow for the contract to be awarded without a full tender process being carried out.**

3. Detail

The Stapleford Town Deal (STD) Executive Board is a private / public partnership board which until recently provided monthly strategic direction and governance of the £21.1 million Programme. With five of the six projects having their finances approved, the governance has been refined. The Executive Board agreed a revised Local Assurance Framework, (LAF), effectively a Town Deal constitution and regulatory protocol. This was scrutinised by the Department of Homes Levelling Up and Communities (DHLUC) who concurred there was no need for further more detailed scrutiny.

The LAF contains procurement guidance which for the most part mirrors the Council's Procurement Strategy, but has slightly more flexibility in the way that tight spending deadlines imposed by the Government are legislated for. A meeting of the Executive on 23 September 2022 used this process to award work to VIA EM. The LAF also created a Delivery Board to oversee timescales, manage risk and support project delivery. This Board comprises Senior Officers of the Borough Council plus the private sector Chair and meets every six weeks or more urgently if necessary. In September 2022 the STD Executive Board used the LAF and appointed Nottinghamshire County Highways teckal, VIA EM to design the Highways improvement works in the town centre. A small award was also made to design the new car park on Derby Road with a possibility of an extension to build the car park itself. Details of the contract values are covered

in a confidential appendix 4, to avoid the dissemination of commercially sensitive information.

The Town Deal Executive and Delivery Boards agreed that consistency was key; this is to say that car park and highway improvement designs should have common features and be aligned to the detail of on road parking and regulations concerning vehicular access, traffic flows and turning requirements the design of the new car park by VIA EM was seen as a logical and sensible action by the Board and has agreed to their designing the car park which has been done.

Given that the provision of the new car park is vital to facilitate the creation of the next stage of the Victoria Street Enterprise Hub and is slightly behind programme there was support to commission VIA EM to build the car park once the design has attained planning permission. The STD Executive agreed that speed was important. Subject to satisfactory performance and the design meeting objectives, the Executive are favourable to an option to make a further award for the detailed design, planning and construction of the car park providing it had the approval of the STD Delivery Board. The Delivery Board concurred, but stipulated that the decision to award on a single tender basis must be ratified by Cabinet.

VIA EM's have now produced the construction proposal for this car park's design. The revised price has been tested against Faithful and Gould and PAGABO rates who have judged it reasonable, it includes a project management fee and an agreed element of profit. There is a programme contingency and the costs can be met entirely from the STD without risk to the Council. VIA EM have given assurances that they will use local Nottinghamshire contractors to support the Town Deal. A preferred design is attached at appendix 3.

The Delivery Board are favourable to proceed at pace with the car park development using a direct award to VIA EM but in the best standards of public accountability should be subject to scrutiny by Cabinet. The works are valued at the amount stated within appendix 4, which is confidential. At this amount an exemption to the Council's Contracts Regulations can be approved by Council, the relevant Committee or the Chief Executive Officer, or duly nominated substitute, if a tender process is not carried out for contract awards above £25k. The value for the works is below the Public Contracts Regulations 2015 (PCR 2015) mandatory tendering threshold for Works (approximately £4.44m) and therefore in the opinion of the Council's Procurement and Contracts Officer is compliant.

Should Cabinet be minded to ratify the Stapleford Town Deals' decision, officers will draw up contractual terms to ensure the car park can be built subject to planning permission in 2023.

4. Financial Implications.

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

The Council was successful in its bid for the Government's Towns Deal funding with the aim of regenerating and revitalising the town of Stapleford. The £21.1m funding for the Stapleford Town Deal, which will be received over the project delivery period, is being invested in six core projects. The schemes have been budget profiled and included in the Capital Programme accordingly. There are no financial implications at this stage, with the additional costs quoted expected to be contained within the overall Towns Fund programme. Any significant budget implications for the Council going forward would require approval by Cabinet.

The advice of the Council's procurement expert has been sought and considered to ensure compliance with the Council's Contract Procedure Rules. The value for the works is below the Public Contracts Regulations 2015 (PCR 2015) mandatory tendering threshold for Works (approximately £4.44m). However, with the works being valued at the sum in appendix 4, an exemption to the Council's Contract Procedure Rules is required, which can be approved by Council, relevant Committee or the Chief Executive Officer or duly nominated substitute, if a tender process is not carried out for contract awards above £25,000.

5. Legal Implications

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

The Head of Legal Services has consulted with the Contracts and Procurement Officer and the comment is:

The exemption requires compliance with relevant legislation, the Council's constitution and Local Assurance Framework document that governs the Stapleford Town Deal Executive Board.

The value of the works does not meet the threshold in the Public Contract Regulations 2015 and as such these Regulations do not apply. However, as the works exceed the medium value of £25,000, Clause 1.2 of the Contract Procedure Rules of the Constitution states:

Every contract and the procedures relating to the selection of tenderers and the obtaining, opening and evaluation of tenders or quotations shall comply with these Procedure Rules and no exception from any of the following provisions of these Procedure Rules shall be made otherwise than by the direction of the Council or by Cabinet or by the Chief Executive or duly nominated substitute.

As the Local Assurance Framework document is based on the Council's constitution the same provision as above applies in relation to this.

Therefore, the proposed exemption is compliant with the aforementioned requirements.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

Not applicable

7. Union Comments

The Union comments were as follows.

Not applicable.

8. Data Protection Compliance Implications

Not applicable.

9. Equality Impact Assessment

Not required.

10. Background Papers

Nil

APPENDIX 1

**Report Presented to Stapleford Town Deal Executive Board Meeting
23 September 2022****Proposed Procurement Route****Background**

The Executive Board is asked to consider and decide on the proposal to commission VIA EM to undertake all highways related works throughout the town centre, in order to submit the sixth and final business case (due early December).

VIA EM is the Highways Authority preferred partner and wholly owned arm's length subsidiary of Nottinghamshire County Council (NCC), and provides engineering services across the East Midlands region. It is VIA who delivers highways services for NCC who have, in the past, proposed the need to use VIA for highways works, to ensure there is a coherence between highways all strands of highways policy and design. Faithful and Gould have recommended their use to the Executive Board in the Stapleford TIP following previous design iterations for the town in the TIP development and business case process undertaken thus far.

As the delivery agent for highways services for NCC, there is little value in tendering for this area of work when the winning tenderer would need to bring in the services of VIA EM and potentially increase costs to the Executive Board because of additional management and oversight that would be needed and charged not only by a contractor but also by VIA as expert contractor for NCC.

Teckal Rules would apply (see Appendix 1) allowing Contracting Authorities to look outside the application of procurement rules when co-operating between public sector bodies or using the "in-house exemption".

Considering the above there is little value in tendering for this area of work when the winning tenderer would need to bring in the services of VIA EM and potentially increase costs to the Executive Board because of additional management and oversight that would be needed and charged not only by a contractor but also by VIA as expert partner/ contractor for NCC.

An alternative option is to use the Single Tender Waiver Justification (see Appendix 2), recently agreed as part of the updated Local Assurance Framework.

The Executive Board has recently approved an updated Local Assurance Framework within which is the Single Tender Waiver Justification.

This Justification allows Board to waive formal tendering procedures in exceptional circumstances when those procedures would not be practicable or the estimated expenditure or income would not warrant formal tendering procedures, or where specialist expertise is required and is available from only one source, and must be approved by the Accountable Body's Chief Executive or s.151 Officer.

The Town Deal was awarded a 5% advance of the total award to fund business case and project development activity. Not all of this funding has been defrayed and there is sufficient resource to commission VIA to use take the existing proposals for the town to manage traffic and secure the best possible harmonization between through route users, traffic visiting the shops and services, cyclists and pedestrians. The work will continue to develop proposals for street scene and pedestrian realm improvements. It will also develop a whole town approach and create some high level schemes capable of being delivered by the Towns Fund budget as well as give the Town opportunities and options to bid for other highways improvement funds when opportunities arise.

