



Monday, 6 March 2023

Dear Sir/Madam

A meeting of the Cabinet will be held on Tuesday, 14 March 2023 in the Council Offices, Foster Avenue, Beeston, NG9 1AB, commencing at 6.00 pm.

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

Yours faithfully

Chief Executive

To Councillors: M Radulovic MBE  
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. MINUTES

(Pages 7 - 16)

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

4. SCRUTINY REVIEWS (Pages 17 - 20)

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

5. SCRUTINY REVIEW-MISSED BINS (Pages 21 - 38)

To present the findings of the Overview and Scrutiny Committee Working Group's review into Missed Bins. This is in accordance with the Council's corporate values of continuous improvement and delivering value for money.

6. REFERENCES

6.1 Local Joint Consultative Committee (Pages 39 - 54)

2 February 2023  
Smoke Free Site Policy

The Joint Committee considered the Smoke Free Site Policy.

Debate focussed on whether there was evidence of harm to support e-cigarettes and vapes being included in the policy on the same level as conventional cigarettes.

After discussion members of the Joint Committee agreed that evidence suggested that smoking cigarettes, e-cigarettes and vaping all constituted the same thing and should be banned from Council sites and vehicles.

**RECOMMENDED to Cabinet that the Smoke Free Site Policy should include vaping and e-cigarettes.**

6.2 Local Joint Consultative Committee (Pages 55 - 86)

2 February 2023  
Alcohol And Substance Misuse Policy

The Joint Committee considered the Alcohol and Substance Misuse policy.

It was proposed by Councillor M Radulovic MBE and seconded by Councillor I Tyler that the policy be amended to apply the random drugs and alcohol testing to all employees of the Council and to emphasise support and assistance to those who have positive tests. On being put to the meeting, the amendments were approved unanimously.

**RECOMMENDED to Cabinet that the Alcohol and Substance Misuse policy be approved including the amendments to apply the random drugs and alcohol testing to all employees of the Council and to emphasise support and assistance to those who have alcohol or drugs issues.**

7. PEER REVIEW (Pages 87 - 108)

To report the outcome of the LGA peer review in 2022 and ask Cabinet to approve an action plan in response.

8. HOUSING

8.1 RENT SETTING POLICY (Pages 109 - 126)

To seek approval for an updated rent setting policy.

8.2 ALLOCATIONS POLICY (Pages 127 - 162)

To seek approval for an updated Allocations Policy to reflect the Council's approach to damp and mould.

8.3 AIDS AND ADAPTATIONS POLICY (Pages 163 - 192)

To seek approval for the amended Aids and Adaptations policy

9. ENVIRONMENT AND CLIMATE CHANGE

9.1 PARKS ATTENDANT CONTRACT (Pages 193 - 194)

To seek approval to increase the 2023/24 budget allocation for the park attendants.

10. COMMUNITY SAFETY

10.1 HATE CRIME ACTION PLAN 2023 - 2026 (Pages 195 - 212)

To seek approval for a Hate Crime Action Plan.

- 10.2 PUBLIC SPACES PROTECTION ORDERS (PSPO's) (Pages 213 - 264)
- To seek approval for the renewal of the pre-existing Public Spaces Protection Orders (PSPO's) for alcohol control, vehicle control, dog control and footpath gating in order to continue helping to control issues of ASB in public spaces.
- 10.3 SERIOUS ORGANISED CRIME STRATEGY (Pages 265 - 282)
- To seek approval for the updated Serious and Organised Crime Strategy.
- 10.4 BROXTOWE CRIME REDUCTION ACTION PLAN 2023-2024 (Pages 283 - 300)
- To seek approval of the Broxtowe Crime Reduction Action Plan.
- 10.5 MODERN SLAVERY REPORT (Pages 301 - 318)
- To ask Cabinet to consider making a two-year commitment to support an expansion of the Slavery Exploitation team, (SET) so that more work can be done in Broxtowe and across the county to tackle the problem of modern slavery.
11. ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT
- 11.1 UPDATE ON THE LEVELLING UP FUND INCLUDING THE USE OF THE CHIEF EXECUTIVE'S URGENCY POWERS (Pages 319 - 324)
- To provide an update on the progress of the Levelling Up Fund in the Borough with immediate considerations for the projects in Kimberley following the successful award of £16.5 million and to note the use of the Chief Executive's Urgency Powers.
12. RESOURCES AND PERSONNEL POLICY
- 12.1 COUNCIL TAX PROPERTY LEVY (Pages 325 - 328)
- To enable Cabinet to see the proposed Legislation changes in respect of Council Tax Property Levy from 1 April 2024



12.2 NEW POST - SENIOR ACCOUNTANT (CAPITAL AND PROJECTS) (Pages 329 - 334)

To seek approval for the creation of a new Senior Accountant (Capital and Projects) post within the Finance Services team to provide a dedicated support for the Council's key strategic capital projects.

12.3 GRANTS TO VOLUNTARY AND COMMUNITY ORGANISATIONS, CHARITABLE BODIES AND INDIVIDUALS INVOLVED IN SPORTS, THE ARTS AND DISABILITY MATTERS 2022/23 (Pages 335 - 346)

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

12.4 CAPITAL PROGRAMME 2023/24 UPDATE - PARKS AND OPEN SPACES, BEAUVALE PARK - ALLOCATION OF SECTION 106 FUNDS (Pages 347 - 348)

To seek approval for Section 106 open space contributions to be used to fund improvements to the parks and open spaces and for the capital schemes to be included in the Capital Programme for the relevant years.

12.5 CAPITAL PROGRAMME 2023/24 UPDATE - PARKS AND OPEN SPACES LONG LANE RECREATION GROUND AND HICKINGS LANE RECREATION GROUND - ALLOCATION OF SECTION 106 FUNDS (Pages 349 - 352)

To seek approval for Section 106 open space contributions to be used to fund improvements to the parks and open spaces and for the capital schemes to be included in the Capital Programme for the relevant years.

12.6 NEW BUILD SITES ADDITIONAL APPROVALS (Pages 353 - 356)

To seek approval for revisions to the 2022/23 and 2023/24 capital programme specifically relating to the new build programme for 79 new homes on Council owned land and increased scheme costs. To seek approval to proceed into contract at the Inham Nook pub site. To approve a variation to the agreed payback period for the Council's proposed purchase of the 26 affordable homes at the Field Farm, Stapleford site.

13. CABINET WORK PROGRAMME (Pages 357 - 358)

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

14. EXCLUSION OF PUBLIC AND PRESS

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

15. RESOURCES AND PERSONNEL POLICY

15.1 NEW BUILD SITES ADDITIONAL APPROVALS APPENDIX (Pages 359 - 362)

15.2 REQUEST FOR APPROVAL FOR THE LETTING OF UNIT 5, PHASE II THE SQUARE (Pages 363 - 368)

15.3 REQUEST FOR APPROVAL TO GRANT A LICENCE OF THE COUNCIL'S GROUND LEASEHOLD SPACE AT MONTROSE COURT, STAPLEFORD (Pages 369 - 370)

16. LEISURE AND HEALTH

16.1 LEISURE FACILITIES UPDATE (Pages 371 - 376)

## CABINET

**TUESDAY, 7 FEBRUARY 2023**

Present: Councillor M Radulovic MBE, Chair

Councillors: S A Bagshaw  
S J Carr  
B C Carr  
T Hallam  
R D MacRae  
G Marshall  
J W McGrath  
H E Skinner  
E Williamson

Officers in attendance: R Hyde, K Powell, Z Darr, J Ward, R Shaw, M Thompson, S Sims, P Wolverson and F Neasham.

### 104 DECLARATIONS OF INTEREST

Councillor R D MacRae declared an other registrable interest in item 6.1 as he was a member of Stapleford Town Council and Stapleford Community Group, minute number 108.1 refers.

Councillor T Hallam declared an other registrable interest in item 6.1 as he was a member of Stapleford Town Council, minute number 108.1 refers.

Councillor J W McGrath declared an other registrable interest in item 6.1 as he was a member of Stapleford Town Council, minute number 108.1 refers and an other registrable interest in item 14.1 as it impacted the finance of a close family member, minute number 116.1 refers

### 105 MINUTES

The minutes of the meeting on 17 January 2023 were confirmed and signed as a correct record.

### 106 SCRUTINY REVIEWS

The Scrutiny Reviews were noted.

### 107 RESOURCES AND PERSONNEL POLICY

#### 107.1 BUDGET PROPOSALS AND ASSOCIATED STRATEGIES

Cabinet considered recommending to Council the capital and revenue budgets proposals together with the Capital Strategy, Prudential Indicators, Treasury Management Strategy, Investment Strategy and General Fund Medium Term Financial Strategy.

The service and financial plans were considered as an integral part of the budget setting process by the Overview and Scrutiny Committee on 30/31 January 2023.

It was stated that the Council was in a good position, but was not immune to challenges ahead. The leisure centres had not received help with rising energy costs that other businesses received from the Government.

**RESOLVED to approve the service plans for the Council's corporate priorities and support functions, subject to amendment as a result of any budget decisions still to be taken by Council, recommended by the Overview and Scrutiny Committee.**

**RECOMMENDED to Council that:**

- 1. The Housing Revenue Account budget as submitted be approved (appendix 2)**
- 2. The General Fund revenue budgets as submitted be approved (appendix 3).**
- 3. The capital submissions and priorities within them be approved and that the Deputy Chief Executive be authorised to arrange the financing of the capital programme as necessary (appendix 4).**
- 4. An amount of £25,000 be provided for a General Contingency in 2023/24 (appendix 3).**
- 5. The Council Tax Requirement for 2023/24 including special expenses (but excluding local precepting requirements) be £6,372,250 (appendix 3).**
- 6. An amount of £938,181 be withdrawn from the General Fund reserve in 2023/24 (appendix 3).**
- 7. An amount of £252,561 be taken from the General Fund earmarked reserves in 2023/24 (appendix 3).**
- 8. The Capital Strategy 2023/24 to 2025/26 be approved (appendix 5)**
- 9. The Minimum Revenue Provision policy as set out be approved (appendix 6).**
- 10. The Treasury Management Strategy Statement 2023/24 to 2025/26 be approved (appendix 6).**
- 11. The Investments Strategy 2023/24 to 2025/26 be approved (appendix 7).**
- 12. The General Fund Medium Term Financial Strategy to 2026/27 be approved (appendix 8).**

#### Reason

The proposals were in accordance with the relevant legislation, Council policy and procedures, and the Council's statutory and fiduciary powers.

## 107.2 HOUSING BENEFIT- WAR PENSION DISREGARD

Members were asked to approve the continuation of the War Pension Disregard in respect of Housing Benefit Claims in 2023/24. The Housing Benefit and Council Tax Benefit (War, Pensions, Disregards allowed for Local Authorities to develop a Local Scheme that can disregard War Pension income from the calculation of Housing Benefit. Since the introduction of Housing Benefit, the Council has always disregarded this income when calculating a claim for Housing Benefit. The Department for Works and Pension had requested that each Local Authority has their Local Scheme approved each year.

The Local scheme was discretionary and as a result the Council is expected to meet the cost. However, under the Housing Benefit subsidy arrangements, the government reimburses the Council 75% of the expenditure where a Local Scheme is implemented.

**RESOLVED that the continuation of the current Local Scheme, disregarding War Pensions for Housing Benefit Applications in 2023/24 be approved.**

### **Reason**

The Housing Benefit Regulations 2006 paragraph 40(2) and schedule 5, and Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 paragraph 33(9). Sections 134 and 139 of the Social Security Administration Act 1992 provided the Council with the discretion to modify the Housing Benefit scheme by disregarding a further amount, or all, of specified war disablement pensions and payments.

## 107.3 COUNCIL TAX SUPPORT FUND 2023/24

Cabinet gave consideration to the Council Tax Support Discretionary Scheme, in addition to the Mandatory Scheme, to support Council Tax Support recipients in 2023/24.

The Government had introduced additional funding of £100m to support Council Tax Support recipients with the potential increase in Council Tax charges.

It was proposed by Councillor M Radulovic MBE and seconded by S J Carr that the wording of the recommendation be amended to remove Deputy Leader to be replaced with the Portfolio Holder for Economic Development and Asset Management. On being put to the meeting the amendment was carried.

**RESOLVED that the Deputy Chief Executive, in consultation with the Leader, Leaders of other groups, Portfolio Holder for Resources and Personnel Policy, and the Portfolio Holder for Economic Development and Asset Management be given delegated authority to develop a Discretionary Council Tax Support Fund Scheme.**

### **Reason**

The Council can support this type of welfare provision under the “Local authority’s general power of competence”, as set out in S.1 of the Localism Act 2011. Local

authorities' have the ability to act in this area under powers contained in other legislation, such as, section 2 of the Local Government Act 2000 enables local authorities to provide financial assistance to any individual and Section 13A (1) (c) of the Local Government Finance Act 1992 allows local authorities to have discretion to apply further reduction in council tax bills.

#### 107.4 PAY POLICY

Cabinet noted the Pay Policy for 2023/24 prior to its submission to full Council. The pay policy statement for 2023/24 set out the Council's policies relating to the remuneration of its senior officers, the remuneration of its lowest paid employees. Each Local Authority had a statutory obligation to publish an annual Pay Policy Statement. The purpose of the report was to increase accountability in relation to payments made to senior local authority employees by enabling public scrutiny.

#### 107.5 RESIDENTS' NEWSLETTER

Cabinet gave consideration to the potential options for producing the Council's resident's newsletter in the future. Currently the newsletter was produced bi-annually and for years had been an informative way for residents, businesses and other stakeholders within the Borough of work of the Council and its partners. Each edition was designed and printed externally and delivered to every household and business in the Borough by Royal Mail in the Summer and Winter. Costs for the production and delivery of the newsletter had risen to £23,138 in 2022 compared to £18,500 in 2017. The Council continued to use a multi-channel approach for its communication and engagement.

Discussion ensued between the options available, Option one to continue with the current arrangement of printing and distribution, Option two to continue to produce a printed newsletter but encourage more people to read it online and reduce distribution to 5,000 copies. The copies would be available on request and made available to community groups and public buildings. This option would see a potential saving of £18,000 and Option three to adopt a digital approach to the newsletter with a potential saving of £20,000. Members considered that some community groups may find it hard to access the digital newsletter and that environmental costs should be taken into account.

**RESOLVED that option 2, to continue to produce a printed newsletter, but encourage more people to read it online and reduce distribution to 5,000 copies. These would be available on request, made available to community groups and provided in public buildings, be approved.**

#### Reason

Local authorities were required to consider how any publicity they issue could contribute to the promotion of any duties applicable to them in relation to the elimination of discrimination, the advancement of equality and the fostering of good relations. The Council's Values of having a strong caring focus on the needs of communities, being ready for change, continuous improvements, and delivering value for money underpinned the Council's Priorities

## 108 LEISURE AND HEALTH

### 108.1 EVENTS PROGRAMME 2023/24

Cabinet welcomed the Council's Event programme for 2023/24. The annual budget for the Council's events programme was £99,500. This was supplemented with external contributions from event partners including Town and Parish Councils and County Council Divisional Funds to enhance events. The objectives of the strategy would include promotion and enhancement of existing activities within the borough, engagement and collaboration with community groups and other stakeholders and to increase the reach of cultural activity and facilities including the DH Lawrence Museum.

Discussions ensued including Members suggesting Stapleford Play day should move around, the Christmas Lights Switch on should involve the markets manager, more activities planned at Eastwood and Brinsley, the CCity Community Group need to be encouraged, and green activities planned at the play days. It was concluded that the events programme was a living document and that it would grow over the year.

#### **RESOLVED that:**

- 1. The proposed event programme for 2023/24 be approved.**
- 2. Delegated authority be given to the Executive Director in consultation with the Leader of the Council and the Portfolio Holder for Leisure and Health to provide support to cultural and community events in relation to the CCity project.**

#### Reason

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

## 109 HOUSING

### 109.1 DAMP AND MOULD

Members were updated with the work being undertaken to address concerns about damp and mould, both in Council owned properties and the private sector, and the outlined actions to be taken. It was stated that the Council had to be proactive its approach and not rely on tenants informing them of any issues. Some of the actions discussed included reviewing the procedure for dealing with damp and mould, reviewing the equipment used to test damp, and contacting all tenants that have reported damp and mould in the last 5 years. Members stated that they would like to see the allocations policy and strategy before they go to Cabinet to reflect damp and mould issues and a request to write to the Secretary of State to compare authorities like Broxtowe to compile the register. Ultimately tenants should not have to live in properties with damp and mould.

**RESOLVED that the proposed action plan be approved.**

### Reason

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

## 109.2 AGREEMENT WITH EAST MIDLANDS HOUSING GROUP / QUANTUM PARTNERSHIPS TO SECURE HOMES ENGLAND FUNDING

Cabinet considered the request to seek approval to enter into contract with Quantum partnership and Homes England to secure grant funding to deliver new Council homes on several sites in the borough. In order to receive the grant funding, the Council was required to enter into an agreement with the East Midlands Quantum Consortium and Homes England. By joining the consortium and entering into the relevant agreements, the Council could access grant funding and charge affordable rents on grant funded schemes. and non-grant funded section 106 sites.

### **RESOLVED that:**

- 1. The Council enters into contract with Homes England, East Midlands Housing Group and the Quantum partnership to secure subsidy for new schemes provided through the Housing Delivery Plan**
- 2. A delegation be made to Broxtowe's Deputy Chief Executive and Section 151 officer, in consultation with the portfolio holders for Housing and Resources and Personnel Policy to progress all key approvals relating to the contract.**

### Reason

The Council could enter into the grant funding arrangements with East Midlands Quantum Consortium and Homes England using its general power of competence under the Localism Act 2011. All works, goods and services required to deliver the schemes must be procured by the Council in strict compliance with the Public regulations 2015 and the Council's financial regulations.

## 110 ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT

### 110.1 TOTON AND CHETWYND BARRACKS STRATEGIC MASTERPLAN SUPPLEMENTARY PLANNING DOCUMENT



Cabinet considered the resolution to adopt the amended Toton and Chetwynd Barracks Strategic Masterplan Supplementary Planning Document.

The Council, in conjunction with the emerging East Midlands Development Corporation (EM DevCo CLG) had prepared a supplementary planning document for the Toton and Chetwynd Barracks sites. The plan had been considered by Members at the Policy Working Group and had been deferred previously at Cabinet until publication of the inspector's comments from the examination of the Toton and Chetwynd Neighbour plan that covered a similar geographical area. It was considered that no further amendment of the supplementary planning document was required. However, further discussions would continue to take place with Toton and Chetwynd Neighbourhood Forum, in order to modify the Neighbourhood plan.

Members wished for it to be noted that the Officers working on the supplementary planning document had been very responsive and it had been an interactive process.

**RESOLVED that the Toton and Chetwynd Barracks Strategic Masterplan Supplementary Planning Document, as amended, be adopted.**

#### Reason

Legislation in relation to the preparation of Supplementary Planning Documents was set out within the Town and Country Planning (Local planning) (England) Regulations 2012. Regulation 11 provided any person with sufficient interest in the decision to adopt a Supplementary Planning Document may apply to the High Court for permission to apply for judicial review of that decision; any such application must be made promptly and in any event not later than 3 months after the date on which the Supplementary Planning Document was adopted. The Environmental Assessment of Plans and Programmed Regulations 2004 (as amended) prohibit the adoption of plans, programmes or modifications before a determination had been made as to whether it was likely to have significant environmental effects. the regulations required that the Environment Agency, Historic England and Natural England were consulted on this.

### **110.2 GOVERNMENT CONSULTATION ON REFORMS TO NATIONAL PLANNING POLICY**

Cabinet was asked to decide the Council's response to the Governments current consultation on reforms to national planning policy. The government was consulting on potential reforms to national planning policy, involving proposed changes to the National Planning Policy Framework. As part of the consultation consideration for how the authority would develop policy to support levelling up and how national planning policy was currently accessed by users. Members discussed the serious issues of the national planning policy and the major implications for fringe type developments, and environmental issues needed to be taken into account.

**RESOLVED that the proposed responses in Appendix 2 of this report of the Council's responses to the Government's consultation be amended to allow the inclusion of additional responses to protect the environment and consider new builds be approved.**

## Reason

Underpinning the Council's priorities for Housing, Business Growth, Environment, Health and Community Safety was the Council's Values. They included a strong, caring focus on the needs of communities, continuous improvement and delivering value for money and being transparent with integrity and professional competence. The consultation allowed residents to respond to the Government's consultation on reforms to national planning policy.