The creation of a Car Park on the former Tiles UK site and potentially changes to the entrance and egress to the new Enterprise Hub on Victoria Street will be material to this street design work in Derby Road. It is therefore logical to include some initial surveys and the planning permission for the car park into the same works package. Although there are project accountancy issues capturing the exact spend totals can be separately recorded for monitoring and evaluation purposes. The fee proposals for both should be available for a verbal update at the Board meeting.

Decision Required

The purpose of this paper is to ask the Executive Board, to, in consultation with the S151 Officer, approve the commissioning of VIA EM to undertake appropriate works within the town centre on the Traffic Management Business Case, together with the works package for the creation of the car park on the old Tiles UK site at 131 Derby Road, and a further desk top in relation to the Enterprise Hub.

Need

The Executive Board is now at the stage of being required to demonstrate that it can spend the monies granted by Government and deliver the proposed changes within the various business cases submitted to and approved by Government.

The car park is the first piece of work that will need to be commissioned through VIA EM. The cost is in the region of £100,000, and the car park will require crossing of the pavement and linking to the highway. This is work that VIA would require any contractor to allow them to undertake or would specify clearly the required quality of work expected from that contractor, and monitor that their requirements were indeed provided.

Decision

Executive Board is asked to approve the use of the:

Single Tender Waiver Justification for reasons A and F (Appendix 1) as the approach to ensure swift delivery of the Business Case for the Traffic Management Scheme, acceleration of the work on the replacement car parking; the first stages of the enterprise hub as a single order. The Waiver should site the Teckal Rules as further justification for this approach (See Appendix 2).

Local Assurance Framework – Extract

Single Tender Waiver Justification

Formal tendering procedures may be waived in the following circumstances:

- a) in very exceptional circumstances where the Accountable S151 Officer or Chief Executive Officer decides that formal tendering procedures would not be practicable or the estimated expenditure or income would not warrant formal tendering procedures, and the circumstances are detailed in an appropriate Broxtowe Borough Council record;
- b) where the requirement is covered by an existing contract;
- c) where Crown Commercial Service or equivalent agreements are in place and have been approved by the Governing Body;
- d) where a consortium arrangement is in place and a lead organisation has been appointed to carry out tendering activity on behalf of the consortium members;
- e) where the timescale genuinely precludes competitive tendering, but failure to plan the work properly would not be regarded as a justification for a single tender;
- f) where specialist expertise is required and is available from only one source;
- g) when the task is essential to complete the project, and arises as a consequence of a recently completed assignment and engaging different consultants for the new task would be inappropriate;
- h) there is a clear benefit to be gained from maintaining continuity with an earlier project. However, in such cases the benefits of such continuity must outweigh any potential financial advantage to be gained by competitive tendering;
- i) for the provision of legal advice and services providing that any legal firm or partnership commissioned by the Broxtowe Borough Council is regulated by the Law Society for England and Wales for the conduct of their business (or by the Bar Council for England and Wales in relation to the obtaining of Counsel's opinion) and are generally recognised as having sufficient expertise in the area of work for which they are commissioned. The Chief Finance Officer will ensure that any fees paid are reasonable and within commonly accepted rates for the costing of such work.
- j) where allowed and provided for in the Capital Investment Manual.

The waiving of competitive tendering procedures should not be used to avoid competition or for administrative convenience or to award further work to a consultant originally appointed through a competitive procedure.

Where it is decided that competitive tendering is not applicable and should be waived, the fact of the waiver and the reasons should be documented and recorded in an appropriate CCG record and reported to the Governance and Audit Committee at the first available meeting.

REQUEST TO WAIVE FORMAL TENDERING PROCEDURES

Requests to waive formal tendering procedures should be made in writing using this template and sent to the Chief Finance Officer for consideration. Contracts should not be entered into or requisitions/orders raised before the waiving of formal tendering procedures has been agreed by the Chief Executive or Chief Finance Officer.

Description of service being procured:

Estimated value of service being procured:

Applicable circumstances for waiver (a-j) and supporting information:

Declaration:

I confirm that the information contained within this form is true and correct. I can confirm that I have complied with the Broxtowe Borough Council's detailed Financial Policies and Standing Orders. I understand that if I have knowingly provided false information or made a false statement that I may be subject to disciplinary and/or criminal action.

Request by:

Signature:

Authorised (Chief Executive or S151 Officer) signature and date:

Date reported to Executive Board:

APPENDIX 2

Teckal Rules

Use of VIA for all highways works

Following receipt of information and advice from Broxtowe BC Procurement Service the information below is applicable to the Stapleford Town Deal suite of projects, and the Government's Levelling Up Agenda using LUF and UKSPF (Levelling Up Fund and UK Shared Prosperity Fund) within the Borough as well as other areas of work being undertaken.

Broxtowe BC has in the past been instructed by NCC to use VIA (a wholly owned arms-length subsidiary of NCC) and NCC have insisted on their appointment for highways works. This is usually to ensure that the NCC policies (safety, DDA, etc) are adhered to and the appropriate quality is reached so that future maintenance can be adopted with a high degree of comfort by the County Council.

It should be noted that when this is the case it is still recommended that the VIA should only charge for costs including overheads.

Faithful and Gould have also recommended the use of VIA for the works related to the Town Deal which forms part of the TIP.

Teckal Rules would apply allowing Contracting Authorities to look outside the application of procurement rules when co-operating between public sector bodies or using the "in-house exemption".

"The Hamburg case set out an exemption for contracts involving co-operation between public sector bodies.

Hamburg

Under regulation 12(7), a contract concluded between two or more CAs will be exempt from application of the regulations where:

- the contract implements a co-operation between the participating CAs with the aim of ensuring that public services they have to perform are provided with a view to achieving objectives they have in common;
- the implementation of that co-operation is governed solely by considerations relating to the public interest; and
- the participating CAs perform on the open market less than 20% of the activities concerned by the co-operation.

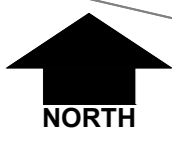
The codification of Teckal introduces two new key changes. The first is that indirect private capital participation is permitted, as is non-controlling and non-blocking forms of private capital participation where this is required by legislation and does not result in a loss of the CA's decisive influence.

Also, the fixing of a percentage for the activity requirement is significant as it sets a clear threshold for CAs to follow in their application of the exemption and Teckal can still be of benefit to CAs where their controlled entities do up to 20% of their activities with or for third party organisations.

The codification of the Hamburg principles means CAs can now potentially rely on a statutory exemption to provide services to each other where the conditions are met.”