### 110.3 LAND SALE ADJACENT TO THE CREMATORIUM SITE

Members gave consideration to the proposed sale of eleven acres of land previously declared surplus by the Bramcote Bereavement Services Joint Committee and any interest in the land made by third parties following the approved sale of surplus land at the Crematorium by private negotiation at Full Council 13 October 2021, the surplus land was allocated in the adopted local plan as part of a larger residential development site accessed off Coventry lane. The developer had secured outlined planning approval for the site and submitted a reserved matters application for 179 new homes in July 2022. The Council had also negotiated the purchase of 51 affordable homes on the site that would contribute to the Council's Housing Delivery Plan to build new homes by 2029. The equal share of the proposed sale of the surplus land owned by Bramcote Crematorium would generate a substantial one-off capital receipt for the Council's General Fund. Members considered the item further following a vote to exclude the public and press due to the consideration of confidential information.

### 111 CABINET WORK PROGRAMME

Cabinet resolved that the work programme, with the minor amendment to remove the report on trees including key decisions be approved.

**RESOLVED that the work programme, with the minor amendment to remove the report on trees including key decisions be approved.**

### 112 EXCLUSION OF PUBLIC AND PRESS

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

### 113 ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT

#### 113.1 LAND SALE ADJACENT TO THE CREMATORIUM SITE - APPENDIX 2 AND 3

During the meeting, officers stated that there was a slight amendment to the information contained at appendix 3 within the report.

**RESOLVED that:**

1. The surplus land at the Crematorium (as appendix 1 of the report) be sold to the developer of the neighbouring Coventry lane development site in line with the Council's land disposal policy and,
2. a delegation be made to Broxtowe's Deputy Chief Executive and s.151 Officer, in consultation with the Chair and Vice Chair of the Bramcote Bereavement Services Joint Committee and the Leader of the Council, to progress all key approvals relating to the subsequent sale of the land.

Reason

A local authority was in the position of a trustee in relation to the land that it holds on behalf of the community and had a statutory duty to sell land at the best price reasonably obtainable. The Council would only be able to demonstrate that it achieved the best consideration by obtaining an independent valuation of the land. As the land is not classed as Public Open Space Section 123 Local Government Act 1972 does not apply.

114 HOUSING

114.1 AGREEMENT WITH EAST MIDLANDS HOUSING GROUP/QUANTUM PARTNERSHIPS TO SECURE HOMES ENGLAND FUNDING APPENDIX

Members noted the appendix relating to agenda item 7.2

115 RESOURCES AND PERSONNEL POLICY

115.1 IRRECOVERABLE ARREARS

**RESOLVED that the arrears in excess of £1,200 on national non-domestic rates, council tax, rents, housing and council tax benefit overpayment and sundry debtors as set out in the report be written off and to note the exercise of the Deputy Chief Executive's delegated authority under Financial Regulation 5.9.**

116 LEISURE AND HEALTH

116.1 BRAMCOTE LEISURE CENTRE STUDY -UPDATE

**RESOLVED that:**

1. A further report is brought back to Cabinet at its next meeting
2. The cost of £24,900 in accordance with the appendix to the report be funded from General Fund Reserves.
3. To seek agreement with Liberty Leisure to implement the recommendations of the implementation plan with the company.

(Councillor J McGrath left the room prior to this item and therefore did not take part in the vote.)

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### Report of the Monitoring Officer

#### 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

**The Committee is asked to CONSIDER the report and RESOLVE to agree subjects to be considered for review.**

##### 3. Detail

In addition to aligning with corporate priorities Members may wish to consider the criteria for topic selection as:

- Issues identified by members as a key issue for the public
- Issue has a significant local impact
- Significant public dissatisfaction (e.g. through complaints)
- Issue raised by auditors
- New government guidance/legislation
- New evidence provided by external organisation
- Poor performance (e.g. evidence from performance indicators)
- High level budgetary commitment
- Pattern of budgetary overspending.

The work programme for the next three meetings is as follows

22 June 2023	<ul style="list-style-type: none"> <li>• Training</li> <li>• Consideration of the work programme</li> </ul>
21 September 2023	<ul style="list-style-type: none"> <li>•</li> </ul>
23 November 2023	<ul style="list-style-type: none"> <li>•</li> </ul>

##### 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

## APPENDIX

## 1. Topics under review:

Topic	Committee/Group	Start date	Proposed Cabinet submission
Cost of Living	Overview and Scrutiny Committee/Working Group	10/11/22	TBC
Missed Bin Collections	Overview and Scrutiny Committee/Working Group	16/12/22	14 March 2023

## 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.	Review of Leisure Provision	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
8.	Service Provided by the Duty Planning Team and Acknowledgment of Calls	Overview and Scrutiny Committee	Continuous improvement and delivering value for money

	Topic	Topic suggested by	Link to corporate priorities/values
10.	How does the Council engage with the Community	Overview and Scrutiny Committee -31 January 2023	A strong caring focus on the needs of all communities

**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
2.	Agile Working	Overview and Scrutiny Committee	This topic had been deferred to another meeting of the Overview and Scrutiny Committee for a future review.	Continuous improvement and delivering value for money

**4. Topics suggested for Scrutiny since the last meeting:**

	Topic	Topic suggested by	Expected outcomes	Link to corporate priorities/values
1.	Homes for Life	Cabinet	To ensure that future house designs in the borough considered adaptations for the future needs of residents.	The Housing aim of a good quality home for everyone
2.	Mental Health and Neuro Diversity Challenges	Cabinet	To ensure that employees with mental health and Neuro Diversity challenges are supported.	The aim of continuous improvement

	Topic	Topic suggested by	Expected outcomes	Link to corporate priorities/values
3.	Governance Arrangements on the Shared Prosperity Fund Programme	Cabinet	To ensure governance arrangements are met with the allocation of funds for the Shared Prosperity Fund.	Continuous improvement and a strong caring focus on the needs of all communities.



## Report of the Overview and Scrutiny Committee

### SCRUTINY REVIEW – MISSED BINS

#### 1. Purpose of report

To present the findings of the Overview and Scrutiny Committee Working Group's review into Missed Bins. This is in accordance with the Council's corporate values of continuous improvement and delivering value for money.

#### 2. Recommendation

**Cabinet is asked to RECEIVE the report, consider the findings and RESOLVE accordingly.**

#### 3. Background

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

- To understand why bins are missed
- If the number of missed bins could be reduced

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

#### 4. Background papers

Nil

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Broxtowe  
Borough  
COUNCIL



Report of the Overview and Scrutiny  
Committee

## Review of Missed Bins

January 2023



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## Summary

1. Broxtowe Borough Council's Overview and Scrutiny Committee established a review of Missed Bins, to be carried out by the Overview and Scrutiny Working Group at its meeting on 16 December 2022. The review was requested by Councillor P J Owen, to answer the following questions:
  - How should the process work?
  - How many bins are being missed?
  - How quickly are they collected?
  - What happens with repeated missed bins?
  - How do we communicate regarding feedback on missed bins, including communicating with the complainant?
  - Do the starting times of collections result in missed bins?
  - Are there times when bins are missed due to lack of foresight, missing bins where there are obstacles like lorries?
  - How many bins are missed because they are contaminated?
  - Is there a reason bins are being missed, what is the cause?
  - Do we have data on why bins are missed and which type of bins are missed?
  - New builds, how do we get information on where new collections need to start?
  - How is data used for training?
  - Should there be a charge for collecting missed bins?
2. The review is in accordance with the Council's values of innovation and readiness for change, valuing employees and enabling the active involvement of everyone, continuous improvement and delivering value for money and integrity and professional competency.
3. The Working Group met on 16 December 2022 after receiving information from the Head of Environment, Paul Wolverson, to assist the Working Group in relation to the specific points on the scoping form, see page 7.
4. The purpose of the review was to achieve the outcomes outlined in the scoping report<sup>1</sup>. The review sought the following outcomes:
  - To understand why bins are missed and if the number of missed bins could be reduced.
5. This report sets out the review process that was adopted and the recommendations to be made.

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

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

1. The Working Group was chaired by Councillor P J Owen, with Councillor S Easom as the vice chair.
2. Three other councillors were part of the Working Group:
  - Councillor J C Goold
  - Councillor D K Watts
  - Councillor I L Tyler.
3. The Working Group was assisted by Kevin Powell, Executive Director, Paul Wolverson, Head of Environment, Emma Georgiou, Waste and Climate Change Manager, Arron Beckworth, Complaints and Compliments Officer and Kat Newton, Democratic Services Assistant.

## Recommendations

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

1. To ensure that residual, recycling and garden waste bin collections do not commence before 6.30am and glass recycling collections do not commence before 7am unless in circumstances of extreme weather with management checking vehicle tachographs at least once a month.
2. To ensure that employees do not “dunk” residents glass recycling bins.
3. To investigate vehicle specification (particularly narrow track vehicles) to facilitate access to difficult access areas.
4. To improve the communication between the crews supporting each other on the brown lidded (garden waste) service.
5. Create a process, as part of a review of the Waste Strategy, that addresses bins that have not been presented for collection in the correct manner including for example, charging for collection and/or not returning to collect.
6. Implement an enhanced investigation and engagement process, that includes the householder, in relation to repeat missed bins.
7. Where a bin is missed due to service failure it will be collected as soon as practically possible and within 5 working days.
8. To ensure the vehicle specification is included by Environment Services in every new development consultation response to Planning Services.
9. Bins should be returned to the point of collection after being emptied where it is safe to do so.

## Background

1. The topic was suggested by Councillor P J Owen to consider Missed Bins.
2. The review was scoped at the meeting of Overview and Scrutiny Committee on 10 November 2022 where the Scrutiny Working Group was allocated the review, which sought to provide explanatory data on Missed Bins.

## Considerations at the Working Group Meetings

1. At the meeting of the Working Group on 16 December 2022 Members were updated with the Missed Bins presentation in addition to information that was provided at the Overview and Scrutiny Committee meeting on 19 October 2022 by the Executive Director.
2. There were a number of lines of enquiry which included:
  - Are people's bins being missed because crews start early?
  - What are the issues that cause bins to be regularly missed?
  - Were bins left due to contamination?
  - Was there under-reporting of missed bins?
3. The Executive Director confirmed that the data provided indicated the number of missed bins was low, at 0.30% of all collections.
4. In consideration of the issues that cause bins to be missed it was noted that access was an issue, where crews were not able to get to bins, either because they had not been put out or because there was congestion or building works.
5. Discussions around regularly missed bins included the impact that this had on resident. It was noted that a new procedure for regularly missed bins had driven down reports by 85%. There was continued focus on improving services to those properties which report a repeated missed collection. The importance of having experienced crews was discussed in reducing regularly missed bins. Discussion progressed on to the size of the brown bin rounds and the missed bins resulting from operatives who had been called in to support colleagues on the big garden waste rounds.
6. Contaminated bins were discussed, with relation to enforcement action and charges for collection, as were bulky waste charges for regularly contaminated bins and methods of enforcement for non-compliance including written warnings, visits, removal of recycling bins and section 46 orders.
7. There was concern that the level of anecdotal evidence for missed bins or the early collection of bins was not supported by the data and that some Members felt that there was under reporting of missed bins by residents. Officers requested that where Members were aware of difficulties or reports from



residents that they pass these on to the Waste and Recycling Section to ensure that they are correctly recorded and appropriate action taken.

8. At the meeting of the Missed Bin Working Group on 9 January 2023, recommendations were discussed, with nine being made as part of this report.

## **Scoping Form Information**

The Head of Environment provided the following information to assist the Working Group in relation to the specific points on the scoping form.

### **1. How should the process work?**

The process for the missed bin service operates in the following way: residents can request for their bin to be emptied when it has not been emptied on their scheduled collection day. The Council will then return to empty the bin.

A residents' bin may not be emptied for reasons such as:

- The resident did not put their bin out for collection on the scheduled collection day.
- The resident put the wrong bin out for collection.
- The bin was presented for collection with the lid up (overfull) so represents a health and safety issue.
- The bin was put out for collection but the crew did not empty it without a valid reason.
- The bin was put out for collection containing items which shouldn't have been in the bin (contaminated).
- The collection team could not access the property due to vehicular access problems (e.g. resident parking, access to a building site etc).

Every bin reported by a resident is scheduled onto a missed bin collection round. A separate team is deployed on the missed bin collection service.

A request for a bin to be emptied will be processed through the following communication methods:

- Telephone
- On-line
- Email
- Face-to-face

Where correspondence (usually by email) is received by a member of the refuse management team, either direct from a resident or by way of Customer Services, they will reply to the customer with an update with regards their requested collection, as well as organise for the bin to be emptied.

## 2. How many bins are being missed?

Figure 1 shows the number of reported missed bins since April 2020. The spike between May and October 2021 is attributable to the issue of driver shortages which was experienced during those months and resulted in the cancellation of glass and/or garden waste collections. Residents still continued to log collections as missed during this period for the services which were affected.

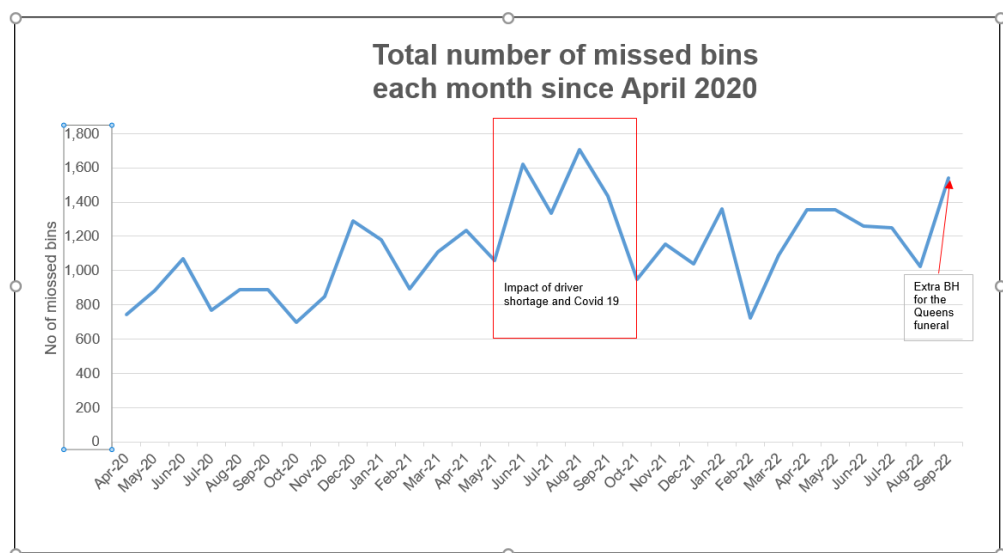


Figure 1- Number of missed bins since April 2020

As the information previously supplied to Members shows the percentage of missed bins compared to the total number of bins collected across all waste streams is low, accounting for less than 0.3%.

The trend line, which can be extrapolated from the above information, indicates a rise in missed bin reports over time. However, this trend line needs further analysis over a longer period of time in order to determine the true trend, as the figures are negatively affected as a consequence of the driver shortage and COVID.

## 3. How quickly are they collected?

Following a request to collect a 'missed bin', the Council will return to the property within 5 working days. Following reports that residents were being informed by Customer Services of a return timescale of 48 hours, the Environment Team has been working positively with this section, and other employees involved in dealing with processing 'missed bin' requests. Additional advice and training has been provided to ensure the correct information is passed to residents.

## 4. What happens with repeated missed bins?

It is recognised that a bin not being emptied causes the resident inconvenience. Where a resident escalates to management that their bin is being repeatedly missed, additional improvement measures are implemented. Analysis of the back office data

has shown that the number of repeated missed bins has reduced over the last six months.

Where a bin is escalated as a repeat missed proactive measures to address the issue include:

- The crew is educated on the location of the bin to avoid future issues.
- The crew is sent back to empty the bin on the following day. The benefit of implementing this measure is that the crew will then be familiar with the location of the bin for the next collection day.

Since the introduction in March 2022 of the 'return and educate' system there has been an 90% reduction in repeat missed bin reports.

**5. How do we communicate regarding feedback on missed bins, including communicating with the complainant?**

Once a missed bin has been emptied, the crew emptying the bin will close the task down on the in-cab system to confirm the bin has been emptied. This closes the active case on the back office system. No direct feedback is given to the resident.

Where there has been delay in delivering the missed bin service per se, due to resource pressures, i.e. during COVID or the driver shortage, this delay is communicated to residents through the Councils social media channels and relevant website pages.

**6. Do the starting times of collections result in missed bins?**

The commencement time for refuse collections is 6.30am and 7.00am for the glass collection. There has not been any feedback to suggest that the starting times affect the number of missed bins.

Due to the extreme hot temperatures experienced during the summer months it was necessary on occasions to commence collections an hour early due to health and safety reasons. Information regarding the earlier starts was communicated through the Council's usual communications channels, e.g. Social Media and Email Me. The early starting times did not impact on the number of missed bins.

**7. Are there times when bins are missed due to lack of foresight, missing bins where there are obstacles like lorries?**

The crews take pride in their work and it is the intention of every crew to ensure that all residents bins are emptied. It is acknowledged that there has been occasions where a resident's bin may not have been emptied due to restricted observations such as a parked vehicle.

When the refuse management team are made aware of such issues, additional education is given to the teams to inform them that there is a bin behind a vehicle and this needs to be emptied.

It should be noted that drivers are finding it increasingly difficult to access some roads, particularly the narrower streets in the borough, due to parked cars. This is likely to be as a direct impact of increased home/hybrid working

## 8. Data regarding missed bins.

Table 1 shows the number of missed bins by type since April 2020.

2020/2021						2021/2022						2022/2023					
Month	Missed Bins	Black	Brown	Green	Glass	Month	Missed Bins	Black	Brown	Green	Glass	Month	Missed Bins	Black	Brown	Green	Glass
April	745	37.32 %	7.92%	36.78 %	17.99 %	April	1,237	33.31 %	18.35 %	33.31 %	15.04 %	April	1,356	30.31 %	39.45 %	22.05 %	8.19 %
May	886	38.26 %	6.09%	30.25 %	25.40 %	May	1,059	35.98 %	20.96 %	26.16 %	16.90 %	May	1,357	25.64 %	50.18 %	17.24 %	6.93 %
June	1,070	37.76 %	5.33%	29.53 %	27.38 %	June	1,623	25.75 %	39.25 %	19.10 %	15.90 %	June	1,260	31.03 %	43.33 %	18.41 %	7.22 %
July	771	30.87 %	6.74%	36.45 %	25.94 %	July	1,333	31.13 %	31.21 %	22.06 %	15.60 %	July	1,252	41.69 %	32.03 %	20.77 %	5.51 %
August	887	39.23 %	7.89%	31.79 %	21.08 %	August	1,709	28.32 %	31.36 %	21.88 %	18.43 %	August	1,023	42.23 %	26.69 %	24.83 %	6.26 %
September	887	38.90 %	6.88%	34.16 %	20.07 %	September	1,437	29.44 %	24.36 %	24.77 %	21.43 %	September	1,541	42.12 %	26.15 %	26.80 %	4.93 %
October	696	37.36 %	7.61%	33.62 %	21.41 %	October	948	34.60 %	29.11 %	23.52 %	12.76 %	October					
November	848	39.62 %	4.36%	32.78 %	23.23 %	November	1,157	27.40 %	38.98 %	20.48 %	13.14 %	November					
December	1,291	39.89 %	5.96%	34.93 %	19.21 %	December	1,040	44.23 %	13.85 %	29.42 %	12.50 %	December					
January	1,179	46.14 %	9.50%	30.79 %	13.57 %	January	1,362	50.51 %	17.99 %	22.10 %	9.40%	January					
February	894	38.14 %	11.74 %	31.32 %	18.79 %	February	724	36.74 %	14.78 %	34.94 %	13.54 %	February					
March	1,112	35.34 %	15.74 %	28.96 %	19.96 %	March	1,092	38.37 %	25.73 %	25.09 %	10.81 %	March					

Table 1: Missed bins by type

Analysis of the data in table 1 shows that:

- Black bins are reported most as missed
- The number of missed glass collections has significantly improved since 2021/22. This is due to having a consistent Team leader and team on the round
- Reported missed recycling bins are consistently around the same level
- The number of reported missed garden bins increased at the beginning of this current season due to residents not paying their subscription fees. Teams are instructed that they should only empty garden waste bins with current subscription stickers on them.