(<https://www.wardhadaway.com/insights/updates/procurement-in-a-nutshell-teckal-and-hamburg-exemptions/#:~:text=The%20Teckal%20case%20set%20out%20an%20exemption%20for,It%20is%20often%20known%20as%20the%20in-house%20exemption.>)

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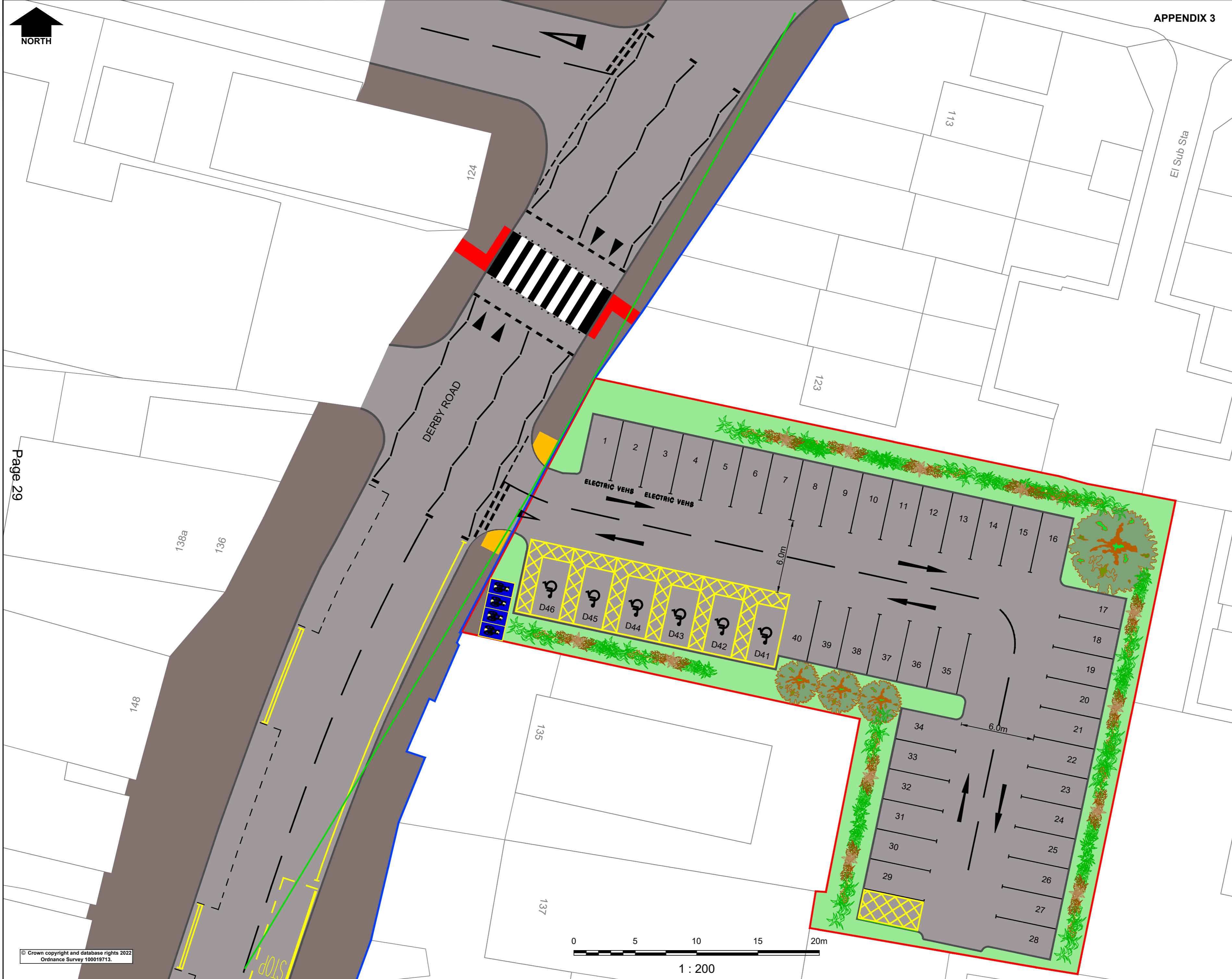


NOTES

1. This drawing is to be read in conjunction with all other relevant drawings, details and specifications.
2. Do not scale from this drawing.
3. All measurements are given in metres unless otherwise stated.
4. Annotation subject to detail design.
5. Number of parking bays subject to detail design.
6. Pay & Display and Electric Charging points not shown.
7. Annotation based on Ordnance Survey data, which could hold discrepancies.

KEY

- Landscaped area, typically lawned with planted trees
- Car park carriageway
- Footpath
- Highway Boundary
- Site Boundary
- Visibility splay lines
- Proposed trees
- Low level planting and shrubs
- Cycle stand spacing in accordance to LTN 1/20. Below is a typical Sheffield bike stands.



Project
Stapleford Town Deal

Project No: TP2250 769

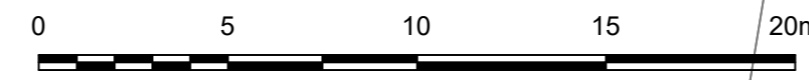
Drawing Title
Proposed Car Park Configuration A

Status Code	Drawing Suitability	Revision
SO	WORK IN PROGRESS	dsfh
Scale (A2)	Team	Date
1:200	Nia	Oct 2022
Author	Drawn	Date
	fgdhmdgg	

Project/Originator/Location/Revision/Type/Revision
2250769-VIA-O-EX-00001

in partnership with

www.viam.co.uk Tel 0115 894 2100
Bilthorpe Depot, Bilthorpe Business Park, Bilthorpe, Nottinghamshire, NG22 8ST



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Report of the Portfolio Holder for Economic Development and Asset Management**GREATER NOTTINGHAM STRATEGIC PLAN: PREFERRED APPROACH (UPDATE)**1. Purpose of Report

To provide an update regarding the Greater Nottingham Strategic Plan Preferred Approach consultation following an amendment made relating to Gedling Borough Council.

2. Recommendation

Cabinet is asked to NOTE the amendment to the Greater Nottingham Strategic Plan Preferred Approach.

3. Detail

On the 8 December 2022 Cabinet resolved to approve the Greater Nottingham Strategic Plan Preferred Approach, in so far as it relates to Broxtowe, for public consultation.

Gedling Borough, Nottingham City and Rushcliffe Borough Councils have also approved the consultation. However, Gedling's Cabinet resolution required the removal of the proposed site at Teal Close for 360 dwellings. This site would have required land to be removed from the Green Belt.

It is still proposed that Gedling meet their housing need and no other changes to the Preferred Approach are proposed. It is considered that this change does not impact the Preferred Approach so far as it relates to Broxtowe.

The Preferred Approach Document and the evidence base are being updated to reflect this change.

It is proposed the consultation will now commence in the first week of January for a period of six weeks.

4. Financial Implications

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

The present workload required in preparing the Greater Nottingham Strategic Plan, in terms of the Council working jointly with partner authorities, will be undertaken utilising existing resources within Planning Policy. As such, there are no additional financial implications for the Council at this stage with any costs being contained within existing budgets. Any significant budget implications that

might be required as the review progresses, over and above virement limits, would require approval by Cabinet.

5. Legal Implications

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

It is a statutory requirement, as set out in the Planning and Compulsory Purchase Act 2004, for the Council to have a Local Plan. Under the Town and Country Planning (Local Planning) (England) Regulations 2012, Local Plans must also be reviewed at least once every five years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community.

6. Human Resources Implications

No implications.

7. Union Comments

No implications.

8. Data Protection Compliance Implications

Consultation comments will be dealt with in accordance with the Greater Nottingham Planning Partnership's Joint Privacy Notice:
www.gedling.gov.uk/jointprivacynotice

9. Equality Impact Assessment

Not applicable

10. Background Papers

Nil

Report of the Portfolio Holder for Housing

HOUSING DELIVERY PLAN1. Purpose of Report

To inform Members about the delivery outcomes of the Housing Delivery Plan. It recommends that an updated Housing Delivery Plan be brought to Cabinet for approval in 2023.

2. Recommendation

Cabinet is asked to note the progress made with the Housing Delivery Plan and RESOLVE that:

1. **An updated Housing Delivery Plan be prepared and brought to Cabinet for approval in 2023; and**
2. **An additional capital budget of £30,000 for assessing the feasibility options for three sites owned by the Council be approved, to be contained within the existing New Build Housing Feasibility Costs budget within the 2022/23 Capital Programme.**

3. Detail

An audit of the Housing Delivery Plan was undertaken in 2021. The audit concluded that the Housing Delivery Plan should be refreshed and updated to fully reflect the current aspirations and potential of the project and that an updated report would be presented to members of approval. This report is a precursor to this and aims to inform members about the delivery outcomes of the Housing Delivery Plan. It recommends that an updated Housing Delivery Plan be brought to Cabinet for approval in 2023.