Table 2 shows the data relating to the number of bins that have not been emptied by the crew and reported on the in-cab system.

Reported Event	2020/2021	2021/2022	2022/2023 (April – September)
Lid Up	10	4	4
Not Broxtowe Container	99	36	38
Frozen	188	47	1
Bin Empty	125	48	11
Heavy	84	97	44
Contents Stuck	202	146	20
Gate Locked	294	311	252
No Access	662	341	175
Wrong Bin Out	713	463	249
Contaminated	4,394	2,825	2,161
Not Out	11,195	10,455	7,258
<b>Total</b>	<b>17,966</b>	<b>14,773</b>	<b>10,213</b>

Table 2: Crew issues with bins

Analysis of the 2022/23 data has been undertaken to ascertain how many bins were requested to be collected following rejection by the crew. This analysis showed that since April 2022, the missed bin team returned to 393 properties that had been previously rejected by the crew.

## 9. New builds, how do we get information on where new collections need to start?

Each street is allocated to a collection round. When a bin is delivered to a new development, the address automatically uploads on the respective delivery round. The crew are informed of the new street added to the round.

On new developments which are larger in scale, and result in properties being completed in different stages, access can on occasions be restricted due to construction vehicles still being on site. In future a change of process will be implemented so that these developments are informed of the increased potential for missed collections due to access issues at the point when the bins are delivered.

Where access to an entire street, or part of it, has been restricted, the Driver/Team Leader will make a second attempt to access the road within the working day. If access is then still not possible, the Driver/Team Leader will report it using the in-cab system to ensure the street is then included on the missed bin round.

**10. How is data used for training?**

Data regarding the number of 'missed bin reports' per team is displayed on a performance board within the depot. This data is updated each month and gives each team an insight into their own performance. Improvements in performance can lead to the award of 'team of the week', which is an award aimed at increasing motivation and performance. The information is also used to inform toolbox talks to improve service performance, as well as to allow employees to engage and share their views.

**11. Should there be a charge for collecting missed bins?**

The collection of waste is a mandatory function. However, there is scope to withdraw the service and potentially charge a resident who persistently fails to engage in the proper behaviour with regards the presentation of their bins.

Further work can be undertaken on this and presented to Members at a later date. Appropriate remedial measures to address persistent non-conformance include:

- Serving advisory letters in the first instance
- Serving section 46 Notices to mandate compliance
- Enforcement of the section 46 Notice and potential fining or withdrawal of the collection service
- Providing a provision to empty the bin as part of the bulky waste service for non-compliance. This would be chargeable.

## Scoping Report

Title of review	Missed Bins
<b>Expected outcomes</b>	<ul style="list-style-type: none"> <li>• To understand why bins are missed and if the number of missed bins could be reduced</li> </ul>
<b>Terms of reference/Key lines of enquiry</b>	<ul style="list-style-type: none"> <li>• How should the process work?</li> <li>• How many bins are being missed?</li> <li>• How quickly are they collected?</li> <li>• What happens with repeated missed bins?</li> <li>• How do we communicate regarding feedback on missed bins, including communicating with the complainant?</li> <li>• Do the starting times of collections result in missed bins?</li> <li>• Are there times when bins are missed due to lack of foresight, missing bins where there are obstacles like lorries?</li> <li>• How many bins are missed because they are contaminated?</li> <li>• Is there a reason bins are being missed, what is the cause?</li> <li>• Do we have data on why bins are missed and which type of bins are missed?</li> <li>• New builds, how do we get information on where new collections need to start?</li> <li>• How is data used for training?</li> <li>• Should there be a charge for collecting missed bins?</li> </ul>
<b>Possible sources of information</b>	<ul style="list-style-type: none"> <li>• Environment Services</li> </ul>
<b>How review could be publicised</b>	<ul style="list-style-type: none"> <li>• Council website</li> <li>• Social media</li> <li>• The Council's Communications team</li> </ul>
<b>Specify site visits</b>	<ul style="list-style-type: none"> <li>• None required</li> </ul>



<b>Possible witnesses</b>	<ul style="list-style-type: none"> <li>• Executive Director</li> <li>• Head of Environment</li> <li>• Waste and Climate Change Manager</li> </ul>		
<b>Resource requirements</b>	<ul style="list-style-type: none"> <li>• Officer/Councillor time</li> </ul>		
<b>Projected start date</b>	Week commencing 12 December 2022	<b>Draft report deadline</b>	12 January 2023
<b>Projected completion date</b>	12 January 2023		

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## **Report of the Chief Executive**

### **SMOKE FREE SITE POLICY**

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

To consider changes to the Smoke Free Site policy. This includes vaping and e-cigarettes.

#### **2. Recommendation**

**The Local Joint Consultative Committee is asked to RECOMMEND to Cabinet the Smoke Free Site Policy.**

#### **3. Detail**

The Smoke Free Site Policy was reviewed and renewed in June 2017, banning all smoking on Council premises. At the time, it was proposed by the Trade Unions to not include vaping within the changes – to be reviewed in time.

The Health and Safety 1974 requires the employer to take reasonable steps to protect the health and safety of its employees and members of the public visiting Council premises.

The Council's existing Smoke Free Site policy prohibits smoking within Council vehicles and buildings, however, the proposal is to extend this to vaping.

It should be noted that the Council wishes to support employees and this policy is not intended to be a punitive measure. Appropriate support will be given to employees who wish to stop smoking or vaping.

#### **4. Financial Implications**

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

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

#### **5. Legal Implications**

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

The Health and Safety at Work etc. Act 1974 Section 2(2) (c) requires an employer to provide and maintain a working environment for his employees that is, so far as is reasonably practicable, safe and without risks to health. The Management of Health and Safety at Work Regulations 1999 also requires employers to assess and remove or reduce hazards to which their employees are exposed and render them at risk. Further Smoke-free legislation in the Health Act 2006 made virtually all indoor public places and work places, including work vehicles, smoke-free, protecting workers and the public from the

harmful effects of passive or secondary smoke. The Council (who control and/or manage smoke-free premises) also have a legal duty stop a person smoking in a smoke free area (section 8 of the Health Act 2006). It is an offence not to display no smoking signs in a smoke-free workplace or public place (section 6 of the Health Act 2006).

6. Human Resources Implications

Not applicable

7. Union Comments

Not applicable.

8. Background Papers

Nil

REFERENCE



## **SMOKE FREE SITE POLICY**

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REFERENCE

## **SMOKE FREE SITE POLICY**

### **1. Purpose**

The purpose of this policy is to protect the health of all employees, customers and visitors from exposure to second hand smoke and to comply with the Smoke Free legislation which came into effect on 1 July 2007.

In addition, The Health and Safety at Work Act (1974) requires that Broxtowe Borough Council takes reasonable steps to protect the health and safety of employees and members of the public visiting Council premises and grounds.

Second hand tobacco smoke has been scientifically proven to cause lung cancer and heart disease in non-smokers as well as many other illnesses and minor conditions.

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

### **2. Scope**

This policy applies to all employees and elected members throughout the entire workplace whether employed directly by Broxtowe Borough Council, through an agency, by a contractor or other organisation, customers and visitors.

Smoking is prohibited in ALL Council premises, and grounds. The boundaries of each site are the public highways/pavements that form their perimeter. All internal grounds, roads, pavements and path are on site.

Smoking is also prohibited in all Council vehicles and in private vehicles if a passenger is carried.

Employees are not permitted to smoke at any time during their working day. This includes off site travel, meetings and visits.

Employees who do wish to smoke may do so during their lunch break or other authorised rest break as long as they are not in Council grounds, premises or vehicle. There is no contractual right to a break for the purposes of cigarette smoking and smokers are not entitled to longer breaks than non-smoking colleagues.

For the purposes of this policy, vaping and electronic cigarettes is included.

### **3. Employee Assistance**

The Council recognises that this policy will have an impact on smokers working lives and wishes to support employees who want to stop and help individuals adjust to this change.

Employees who find compliance with the Policy difficult should speak to their line manager who will direct them to the appropriate support.

Reasonable time off will be given for employees to seek professional help from the local NHS Stop Smoking Service, their GP or other recognised method of cessation.

If an employee breaches this Policy action will be taken with under the Disciplinary Policy.

REFERENCE



## Equality Impact Assessment

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

The **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:	CEX	Lead officer responsible for EIA	Aaron Gidney
Name of the policy or function to be assessed:		Smoke Free Site Policy	
Names of the officers undertaking the assessment:		Aaron Gidney	
Is this a new or an existing policy or function?		New	
<p><b>1. What are the aims and objectives of the policy or function?</b></p> <p>To prohibit smoking and vaping on all Council Sites, including boundaries in order to protect the health of all employees and visitors of the Council.</p>			
<p><b>2. What outcomes do you want to achieve from the policy or function?</b></p> <p>A smoke free site policy will promote and protect the long-term health of employees and demonstrates compliance with the Health and Safety at Work Act 1974.</p>			
<p><b>3. Who is intended to benefit from the policy or function?</b></p> <p>All employees and the public visiting Council Offices.</p>			
<p><b>4. Who are the main stakeholders in relation to the policy or function?</b></p> <p>All employees, agency workers, contractors and the public.</p>			
<p><b>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</b></p> <p>The implications of smoking and passive smoking has been well-documented and can adversely affect all groups of people regardless of protected characteristics.</p>			
<p><b>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</b></p> <p>Proposed policy has been through LJCC Working Group, Health &amp; Safety Committee with union consultation in order to understand any impact on different groups.</p>			

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

Union comments from their members have been, in general, supportive of the policy with some exceptions from those who do smoke.

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

**In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:**

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

Although smokers may not support the introduction of the policy, it is not intended to be a punitive measure, rather to protect the health of the overall workforce in accordance with the Health and Safety at Work Act 1974.

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

Yes. All employees are subject to the policy.

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

No. All employees are subject to the policy.

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

Neutral impact.

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

None.

<b>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?</b>
<b>Age: Positive impact – all employees will be protected from passive smoking</b>
<b>Disability: A person with limited mobility may find difficulties leaving a site in order to smoke, however, this will protect work colleagues or members of the public from passive smoking. The policy will have a positive impact on individual's with conditions such as asthma.</b>
<b>Gender: Positive impact – all employees will be protected from passive smoking</b>
<b>Gender Reassignment: Positive impact – all employees will be protected from passive smoking</b>
<b>Marriage and Civil Partnership: Positive impact – all employees will be protected from passive smoking</b>
<b>Pregnancy and Maternity: Positive impact – the policy will protect expectant mothers from passive smoking.</b>
<b>Race: Positive impact – all employees will be protected from passive smoking</b>
<b>Religion and Belief: Positive impact – all employees will be protected from passive smoking</b>
<b>Sexual Orientation: Positive impact – all employees will be protected from passive smoking</b>
<b>Head of Service:</b> I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

**Signature of Head of Service:**

REFERENCE

**Action Plan**

Action to be taken	What outcome is wanted?	What milestones will be used?	Who is the Lead Responsible Officer?	What is the Target Date for Completion?

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<b>Smoke Free Site Policy</b>	<b>Suggested Change</b>	<b>Reason for Change</b>
Page 1	Change last line to include vaping	Reviewed By LJCC

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## Report of the Chief Executive

**ALCOHOL AND SUBSTANCE MISUSE POLICY**1. Purpose of report

To consider amendments to the Alcohol and Substance Misuse policy.

2. Recommendation

**The Local Joint Consultative Committee is asked to RECOMMEND to Cabinet the revisions to the Alcohol and Substance Misuse Policy.**

3. Detail

The proposed amendments are intended to introduce a more robust policy to ensure the Health and Safety of its employees and those affected by its activities. In addition, guidance for managers has been produced in order to provide further support and appropriate guidance when dealing with alcohol and substance misuse issues.

The proposed framework clearly outlines a robust procedure, reasons for testing and potential implications and will enable the Council to protect its employees, residents and reputation.

The amendments to the policy indicates a pro-active approach to alcohol and drug misuse demonstrating reasonable measures put in place by the Council to avoid incidents such as the bin lorry tragedy in Glasgow in 2014.

4. Financial Implications

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

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

5. Legal implications

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

The policy provides guidance and a procedure for the Council, as the Employer and Employees to follow in cases of substance/alcohol misuse. A failure to follow a fair process can potentially result in the Employee being able to claim unfair dismissal or discrimination in the workplace. The Policy at Paragraph 4.0 has taken in to account relevant legislation including, Health and Safety at Work Act 1974, Management of Health and Safety at Work Regulations 1999, Human

Rights Act 1998, Road Traffic Act 1988, Corporate Manslaughter and Corporate Homicide Act 2007 and the Data Protection Act 2018.

6. Background Papers

Nil.

REFERENCE



# **Alcohol and Substance Misuse Policy**

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## **1.0 Scope**

This policy applies to all employees irrespective of grade, full-time or part-time, temporary or permanent and also covers agency staff and contractors.

## **2.0 Purpose**

The purpose of this policy is to ensure that employees are not under the influence of drugs or alcohol whilst they are working for the Council which could put themselves or others at risk.

## **3.0 Aims and Objectives**

To provide a clear framework against which to deal with the use and effects of drugs and alcohol in the workplace in a fair and consistent manner, with due regard to equality of opportunity.

This policy aims to:

- Ensure that Broxtowe Borough Council complies with its legal obligations to provide a safe and healthy working environment for all staff in accordance with relevant health and safety legislation;
- set out restrictions on the use of illegal and prescription drugs and/or alcohol at work;
- raise awareness of the dangers and penalties associated with the use of illegal drugs or alcohol in the workplace;
- provide assurances to staff that arrangements are in place to ensure so far as reasonably practicable that their work environment will be free from the effects of drug and/or alcohol abuse;
- provide support to staff whose lives are or have been affected by the misuse of controlled drugs or alcohol;
- protect employees from the dangers of controlled drug and alcohol abuse;
- support employees with drug or alcohol related problems.

## **4.0 Regulatory Code and Legal Framework**

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1999
- Road Traffic Act 1988
- Human Right Act 1988
- Corporate Manslaughter and Corporate Homicide Act 2007

## 5.0 Policy Outline

Broxtowe Borough Council is committed to ensuring the health, safety and welfare of its employees and those affected by its activities. It will take all reasonable steps to reduce, if not eliminate, the risk of injuries or incidents at work occurring due to individuals suffering from the effects of alcohol or substance abuse (The term substance misuse will be known as drugs from this point). Consequently, the Council reserves the right under this policy to exercise alcohol and drug testing of its employees.

The Council is committed to raising employees' awareness of the dangers of alcohol misuse, the recommended sensible drinking limits and fully supporting and encouraging employees who are affected by alcohol and drug misuse, to seek help.

Where the term "employee" is used, this means anyone employed by the Council regardless of grade, full-time or part-time, temporary or permanent and also covers agency staff and Councillors.

This policy and procedure is based on the following principles:

- a. No employee shall attend for work in an unfit state due to the misuse of alcohol or drugs. An unfit state may include, but not be limited to cases where:
  - The individual is over the legal alcohol limit stipulated for driving (i.e. 35mcg/100ml of breath alcohol concentration).
  - In the opinion of management, the employee's performance is impaired. In respect to alcohol, this may be less than the legal limit stipulated for driving.
  - In the opinion of management, the employee's behaviour may cause embarrassment, distress or offence to others.
- b. Employees are prohibited from misusing drugs in the workplace, whilst undertaking the business of the Council, or immediately prior to or during a break in a working shift.
- c. Employees are prohibited from drinking alcohol in the workplace and this includes during any breaks taken throughout the day. Drinking alcohol during a working day (even during a lunchtime break) does not reflect the image the Council wishes to present. At all times **ALL EMPLOYEES** must be within legal driving limits for alcohol whilst they are at work irrespective of being a driver or not.
- d. The Council expressly prohibits the use of any controlled or prescription drugs by employees that has not been prescribed for the user or are drugs which are not being used in the manner described in the prescription.
- e. It is a criminal offence to possess, use or supply Illegal drugs. Possession of illegal drugs on Council property is not permitted.
- f. An employee will not store drugs (except prescription drugs for personal use) or alcohol (unless in unopened bottle(s)) in personal areas such as lockers, vehicles and desk drawers; or attempt to sell or supply drugs or alcohol to any other employee or other person on Council premises, in Council vehicles or at any time during work time.



- g. The Council will provide reasonable assistance and support where an employee advises that they are suffering from drug or alcohol dependency. This may include Occupational Health Service, therapy or to follow a treatment schedule. Agencies will be expected to provide assistance and support to their own employees. Support will be provided to other employees affected by this where necessary.
- h. Where an employee has a dependency that has an impact on their normal work, or which prevents them undertaking some or all of their duties, they will be managed within the capability framework. Should the employee not be able to demonstrate that the drug or alcohol use is no longer an issue in relation to their work within this timescale, an employment decision will be taken about the employee's suitability to continue and the outcome may include redeployment or dismissal from the Council.
- i. With regards to agency staff, the person will be given the opportunity to take a test(s). If the person refuses, that person will be removed from their duties. The recruitment agency will be contacted and asked to forward a copy of the employment contract between them and the person (The Agency may remove the person at this point). The contract should state that the person must comply with the Council's policies and procedures. This will then provide the recruitment agency the opportunity to remove the person to act as an agency worker for the Council. If the Agency person does take the test(s) and the result identified that the person is under the influence of alcohol and/or substance misuse, he/she will be immediately dismissed from the Council's employment. A report will be provided to the agency.
- j. Absences relating to this dependency or its treatment will be dealt with under the Council's Absence Management Policies as appropriate.
- k. Loss, damage or accidents arising as a result of an employee whilst under the influence of alcohol or drugs will be investigated and dealt with appropriately through the Council's Disciplinary Procedure as will occasions when an employee has taken part in safety-critical work whilst being under the influence of such substances. This will be the case whether or not any dependency had previously been declared.
- l. Failure to comply with this policy may be treated and investigated as a matter of potential misconduct under the Council's Disciplinary Procedure (or appropriate procedure for agency staff).
- m. Information from testing will be processed by the Health and Safety team, it could be used as part of the disciplinary procedure or to show compliance to the Alcohol and Drug Policy. Information is stored in line with the Health and Safety Retention Policy, negative results are used for statistical purposes'.

## **5.1 With-cause alcohol and drug testing**

A manager may require an employee to be tested for alcohol and drugs in cases where they have had any involvement in a workplace accident, near miss or in an incident that has caused or could have caused a danger to health or safety.

Testing may be carried out where a manager has grounds to believe or suspect that the employee is or may be under the influence of alcohol or drugs. The decision to carry out a with-cause test will be approved by a second manager and documented on the Alcohol and Drug Testing Forms.

A manager may also require an employee to undergo a programme of regular monitoring following a declaration from the employee of drug or alcohol misuse, or following advice from a medical professional. The period of further monitoring will be agreed on a case by case basis.

Any employee who notices signs of alcohol or drug abuse in a colleague should report their observations or suspicions in confidence to the employee's line manager.

Testing may be carried out as a follow-up action from a previous positive result.

For alcohol, the employee will be asked to give a sample of breath and a reading will be taken. The process for this test is explained on the screening form and the flow chart in the Appendices.

## **5.2 Random alcohol and drug testing**

Random alcohol and drug testing will be carried out on employees who work in safety-critical jobs. Safety critical roles are defined as:

- working with machinery / tools / equipment
- driving fleet vehicles
- working in potentially dangerous environments
- working on the public highway

Management will determine the timing, frequency and sample size of random testing exercises. Up to 3 employees will be selected at random each month. The random selection will be witnessed by a member of the Human Resources or Health & Safety Team. Management reserves the right to increase the number of monthly random test if deemed appropriate

The Council reserves the right to carry out occasional random testing on any employees who position has designated user status and drive on Council business, irrespective of grade or status. These tests will be completed during the employees' working time.

## **5.3 Screening on Appointment/Transfer**

Screening for drugs and/or alcohol on appointment or transfer may be required, as determined by managers following the completion of a risk assessment for the post. Should this be the case the employee will be advised of the Council's Alcohol and Drug Misuse procedure and the requirement to be tested when invited for interview.

## **5.4 Carrying out tests**

Asking an employee to undergo alcohol and drug testing does not necessarily indicate that there is any suspicion of wrongdoing.

Alcohol and drug testing will be carried out only by trained and competent persons. Tests used will be industry standard and will be reliable, credible and safe. Tests are carried out with the least possible intrusion into employees' privacy. Test results will be held securely in the employee's personal file and treated confidentially in accordance with the Data Protection Act (2018).