The housing delivery plan was approved in 2019. It aimed to;

- 1) Deliver a minimum of 230 homes over 10 years for the Housing Revenue Account (HRA),
- 2) Develop nine Council owned sites as part of the first phase 1 of the Housing Delivery Plan,
- 3) Fund a programme of property acquisition for the HRA concentrating on former right to buy properties,

The delivery plan was to be in three phases based on the use of a combination of the following delivery mechanisms:

- 1) Acquisition of existing properties,
- 2) Remodelling of existing under-used accommodation,
- 3) Partnership work with local registered providers,
- 4) New build development,

Appendix 1 and 2 are included in the confidential part of the agenda. Appendix 1 summarises the achievements of the Housing Delivery Plan to date.

It is proposed that officers undertake a review of the Housing Delivery Plan in early 2023 and that in particular the review considers the following areas (further details are included at Appendix 2);

- 1) HRA Asset sites and existing housing stock for housing redevelopment,
- 2) General fund sites for housing redevelopment,
- 3) Acquiring affordable housing on section 106 sited from house builders,
- 4) Buying land on the open market for housing development,
- 5) Purchasing former right to buy properties/non RTB properties,
- 6) Acquiring/building larger and adapted properties,
- 7) The financial capacity for future new homes funded by the HRA,
- 8) Energy standards and non-traditional building standards for the new build homes.

4. Financial Implications

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

Further financial commentary relating to the progress made with the Housing Delivery Plan is provided in the appendices to this report. The HRA Capital Programme 2022/23 already includes a budget for New Build Housing Feasibility Costs (£200,000 in 2022/23 plus £411,300 brought forward from 2021/22). The cost of £30,000 to assess the feasibility options for the three sites owned by the Council, as outlined in appendix 2, can be contained within this budget.

5. Legal Implications

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

There are no direct legal implications arising from this report. The relevant implications for each site will be considered as each is brought forward for development.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

No comment.

7. Union Comments

The Union comments were as follows.

No comments.

8. Data Protection Compliance Implications

Not applicable.

9. Equality Impact Assessment

Not required as this is not a change to policy.

10. Background Papers

Nil.

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Report of the Portfolio Holder for Environment and Climate Change

SHARED ELECTRIC VEHICLE CHARGING POINTS

1. Purpose of Report

To seek approval to enter into a shared charging point agreement and to approve the funding for the installation of four electric vehicle charging points at Kimberley Depot.

2. Recommendation

Cabinet is asked to RESOLVE that:

- 1. The Council enters into an agreement until June 2024 for shared electric vehicle charging points; and**
- 2. A budget of £25,000, is added to the Capital Programme 2022/23 for the installation and set up costs of four electrical vehicle charging points at Kimberley Depot be approved, to be financed from capital grants received.**

3. Detail

The Department for Transport has awarded Nottingham City Council a grant as part of the Future Transport Zones (FTZ) funding to develop and operate an electric vehicle (EV) charging network across the Derbyshire and Nottinghamshire (D2N2) region.

The exciting opportunity will create a network of public sector organisations who agree to share EV charge points so delivering collective efficiencies in EV operations and overcoming barriers to charge point deployment.

The shared network will provide employees from the member organisations with a series of charging points to use for charging Council operated fleet across the region. This will improve the charging network for fleet users, home starts and employees frequently on the move as part of their daily work. The electricity used for charging will be paid for by the organisation whose vehicle is being charged. A software package, which is part of the procurement of the project, will manage the usage and invoicing element to the scheme.

It is proposed that four 7KW electric vehicle charging points are installed at Kimberley Depot. This will increase the number of charging points to six at the depot.

The charging points will need to be procured by the Council and the initial installation costs funded by the Council. Once complete, the full installation costs will be claimed back from Nottingham City Council.

Further details on the project are shown in the appendix.

4. Financial Implications

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

The cost of installing and setting up four electrical vehicle charging points at Kimberley Depot is estimated at £25,000. This capital scheme would be an addition to the approved Capital Programme for 2022/23, with the cost to be financed by capital grant. This funding is to be received from Nottingham City Council as part of the Department for Transport's funding of Future Transport Zones (FTZ) to develop and operate an electric vehicle charging network across the region.

There are no additional revenue costs associated with this project.

5. Legal Implications

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

The Council will need to ensure compliance with the Public Contracts Regulations 2015, the Councils Financial Regulations Chapter 4 Part 1 of the Constitution as part of the procurement process. Legal Services will consider further contractual obligations when required.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

No Comments

7. Union Comments

The Union comments were as follows.

No Comments

8. Data Protection Compliance Implications

No Implications

9. Equality Impact Assessment

Not applicable

10. Background Papers

Nil

APPENDIX

Background

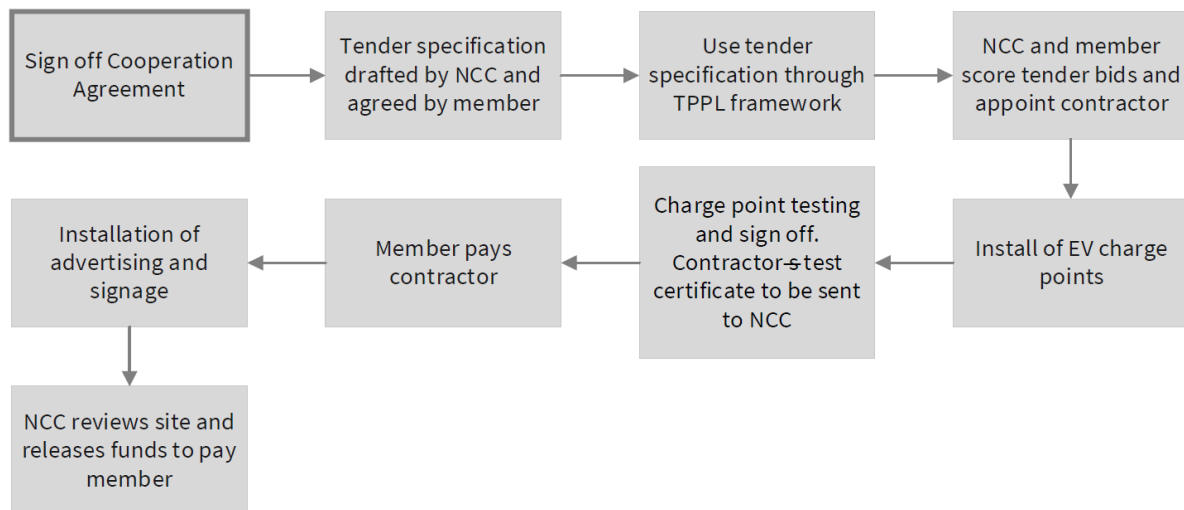
The shared charging network will result in charging points being available at different partner organisation sites across the D2N2 region. The concept behind the project is to increase the number of charging points available for partner organisations to use. The increased number and availability of charging points will improve working efficiency.

The electricity used to charge a vehicle will be paid for by the respective organisation. Invoicing to recover any electricity usage costs will be managed through the Huble on software system which will be part of the installation.

The different stages of the project are outlined in the figure 1.

Figure 1: Stages of delivery for the project

KEY PROJECT STAGES



Agreement length

The shared network agreement will be in place until June 2024. At that point the agreement will terminate. The charging points within the depot will remain operational after the agreement has expired. The charging points will be in the ownership of the Council both during and post the agreement period. If the shared network is to continue after June 2024 new agreements will need to be agreed.