## **5.5 Alcohol Testing**

Alcohol – employees will be tested by a meter that is Home Office approved and is calibrated every six-months.

Process: The employee must give consent, if not it may be seen as an admission of guilt. Checks should be made for any medical conditions such as Asthma or Diabetes which could be an issue during the testing process.

The employee who is to deliver a breath test should be supervised in a room/area where he/she cannot have access to food, drink or be allowed to smoke/vape for 15 minutes before the test is carried out, this will allow the mouth to cleanse itself. If the reading is above 35 mg/100ml (drink drive limit) the employee will be required to take a second test after a further 20 minutes has elapsed. If the reading is still above 35 mg/100ml, the employee will be suspended.

If the reading is between 1 – 35mg, this will indicate alcohol in the body. The employee is once again supervised in a room/area where he/she cannot have access to food, drink or allowed to smoke/vape for a further 20 minutes. A second test is then conducted and if the reading is still between 1 – 35mg/100ml, the employees Manager must remind the employee of the requirements of the Alcohol and Substance Misuse Policy. This process must be conducted in the presence of an independent witness. The readings must be recorded, a photograph of the meter should be taken and a signature is required by the tester, employee and witness to verify that the recorded reading is identical to the reading(s). Follow flow chart in Appendix 3 if a positive result is recorded.

## **5.6 Drug Testing**

Alcohol and drug testing will be carried out only by a qualified and competent person. Tests used will be industry standard and will be reliable, credible and safe. Tests are carried out with the least possible intrusion into employees' privacy.

If the test provides a positive result, the employee will be quarantined. One of the independent people administering the drug test will remain in the room with the employee at all times pending further tests. Further test will then be taken by a representative from a reputable UKA registered laboratory. This person will then assume responsibility for conducting a urine sample using the "Chain of Custody Collection Process". See Appendix 4. The results from this test will be provided within five working days and will confirm a positive or negative result. If positive, the

result will confirm the type of drug consumed and the concentration. Follow flow chart in Appendix 3.

The person will be suspended on full pay whilst waiting for the results of the test.

Employees who are tested will be notified of the result before this is disclosed to their line manager. Immediately after this notification to the employee, the line manager will be notified of the results of testing.

**The employee must undertake testing as a failure to do so could be seen as an admission of guilty and considered as a misconduct issue, potentially gross misconduct and dealt with under the Council's Disciplinary Procedure.**

Statistical information regarding the numbers of employees tested will be submitted to Directors/Heads of Service, the Unions and to the Safety Committee to ensure fairness and transparency of the testing regime.

## **5.7 Action after a positive test**

If a test proves positive and the employee has been engaged in safety critical activities at the time of the test, or the test has been conducted because of an accident or other similar event or near-miss, the employee will be required to take part in an investigatory interview as defined within the Council's Disciplinary Procedure. This may lead to a formal hearing and appropriate formal action being taken which may include dismissal.

If work performance appears to be adversely affected by the use of drugs or alcohol the employee will be managed within the capability framework in which specific improvements within defined timescales will be made clear. Failure to meet these required improvements may lead to redeployment or dismissal.

It may be appropriate to establish a more regular drug or alcohol monitoring programme with an employee over an extended period of time to ensure that use of these substances is not affecting work performance.

Generally, a result will be considered "positive" where the presence of alcohol above 35mcg/100ml of breath alcohol concentration is detected or where there is the presence of controlled drugs. The drug testing should not detect levels of prescription drugs if they are being taken at a level prescribed by a healthcare professional. A urine test will be taken to confirm that the positive drug test is accurate and is not due to a prescription drug being taken at the prescribed level.

Note: Restrictions on drinking or being under the influence of alcohol whilst at work - relevant legislation Section 4 (1) Road Traffic Act 1988 states:

*"A person who, when driving or attempting to drive a mechanically propelled vehicle on a road or other public place, is unfit to drive through drink or drugs is guilty of an offence".*

## **6.0 Roles and Responsibilities**

## **6.1 Chief Executive**

- Is responsible for ensuring corporate compliance with this policy
- Will support Directors/Heads of Service in fulfilling their responsibilities within this policy

## **6.2 Directors and Heads of Service**

- Are responsible for ensuring that adequate arrangements are made within their service area to enable the policy to be implemented and operated effectively.
- discourage drink-related unacceptable conduct by ensuring that excessive consumption of alcohol does not occur at Council arranged formal events
- Identify safety critical roles that will be placed on the random testing regime
- Undertake the necessary drug and alcohol tests on their employees (if trained to do so)

## **6.3 Managers (Those who manage employees this may include Supervisory posts)**

Have a responsibility to:

- Undertake the necessary drug and alcohol tests on their employees (if trained to do so)
- take steps as outlined in this policy to help and support the employee as soon as they become aware of an employee with an alcohol, drug or substance misuse problem
- create an atmosphere where employees feel able to discuss an alcohol/substance problem with them and should be especially careful of confidentiality
- encourage employees to seek help as soon as a problem is identified
- make it clear to the employee at all times that it is the wish of the Council to assist and support them wherever possible, and that strict confidentiality will be maintained, as far as is practicable
- fully investigate instances of possible intoxication, and implement the screening/testing procedure, where there are concerns about risk and/or safe working
- make a decision immediately following notification of an accident as to whether to implement the screening/testing procedure
- discourage drink-related unacceptable conduct by ensuring that excessive (i.e. within the legal limits) consumption of alcohol does not occur at Council arranged formal events
- review risk assessments to ensure sufficient control measures are in place if an employee informs them that they are taking any prescribed medication that may have an effect on their ability to carry out their work safely
- Take steps to remove individuals from safety critical roles if alcohol, drugs or substance misuse is reported or identified. This may be in the form of a

medical suspension and further action will be taken following further investigation.

## 6.4 Employees

Under the Health and Safety at Work etc. Act 1974, personal responsibility for all employees irrespective of grade, full-time or part-time, temporary or permanent and also agency staff (not self-employed), is set out as three basic duties:

1. We each have a duty to take reasonable care of our own health and safety and that of others who may be affected by what we do or fail to do.
2. We each have a duty not to neglect, abuse or interfere with anything provided in the interest of health and safety.
3. We each have a duty to co-operate with our employer over matters of health and safety.

In addition, each employee has a personal responsibility to:

- comply with this policy and not allow alcohol or drugs to interfere with their work performance and/or conduct.
- come to work capable of carrying out that work effectively without danger to themselves or others. Those employees who work with plant, machinery tools or equipment, or who drive as part of their duties, have particular responsibility to ensure that they are not affected by drugs and/or alcohol, which impairs judgement and reduces concentration which could result in accidents.
- be aware that being under the influence of alcohol or drugs sufficient to affect their work performance is a disciplinary offence and could potentially be treated as gross misconduct.
- not consume alcohol whilst undertaking the business of the Council, or immediately prior to or during a break in a working shift.
- not consume excessive levels of alcohol at Council arranged formal events resulting in unacceptable conduct. See Code of Conduct Policy.
- seek help and treatment as soon as possible if they feel they have alcohol drug misuse problems. They can do this by approaching their line managers or HR in confidence.
- Inform their line managers if they are taking any prescribed medication that may have an effect on their ability to carry out their work safely and they must follow any instructions subsequently given.
- Inform their manager and Human Resources/Health and Safety Section if they suspect or are aware that a colleague is under the influence of alcohol or drugs. If the colleague is not in their service area they **MUST** still report the issue to someone with managerial responsibilities.
- Advise Manager/Human Resources if found guilty of possessing illegal drugs or drug offences.
- Advise Manager/Human Resources if tested positive by a Police Officer.

## 6.5 Health and Safety Team

The Health and Safety Team provide advice, support and guidance in the application of this Policy.

## 7.0 Related Policies, Procedures and Guidelines

The following Council policies may be relevant to this policy and should be referred to where appropriate:

- Absence Management Policy and Procedures
- Disciplinary Policy
- Code of Conduct
- Capability Procedure
- Driving at Work Policy
- Health and Safety Policy

## 7.0 Review

This policy is subject to change due to legislative or organisation requirements. Significant organisational requirement changes to this policy will be made in conjunction with Trade Union officials as per standard process.

## 8.0 Appendices

Appendix 1 – Drug and Alcohol Screening Form  
Appendix 2 – Testing Flow Chart  
Appendix 3 - Chain of Custody Collection Process  
Appendix 4 – Change table

## 9.0 Document History and Approval

Date	Version	Committee Name
02/02/2023	2	LJCC

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## APPENDIX 2

### **Alcohol and Substance Misuse Screening Form**

- This is a confidential process
- Please read and sign where asked

Reason for carrying out the test – At Cause – Random (please circle)  
If At Cause please complete

Manager name: ..... Signature: .....

Second Manager name: ..... Signature: .....

I hereby consent to the following screening test(s) and any possible subsequent confirmation test(s) for the detection of alcohol or drugs and/or their metabolites from a sample(s) of breath, sweat, saliva. I am fully aware of the consequences should a positive result be detected. I accept the interpretation of my test results will be completed by the Screener and recorded below.

Complete list of current medication including those purchased over the counter:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Employee name: ..... Signature: .....

Witness Name: ..... Signature: .....

Safety Critical Job: Yes / No Job Title: .....

Contact details: Home/Mobile number: .....

Screener name: ..... Signature: .....

**Date:** day month year **Time:** hr : min AM PM

Screener ask if employee has:

Consumed alcohol within the last 15 minutes.....YES/NO

Smoked within the last 15 minutes.....YES/NO

If yes, wait until the 15 minutes have expired then conduct test.

#### **Alcohol Screen:**

Time: hr : min

Test Log Number:

Result in Numbers:

Result in Words:

#### **Alcohol Confirmation: Ask employee to remain in room/area during this period**

**20 minutes or more after initial alcohol screen**

Time: hr : min

Test Log Number:

Result in Numbers:

Result in Words:

Attach a photograph of the result on the meter showing the reading

I certify that the photograph taken of the reading(s) are accurate for the test(s) taken:

Screener: .....

Employee: .....

Witness: .....

**Follow the flow chart and script for the next stage.**

**Drug Screen: (Screener instructions ensure barrier gloves are worn)**

Screening device:

**DrugWipe Dual**

Batch Number: ..... Expiry Date .....

Three Control Lines appear **Yes No** Circle correct answer & cross out the incorrect answers

Any other Result Lines appear: **NONE Ca Co Op Am**

**Signatures to acknowledge the results:**

Employee Signature:.....

Screener Name:..... Signed:.....

Witness Name:..... Signed:.....

Witness Name:..... Signed:.....

For information on how we collect, process, store and retain you data please see  
<https://www.broxtowe.gov.uk/about-the-council/communications-web-social-media/legal-privacy/>

## **Education Statement for Employees**

Alcohol and Drugs alter your mind and body. People would not take them if they didn't. Very importantly for us, drugs and alcohol do not mix with work.

### **Alcohol**

The easiest way to discuss alcohol is with "Units" as the body burns roughly 1 unit an hour. One unit is also equivalent to half a pint of 3.4% beer, so a pint is 2 units. However, if the beer is stronger than 3.4%, like a real ale or lager of 5.0%, then a pint is 3 units. Shorts are 1 unit per measure and wine is 1 unit for a small glass, but most pubs sell wine in larger glasses making 2 or 3 units a glass! A full bottle is approximately 8 units.

An example here is that if you drive to work at 7 o'clock in the morning, yet stopped drinking at 11 o'clock the night before, then in those 8 hours, you would have burnt off only 8 units. So if you had drunk 3 pints of Stella, or a bottle of wine, it may still be in your system.

This does not include any of the other down sides like a hangover and a bad night's sleep that may also affect your concentration and decision making while driving to, or at work.

### **Drugs**

Illegal drugs are taken because they affect how you feel and react. If they didn't, then no one would buy them.

Cannabis, contrary to urban myth, can still affect your concentration and reaction times up to 5 days later, especially in critical situations such as an accident about to happen. Worse still is cannabis and alcohol, even 1 unit will cause more than double the impairment from the cannabis alone. The Department for Transport has prove this.

Cocaine and Crack can affect your mood, concentration and attitude for a number of days, especially if combined with alcohol which increases levels of aggression.

Opiates, more commonly known as Heroin are extremely addictive and will take over your life. The short term effects are extreme impairment and the addiction drives the person to find more Heroin, hence when not unconscious, this is all they can concentrate on.

Amphetamines speed up your central nervous system and may initially make you have faster reactions but you also have a severely reduced fear threshold and so may take many unnecessary risks.

Methamphetamines act like Amphetamines and also alter your mood, once again affecting your coordination and decision making. A misconception here is that they give you endless energy but really they just allow your body to burn its already stored energy. Your body then goes into restore mode over the next few days and your energy, attention and concentration levels are severely depleted. The hangover can last several days later.

Legal Highs are being created all the time and they also fall under the initial comment, "if they didn't affect you, you wouldn't take them." Hence they are also not conducive to a good state of mind and a safe work ethic.

## **Medicines**

Medicines are usually good for you but some will also cause decreased concentration, reduced decision making capability and even significant impairment. The most common are the Codeine based pain killers and Benzodiazepines and Barbiturates.

Codeine is found in many medicines and carries the warning “Do not drive or operate heavy machinery.” This is the most addicted medication on the planet.

Many companies will discuss and educate an employee with a codeine positive but if the laboratory sees this is above a therapeutic level, then a Medical Review is triggered and an investigation under the disciplinary procedure may be required.

If you need some pain relief, start with Aspirin, Paracetamol or Ibuprofen, then consider if you really need a codeine element. It is your responsibility to tell your manager about your medication and also your Doctor or Pharmacist, that you do not want an impairing medicine.

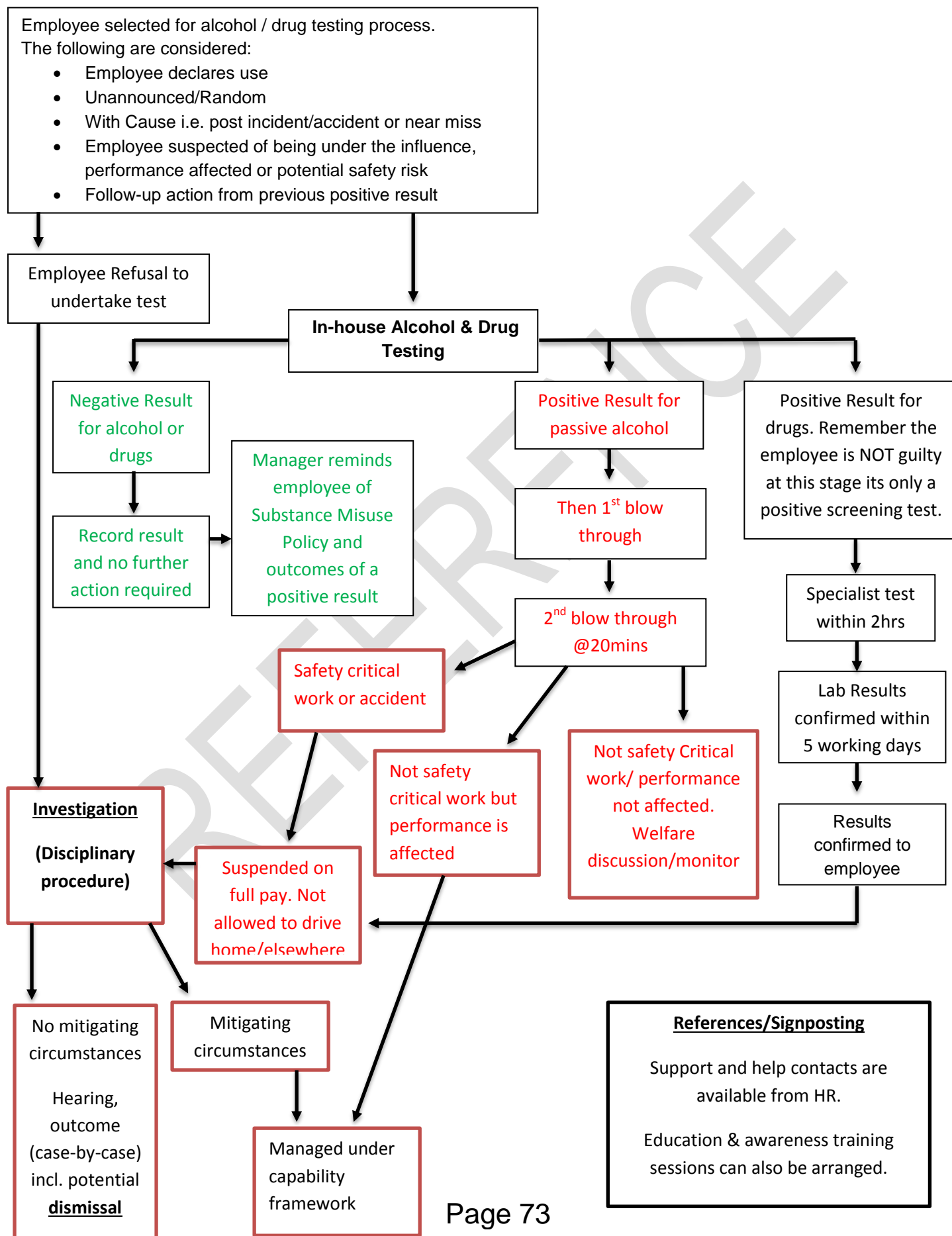
## **Help lines and Web sites**

The Substance Misuse Policy states you must inform your line manager or Service Manager in confidence, who will provide reasonable assistance and support.

The Government's official and confidential source of information and advice is  
“Talk to Frank” [www.talktofrank.com](http://www.talktofrank.com) 0800 77 66 00

Additional information can be sourced from Human Resources.

### Drug & Alcohol Testing Policy Flowchart



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## APPENDIX 4

**Chain of Custody Collection Process**

- Call made direct to Collection Agency's 0800 duty officer phone number. If busy, leave a message, they will get back to you very quickly. They will take details of person calling, code number if necessary for a pre-arranged account, or credit card for unarranged account. They will take your contact number (preferably a mobile number). They will confirm an address for the collection and then confirm the collector's name and anticipated arrival time.
- The collector will arrive and make contact with person who made the call out, please make sure access is authorised to the site.
- The collector will examine the interview room and nearby toilet cubicle for a dynamic risk assessment and to make sure that the toilet cubicle is free of any chemicals and fluids, then water sources will be security tape sealed, standing water in pan and cistern will be colour dyed.
- The collector will ask to see photo ID of client and fill in paperwork recording any medicines or substances taken in the last week.
- The collector will ask client to remove any outer clothing, wets, safety gear, coats and jackets and ask the client to empty pockets.
- The client will then be asked to clean hands thoroughly to remove any innocent chemicals on their skin (or any other substances applied)
- The collector will follow client to the cubicle, unseal and hand over a urine cup. The collector will not be in the cubicle with the client.
- The client will urinate into the cup and pass it out to the collector, which is examined visually and smelt to see it is urine and temperature measured to see it has come straight from the body, it may be adulterant checked.
- In the interview room, the urine sample will be decanted equally by the collector into two sealed containers, Sample A and Sample B.
- These will be barcoded and sealed in the presence of the client.
- The inner water tight packaging will be sealed and paperwork added before the outer packing is sealed for the post.
- The client is then allowed to leave with a copy of the paperwork if requested.
- The collector takes BOTH samples, A and B, which are posted to the accredited laboratory.

## **Process at laboratory**

- The following day, the laboratory will log in the package, check for integrity of the seals and the correct completion of the paperwork.
- The laboratory will refrigerate Sample B and only work on Sample A.
- Pre-screen for adulterants from the body or added at point of collection, concentration of certain markers are checked to look for watering down by excessive fluid consumption or dilution at point of collection.
- Laboratory analysis is performed by two methods (GC-MS or LC-MS) Results are seen for not just the raw drug but the bodies metabolised form of the drug, hence showing the consumption of that drug.
- Result is reported against levels, either industry norms, or if the company so wishes, its own levels.
- Any questions from the laboratory can be directed back to the company and the client, or referred to an independent Medical Review Officer (MRO) who can talk to the clients own Doctor. This is in cases of certain prescribed medications and assessment of therapeutic levels.
- MRO's result is final.
- Results go back to an agreed confidential management point or via Dtec for explanation.
- Client is continued to be recorded as negative and brought back to duty, or recorded as positive and attends a suitable disciplinary hearing.
- If the client wants to contest the result, they can choose another workplace accredited laboratory and ask the company to request Sample B's direct shipment to that second laboratory. The second laboratory results override the first. After a period of time, the B sample will be destroyed. It is advised that all costs of this second assessment are borne by the client directly, then possibly refunded if negative, to prevent unnecessary re analysis.