Legal and Procurement

The Legal Department have been consulted on the contents of the Co-operation Agreement. The Procurement and Contracts Officer will be consulted with regards for procurement process for the provision of electric vehicle charging points.

Potential Partners in the shared charging network

The table below shows the partners who have expressed an interest in being part of the shared network scheme:

Partners	
Derby City Council	Newark & Sherwood DC
Derbyshire Dales DC	Nottingham City Council
Derbyshire Community Health Services	Nottingham City Homes
Derbyshire Healthcare NHS Foundation Trust	Nottinghamshire Healthcare NHS Foundation Trust
Erewash BC	South Derbyshire DC
NHS Foundation Trust	

Funding

It is estimated that the initial installation cost for four electric charging points and integration of the software used to manage the invoicing for the electricity usage will be in the region of £25,000. Once installation has been completed full reimbursement will be received from Nottingham City Council through the Future Transport Zones fund.

There are no additional revenue on-ongoing costs associated with this project.

Report of the Portfolio Holder for Community Safety

ANTI SOCIAL BEHAVIOUR CASE REVIEW (COMMUNITY TRIGGER) POLICY AND PROCEDURE

1. Purpose of Report

To inform Members of an updated policy in respect of anti-social behaviour (ASB) case reviews requested under the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014.

2. Recommendation

Cabinet is asked to RESOLVE that the Anti–Social Behaviour Case Review (Community Trigger) Policy and Procedure be approved.

3. Detail

Part 6 of the Anti-Social Behaviour, Crime and Policing Act 2014 came into force on 13 May 2014. The Act contains provisions which give victims of persistent anti-social behaviour the ability to demand a formal case review where the locally defined threshold is met. In Broxtowe, this has been set at the statutory maximum of three qualifying complaints of anti-social behaviour in a six-month period. For the purposes of the Community Trigger procedures, a qualifying complaint is:

- where the anti-social behaviour was reported within one month of the alleged behaviour taking place; and
- the application to use the ASB Case Review/Community Trigger is made within six months of the report of anti- social behaviour.

Where this is the case, a case review will be undertaken by the relevant bodies (local councils, police, Clinical Commissioning Groups, and registered providers of social housing who are co-opted into this group, which has been undertaken in Broxtowe).

They will share information related to the case, review what action has previously been taken and decide whether additional actions are possible. The review will see the relevant bodies adopting a problem-solving approach to the ASB to identify solutions where these are appropriate. The victim is informed of the outcome of the review. Where further actions are necessary an action plan will be created, including timescales.

The original policy has been updated following the retirement of the Head of Public Protection driving changes to the coordination and chairing of the service. The policy has been used 11 times since it was first adopted in November 2019.

2017 Policy	2022 Policy
Throughout the Policy	Change 'Head of Public Protection' to 'Chief Communities Officer'
Appendix 1. Stage Two Case Review	Removal of discussion of finding a resolution with the applicant. This has not been successful in the past and it is necessary to reduce the resource for Community Trigger applications in line with the loss of the Head of Public Protection.
Appendix 1. Stage Three Further Review	Removal of the need for the Monitoring Officer to review as this function is undertaken by the Police and Crime Commissioner.

The revised policy and procedure is shown in the appendix 1.

4. Financial Implications

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

There are no additional financial implications for the Council with any costs being contained within existing budgets.

5. Legal Implications

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

The report details the relevant legislation and legal considerations; therefore, no direct legal implications arise from this report.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

There are no HR comments to add.

7. Union Comments

The Union comments were as follows:

No Comments

8. Data Protection Compliance Implications

There are no Data Protection Concerns.

9. Equality Impact Assessment

As there is no material change to the policy it does not require an equality impact assessment.

10. Background Papers

Nil.

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Anti-Social Behaviour, Crime & Policing Act 2014 Broxtowe Borough Council Community Trigger Procedure

COMMUNITY TRIGGER POLICY 2022

1. AIM OF THE PROCEDURE

The Anti-Social Behaviour, Crime and Policing Act 2014 include new measures which are designed to give victims and communities a say in the way anti-social behaviour (ASB) is dealt with. The “ASB Case Review” (Community Trigger) gives victims the power to request a review of their case, where a locally defined threshold is met. This policy will enable the Council to deal fairly and properly with complainants of ASB where a case review is requested. It should be noted that the original complaints about ASB do not have to have been made to Broxtowe Borough Council for this process to be accessed. If qualifying complaints have been made to the police, a social housing provider, or a Clinical Commissioning Group, concerning anti-social behaviour within, or connected to the borough of Broxtowe, then the procedure still applies.

2. WHAT IS ANTI-SOCIAL BEHAVIOUR ?

For the purpose of the Community Trigger, ASB means behaviour causing harassment, alarm, or distress to members or any member of the public. The most common incidents of ASB are as follows:

Noise Nuisance:

- Noisy neighbours, including the misuse of Hi-fis and similar equipment, general shouting, banging and bad language.
- Noise from barking dogs.
- Noise from commercial activities, including construction and noise in the street

Harassment:

- Intimidation
- Abusive language or behaviour
- Violence or threat of violence

Youth Related Anti-Social Behaviour

- Graffiti/vandalism and low level criminal damage
- Verbal/physical abuse
- Motorbikes and mopeds on footpaths, towpaths and particularly in public parks.
- Gathering in large groups in public areas

Vehicle Nuisance

- Excessive noise from vehicles (e.g. revving of engines)

3. REQUEST FOR SERVICE DELIVERY

The Council currently has procedures in place, within a number of departments, for responding to complaints about ASB (see appendix one). Complaints of this nature are dealt with by the relevant department as 'requests for service' in accordance with those policies.

Many complaints of ASB can also be quite properly made to the police or a social housing provider.

4. REQUEST FOR A CASE REVIEW

In a case where a person has made a complaint about ASB, the Council must carry out an ASB case review (Community Trigger) of the response to that behaviour if an application for such a review is received and if it is determined by the Council that the threshold for a review is met.

Appendix two provides a procedure for making an application to the Council for a case review. Applications for a case review will be referred to the Head of Public Protection and will be considered by him in accordance with the threshold criteria. Applications will be referred to all other relevant bodies in the local area (i.e. the relevant local authority, the Police, the Clinical Commissioning Group, and relevant social housing providers).

5. DETERMINING A QUALIFYING COMPLAINT FOR AN ASB CASE REVIEW**a) Statutory Review**

At least three qualifying complaints must have been made about the ASB to which the application relates. A complaint about ASB is a 'qualifying' complaint if the following criteria are met:

- a) the complaint is made within a period of one month beginning with the date on which the behaviour is alleged to have occurred; and
- b) the application for a case review is received within a period of six months beginning with the date on which the complaint is made

b) Local Review

The Council has decided that the local qualification for a complaint will be the same as for the statutory review.

6. ASB CASE REVIEW

The Chief Communities Officer will co-ordinate a case review following the procedure set out in appendix two, to include relevant public bodies and social housing providers. The review encourages a problem solving approach aimed at dealing with some of the most persistent and complex cases of ASB.

The purpose of the review is to determine the information within the complaint/s, the response/s, if the response/s were appropriate, and to make recommendations for actions to address the complaint where these are available.

The Chief Communities Officer may make recommendations to a relevant public body or person, who exercises public functions, in respect of any matters arising from the review. The public body or person must have regard to the recommendations in exercising their public functions.

Following the conclusion of an ASB case review the applicant will be informed of the outcome and advised that should they remain dissatisfied they may appeal to the Nottinghamshire Police Complaints Commissioner. The PCC has 14 working days to decide whether or not he wishes to intervene.

7. DISSATISFACTION WITH AN ASB CASE REVIEW

Should the ASB victim(s) be not content with the outcome of a case review, a community trigger **may only** be escalated to the Commissioner's office where one of the following measures is satisfied:

- (1) The community trigger review has failed to consider a relevant process, policy or protocol;
- (2) The community trigger review has failed to consider relevant factual information submitted as part of the complaint/s.

The role of the Office of the Police and Crime Commissioner will be to consider due process and ensure that the Community Safety Partnership has properly and effectively undertaken a review. In considering an ASB Case Review escalation, the Office of the Police and Crime Commissioner can either:

- (1) Uphold the appeal and refer the case back to the Community Safety Partnership asking them to consider a particular process, policy or protocol not previously considered;
- (2) Determine that the Community Safety Partnership has reviewed the case, considering all relevant policies, process and protocols satisfactory in line with its Community Trigger Procedure.

A community trigger review cannot be escalated where a complainant is dissatisfied that a particular agency has not utilised a particular enforcement tool and where it has been established through the review that appropriate consideration has been given to the use of that tool but, having consideration of the facts and relevant protocols, that agency has determined that it would not be appropriate to utilise the enforcement tool.

The appeal process will essentially be a desk top review and will not involve hearings or meetings with victims although the Commissioner may consider meeting with victims in exceptional circumstances. The Commissioner's appeal process will be subject to periodic review to ensure that victim's interests are adequately considered. The current Appeal Process can be found on the Commissioner's web site at:

<http://www.nottinghamshire.pcc.police.uk/Get-in-touch/Community-Trigger-Appeal.aspx>

8. RECORDING, MONITORING AND REPORTING

A central register of ASB case reviews will be kept by the Complaints Officer. A report will be presented annually in Members Matters setting out:

- a) the number of applications for ASB case reviews made to the Council
- b) the number of times the Chief Communities Officer determined that the threshold for a review was not met;
- c) the number of ASB case reviews carried out; and
- d) the number of ASB case reviews carried out which resulted in recommendations being made.

APPENDIX ONE**COMPLAINTS OF ASB**

The Council has a number of departments that utilise specific powers in order to tackle ASB. The following provides brief guidance as to how different departments can take different approaches:

Environmental Health: The Environmental Health section deals with any issue that constitutes a statutory nuisance under the Environmental Protection Act, the Control of Pollution Act, the Noise Act and other legislation. For action to be taken, the nuisance complained of must be, or be likely to be, prejudicial to health or interfere with a person's legitimate use and enjoyment of their premises for a substantial period of time, or materially affect the comfort or quality of life of members of the public. A statutory nuisance could arise from the general state of premises, the emission of smoke, fumes, gases or noise from premises, the keeping of animals in unsatisfactory conditions, deposits and accumulations of refuse and/or other material on premises, or noise emitted from or caused by a vehicle, machinery or equipment in the street.

Housing: When the ASB perpetrator is a Council tenant, the Housing team use their powers to curb the behaviour. Council tenants have specific clauses in their tenancy agreement in relation to nuisance behaviour and harassment. Tenants are also responsible not just for their own behaviour but also of those living with and visiting them. Housing Officers can visit tenants to remind them of their tenancy obligations and if unsuccessful can pursue action for regaining possession of the property.

Legal: Provide legal advice on policy and procedures for departments tackling ASB.

Communities: Tackling ASB may involve providing information and advice and collecting and collating evidence for when enforcement action is required. The ASB Officer is the point of first contact for general support and advice on ASB. This role includes liaising closely with the Police and integrating the services provided to the Community by both organisations. By attending Police Co-ordination and Tasking meetings the ASB Officer is in a unique position in the Council and has an overview of ASB in the borough and a first rate knowledge of perpetrators and links between individuals. Diversionary projects aimed at diverting young people away from ASB may also be delivered by partners where significant risk or harm are present.

Planning: Where the state of gardens or other open land is causing serious detriment to amenity, it is sometimes possible to take action through planning legislation.

APPENDIX TWO

PROCEDURE FOR MAKING AN APPLICATION FOR AN ASB CASE REVIEW

Stage One – Initial Complaint

Initial complaints about ASB should be made to the relevant Council department, police, or social housing provider within one month of the ASB occurring. Each responsible authority or department will respond in accordance with its recognised procedures.

Stage Two – Case Review

A victim of ASB (or their representative) may make an application for a case review within six months of the initial ASB complaint being made. An application form (attached) must be completed by the victim (or their representative), and sent to the Complaints Officer at Broxtowe Borough Council for registering. Applications will be acknowledged by the Complaints Officer within three working days.

The Chief Communities Officer must determine if the application meets the criteria for a qualifying complaint. The applicant will be notified within twenty working days of receipt of the application form if the application meets the criteria and what will happen next.

If it is considered that the application does not meet the criteria, the applicant will be notified that the application cannot be progressed and the reasons for that decision.

If it is considered that the application does meet the criteria the Chief Communities Officer will arrange a case review meeting with all relevant bodies (Council, Police, Health, Social housing provider) at which they will share information about the case, review the previous actions taken before collectively deciding whether further action can be taken and produce an action plan.

The Chief Communities Officer will prepare a formal written response to the applicant; advising the outcome of the review and any recommendations made. The review will be a problem solving process aimed at finding a resolution to the ASB. The review should take no more than three months to complete.

Stage Three – Further Review

If a complainant is dissatisfied with the way in which an application for a case review has been dealt with, or the way in which a case review has been carried out, they can appeal to the Office of the Police and Crime Commissioner via the following link:

<http://www.nottinghamshire.pcc.police.uk/Get-in-touch/Community-Trigger-Appeal.aspx>

Application for a Case Review

If there have been **three complaints about three separate incidents** of anti-social behaviour (ASB) to any agency and you feel the response was inadequate, under the Broxtowe Borough Council Community Trigger Procedure our Complaints Officer will acknowledge receipt of your complaint and the Head of Public Protection will convene a meeting to review the details of your complaint and decide if your application is a Qualifying Complaint. Please complete this application form and we will endeavour to contact you again within 20 working days of receipt of this form.

The Crime & Disorder Act 1998 and the Data Protection Act 1998 allows agencies to share relevant personal and sensitive details appropriately with other statutory partners in the Borough. Information may be stored in a hard copy file and/or electronically and will be destroyed in compliance with data protection principles. By completing this form, you agree to these conditions.

Complainant/Victim Details			
Complainants Name			
Address			
Agency, organisation or group (if applicable)			
Date of Birth			
Phone No.		Email	
Describe any relevant vulnerabilities			

Advocate(helper) Details			
Organisation (if applicable)			
Phone No.		Email	

Declaration	
I agree that information about me relevant to my complaint of anti-social behaviour can be shared between organisations for the purpose of investigating my complaint.	
Signature	
Date	

In this section please complete the details of the three complaints you have made about anti-social behaviour which you want local agencies to review. These incidents must have been reported in the last six months.

Reported Incidents				
Incident One				
Date and Time of Incident				
Date you reported this incident				
Brief Details and Location				
Reported to	Name			
	Organisation			
Incident/Crime or Reference No.				
Method of Reporting (tick applicable)	Phone	Email/On-line	Written	In Person
Was any action taken, if so by whom?				
Incident Two				
Date and Time of Incident				
Date you reported this incident				
Brief Details and Location				
Reported to	Name			
	Organisation			
Incident/Crime or Reference No.				
Method of Reporting (tick applicable)	Phone	Email/On-line	Written	In Person
Was any action taken, if so by whom?				

Incident Three

Date and Time of Incident				
Date you reported this incident				
Brief Details and Location				
Reported to	Name			
	Organisation			
Incident/Crime or Reference No.				
Method of Reporting (tick applicable)	Phone	Email/On-line	Written	In Person

In this section please explain why you think your case should be reviewed and describe the current situation and how you want it resolved.

Reason for Requesting a Case Review
What is the current situation?
Why are you unhappy with the action taken so far?