## APPENDIX 5

Alcohol and Substance Misuse Policy Section	Suggested Change	Reason for Change
Page 6 - Paragraph 2	Added - The period of further monitoring will be agreed on a case by case basis.	Following comments from the Information Governance Officer & Census Liaison Manager
Page 6 - 5.2 Random alcohol and drug testing	Streamline the selection process for random testing from "The Health and Safety Manager will use an application that selects a number(s) randomly. This number(s) will be forwarded to a Payroll Officer who will match this number(s) with the payroll establishment list. The Health and Safety Manager will be informed by the Payroll Officer of the name(s) that matches with the random selected number(s). This has been replaced with "Management will determine the timing, frequency and sample size of random testing exercises. Up to 3 employees will be selected at random each month. The random selection will be witnessed by a member of the Human Resources or Health & Safety Team. Management reserves the right to increase the number of monthly random test if deemed appropriate"	This will simplify the selection process whilst ensuring the integrity of selection by using Human Resources or Health and Safety as witnesses. This will also allow the selection process to target safety critical roles
Page 6 - Point 5.4	GDPR replaced with Data Protection act (2018)	Following comments from the Information Governance Officer & Census Liaison Manager
Page 6 - Point m	Added point m - Information from testing will be processed by the Health and Safety team,	Following comments from the Information Governance Officer

	it could be used as part of the disciplinary procedure or to show compliance to the Alcohol and Drug Policy. Information is stored in line with the Health and Safety Retention Policy, negative results are used for statistical purposes’.	& Census Liaison Manager
Page 7 - 5.6 Drug Testing	Replace the reference to “Drug Wipe” as the standard test and replace with “Tests used will be industry standard and will be reliable, credible and safe.”	This will allow the flexibility on the type of test that is used. This will also allow us to use the Council’s Occupational Health Provider to carry out tests if required
Page 7 - 5.6 Drug Testing	Remove the reference to Dtec International and replace with “Further test will then be taken by a representative from a reputable UKA registered laboratory.”	This will allow the flexibility on the Company used to carry out further testing.
Page 8 - Paragraph 4	An “updated list of employees tested” replaced with “Statistical information”	Following comments from the Information Governance Officer & Census Liaison Manager
Alcohol and Substance Misuse Form	Privacy notice added	Following comments from the Information Governance Officer & Census Liaison Manager

## Equality Impact Assessment

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

The **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:	CEX	Lead officer responsible for EIA	Aaron Gidney
Name of the policy or function to be assessed:		Alcohol and Drug Misuse Policy	
Names of the officers undertaking the assessment:		Aaron Gidney	
Is this a new or an existing policy or function?		New	
<p><b>1. What are the aims and objectives of the policy or function?</b></p> <p>To promote greater awareness of alcohol and drugs in the workplace and balance support with discipline where necessary in order to discharge the Council's duty of care to its employees and residents.</p>			
<p><b>2. What outcomes do you want to achieve from the policy or function?</b></p> <p>To ensure that the Council is taking pro-active steps to address any alcohol or drugs-related employment matters ensuring protection its workforce and to those it is providing a service too.</p>			
<p><b>3. Who is intended to benefit from the policy or function?</b></p> <p>All employees and the public.</p>			
<p><b>4. Who are the main stakeholders in relation to the policy or function?</b></p> <p>All employees, agency workers, contractors and their managers.</p>			
<p><b>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</b></p> <p>None available due to no disciplinary cases involving alcohol or drugs.</p>			

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

Proposed policy will be discussed at LJCC Working Group, GMT and Cabinet with union and Legal consultation in order to understand any impact on different groups.

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

Trade unions are satisfied if the impact is implemented fairly across the board.

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

**In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:**

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

No – all employees are subject to the policy in order to be fair and consistent.

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

Yes. All employees and agency workers are subject to the policy.

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

No. All employees and agency workers are subject to the policy.

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

Neutral impact.

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

None.

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

**Age: Neutral impact**

**Disability:** Prescribed medication may be flagged however, the Council's Occupational Health Physician is qualified to interpret a result.

**Gender: Neutral impact**

**Gender Reassignment:** Prescribed medication may be flagged however, the Council's Occupational Health Physician is qualified to interpret a result.

**Marriage and Civil Partnership: Neutral impact**

**Pregnancy and Maternity:** Prescribed medication may be flagged however, the Council's Occupational Health Physician is qualified to interpret a result.

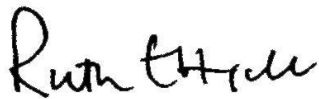
**Race: Neutral impact**

**Religion and Belief:** Testing may cause offence to those whose religious beliefs might forbid alcohol consumption, however any testing would be done at random and applies to all employees and agency workers. Also, consideration and sensitivity should be taken into account for those observing religious practices such as Ramadan.

**Sexual Orientation: Neutral impact**

**Head of Service:**

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



**Signature of Head of Service:**

REFERENCE



**Action Plan**

Action to be taken	What outcome is wanted?	What milestones will be used?	Who is the Lead Responsible Officer?	What is the Target Date for Completion?

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## Report of the Chief Executive

### LGA PEER REVIEW

#### 1. Purpose of Report

To report the outcome of the LGA peer review in 2022 and ask Cabinet to approve an action plan in response.

#### 2. Recommendation

**Cabinet is asked to NOTE the LGA peer review report at appendix 1 and CONSIDER the proposed action plan in appendix 2 and RESOLVE accordingly.**

#### 3. Detail

An LGA peer review took place during the first week in December 2022. The report of the peer team is attached as appendix 1.

The report contains much that is positive and encouraging as far as the council's culture ambition, and achievements are concerned. It strongly endorses our activities on the challenge of climate change, which it says is "has one of the most comprehensive approaches to carbon reduction that the team have seen". There are also some suggestions for improvement. These have been placed into an action plan which is presented at appendix 2 for Cabinet's consideration.

#### 4. Financial Implications

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

There are no direct financial implications that arise from this report, with any costs being contained within existing budgets.

#### 5. Legal Implications

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

Whilst there are no direct legal implications arising from this report, the LGA peer review process aims to foster continued improvement in the sector, therefore while its recommendations are not legally binding on the Council they do, in the considered opinion of the team visiting, represent an array of opportunities that would help the Council deliver better outcomes if implemented.

#### 6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

The report highlights some suggestions for the way the council manages employees, which are included in the action plan.

7. Union Comments

The Union comments were as follows.

8. Data Protection Compliance Implications

N/A

9. Equality Impact Assessment

N/A

10. Background Papers

N/A

# LGA Corporate Peer Challenge

Broxtowe Borough Council

7<sup>th</sup>-9<sup>th</sup> December 2022

Feedback report

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## 1. Executive summary

Broxtowe is a good council; many of the things it does are excellent (Green Futures, staff support and partnership working). It is an ambitious council, backing up that ambition with delivery (particularly investing in town centres) and is achieving more than expected of a district council. The approach to place shaping (regeneration, housing, infrastructure) is impressive.

Councillors, the Chief Executive and senior officers are committed and passionate about Broxtowe: the place, the council and the staff. Member/officer relations appear to be strong, constructive and well-developed. There is a sense from everyone the team met that Broxtowe cares about its staff.

Partners are engaged and enthusiastic about the council. Feedback was glowing; they can see that the council is making a difference, working with and through others. The positive engagement with the Combined Authority demonstrates the collaborative approach Broxtowe is known for.

Broxtowe has one of the most comprehensive approaches to carbon reduction that the team have seen. The passion shines through from councillors and officers, with buy in from critical service areas. The Green Futures Action Plan is well evidenced, well-presented and is already making a difference. There has been excellent work so far with great opportunities available to make further progress around diesel replacement, energy generation at the four key sites, and biodiversity

There are emerging risks around workforce, housing and medium-term financial planning but there is an opportunity to get ahead of these over the coming months and own (and plan for) the challenges corporately.

## 2. Key recommendations

There are a number of observations and suggestions within the main section of the report. The following are the peer team's key recommendations to the council:

### 2.1. Recommendation 1: Enhance your approach to Medium-Term Financial Strategy planning

This is a pivotal moment for the council; Broxtowe is currently on a firm financial footing, but medium-term gaps are opening. The financial challenges for district

councils will remain over the long-term so the team recommend that comprehensive planning to 2025/26 should start now, with frank discussions with councillors after the elections in May 2023. This will need to be about priorities, balancing competing interests and the capacity for the council to deliver. Exploring opportunities to transform services will reduce need for cuts; early planning is recommended. Consider how to use existing data to drive decisions and identify critical data gaps.

## **2.2. Recommendation 2: Further develop the interplay between the Green Futures Climate Change Plan and the MTFS**

The Green Futures Climate Change Strategy is genuinely impressive and well thought through and costed. Look at opportunities to reflect the investment requirements in capital MTFS and the HRA business plan, whilst delivering the Green Futures Programme so that a clearer pathway between resources and delivery is outlined. This will mean that resources will follow the strategy and trade-offs are drawn out. Consider how the council's approach to parking tariffs, which incentivises car use, fits with climate narrative and wider budget pressures.

## **2.3. Recommendation 3: Develop a comprehensive Workforce Strategy overseen and driven by General Management Team (GMT)**

All councils face workforce challenges and pinch-points. The Council is responding but there's an opportunity to develop a more encompassing strategy covering short and long-term opportunities and a cross-cutting response to existing and emerging capacity gaps. Consider what type of employer Broxtowe wants to be, what's the offer to staff, and how it compares to other employers in the area as well as nearby councils. Explore further opportunities to 'grow your own' and use devolution to develop a county-wide approach.

## **2.4. Recommendation 4: Establish an officer-led Improvement Board for Housing repairs**

The council is aware of problems in this area, which is why the peer team were asked to focus on this. There are a range of issues at play, including the high proportion of staff vacancies. The team recommend that Housing Repairs should be highlighted on the Corporate Risk Register, and improvement driven by officers at a senior level over the next twelve months. The improvement board would need



actions against the critical issues, for example, filling gaps in Health and Safety data and the approach to tenant involvement.

**2.5. Recommendation 5: Explore ways to provide Cabinet with information on Corporate Risks.**

This is not necessarily straightforward, as the most pressing corporate risks facing any council don't fit neatly into portfolio holders' responsibilities. GMT should work with Cabinet to explore ways of keeping Cabinet informed of corporate risks, without creating undue bureaucracy and duplication. Explore interplay between risks, the Corporate Plan and MTFS.

**2.6. Recommendation 6: Review delegation arrangements.**

Delegation arrangements should be reviewed to ensure that they remain up to date and appropriate for efficient decision-making. Increasing limits would allow Cabinet to focus on strategic issues and take pressure off officers in terms of the numbers of reports having to go to Cabinet for decisions. Consider alternative approach for councillors to share good news stories and funding announcements so that they have maximum reach.

**2.7. Recommendation 7: Continue to embed the Cabinet and Scrutiny system.**

Clarify role and focus of both the Overview and Scrutiny Committee and the Policy Advisory Group to avoid duplication and ensure focus on priorities, with the work of these entities focused on the council's strategic challenges and opportunities.

**2.8. Recommendation 8: Further analyse the staff survey responses**

An overall response rate of 43% is around 20% lower than you should expect. Consider what more you can do to engage colleagues more, particularly those not based in the main office. There are some areas (such as managing change and staff feeling informed) are moving in the right direction but the numbers are still low. Explore why, perhaps through staff focus groups and other methods.

## **3. Summary of the peer challenge approach**

### 3.1. The peer team

Peer challenges are delivered by experienced elected member and officer peers. The make-up of the peer team reflected the focus of the peer challenge and peers were selected because of their relevant expertise. The team was:

- Councillor Elizabeth Dennis-Harburg, Leader North Hertfordshire District Council
- Stephen Evans, Chief Executive, Norwich City Council
- Ben Lockwood, Deputy Chief Executive, Ashford Borough Council
- Cassandra Clements, Managing Director, East Suffolk Services
- Dr Alison Knight, Director of Place, Broxbourne Borough Council
- Ben Stoneman, Regional Programme Manager, One Public Estate
- Becca Singh, Regional Advisor, Local Government Association

### 3.2. Scope and focus

The peer team considered the following five themes which form the core components of all Corporate Peer Challenges. These areas are critical to councils' performance and improvement.

1. **Local priorities and outcomes** - Are the council's priorities clear and informed by the local context? Is the council delivering effectively on its priorities?
2. **Organisational and place leadership** - Does the council provide effective local leadership? Are there good relationships with partner organisations and local communities?
3. **Governance and culture** - Are there clear and robust governance arrangements? Is there a culture of challenge and scrutiny?
4. **Financial planning and management** - Does the council have a grip on its current financial position? Does the council have a strategy and a plan to address its financial challenges?
5. **Capacity for improvement** - Is the organisation able to support delivery of local priorities? Does the council have the capacity to improve?

Plus:

6. Environment and Climate Change
7. Housing

### **3.3. The peer challenge process**

Peer challenges are improvement focused; it is important to stress that this was not an inspection. The process is not designed to provide an in-depth or technical assessment of plans and proposals. The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read.

The peer team prepared by reviewing a range of documents and information to ensure they were familiar with the council and the challenges it is facing. The team then spent three days on site at Broxtowe Borough Council, during which they:

- Gathered information and views from more than 30 meetings, in addition to further research and reading.
- Spoke to around 100 people including a range of council staff together with members and external stakeholders.

This report provides a summary of the peer team's findings. In presenting feedback, they have done so as fellow local government officers and members.

## **4. Feedback**

### **4.1. Local priorities and outcomes**

BBC has strong and passionate leadership from politicians and senior officers. The Corporate Plan has clear themes and priorities which demonstrates commitment to support the residents and businesses of Broxtowe, and the county more widely, prioritising vulnerable people.

There is an exciting level of ambition for town centre regeneration across the borough. This builds on successful Beeston investment and the Towns' Fund award for Stapleford. Broxtowe was recently awarded £16.5m from the Levelling Up Fund for Kimberley, although the £20m bid for Eastwood was not successful. The council will need to find ways of reviewing the Eastwood plans and finding alternative funding

mechanisms or resubmit in the next round. These bids, and the way they are delivered, demonstrate that the council is prioritising the needs of local residents and businesses in the north of the borough.

The work that the council does in the different towns should be communicated more widely. There is a sense from some that there is a 'north-south divide', and it is important that the council can demonstrate that it is working for all communities.

There was mixed feedback around use of Community Action Teams and the ability of the Council to actively listen to more distant wards such as Eastwood. Community engagement is conducted largely in different teams currently, and on specific issues. The devolution deal provides an opportunity to review BBC's approach to engagement and inclusion of local communities and residents. This may mean different approaches in different parts of the borough but reaching the same outcome.

#### **4.2. Organisational and place leadership**

The Council sees devolution as a potential opportunity to achieve Broxtowe's objectives. Although it knows it still needs to compete for the best deal for Broxtowe, it is seizing the opportunity to make things work with others. As an example, it is using the Broxtowe Partnership with Health, the Citizens' Advice Bureau (CAB) and others to support both residents and staff during cost-of-living crisis. The team would like to commend BBC for establishing a hardship fund for staff to support them through this time, as well as setting up and publicising a borough-wide network of warm spaces.

There are some risks to organisational resilience though potential single points of failure and continuity planning should be put in place. This is with respect to senior officers and politicians, as well as specific service areas; housing and community safety were mentioned by several partners. All partners the team met spoke highly of the personal input from BBC staff, including senior officers, and the organisation is trusted.

Members are not fully aware of the Corporate Risks. Senior officers should work with councillors so that they understand and share responsibilities for key strategic risks. These risks are reported to the Audit Committee, but it is not clear what action

councillors take as a result. For example, does the Audit Committee Challenge officers and scrutinise specific risks? Are budgets revised to move resources to address key risks? This consideration also provides an opportunity to review how well the Cabinet and Scrutiny system is working, and identify any support needed by all political groups.

There is not a clear understanding of Broxtowe the place, the brand, the identity. There are four very different key towns in the borough, and there is an opportunity to embrace the diversity and be welcoming to all. There are clear differences between the North and South of the Borough, and this brings a richness to the overall place. The team suggest that the council considers how embracing diversity could be part of the vision and identity of Broxtowe.

A comprehensive Communications Strategy and annual plan would help to improve community engagement and campaigns. The team suggest that the Council resources additional work to map out communications requirements and consider how best to utilise staff, Members, Civic Mayor and other supporting partners to inform and to promote its activity. However, the Communications team is very small, although with plans to expand. Further communications expertise and resource will be needed to balance out efficiencies in other areas of work (for example, improving Member exposure, reducing pressure on staff in housing).

For example, maximising social media opportunities and considering different channels could target different sections of the population. This could prove an effective way for politicians to publicise achieved outcomes and cabinet decisions. It could also link to improving the capacity of the council by encouraging job applications from previously untapped parts of the community. Broxtowe may benefit from an LGA Communications Health Check to explore what additional resource and priorities could help.

The council has good relations with Liberty Leisure, the Teckal company running leisure services. Three councillors sit on the board, along with BBC's commercial manager. The council set up a shareholders' group to scrutinise board decisions. A change in structure has led to a management fee reduction; the team recommend a more open dialogue with LL on how that fee was reached. There is currently a project to replace the Bramcote leisure centre with a modernised, modular, energy

efficient centre. This could prove to be a model for other councils as a first in sustainable leisure centres. The team recommend this is considered (along with other capital programmes) in the MTFS and Green Futures Action Plan.

#### **4.3. Governance and culture**

Political leadership takes a collaborate and inclusive approach. The Leader is well liked and respected in political, community, business and partnership circles, including staff. Broxtowe is taking the Combined Authority as a real opportunity for councils to work together and make local authorities the employers of choice across the sub-region.

The council has recently moved to the Leader and Cabinet model of governance, partly as a result of the devolution agenda and ensuring that Broxtowe has a clear role in the Combined Authority. This new system will inevitably take time to bed in, but the Leader's collaborative approach helps to reassure members that may feel reluctant to embrace the system. There is confusion over the role and purpose of the Policy Action Group (PAG), with potential to duplicate the work of the Overview and Scrutiny (O&S) Committee. There are several ways to maximise the opportunities scrutiny functions offer; consider exploring the forward-looking role, with options for deep-dive enquiries on topics of community concern, or themes such as diversity and inclusion or healthy living. Clarifying the roles of O&S and the PAG will help ensure maximum member engagement.

Structures are in place to include opposition Councillors in Cabinet meetings, although the team heard that this is seldom taken up. There are opportunities for opposition members to get more involved in council decision-making, for example establishing a shadow cabinet, attending cabinet, actively engaging in Scrutiny function. LGA Leadership Essentials and Leadership Academy courses are available to opposition members and could encourage them to fulfil their important political role.

Attendance at Member development and training is varied, and councillors do not always see the benefits, particularly if they have been councillors for many years. However, local government is an ever-changing landscape and the team suggest establishing a continuous series of workshops and/or briefings for all councillors, to ensure they are always equipped with the best possible knowledge to help them

make better decisions. Look for opportunities, perhaps on the back of the next local elections, to enhance Member training and development to make it engaging and relevant.

#### **4.4. Financial planning and management**

Broxtowe Borough Council is generally well-run with a strong platform to face the oncoming challenges. The financial reporting shared with the team present the council in a positive light; the audit reports show that the council is financially well run with a reasonably strong balance sheet for its size.

The Council is using its balance sheet to support its communities, with investment with the town centre and its regeneration of the cinema area which it is rightfully proud of. Broxtowe should be given credit for letting all the food and beverage outlets at the new cinema complex at a time when the larger chains are struggling with their business model. Broxtowe has bucked the trend.

This theme is continued with the various funding bids and programs that are being run that represent a significant investment into the fabric of the council's buildings. The investment in the crematorium is a very creative project providing a valuable service and commercial income. The leisure centre project is one that has the potential to provide a template for a sustainable leisure facility. If Broxtowe can deliver on these ambitions, it will have shaped the Borough well.

Broxtowe's Medium Term Financial Plan outlines the scale of the problem faced by the council. This is by no means an outlier and the scale of the problem is like that faced by many borough and district authorities. Work has been done to address some of the gap for 2023/24. There is widespread awareness that 2022 has changed the outlook for the sector and that all councils face a challenging financial environment.

Finance is generally well integrated into the business planning process with investment appraisals. The Medium-Term Financial Strategy shows gaps opening in later years. Broxtowe should start planning now for what will be coming in the next few years. Current political redlines are clear but make the budgeting process more difficult; some may need to be revisited after the next local election.

Broxtowe is doing a considerable amount of work on carbon capture and biodiversity



net gain. This could be monetarised. Selling credits to developers might unlock new revenue streams that could be reinvested in the Green Futures programme.

There has been some concern over the regularity of financial reporting to councillors; as the new governance system settles this should be resolved. Reports to members are clearly presented and explain the financial issues well. The audit and governance processes are robust.

#### **4.5. Capacity for improvement**

Staff are committed and caring, and value the terms and conditions and opportunities for learning and development. The council invests in staff, supporting professional development and talent spotting. Staff appreciate benefits available to them from the organisation, which created a sense of employee loyalty. It is notable that although staff do move away to other organisations that pay more, there are many examples of where they return to Broxtowe because of the culture and opportunities it provides. There are several examples of apprenticeships leading to employment, leading to permanent contracts and career development.

There are particularly high vacancies in some services and BBC is exploring pay scales and supplements. The team heard that its pay is less than other councils' and recommend finding out how accurate this is, including comparing Terms and Conditions across councils and other employers if possible. The culture of the organisation may be its selling point rather than its wages; if so, consider how this can best be communicated in a campaign to address vacancies. What is the overall offer? A more comprehensive Workforce Strategy could tackle short- and long-term challenges, looking at succession planning, flexible working, holiday buy back, and what other employee benefits could be provided. Acknowledging and setting in motion plans for tackling staff vacancies, use of interims, market supplements, would demonstrate strong organisational leadership to all levels of staff.

Staff are not always clear about the council's approach to flexible working. There is some resentment about managers' discretion, particularly when different teams work in different ways. It's important to clarify what's expected and what's possible, and for all staff to remember that when people are working from home, they are still working and can be contacted just as much as when they are in the office. The intention had been to be empowering and encouraging, but clearer instruction may



work better at this stage.

The team heard much positive feedback about General Management Team (GMT), the Chief Executive and councillors as well as the culture in the council. However, the staff at Kimberley depot feel undervalued and isolated from the rest of the Council. The peer team heard examples of where tools or systems to improve efficiency for different staff met with resistance. This includes mobile technology designed to streamline Housing Management and Economic Development staff not being connected to the council network or tools and equipment not being used effectively. . The staff survey was inconsistent. Whilst there were many positive remarks, the low response rate and some of the answers highlight potential for improvement. Consider improving internal communications about the anonymity of surveys and find alternative ways to contribute such as focus groups using workshop methods. Be clear with staff what staff engagement is for and demonstrate how staff input can lead to concrete changes.

#### **4.6. Climate Change and Environment**

There is a truly organisational response to the climate emergency, with a real passion shown from Members and officers at all levels of the organisation. There is clear integrity in the approach the council has taken to establish baseline data by working with the Carbon Trust. The council should maximise the communications on what it is doing on this agenda, particularly when outcomes can't easily be demonstrated in performance management measures.

There is excellent long-term planning, particularly in working on offset projects that will take several years to be established. Carbon reduction is being explored in both Planning and using the HRA. This lends greater credibility to the strategy, helps with funding, and councillors will better understand about the impact of decisions on one part of the council (for example car parking charges) on the Green Futures outcomes.

The Green Rewards scheme is an excellent low-cost option to encourage public behaviour change. Broxtowe should be commended for establishing this scheme, and for encouraging other councils in the County to adopt it. The Devolution deal may provide an opportunity for sharing it more widely. This could be an income generator for any Council to support climate behaviour change and BBC could use

the income to create an environment reserve for re-investment.

The Green Futures programme has 145 actions on it. The team suggest that these are prioritised and costed (as far as possible) with proposed funding sources considered. Identify who should be responsible for the delivery of the priorities and bring the programme into alignment with the Medium-Term Financial Strategy (MTFS). The team recommends prioritising the highest emitters (buildings, fleet and utilities). In addition, the team suggests commissioning data collection on trees and habitats to properly inform BBC's biodiversity aspirations. This will help to target resources to areas of most need and most value.

Strongly consider Hydrotreated Vegetable Oil (HVO) as an alternative to diesel. The council has researched and determined that switching to electric is not affordable and hydrogen is too far away. In comparison, while HVO cost has increased, its environmental value and affordability against other options still makes it viable and helps feed into the cyclical economy. It is likely that it will be a medium to long term decision due to the factors surrounding electric and Hydrogen.

#### **4.7. Housing**

Housing is a big challenge for all housing authorities. The Social Housing White Paper puts more power in the hands of tenants, the regulator has been given more powers, and councils are under the spotlight. The White Paper's recommendations need to be reviewed and action taken where needed.

There is a clear ambition to build more affordable homes for local people and a Homes England grant of £1.5m has been secured. There are several examples of where services are performing well, for example budgeting support and rent arrears. Arrears are at a low level however given the cost-of-living crisis, welfare support and continuing and debt recovery will remain priorities.

There appears to be a good communications strategy in place for Housing which includes newsletters, meeting residents in their localities (with attendance averaging 25-30 people per meeting), a private Facebook page for tenants, and a Resident Involvement Group (RIG) which assesses performance and is now focusing in on complaints.

But Housing Repairs has emerged as the council's biggest service risk. Almost a

third of the roles in this section are unfilled, which creates a huge pressure on the remaining staff. This is causing concerns for other departments, such as Customer Services and Independent Living. There are currently 20 disrepair complaints cases with the legal team and a full-time solicitor has been brought in to deal specifically with these cases.

Staff in Housing Repairs report feeling positive that they have been moved back into Housing, but morale and motivation has taken a hit through management and structural changes as well as staff vacancies. In addition, key improvements that were identified when it initially moved to Assets have not all been completed.

Homelessness is a key rising concern with high numbers of people being placed in Bed and Breakfast. This is partly linked to void delays, which in turn is partly linked to delays in Housing Repairs. There are also some gaps in Health and Safety compliance data. Safety stats need to be brought together and reported to Cabinet regularly (gas/electric/lifts/asbestos/damp and mould etc.).

The team recommend that an officer-led Housing Repairs Improvement Board is established, which focuses on delivering key actions quickly. The peer team suggest that this is chaired by the Chief Executive and include other senior officers to own the challenge corporately to drive forward progress.

## 5. Next steps

The LGA recognises that senior political and managerial leadership will want to consider, discuss and reflect on these findings.

Both the peer team and LGA are keen to build on the relationships formed through the peer challenge. The CPC process includes a six-month check-in session, which provides space for the council's senior leadership to update peers on its progress against the action plan and discuss next steps.

In the meantime, Mark Edgell, Principal Adviser for the East Midlands, is the main contact between your authority and the Local Government Association. Mark is available to discuss any further support the council requires.

[Mark.edgell@local.gov.uk](mailto:Mark.edgell@local.gov.uk).

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## APPENDIX 2

## LGA PEER REVIEW IMPROVEMENT PLAN

NUMBER	ACTION	OUTCOME EXPECTED	WHO IS RESPONSIBLE	DELIVERY DATE
<b>COUNCIL PRIORITIES AND MEDIUM TERM FINANCIAL STRATEGY</b>				
1.	After the 2023 election, consult, engage and create a new Corporate Plan	Clear priorities for the new council	Chief Executive	September 2023
2.	Revisit the Business Strategy with a view to closing the general fund budget deficit	Improving the long term financial resilience of the council	Deputy Chief Executive	October 2023
3.	Explicitly link the medium term financial strategy to the Council's Carbon reduction plans	Carbon neutral aspirations become clearly embedded in the MTFS	Deputy Chief Executive working with Executive Director	October 2023
4.	Review car parking policy and charges in Broxtowe	The council's approach to car parking is consistent with the council's agreed priorities	Executive Director	November 2023
5.	Review financial standing orders and financial delegation limits	The council's approach to financial management is up to date	Head of Finance working with Monitoring Officer	September 2023

NUMBER	ACTION	OUTCOME EXPECTED	WHO IS RESPONSIBLE	DELIVERY DATE
<b>WORKFORCE</b>				
6.	Produce a new Employee strategy refreshing and combining approaches to managing People, Organisational development and addressing Workforce capacity issues	A refreshed single document setting out the Council's approach to attracting retaining and developing talent	Chief Executive/HR Manager	December 2023
7	Review staff engagement approaches eg anonymous staff survey focus groups and depot focus	Increase engagement with employees	Chief Executive/GMT	September 2023
8.	Review staffing capacity in Environmental Health, Licensing and Economic Development; capital works and finance.	Improve resilience, succession planning and reduce agency costs	Chief Executive Deputy Chief Executive	September 2023
<b>GOVERNANCE</b>				
9.	Ensure Cabinet is well informed on strategic risks	Improved feedback loops from Governance and Audit Committee to Cabinet	Head of Finance	June 2023
10.	Include Housing Repairs as a risk on the corporate risk register	Highlight the importance of improvements in this service area	Head of Finance	April 2023
11.	Create a housing improvement board to be accountable to Cabinet to ensure timely delivery of improvements to housing repairs and asset management	Improvements in performance of Housing repairs and asset management	Chief Executive	February 2023

NUMBER	ACTION	OUTCOME EXPECTED	WHO IS RESPONSIBLE	DELIVERY DATE
12.	After the election review the operation of the Council's decision making structures	Keep the Constitution under review	Monitoring Officer	September 2023
13.	Enhance the member training programme	Councillors have up to date knowledge and skills	Head of Democratic Services	July 2023
<b>COMMUNITY ENGAGEMENT</b>				
14.	Improve engagement mechanisms with local people to ensure residents from all sections of the community can influence and shape Council decisions and policy making	Residents feel confident they are listened to and their views shape Council decisions and policy making	Chief Executive/GMT	September 2023

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## Report of the Portfolio Holder for Housing

### RENT SETTING POLICY

#### 1. Purpose of Report

To seek approval for an updated rent setting policy.

#### 2. Recommendation

**Cabinet is asked to RESOLVE that the updated rent setting policy be approved.**

#### 3. Detail

The rent setting policy outlines how the Council will calculate rent for the housing stock that it owns and manages within the Housing Revenue Account.

Previously rent increases have been calculated based on CPI + 1%, and the current policy states this. For 2023/24 a cap of 7% was introduced, and it is likely that rent increases in future years may be subject to a similar cap or different method of rent calculation. The policy has been updated to reflect this change.

The use of Affordable Rent, rather than Social Rent, has been clarified. Particularly in regards to charging Affordable Rent so that section 106 schemes are viable. This change to policy is required to ensure that we make best use of the options available for rent settings and that the Council's targets outlined in the Housing Delivery Plan and Corporate Plan are met.

The Policy is attached as appendix 1. Some minor amendments have also been made to policy wording for clarity. A table showing all amendments made is included in the appendix 2. An Equality Impact Assessment is also included as appendix 3.

#### 4. Financial Implications

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

There are no additional financial implications at this stage of the policy setting process. The recently agreed budget setting process for the Housing Revenue Account (HRA) included an increase in housing rents of 7% in 2023/24, which is in line with the 'rent cap'. Whilst the rent increase is below the current rate of inflation, it will help to maintain and enhance HRA related services and support further investment in repairs and maintenance.

The ability to charge Affordable Rents, where appropriate, for a number of capital schemes within the Housing Delivery Programme will ensure that the business cases for the respective new build schemes remain viable.

5. Legal Implications

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

Under Section 21 of the Housing Act 1985, the general powers of management, regulation and control of Council houses is vested in and shall be exercised by the Council. Section 24 Housing Act 1985 gives the Council power to review its rents, provided due regard is given to any relevant standards set for them under s.193 Housing & Regeneration Act 2008. The Council's discretion to determine rent levels is limited by Section 76 of the Local Government and Housing Act 1989 which requires the Council, during the months of January and February immediately preceding the relevant year, to formulate proposals relating to (a) income from rents and other charges and (b) the expenditure on repairs, maintenance, supervision and management of its houses. Since 1 April 2020 the Council is under a duty to set its rent in accordance with the Rent Standard 2020.

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

There were no Data Protection Compliance Implications.

9. Equality Impact Assessment

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

10. Background Papers

Nil



# **RENT SETTING POLICY**

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## **1.0 Scope**

This policy outlines how the Council will calculate rent for the housing stock that it owns and manages within the Housing Revenue Account.

How rent will be collected is outlined in the Rent Collection Policy; how service charges are calculated is outlined in the Leasehold Management Policy and information about garage rents is set out in the Garage Management Policy.

## **2.0 Purpose**

The purpose of this policy is to ensure the rents will be set in accordance with the relevant statutory and regulatory obligations.

The policy will set a clear framework for the setting and reviewing of rent levels for each property.

## **3.0 Aims and Objectives**

The policy will ensure:

- Rents are set at a level which ensures that the Council can meet its obligations to customers, including maintaining the stock at a high standard of repair
- Rent increases are applied consistently and fairly
- The Housing Revenue Account does not fall into a deficit position
- Council tenants are protected from excess rent increases

## **4.0 Regulatory Code and Legal Framework**

- Housing Act 1985, Sections 24, 102 and 103
- Local Government and Housing Act 1989, Section 76
- Regulator of Social Housing Rent Setting Guidance
- Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016
- Welfare Reform and Work Act 2016

## **5.0 Policy Outline**

### **5.1 Calculation of rent**

The Council will charge social rent for all properties, unless the charging of Affordable Rent is required to attract grant funding or to make a new build scheme viable.

Rents will be set according to the formula set out in the in both the Ministry of Housing, Communities and Local Government Rent Policy Statement and Regulator

of Social Housing Rent Standard which has consideration for the location, size and value of a property in conjunction with the local earnings. This is called the Formula Rent.

The basis for calculation of formula rent is:

- 30% of a property's rent should be based on relative property values
- 70% of a property's rent should be based on relative local earnings
- A bedroom factor should be applied so that, other things being equal, smaller properties have lower rents

Formula rent (social rent) will be used to set rents for all new tenancies. Where there is a large differential between the previous rent charged and the new rent level the increase will be limited to 10%. This will retain the social rent principle but also protect the Council's income.

## **5.2 Rent free weeks**

Rents will be calculated over 52 weeks and collected over 48 weeks. There are four non-debit weeks per year, two at Christmas and two at the end of March. Tenants will be advised of the dates of the forthcoming rent free weeks each year.

Rent free weeks provide tenants with a clear rent account the opportunity to pay no rent during the rent free weeks. Rent free weeks do not apply to tenants in arrears or who have a court order which requires rent to be paid every week.

Where there are 53 Mondays in the financial year, the rent will be calculated over 53 weeks and collected over 49 weeks.

## **5.3 Rent increases**

This policy seeks to strike a balance between the need to keep rents affordable whilst providing sufficient funds to support the Council's need to maintain its housing stock and provide a high standard of customer service. The Council is aware that many tenants have low incomes and aims to provide housing that remains affordable.

Rent will be increased annually in April in line with government guidance and restrictions.

Reports will be presented to Overview and Scrutiny Committee, Cabinet and Council as part of the budget setting process.

Tenants will be given four week's notice in writing in accordance with the tenancy agreement. The Council is under no obligation to consult with tenants to vary the rent amount. The Council's decisions on rent levels are only challengeable by way of judicial review.

## 5.5 New build properties

Formula rents (social rents) will be charged for new build properties wherever possible and all property acquisitions.

If the Council is in receipt of grant from Homes England to develop new Council housing for rent, or where the Council has registered the new properties with Homes England as affordable rented homes, it is a requirement of the grant, or agreement with Homes England, that Affordable Rents are used.

No Homes England grant is available on section 106 sites where the Council is looking to acquire new properties from a developer. However, Homes England will allow the Council to charge affordable rents on these properties. The decision on whether to charge social rent or affordable rents on section 106 properties will be determined by the financial viability of each scheme in line with the need to meet the HRA Business Plan and agreed by the Deputy Chief Executive in consultation with the cabinet member for Housing.

Affordable Rent is set at 80% of market rent. It is typically higher than social rent. The intention behind the introduction of Affordable Rent is to enable Council's to generate additional capacity for investment in new affordable housing. Affordable rents should not exceed the Local Housing Allowance.

## 5.6 Shared Ownership

Shared Owners pay both a mortgage on the part of the property they own and rent on the part owned by the Council.

The occupant of a shared ownership property will pay rent on a proportion that is still owned by the Council. For example, if the occupant owns 25%, they will pay 75% of the rent. This will be adjusted as the occupant staircases their percentage ownership. For example, if the occupant purchases an additional 25% they will pay 50% of the rent.

Rent Standard does not apply to Share Ownership properties but rents charged will be based on formula rent, whilst ensuring that all relevant costs are covered.

## 6.0 Related Policies, Procedures and Guidelines

This policy should be read in conjunction with the:

- Financial Inclusion Policy
- Rent Collection Policy
- Tenancy Agreement

## 7.0 Review

This policy will be reviewed every three years or sooner if there is a change in regulation and legislation

## 8.0 Document History and Approval

Date	Version	Committee Name
September 2019	1.0	Housing Committee
March 2023	2.0	Cabinet



## APPENDIX 2

Policy Section	Suggested Change	Reason for Change
5.1 Calculation of rent	Add: or to make a new build scheme viable.	Affordable rent may need to be charged to ensure a new build scheme is viable.
5.3 Rent increases	<p>Remove: by CPI + 1%. The CPI as at the September prior to the April of implementation will be used. This is to allow time for the new rents to be calculated and to obtain committee approval.</p> <p>Replaced with: in line with government guidance and restrictions.</p>	Previously rents could be increased by CPI +1%, however for 2023/24 a cap of 7% was introduced. It is currently unclear how rents will be set going forward.
5.3 Rent increases	<p>Remove: A report will be presented to Housing Performance Group for comment in November. The report for approval will be presented to Finance and Resources Committee in December to be recommended to Council for approval.</p> <p>Replace with: Reports will be presented to Overview and Scrutiny Committee, Cabinet and Council as part of the budget setting process.</p>	To reflect current approval arrangements

Policy Section	Suggested Change	Reason for Change
5.5 New build properties	<p>Remove: If the Council is in receipt of grant from Homes England to develop new Council housing for rent it is a requirement of the grant that Affordable Rents are used.</p> <p>Replace with: If the Council is in receipt of grant from Homes England to develop new Council housing for rent, or where the Council has registered the new properties with Homes England as affordable rented homes, it is a requirement of the grant, or agreement with Homes England, that Affordable Rents are used.</p> <p>No Homes England grant is available on section 106 sites where the Council is looking to acquire new properties from a developer. However, Homes England will allow the Council to charge affordable rents on these properties. The decision on whether to charge social rent or affordable rents on section 106 properties will be determined by the financial viability of each scheme in line with the need to meet the HRA Business Plan and agreed by the Deputy Chief Executive in consultation with the cabinet member for Housing.</p>	For clarity about when affordable rent will be used and the reason why

Policy Section	Suggested Change	Reason for Change
5.5 New build properties	Add: Affordable rents should not exceed the Local Housing Allowance.	For clarity
5.6 Shared Ownership	Remove: The Council does not currently own any shared ownership properties but may do so in the future	The Council will soon own shared ownership properties, removed so policy does not become out of date

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## APPENDX 3

**Equality Impact Assessment**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Chief Executive	Lead officer responsible for EIA	Head of Housing
Name of the policy or function to be assessed:		Rent Setting Policy	
Names of the officers undertaking the assessment:		Head of Housing	
Is this a new or an existing policy or function?		Updated policy for an existing function	
<p><b>1. What are the aims and objectives of the policy or function?</b></p> <p>The Rent Setting Policy outline how rent will be set for housing revenue account properties.</p>			
<p><b>2. What outcomes do you want to achieve from the policy or function?</b></p> <p>A fair rent setting process, which balances the need to protect the income of the Council and ensure rents are affordable for tenants</p>			
<p><b>3. Who is intended to benefit from the policy or function?</b></p> <p>Tenants Employees involved in the rent setting process</p>			
<p><b>4. Who are the main stakeholders in relation to the policy or function?</b></p> <p>Tenants Employees involved in the rent setting process</p>			
<p><b>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</b></p> <p>Personal data is held for tenants on the Council's housing management system, which records age, disability and gender.</p> <p>Information is held on the number of tenants claiming benefits to cover their rent. As at 31<sup>st</sup> January 2023, 1327 tenants were claiming universal credit to help pay their rent.</p>			

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

Notes are recorded on the Council's housing management system each time an Income Officer or Income Assistant speaks to a tenant about issues with their rent or arrears.