What else would you like to see done to resolve the issue?

Are you currently receiving support regarding these incidents? Please describe.

Now you have completed the form please submit it or send to:

**Complaints Officer
Broxtowe Borough Council
Foster Avenue
Beeston
Nottingham
NG9 1AB**

**tel:0115 917 777
typetalk:18001 0115 917 7777
www.broxtowe.gov.uk**

Equality Impact Assessment

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

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

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

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

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

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

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

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

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

design, deliver and evaluate services, and how they commission and procure from others.

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

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

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

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

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

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

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

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

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect

on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Chief Execs	Lead officer responsible for EIA	Chief Communities Officer
Name of the policy or function to be assessed:	Community Trigger Policy		
Names of the officers undertaking the assessment:	Chief Communities Officer		
Is this a new or an existing policy or function?	Updated		
<p>1. What are the aims and objectives of the policy or function?</p> <p>The Policy has been updated following the retirement of the Head of Public protection to bring it up to date.</p> <p>The Policy sets out the Borough Councils approach to the internal management for the delivery the duty to allow an individual, business or community group who is the victim of ASB to request a case review (Community Trigger panel meeting) as set out in the Anti-Social Behaviour, Crime and Policing Act 2014.</p>			
<p>2. What outcomes do you want to achieve from the policy or function?</p> <p>To provide a framework within which Community Trigger applications are assessed and managed within the resources available.</p>			
<p>3. Who is intended to benefit from the policy or function?</p> <p>Officers delivering the duty and residents who are victims of ASB and who have reported the ASB 3 times in the last 6 months without action being taken by any agency.</p>			
<p>4. Who are the main stakeholders in relation to the policy or function?</p> <p>Broxtowe Borough Council Police Residents who are ASB Victims</p>			
<p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p> <p>Data relating to the number of Community Trigger applications received annually. Data relating to the number of Community Trigger panel meetings held which resulted in action plans.</p>			

Directorate:	Chief Execs	Lead officer responsible for EIA	Chief Communities Officer
Data relating to the number of Community Trigger applications received which did not meet the criteria. Data relating to the number of applications which met the criteria but which did not result in action plans.			
6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?			
None			

7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?
No consultation has been carried out as the Policy relates to the internal management of the application process which is driven by the statutory duty and resources available.
8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways? In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:
<input type="checkbox"/> Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?
No specific equality groups are excluded though the policy, it affects all residents equally.
<input type="checkbox"/> Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?
The policy applies equally to all groups however some groups with protected factors may not report ASB to the same levels as other groups and some may be able to be less tolerant of acceptable levels of living noise or activity due to their condition. Those with mental health conditions are far more likely to be both victims and perpetrators of ASB. During the trigger process due regard is paid to the diagnosed mental health conditions of both victim and perpetrator.
<input type="checkbox"/> Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?
Access is the same as across all our services, the only barrier to

accessing the service is the requirement to have reported the ASB to either the Police or Local Authority.

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

Only to better relations between individuals due to action plans being put in place to resolve ASB.

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

Statistical evidence on reported incidents of ASB broken down by equality strand however this data is not collected.

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

Age:

None

Disability:

None

Gender:

None

Gender Reassignment:

None

Marriage and Civil Partnership:

None

Pregnancy and Maternity:

None

Race:

None

Religion and Belief:

None

Sexual Orientation:

None

Chief Executive Director: Ruth Hyde

Signature:

This strategy recognises that women and girls are disproportionately affected by Domestic Abuse and Violence Against Women and Girls and that men, boys and non-binary people are also affected by issues which encompasses Domestic Abuse and Violence Against Women and Girls.

It is important to ensure that appropriate service responses are in place for support and that age, gender, culture, race, religion, disability, sexual orientation and mental health may be an additional barrier to reporting or seeking help

Report of the Portfolio Holder for Community Safety

FEELING SAFE IN BROXTOWE1. Purpose of Report

To invite Councillors to comment on a proposed survey about how safe people feel in Broxtowe, to inform community safety responses; and the proposed targeted audience for the survey.

2. Recommendation

Cabinet is asked to CONSIDER the proposed survey and proposed audience for the survey and RESOLVE accordingly.

3. Detail

Councillors requested an item for consideration at this cabinet on feelings of personal safety. Earlier this year Cabinet approved a new strategy focusing on violence against women and girls. Under this strategy an action was identified to conduct a survey to find out more specific information about how safe people feel in Broxtowe, in different places, settings, using different modes of transport and at different times of day.

A draft survey is included as appendix 1. It is proposed to be widely distributed in the manner indicated in appendix 2.

The results will be able to be broken down by way of age, gender, ethnicity, disability status so the different perspectives of different people in different places can be seen.

4. Financial Implications

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

There are no additional financial implications with any costs relating to the survey being contained within existing budgets

5. Legal Implications

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

There are no direct legal implications that arise from this report

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

No Comments

7. Union Comments

The Union comments were as follows.

No Comments

8. Data Protection Compliance Implications

No Comments

9. Equality Impact Assessment

By capturing information on the protected characteristics of respondents to the survey the council will be able to gain insights which can inform action to address inequalities which are highlighted.

10. Background Papers

Nil

APPENDIX 1

1. In general, how safe or unsafe do you feel in the following circumstances:
(please tick one box for each)
(Boxes to tick: daytime/in the dark for each place: Very safe; fairly safe;
neither safe or unsafe; fairly unsafe; very unsafe)

- (a) Walking in Beeston
 - Daytime
 - In the dark
- (b) Walking in Eastwood
 - Daytime
 - In the dark
- (c) Walking in Stapleford
 - Daytime
 - In the dark
- (d) Walking in Kimberley
 - Daytime
 - In the dark
- (e) Walking elsewhere in Broxtowe.
 - Daytime
 - In the dark

If very unsafe please state in the box below details of where and why

2. In general, how safe or unsafe do you feel in parks and open spaces in the following places
(boxes to tick daytime/evening for each place: Very safe; fairly safe; neither safe or unsafe; fairly unsafe; very unsafe)

- (a) Beeston
 - Daytime
 - In the dark
- (b) Eastwood
 - Daytime
 - In the dark
- (c) Stapleford
 - Daytime
 - In the dark
- (d) Kimberley
 - Daytime
 - In the dark
- (e) Parks and open spaces elsewhere in Broxtowe.
 - Daytime
 - In the dark

If very unsafe please state in the box below where and why

3. What are the main factors which influence whether you feel safe when you are out and about in Broxtowe? Tick your top 5 in the boxes below

- Graffiti
- Discarded drugs paraphernalia e.g. needles
- Un-controlled animals
- Urinating in public
- Harassment/Intimidation/Threatening behaviour
- Neighbour disputes
- Underage drinking in public places
- Fly tipping
- media reports
- Abandoned vehicles
- Noise Nuisance e.g. shouting, loud music, dogs barking
- Dog fouling
- Vehicle nuisance e.g. nuisance parking, loud exhausts, nuisance driving
- Vandalism
- People using/dealing drugs
- People being drunk or rowdy in public places
- Poor lighting

4. Broxtowe Borough Council operates a Closed Circuit Television (CCTV) service. Does the presence of CCTV in Broxtowe make you feel safer? (please tick one box only)

- Yes
- No
- Neither safe nor unsafe

**5. There is a network of Street Lighting across Broxtowe.
Does the presence of Street Lighting in Broxtowe make you feel safer?
(please tick one box only)**

- Yes
- NO
- Neither safe or unsafe

**6. Is there anything that would make you feel safer in Broxtowe?
If so, please state details in the box below**

7. How safe do you feel travelling in Broxtowe using the following modes of transport? (please tick)

(boxes to tick for each category: Very safe; fairly safe; neither safe or unsafe; fairly unsafe; very unsafe)

Car

Cycling

On a bus

On the tram

If very unsafe please state where and why in the box below

8. How safe do you feel in public car parks in Broxtowe?

(boxes to tick: Very safe; fairly safe; neither safe or unsafe; fairly unsafe; very unsafe)

If very unsafe please state where

Tell Us About You

We want to make sure that our services are provided fairly and to those who need them. The information collected helps us get a picture of who contacts us, uses or does not access our services, so will help us improve what we provide and reduce potential barriers to access.