Number of cases referred to the Financial Inclusion Service are monitored regularly, including the reasons for referral.

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

Tenants are asked to complete regular surveys in regards to the work of the Income team, and positive feedback is given about the level of support offered by Income Officers, Income Assistants and the Financial Inclusion team.

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

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

The rent charged, for both social and affordable rent, is based on the property not on the person who holds the tenancy. Rents can't be adjusted to reflect individual circumstances as this is not in accordance with government guidance.

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

Only people over 18 can hold a tenancy, however there can be an impact on children living in council tenancies, in regards to rent increases and affordability.

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

Warnings are placed on the Council's housing management system when tenants require information in a different format or language. This ensures that they are sent information about their rent increase in a way that they can access.

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

No impact in this area is expected.



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

Regular monitoring of the service will be undertaken.

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

**Age:** The age of the tenant does not affect the rent charged, however it is acknowledged that younger tenants, often in their first tenancy, may not understand the process of rent increases. More information and support may need to be provided, such as with making changes to Universal Credit payments or standing orders.

**Disability:** Home visits will be arranged with Income Officers and Financial Inclusion Officers for tenants that want advice and support but may be unable to come into the office or discussion the matter on the telephone.

**Gender:** It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

**Gender Reassignment:** It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

**Marriage and Civil Partnership:** Tenants that are married or in a civil partnership are more likely to be joint tenants, equally responsible for rent payments. Specific questions may arise due to this, which the Income team can support with.

**Pregnancy and Maternity:** If a tenant is pregnant or has recently had a child they may have reduced income due to maternity leave, or experience difficulties in making rent payments due to increased costs. Whilst the rent can't be adjusted to address this, more assistance can be provided, such as financial inclusion referrals.

**Race:** It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

**Religion and Belief:** It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken

to mitigate any barriers identified.

**Sexual Orientation:** It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

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

**Signature:**  
**R Shaw**  
**Head of Housing**

## Report of the Portfolio Holder for Housing

### ALLOCATIONS POLICY – DAMP AND MOULD

#### 1. Purpose of Report

To seek approval for an updated Allocations Policy to reflect the Council's approach to damp and mould.

#### 2. Recommendation

**Cabinet is asked to RESOLVE that the updated Allocations Policy be approved.**

#### 3. Detail

In February 2023, Cabinet approved an action plan to address concerns regarding damp and mould. One of the actions within the plan was: *Consider if any changes are required to Allocations Policy to reflect the circumstances of those living in properties with damp and mould.*

The Allocations Policy sets out who can apply for social housing, how priority is given to different applicants and how the housing register is maintained. It is reviewed annually, with the last review being completed and approved by Cabinet in November 2022. The policy has been reconsidered in light of the recent work on damp and mould and some amendments to specifically address this are proposed. A full review and consultation with applicants will be undertaken later this year, in accordance with the usual timetable for review and approval. The policy is at appendix 1.

The following amendment is proposed, to give high priority to those experiencing issues with damp and mould:

*Additional Band 1 reason - Applicants whose home has been assessed by the Council's Environmental Health Team or Housing Repairs Team as having a significant damp and mould problem which cannot be resolved whilst they are in occupation.*

Under the policy the Head of Housing already has discretion to offer a direct allocation in urgent cases. It is proposed that the wording is amended so that it is clear that property condition is also a valid reason why this may be approved:

*Urgent housing management cases – such cases are exceptional and an offer must be approved by the Head of Housing, each case will be considered in regards to its individual circumstances. A direct allocation will reflect the urgency of the issue that the tenant is experiencing, this can include issues regarding tenant welfare or property condition.*

An updated policy and an Equality Impact Assessment are included in the appendix 2.

4. Financial Implications

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

There are no additional financial implications at this stage of the policy setting process. Any costs associated with the delivery of the action plan to address concerns regarding damp and mould will be contained within existing budgets. Any significant budget implications in the future, over and above virement limits, would require approval by Cabinet.

5. Legal Implications

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

There are no direct legal implications that arise from this report, this amendment to the policy addresses the duty within the Housing (Fitness for Human Habitation) Act that requires a property is fit for human habitation at the beginning of the tenancy and for the duration of the tenancy.

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



# **ALLOCATIONS POLICY**

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## 1.0 Scope

This policy covers all properties for social rent or affordable rent allocated through the Broxtowe Borough Council's Choice Based Lettings (CBL) system called Homesearch.

Although homeless applicants will be allocated properties through the Homesearch system this policy does not set out the Council's approach to Homelessness. This is detailed in the South Nottinghamshire Homelessness and Rough Sleeping Strategy, which is shared with Gedling Borough Council and Rushcliffe Borough Council.

This policy does not cover allocations of social housing made by registered providers outside of the Homesearch system, mutual exchanges or temporary decants to another property.

## 2.0 Purpose

The purpose of the policy is to set out who can apply for social housing, how priority is given to different applicants and how the housing register is maintained.

This policy does not set out how applicants can apply to Homesearch or bid for properties. Full details can be found on the Homesearch website - [www.homesearch.org.uk/](http://www.homesearch.org.uk/) or by contacting a member of the Lettings Team at Broxtowe Borough Council.

## 3.0 Aims and Objectives

We aim to make the best use of the social housing stock in the Borough to meet the needs of residents. The aims of the policy are:

- To ensure that all regulatory and legal requirements are met
- To set out the requirements for considering eligibility and qualification
- To ensure that applicants are given choice
- To set out the categories of applicants who will be given reasonable preference
- To set out the categories of applicants who will be given additional preference
- To confirm when local lettings policies and direct lets may be used
- To set out a framework for reviews and appeals

## 4.0 Regulatory Code and Legal Framework

The 'Allocation of accommodation: guidance for local housing authorities in England' is statutory guidance issued in 2012 to local housing authorities in England under s169 of the Housing Act 1996. Housing Authorities are required to have regards to it in exercising their functions under Part 6 of the Housing Act 1996 and Localism Act 2011.

Additional guidance 'Providing social housing for local people' was issued in 2013 to assist housing authorities to make best use of the flexibilities within allocation legislation to better meet the needs of their local residents and their local communities.

S166A of Housing Act 1996 provides that authorities must have regard to their homelessness and tenancy strategies when framing their allocations scheme.

The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 and the DLUHC Statutory Guidance – Right to Move (March 2015) apply where a local authority has introduced a local connection qualification within its lettings policy.

### 5.1 Definition of an 'Allocation'

Housing Act 1996, Part 6 states a housing authority allocates accommodation when it:

- Selects a person to be a secure or introductory tenant of accommodation held by that authority
- Nominates a person to be a secure or introductory tenant of accommodation held by another housing authority
- Nominates a person to be an assured tenant of accommodation held by a Private Registered Provider

For the purpose of this policy an allocation will be considered to be a nomination if the property has been advertised and shortlisted through the Homesearch Choice Based Lettings system.

This applies to existing tenants if:

- The allocation is made at the tenants request
- The tenant has reasonable preference (as defined in this policy)

This policy and definition does not apply if the Council initiates a transfer for management purposes.



## 5.2 Choice

Broxtowe Borough Council is committed to enabling applicants to play an active role in choosing where they want to live whilst continuing to house those in greatest need and making the best use of the social housing stock in the Borough.

Through Homesearch applicants have a choice about where they wish to live, the type of accommodation they wish to occupy and who they wish to have as a landlord. The promotion of choice to applicants will help create sustainable tenancies and communities.

## 5.3 Eligibility

There are certain groups of people who are eligible for social housing. The eligibility provisions do not apply to applicants who are already secure, introductory or assured tenants of a private registered provider.

Accommodation will not be allocated to persons from abroad who are ineligible for housing if:

- They are subject to immigration control unless he or she comes within a class prescribed in regulations made by the Secretary of State
- They are to be treated as ineligible for an allocation of accommodation as prescribed in regulations made by the Secretary of State

The term 'person subject to immigration control' is defined in s13(2) of the Asylum and Immigration Act as a person who under the Immigration Act 1971 required leave to enter or remain in the United Kingdom (whether or not such leave has been given)

The following categories of people do not require leave to enter or remain in the UK:

- British citizens
- Certain Commonwealth citizens with a right to abode in the UK
- Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area with the UK which allows free movement
- EEA nationals, and their family members, who have a right to reside in the UK that derives from EU law
- Persons who are exempt from immigration control under the Immigration Acts

All potential circumstances cannot be included in the policy. The UK Border Agency provides a service to housing services to confirm the Immigration Status of an applicant from abroad. If there is any uncertainty regarding eligibility, enquiries will be made before accepting an application

A joint tenancy, for two or more people, will not be granted if any of the applicants are ineligible. However, if one of the applicants is eligible then the tenancy may be offered to that applicant only. Ineligible family members may be taken into account in determining the size of accommodation which is allocated.

All applicants accepted by Broxtowe Borough Council as homeless will be eligible.

All applicants will sign a declaration to confirm that they are eligible for accommodation.

## **5.4 Qualification**

To join the housing register, applicants must:

1. Be aged over 18, unless due to the following exceptional circumstances:
  - Homeless young people to whom a duty is owed under Housing Act 1996, Part 7
  - Care Leavers with a recommendation from Children's Services
  - Teenage parents

Any tenancy granted to a person under the age of 18 will be held in trust for them by a responsible adult, appointed to act on their behalf

2. Have been a resident in the borough of Broxtowe for 3 out of the last 5 years, unless one of the exceptions below applies:
  - Members of armed forces who have been discharged within 5 years preceding the allocation of social housing
  - Bereaved spouses and civil partners of members of the armed forces leaving Services Family Accommodation following the death of their spouse or partner
  - Serving or former members of the Reserved Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service
  - Broxtowe Borough Council care leavers who have been placed outside of the borough
  - Applicants who are permanently employed in the Borough or have confirmation of a permanent job offer in the Borough. This includes those who are self-employed within the Borough. When applicants are self-employed, they must provide proof of their self-employment status. This can be in the form of tax returns, VAT registrations certificate or similar documentation relating to the business. The location of the business base will be considered.
  - Applicants who are survivors of domestic abuse who cannot return to their home or require rehousing away from their home due to fear of violence

- Applicants who are part of the UK Protected Persons Scheme (formally known as Witness Protection)
- Applicants that have support needs associated with their household and their housing needs cannot reasonably be met or provided outside of the Borough
- Applicants who provide care to people within the Borough and whose care needs are not able to be met in any other way, subject to the applicant meeting the other eligibility and qualification criteria.
- Applicants over the age of 60 who are applying for Independent Living accommodation (excluding bungalows). These applicants will be placed in Band 4.

Applicants will not qualify if they are not available to occupy accommodation, if they were to be offered a property. This includes prisoners and those in tied accommodation. In these circumstances applicants should reapply when their circumstances change.

If an applicant declares that they have a current or former financial interest in a property, a full review will be completed following the Application from Home Owners procedure to establish if they qualify. This includes those who have shared ownership of a property. Exceptions could include;

- Owner occupiers who live in conditions of disrepair or in unsuitable accommodation who are vulnerable due to age, long-term medical condition or disability and cannot resolve or adapt their property to make this suitable. Supporting evidence will be required.
- Owner occupiers who experience a change of circumstances so that their home is at risk. Applicants must have approached their local Housing Options Team or have received independent housing advice and their potential homelessness cannot be prevented
- Owner occupiers who cannot remain in their home due to safety concerns such as fleeing domestic abuse

Broxtowe Borough Council will take all the resources available to the applicant into account. Applicant who own or used to own a property and those with equity must declare any interests in land, property or equity that they have.

All applications will be reviewed on an individual basis considering the equity available, ability to resolve their own housing situation and if they are able to access or sell their property. Applicants who have an equity value of over half of the average property price (based on information from the Land Registry) in the Broxtowe Borough will be expected to resolve their own housing circumstances, unless mitigation applies. If the applicants home is outside the Broxtowe Borough, local connection criteria will be applied first. Home owners or those with a financial interest in property may be excluded following the completion of the review.

Home owners over the age of 60 who are applying for Independent Living accommodation only, excluding bungalows, will be exempt from review and will be placed in Band 4.

All applicants will sign a declaration to confirm that they qualify for accommodation.

## 5.5 Types of applicant

*Single applicants* – The majority of these applicants will be those who want to live alone, but also includes those who want to live with others but not have a joint application. If a single applicant accepts a tenancy, the tenancy must be granted in their name only.

*Joint applicants* – Applicants who have a long term commitment to live together. If joint applicants accept a tenancy, the tenancy must be granted in the name of all of the joint applicants.

*Family applicants* – Applicants who have at least one dependant child (aged up to 18). This includes adopted and foster children. Applicants who are pregnant will be considered as family applicants as soon as their pregnancy has been confirmed.

*Applicants no longer wishing to apply jointly* – If applicants in a joint application no longer wish to apply jointly, separate applications can be made from the original joint application. Each application will be reassessed. If the applicant is awarded the same or lower band then the original registration date will be used. If they are awarded a higher band then the registration date will be the date that they are placed in the higher band.

## 5.6 Reasonable Preference

Broxtowe Borough Council is required to give 'reasonable preference' to certain groups over other groups. These groups are:

- Applicants who are homeless (in accordance with Part 7 of the Housing Act 1996 as amended and extended by the Homelessness Act 2002) including those who are intentionally homeless and those who are not priority need
- People who are owed a duty by any housing authority under s190 (2) or 195 (5) of the Housing Act 1996 (or under s65(2) or 68(2) of the Housing Act 1985 or who are occupying accommodation secured by any housing authority under s192 (3)
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds
- People who need to move to a particular locality in the borough, where failure to meet that need would cause hardship (to themselves or others).

The Allocations Policy has been framed to ensure that the groups listed above have been given reasonable preference within the appropriate band.

## 5.7 Additional Preference

Housing authorities have the power to frame their allocation scheme to give additional preference to particular descriptions of people who fall within the statutory reasonable preference categories and have urgent housing needs. All housing authorities must consider, in the light of local circumstances the need to give effect to this provision. People with urgent housing need include:

- Those who need to move urgently because of a life threatening illness or sudden disability
- Families in severe overcrowding which poses a serious health hazard
- Those who are homeless and require urgent re-housing as a result of violence or threats of violence, including those escaping domestic abuse

The Allocations Policy has been framed to ensure that groups with urgent housing need, including those listed above have been given additional preference within the appropriate band.

## 5.8 Armed Forces

Additional preference must also been given to:

- Former members of the Armed Forces
- Serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- Serving or former members of the Reserved Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service

Additional preference will be given to these applicants by awarding the applicant one band higher than if their application was assessed solely on their other circumstances. For example, if an applicant is assessed as Band 3 but is a former member of the armed forces their application will be awarded Band 2.

## 5.9 Care Leavers

If an applicant is a care leaver then the local connection criteria specified in 5.4 is not applicable. The applicant will qualify if they have previously lived or been placed in local authority care within Nottinghamshire, not just the Borough of Broxtowe.

A care leaver will be given additional priority if they join the scheme and have not found accommodation that is suitable within 8 weeks, this is in accordance with the Nottinghamshire County Wide Care Leavers Protocol.

For any assessment that is completed with the applicant, the applicant must be accompanied by the Care Leaving Service.

## **5.10 Medical Assessments**

Officers will make assessments following the medical assessment procedure to ensure that the appropriate band is awarded. Applicants will be asked to provide supporting information from medical professionals who currently work with them.

If further guidance is needed, or conflicting information has been provided from medical professionals then the Council will make a referral to an independent specialist advisor.

If the Council has evidence or has witnessed that the property will be unsuitable for medical reasons, the offer of the property will be withdrawn. This includes offers that are unreasonable for the reasons of health and safety, such as those in an Independent Living where the only method of escape is by using a lift.

## **5.11 Banding**

Broxtowe Borough Council has a duty to offer choice and to ensure that the needs of reasonable preference and additional preference categories are met. The most appropriate way to achieve this is to operate a needs based banding system with bands arranged to reflect the level of housing need.

The current housing circumstances and needs of each applicant will be the determining factor in deciding which Band an applicant receives. Once placed in an appropriate band, applicants will be ordered within the band by date order so that priority within a band is given to the applicant with the earliest date.

If an applicant's circumstances reflect more than one of the situations in the bands, the situation in the highest band will be used. No additional priority is given if circumstances reflect more than one situation. However, if an applicant's circumstances reflect two distinctly different characteristics in the same band, that have no relation or impact to each other, the applicant will be awarded one band higher. If an applicant has more than one Band 1 criteria relevant to their application, they will be awarded a further 12 months waiting time. This will enable their applications to be further prioritised.

The banding process will ensure that applicants in the greatest need receive the most preference for re-housing. Once an applicant has been assessed and placed into a Band, the applicant will not move to another Band unless there is a change in the applicant's circumstances.

Broxtowe Borough Council has 4 application bands. Criteria for Bands 1, 2 3 and 4 are shown on the next pages..

## Band 1

<b>Urgent Medical Priority</b>	Applicants who have a permanent or chronic illness or disability and as a result of their condition are unable to continue to occupy their current accommodation. This includes both physical and mental health. An Occupational Therapy report will need to be provided to show that the property has been assessed and it cannot be adapted to meet their needs. The report also needs to advise of any adaptations required in their future rehousing.
<b>Hospital Discharge</b>	Applicants who are in hospital, or another care facility, who cannot return to their present accommodation, as it is considered no longer suitable/cannot be adapted  There must be specific recommendation, with supporting evidence, from the hospital/care facility and a detailed care/support package must be in place before the applicant is assessed in the band
<b>Demolition</b>	Applicants whose home is subject to demolition.
<b>Independent Living Stock Options (Broxtowe Borough Council only)</b>	Applicants who are affected by a scheme that is being de-designated and wish to be rehoused in Independent Living accommodation and the current accommodation is being demolished or re-purposed for a purpose that is no longer permanent social housing accommodation.
<b>Category 1 Hazards</b>	Applicants whose home has been assessed by the Council's Environmental Health Team as being subject to a category 1 hazard under the Housing Health and Safety Rating System which cannot be resolved whilst they are in occupation.
<b>Damp and Mould</b>	Applicants whose home has been assessed by the Council's Environmental Health Team or Housing Repairs Team as having a significant damp and mould problem which cannot be resolved whilst they are in occupation.
<b>Statutory Overcrowding</b>	Applicants whose current accommodation has been assessed as being statutorily overcrowded by an Environmental Health Officer. Priority will only be awarded where this has arisen as a result of natural growth or where proof can be provided that the person who caused the overcrowding had no other option than to move to the property. The Council will also take into account bedroom standard criteria to assess if an household is overcrowded.
<b>Severe Under Occupation</b>	Tenants of one of the Homesearch partners whose current home is too large for the needs of their household by two or more bedrooms. The Council will use the bedroom standard criteria to assess if an household is under occupied.
<b>UK Protected Persons Scheme</b>	Applicants rehoused at the request of the UK Protected Persons Service (UKPPS), formally the National Witness Protection Scheme

<b>Homelessness – Main Duty</b>	Where the Council has accepted a main homelessness duty i.e. eligible for assistance, have a priority need and unintentionally homeless. Also for those where an applicant is owed the relief duty and would likely be owed the main duty if the relief duty were to end unsuccessfully.
<b>Care Leavers</b>	Care leavers will be placed in Band 1 if they have previously been in Band 2 in accordance with the Policy and Nottinghamshire County Wide Care Leavers Protocol and have not found suitable housing in 8 weeks.
<b>Families wishing to foster children</b>	Applicants that wish to be foster carers and adopters who are at a stage in the assessment process where the responsible adoption/fostering service is able to provide an in principle recommendation or where the applicants have been formally approved and their housing prevents them from being able to start or continue to provide foster care for a looked after child



## Band 2

<b>Homelessness – Prevention Duty</b>	Where an applicant with a local connection to the Council is owed a prevention duty, where all prevention measures have been exhausted and would likely be owed the main duty if both the prevention and relief duty were to end unsuccessfully.
<b>Harassment</b>	Applicants who are at risk in their current property because they are experiencing serious and sustained harassment, violence or threats of violence and likely to be owed the main housing duty if they were to make a formal homelessness declaration. This includes applicants fleeing domestic abuse.
<b>Succession</b>	Applicants who have succeeded a tenancy owned by one of the Homesearch partners but the property is unsuitable due to the size or adaptations.
<b>Care Leavers</b>	Applicants who are leaving care, in accordance with the Nottinghamshire County Wide Care Leavers Protocol.
<b>Move on from specialist and supported accommodation</b>	Applicants who are ready to move on to social housing from supported accommodation. Applicants will be awarded this category following confirmation from the accommodation or support provider that they are ready to move on and have the necessary skills to maintain an independent tenancy. Applicants must have local connection to the Broxtowe Borough in accordance with the guidance within the Policy, or, have been referred in to the accommodation by Broxtowe Borough Council's Housing Options Team as a result of the applicant being threatened with homelessness. Applicants moving on from supported accommodation will have one offer of suitable accommodation.
<b>High Medical Priority</b>	Applicants or a member of their household who have a serious, lasting medical condition, illness or disability which is made worse by their current accommodation and as a result of their condition it is not reasonable to continue to occupy their current accommodation on a long term basis. This includes both physical and mental health. To meet this criteria, the property which the applicant is moving to must meet and resolve their housing needs. Medical evidence must be provided which shows details of the condition and how the condition is affected by their current housing circumstances. For example, if an applicant lives in a property with stairs has had a serious medical episode and now has lasting mobility issues, they would require a ground floor property due to concerns with stairs.
<b>Severe Overcrowding</b>	Applicants whose current accommodation is assessed as being two bedrooms short of the required number of bedrooms. The best use of all rooms in the house will be considered when calculating the number of bedrooms. Priority will only be awarded where this has arisen as a result of natural growth or where proof can be provided that the person who caused the overcrowding had no other option than to move to the property. This will only be awarded where the main applicant is listed as the main tenant of their current

	property.
<b>Under Occupation</b>	Tenants of one of the Homesearch partners whose current home is too large for the needs of their household by one bedroom. The Council will use the bedroom standard criteria to assess if an household is under occupied.
<b>Independent Living Stock Options (Broxtowe Borough Council only)</b>	Applicants who are affected by a scheme that is being de-designated and wish to be rehoused in Independent Living accommodation, but the current accommodation is remaining as permanent tenanted accommodation.
<b>Unsuitable accommodation due to adaptations</b>	Tenants of one of the Homesearch partners whose current home is an adapted property but the adaptation is no longer required.
<b>High Welfare Need</b>	Applicants who experience hardship in their current accommodation and who need to move to improve their situation. This includes applicants who have suffered a traumatic incident in their home. Applicants that are placed in High Welfare Need require re-housing but the need is not considered to be an emergency, placing them at risk of immediate homelessness.