Please answer the questions below by ticking the boxes that you feel most describes you. Some questions may feel personal, but the information we collect will be kept confidential and secure. The better the information is that we collect the more effective our monitoring will be.

Gender

How would you best describe your gender?

- Male
- Female
- Another way
- Prefer not to say

Age

Which of the following age groups do you belong to?

- 18-24
- 25-29
- 30-44
- 45-59
- 60-64
- 65+

Ethnicity

White

- English/Welsh/Scottish/Northern Irish/British
- Irish
- Gypsy or Irish Traveller
- Any other White background

Mixed/multiple ethnic groups

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed/multiple ethnic background

Asian or Asian British

- Indian
- Pakistani

- Bangladeshi
- Chinese
- Any other Asian background

Black/African/Caribbean/Black British

- African
- Caribbean
- Any other Black/African/Caribbean background

Other ethnic groups

- Arab
- Any other ethnic group

Is your day to day activities limited because of a health problem which has lasted or is expected to last at least 12 months?

- Yes, limited a lot
- Yes, limited a little
- No

APPENDIX 2

Send out links to the questionnaire through

- Regular communications to tenants
- Email me bulletins across Broxtowe
- Local businesses
- Beeston Muslim Association
- Broxtowe Women's project
- Employees
- Major employers
- Disability forum members
- Broxtowe partnership members to circulate in their networks
- Councillors

Report of the Chief Executive

USE OF CHIEF EXECUTIVE'S URGENCY POWERS1. Purpose of Report

To report the use of the Chief Executive's urgency powers.

2. Recommendation

Cabinet is asked to NOTE the exercise of the Chief Executive's Urgency Powers to:

- 1. Direct award the Closed Circuit Television (CCTV) Monitoring and CCTV Maintenance contracts for a further five months to the incumbent suppliers from 1 December 2022 to 30 April 2023.**
- 2. Provide an additional revenue budget of £5,000 for work to address anti-social behaviour in Beeston town centre, to be delivered by Chayah, with funding being provided by an allocation of £2,500 from the remaining Revenue Contingencies budget in 2022/23 and the balance being met from General Fund Reserves.**
- 3. Increase the establishment for the Environmental Health service at an additional cost of up to £32,450, to be funded from General Fund Reserves (confidential appendix).**

3. Details

The Council is part of a shared CCTV service that includes Newark and Sherwood District Council and Ashfield District Council.

The service is made up of a monitoring contract shared between all three parties and two separate maintenance contracts, the first shared between Broxtowe Borough Council and Newark and Sherwood District Council and the second Ashfield District Council.

Two of the three contracts are in the process of being prepared for tendering.

The maintenance contract shared between Broxtowe Borough Council and Newark and Sherwood District Council expired in May of 2020 but continued on a rolling basis to allow all three Council's to join together in the procurement of a single maintenance contract, thereby leveraging the additional procurement power of a larger number of surveillance devices.

The monitoring contract expired in May of 2022 but to enable continuity of service this too continued with the incumbent supplier.

The work to co-terminate the contracts, to maintain continuity and the changing procurement resource at the Council has resulted in the need to further extend the current arrangements by directly awarding the two contracts to the

incumbent suppliers for a further five months. The new temporary arrangement will run from 1 December 2022 to 30 April 2023 and will allow the procurement of the new surveillance services to be completed.

The incumbent suppliers have agreed to provide the five months extension on the same commercial terms as the previous contracts and on that basis the extension can be accommodated within the existing budget. A total for the five months extension for Broxtowe Borough Council of £47,063 split between maintenance (£19,763) and monitoring (£27,300).

4. Financial Implications

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

With regards to the **CCTV contracts**, there are no financial implications at this stage, with the cost of the five-month extension to the maintenance and monitoring contracts being contained within existing budgets. Any significant budget implications from the forthcoming tender in 2023 (costs or savings) will be reported to Cabinet. The decision to extend the contracts in the manner described is compliant with the Council's Financial Procedure Rules (Contracts).

There is currently no budgetary provision in place for the cost of project to resolve and prevent anti-social behaviour in Beeston town centre, to be delivered by **Chayah**. The cost of £5,000 can be partially covered from an allocation from the remaining balance of the revenue contingencies budget in 2022/23 (£2,500), with the balance being funded from General Fund Reserves. Chayah was previously awarded £2,500 in August 2022 to address anti-social behaviour in Beeston and Chilwell, as noted by Cabinet on 4 October 2022.

The full-year cost of the net increase in the establishment for **Environmental Health** is £30,600 at current pay rates including oncosts, increasing to a maximum of £32,450. A full breakdown of the costs is provided in the confidential appendix. This would be added to the overall establishment pay budget accordingly and be funded from General Fund Reserves.

5. 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

All three items contained within this report are such circumstances where it is has been necessary for the action to be taken prior to the usual approval procedure.

6. Human Resources Implications

There are no direct human resource implications arising from this report.

7. Union Comments

There are no direct union implications arising from this report.

8. Data Protection Compliance Implications

There are no Data Protection compliance implications.

9. Equality Impact Assessment

N/A

10. Background Papers

Nil

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Report of the Leader of the Council

CABINET WORK PROGRAMME

1. Purpose of Report

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

2. Recommendation

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

3. Detail

The Work Programme for future meetings is set out below. Key decisions are marked with an asterisk*.

17 January 2023	<p><u>Housing</u></p> <ul style="list-style-type: none"> • Mobility Scooter Policy • Housing Situation in Broxtowe <p><u>Resources and Personnel Policy</u></p> <ul style="list-style-type: none"> • Communications and Engagement Strategy • Pay Policy 2023-24 • Local Government Finance Settlement 2023/24 • Grants to Voluntary and Community Organisations • Treasury Management/Prudential Indicators 2022/23 Mid-Year Report • Budget Consultation Response • Ground Floor Reception Alterations
7 February 2023	<p><u>Housing</u></p> <ul style="list-style-type: none"> • Housing Management of Communal Areas Policy <p><u>Resources and Personnel Policy</u></p> <ul style="list-style-type: none"> • Irrecoverable Arrears • Housing Benefit- War Pension Disregard • Budget Proposals and Associated Strategies • Peer Review <p><u>Leisure and Health</u></p> <ul style="list-style-type: none"> • Leisure Centre update

	<p><u>Economic Development and Asset Management</u></p> <ul style="list-style-type: none"> • Toton and Chetwynd Barracks Strategic Masterplan *
14 March 2023	<p><u>Resources and Personnel Policy</u></p> <ul style="list-style-type: none"> • Grants to Voluntary and Community Organisations • Equality and Diversity Annual report. <p><u>Community Safety</u></p> <ul style="list-style-type: none"> • Armed Forces (Community Covenant Action Plan 2023-2025) • Broxtowe Crime Reduction Action Plan 2023-2024 • Hate Crime Pledge • Serious Organised Crime Strategy. • PSPO Renewals <p><u>Environment and Climate Change</u></p> <ul style="list-style-type: none"> • Waste Strategy • Trees • Electric Vehicle Charging Points <p><u>Economic Development and Asset Management</u></p> <ul style="list-style-type: none"> • Stapleford and Beeston Action Plan

4. Legal Implications

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

5. Background Papers

Nil.

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