## Band 3

<b>Homeless</b>	<p>This band will be awarded where an applicant is owed either a prevention or relief duty but where they would not be owed the main duty when the prevention and relief duty comes to an end because they have been assessed as likely to be:</p> <ul style="list-style-type: none"> <li>• Not in priority need and/or</li> <li>• Intentionally homeless and/or</li> <li>• Have refused an offer of suitable accommodation as discharge of the Council's main duty, prevention or relief homelessness duties</li> </ul> <p>The banding will also be awarded to those applicants who are classed as part of "early interventions" within the homelessness process. This applies when an applicant is not threatened with homelessness within 56 days but is likely to be threatened with homelessness in the near future or where they have been served with a Section 21 Notice by their landlord and have not approached/do not wish to approach the Housing Options Team</p>
<b>Discharged Homeless Duty</b>	<p>Applicants who have been accepted as being owed a full housing duty following a homelessness application and who have declined an offer of accommodation which was considered by the Council to be a reasonable offer of accommodation suitable to the applicants needs</p> <p>For applicants who have had their homelessness duty discharged, this banding will remain unless there has been a material change in their circumstances which would warrant a new assessment.</p>
<b>Lodgers with dependent children</b>	Applicants with dependent children, or who are pregnant and who are lodging with family or friends.
<b>Lodgers who share facilities</b>	Applicants who have to share facilities, such as a kitchen or bathroom, with another household who are not part of their immediate family
<b>Moderate Medical Priority</b>	Applicants whose household includes a person who has an illness or disability which is affected by their current accommodation and whose condition would benefit from alternative accommodation but a move is not essential. This includes both physical and mental health.
<b>Overcrowding</b>	<p>Applicants whose current accommodation is assessed as being one bedroom short of the required number of bedrooms. The best use of all rooms in the house will be considered when calculating the number of bedrooms. Priority will only be awarded where this has arisen as a result of natural growth or where proof can be provided that the person who caused the overcrowding had no other option than to move to the property.</p> <p>This will only be awarded where the main applicant is listed as the main tenant of their current property.</p>

<b>Welfare Need</b>	Applicants who experience hardship in their current accommodation and who need to move to improve their situation. This includes applicants suffering from financial hardship and applicants who need to move to be closer for specialist education, medical facilities or support.
<b>Employment</b>	Applicants who need to move to take up an offer of permanent employment.
<b>Reassessed Urgent Applicants</b>	If an applicant has previously been assessed in as a Band 1 or 2 but has not been bidding on suitable properties that have been available for them whilst they are in the urgent bands.

#### Band 4

<b>Applicants with no Housing Need</b>	Applicants who do not meet any of the criteria set out in Bands 1, 2 and 3
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## 5.12 Verification

All applicants will be required to provide information to enable their application to be processed, this includes:

- Identification which confirms the applicants current address
- Identification which confirms the applicants signature
- Proof of current tenancy status such as a tenancy agreement
- Details of previous five years accommodation, including addresses where the applicant was not the tenant
- Details of all household members
- Financial information, including any interest in property

Extra information or evidence will also be required from some applicants, including:

- Assessments made by professionals in support of application
- Proof of pregnancy
- Access to children and evidence of child benefit
- Details of convictions
- Information regarding additional support needs
- Landlord references, including any details of rent arrears
- Confirmation of circumstances regarding the Armed Forces

It is not possible to list every document that may be required. When an application is received it will be assessed by a member of the Lettings Team who will contact the applicant to request any additional supporting evidence. Applicants will only be accepted, awarded a band and allowed to bid once all evidence has been received. The registration date, for allocation purposed is the date that the application was activated following all verifications being completed.

If the applicant is assessed as potentially Band 1 or 2 then a full investigation will be completed as to whether the applicant can be accepted onto the list, this includes previous convictions or anti-social behaviour. If the applicant is assessed as Band 3 or 4 then they will be accepted onto the list and further checks will be completed before an offer of accommodation is made. This distinction has been made due to the level of work involved in completing checks and because applicants in Bands 3 and 4 are likely to be on the list for a longer period of time before an offer of a property is made.

An applicant who has current and/or former rent arrears will be accepted. When an offer of property is made the applicant will need to provide proof that a payment plan has been arranged and maintained for a minimum of 12 weeks. Partner landlords

may wish to include current and/or former arrears in the terms of their tenancy agreement. Broxtowe Borough Council will do this on all occasions.

Applicants with additional support needs will be supported and assisted to provide the necessary information.

Applicants will be asked to declare if they are a 'related party', these are applicants who are either:

- Staff of any of the partner registered providers
- Local Authority elected members
- Partner registered providers board members
- A relative of any of the above

Applications from related parties will be verified in the same way as other applicants but the banding and any offers of accommodation will be approved by the Head of Housing.

### **5.13 Pre- tenancy checks and risk assessments**

All offers of accommodation made through the Homesearch system will be provisional offers subject to pre-tenancy checks being completed. The purpose of the checks is to confirm that the applicant is eligible and qualifies for the scheme and has provided the necessary information to complete verification checks. Landlord references will also be taken at this time to confirm tenancy conduct and rent arrears. All pre-tenancy checks will be completed following the pre-tenancy checks procedure.

As part of pre-tenancy checks a risk assessment will be completed. It is important that the location and type of property is known as this informs the assessment. For this reason, the checks will be completed once a property has been provisional allocated. All risk assessments will be completed following the risk assessment procedure.

In certain situations, particularly when applicants are fleeing harassment, violence, threats of violence or domestic abuse, housing the applicant in certain areas of the Borough may pose or fail to alleviate the risks being fled. For allocations in these circumstances, professional advice may be sought and a risk assessment will take place, completed by the Council in conjunction with any relevant agency to determine suitability of potential allocations. For example, if an applicant is fleeing abuse or harassment, it will not be considered appropriate for them to be housed in the same area as they are fleeing, because this is unlikely to alleviate the risk of abuse or harassment.

There is no distance specified as safe within the Policy, but a distance greater than 5 miles or an area that has few if any ongoing links with the previous address, such as employment, family members or schooling, may be considered suitable as convention.

## **5.14 Application following end of fixed term tenancy**

If an applicant is applying to the Council following the end of a fixed term tenancy their application will be assessed on their individual circumstances as set out in 5.11.

## **5.15 Independent Living accommodation**

Properties that are designated as Independent Living will only be allocated to applicants over the age of 60 unless the applicant has a degree of disability that makes their present home unsuitable and who would benefit from the support available in Independent Living accommodation. This will be supported by documentation that shows that the applicant is in high rate (mobility/daily living) Personal Independence Payment.

Properties that are designated as Independent Living can be offered to those applicants who are under 60 if the property is difficult to let and the applicant is being placed through the Community Living Network or equivalent scheme.

The property advert will state if a property is designated as Independent Living.

## **5.16 Larger Independent Living accommodation**

Properties that are designated as Independent Living accommodation and are larger than one bedroom will be allocated to applicants over the age of 18 and will be allocated in accordance with household needs, such as disabilities, rather than whether they need the support available within Independent Living.

These larger units can be used to allow families with disabilities for instance. The relevant documentation and support from a Specialist Occupational Therapist will be required as necessary.

## **5.17 Local Lettings Policies**

Section 166A(6)(b) of the Housing Act 1996 enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall the authority is able to demonstrate compliance with the requirements of the Act.

This is particularly appropriate for new build schemes, large estates and areas with problems of anti-social behaviour. The Council's Guidance for the use of Local Lettings Policies, provides detailed information on the process and considerations.

For new build schemes, the Council will implement additional policy preference relating to local applicants and their connection to the area of the new build scheme. Relevant guidance for the individual scheme will be agreed using the Guidance for the use of Local Lettings Policies.

The Council will support registered providers to introduce local lettings policies where there is evidence for a need for a separate policy.

If a property will be allocated according to a local lettings policy, the advert will clearly state: 'Allocations will be made in accordance with a local lettings policy'

## **5.18 Sensitive Allocations**

On some occasions it is appropriate that an individual property is allocated sensitively. This would be applicable for one allocation, the same property would not be sensitively let every time it became void. In these cases, a Local Lettings Policy would be required.

An example of a sensitive allocation would be a property where the previous tenant had been evicted for anti-social behaviour and the needs of the immediate neighbours need to be considered.

Any properties let as a sensitive allocation must be approved by the Head of Housing and the advert will clearly state: 'Allocations will be made in accordance with sensitive allocations criteria'.

## **5.19 Direct Allocations**

It is expected that the majority of allocations will be made following the bidding process via Homesearch but there are some cases where it is necessary to make offers to applicants outside of these arrangements. There are three categories of direct allocations:

*Urgent housing management cases* – such cases are exceptional and an offer must be approved by the Head of Housing, each case will be considered in regards to its individual circumstances. A direct allocation will reflect the urgency of the issue that the tenant is experiencing, this can include issues regarding tenant welfare or property condition.

*Lower demand properties* – if a property has been advertised and shortlisted via Homesearch and the property has not been let, then the property can be offered directly to an applicant, in accordance with the Difficult to Let procedure. It is important to note that if direct offers are made by registered provider partners then the allocation is not subject to this policy. All offers made by Broxtowe Borough Council are subject to this policy. The Council may approach the Community Living Network with properties that are difficult to let to assist with the placing of applicants within difficult to let properties.

*Property Acquisitions* – in exceptional circumstances a property may be acquired to meet the need of an applicant on the waiting list for whom the Council does not currently own a suitable property or a suitable property is unlikely to become available through the homesearch scheme. In this circumstance approval for a direct let of the property will be approved by the Chief Executive in consultation with the Housing Portfolio Holder at the point of final approval to purchase.



## 5.20 Right to Move

The statutory guidance issued in connection with “Right To Move” states that a local authority should allocate a quota of properties each year for tenants under the “Right To Move”. The suggested quota is 1%. This is the quota that Broxtowe Borough Council will use. The quota is for lets, not adverts. Therefore, more than 1% of properties may be advertised with this criteria, if properties are not successfully let to ‘Right to Move’ applicants.

Every quarter, at least one property will be advertised as preference to applicants who meet the ‘Right to Move’ criteria. The advert will clearly state: ‘Allocations will be made in accordance with ‘Right to Move’ criteria. Priority will be given to applicants who meet these criteria.

Under the Right to Move legislation the Council has to disregard the local connection criteria for social housing tenants who need to move into the local authority area where the tenant has:

- Reasonable preference in order to avoid hardship, and
- Employment within the district, or has been offered employment within the district and has a genuine intention to take up the offer

## 5.21 Change of circumstances

Applicants must inform Broxtowe Borough Council of any change of circumstances. This can be done by telephone or in writing. The applicant may be asked to provide additional information or evidence. If this is required, the application will be suspended until the necessary documents have been provided.

An applicant’s banding may change. If the applicant is awarded the same or lower band then the original registration date will be used. If they are awarded a higher band then the registration date will be the date that they are placed in the higher band.

## 5.22 Annual Review

On the anniversary of their registration all applicants will receive a review letter or e-mail. This will ask the applicant to confirm that they wish to remain on the list and that there has not been a change in their circumstances since their application or last review.

If an applicant has not responded within 28 days of the date of their review letter then their application will be closed.

Applicants with additional support needs may be contacted differently, for example by telephone.

If the applicant’s circumstances have changed a review of their new circumstances will be completed. If the applicant is awarded a lower band, then the effective date

will remain as the original date. If the applicant is awarded a high band, then the effective date will be changed to the date of the completion of the review.

If an applicant has placed no bids in the year since the last review, and suitable properties have become available in that time, the Council will review the application and inform the applicant of the intention to close the application.

### **5.23 Review of urgent applications**

All applicants awarded Band 1 will be reviewed every 12 weeks. All applicants awarded Band 2 will be reviewed every 26 weeks.

The purpose of this review is to ensure that appropriate bids are being placed and to monitor any refusal reasons. Applicants will be given advice on how to increase the possibility of an offer of a property.

If an applicant is not placed a bid for 12 weeks and suitable properties have become available for them to bid on within that time, the application will be reviewed to see if further intervention for the team is necessary to assist or whether a review of the banding is appropriate.

If a review is undertaken and there is no suitable reason provided to explain why an applicant has not been bidding on available and suitable properties, the applicant should be reassessed into Band 3. The application can be reassessed and/or priority restored subject to appropriate assurances from the applicant being received or a further change in circumstances of the applicant

The Council will routinely place all applicants in Band 1 on Automatic Bidding, to ensure that a property is sourced as quickly as possible and the applicant does not miss out.

### **5.24 Application suspension**

If an applicant fails to respond, or refuses 3 offers of accommodation following placing a bid, then their application will be suspended for 6 months. The suspension of application procedure will be followed.

At the end of the suspension period, a review will be completed.

### **5.25 Application exclusion/Removal from the register**

An applicant will be excluded if following reassessment, the applicant is no longer eligible for housing.

An applicant will be excluded if an applicant no longer meets the qualifying criteria at any time from the point of registration, to the point of allocation.

An applicant will be removed if an offer of accommodation has been made, has been accepted and signed for by the applicant from the Council or a partner within the Homeseach scheme.

An applicant will be removed if the address that they are applying from changes, this change in circumstances will require a new application to be made.

If requested documentation is not provided within 21 days of it being requested, and an appropriate reason has not been provided, the application will be closed.

If an applicant fails to respond to communications from the Council within the specified time limit within the individual communication, the application will be closed. If a suitable reason is provided, the Council will consider reopening the application.

If an applicant displays conduct in a previous tenancy that is of cause for concern for Broxtowe Borough Council, the Council will consider whether exclusion from the register is appropriate. The following circumstances will be considered

- Where upon review, the applicant is a homeowner with significant equity in their home or former home to assist in resolving their own housing circumstances, in accordance with the Application from Homeowners Procedure
- Unacceptable behaviour, which would justify possession proceedings of a tenancy, this includes but is not limited to;
  - Anti-social behaviour
  - Criminal behaviour relating to the loss of previous accommodation
  - Perpetrating domestic abuse
  - Tenancy fraud, illegal subletting or abandonment of property
  - Violence or threats of violence or harassment of any staff or agents of the Council or its partners, previous landlords, the Police or any other statutory or voluntary agency
  - Any other conduct that shows the applicant to be unsuitable to be a tenant

The exclusion will only apply to the member(s) of the household who were considered to be participative in the unacceptable behaviour with other members of the family able to make separate applications subject to them meeting the qualification criteria of the Policy.

Exclusion from the register will last for 12 months. The exclusion of application procedure will be followed.

At the end of the exclusion period, a review will be completed to assess whether exclusion should still apply.

Applicants have the right to request a review of the decision to exclude them from the housing register.

## **5.26 Right to Review**

Housing authorities must inform applicants that they have the right to information about certain decisions and a right to review those decisions.

Applicants will be informed in writing of any decision:

- That they are ineligible for an allocation of accommodation under s106ZA(2) or (4)
- That they are not a qualifying person under s 106ZA(7)

Therefore if an application is not accepted following the guidance in sections 5.3 and 5.4 of this policy then the applicant must be informed in writing of the decision. If the applicant has additional support needs then other methods, such as telephone or visit should be used in addition to providing the information in writing.

If an applicant wants to request a review, it is expected that this will be received in writing within 21 days of the decision letter. In exceptional circumstances requests will be accepted via other methods or after 21 days.

Broxtowe Borough Council will complete the review within 28 days. The review will be completed by an officer senior to the officer who made the original decision.

## **6.0 Related Policies, Procedures and Guidelines**

This policy should be read in conjunction with the:

- South Nottinghamshire Homelessness Strategy
- Tenure Strategy
- Voids Management Policy
- People with additional support needs Policy
- Difficult to Let criteria
- Area Placements Procedure
- Advertising of properties procedure
- Annual review procedure
- Application from home owners procedure
- Direct lets procedure
- Medical assessment procedure
- Pre-tenancy checks procedure
- Sign-up procedure
- Suspension of application procedure
- Tenancy risk assessment procedure
- Transfer procedure
- Use of Autobids procedure

## **7.0 Review**

This policy will be reviewed every year to ensure that it meets current statutory guidance and legislation.

A full review will be completed every 3 years.

## 8.0 Appendix

Appendix 1 - Size and types of properties that applicants can bid for

## 9.0 Document History and Approval

Date	Version	Committee Name
Dec 2017	1	Housing Committee - Draft version for consultation
June 2018	2	Housing Committee – For approval
November 2019	3	Housing Committee – Review
November 2020	4	Housing Committee - Review
November 2021	5	Housing Committee - Review
November 2022	6	Cabinet

## Size and types of properties that applicants can bid for

	Single Person	Couple	Single/ Couple + 1 Child/ Pregnant	Single/ Couple + 2 Children	Single/ Couple + 3 or more children	Single person with overnight carer
Studio	x					
1 Bed Flat	x	x				
2 Bed Flat			x	x		x
3 Bed Flat				x		
1 Bed Maisonette	x	x				
2 Bed Maisonette			x	x		x
3 Bed Maisonette				x	x	
1 Bed House	x	x				
2 Bed House			x	x		
3 Bed House				x	x	
4+ Bed House					x	
1 Bed Bungalow	x	x				
2 Bed Bungalow			x	x		x
3 Bed Bungalow				x	x	

Properties that are designated for Independent Living will only be allocated to applicants over the age of 60 or applicants with a degree of disability that makes their present home unsuitable and who would benefit from the support available in Independent Living accommodation.

Where the applicant has access to their children, but whose main home is with the other parent or another carer, they will not be counted as permanent members of the household. This will need to be evidenced through the main applicant having proof of child benefit to show who is responsible for the main care of the children for housing purposes.

Families with children of the same sex where both children are aged under 16 may be allocated on the basis of the children sharing a bedroom

Families with children of the opposite sex where both children are aged under 16 may be allocated on the basis of the children sharing a bedroom, unless the older child is over 10

For a bedroom to be awarded for an overnight carer, a live-in carer is essential on a daily and continuing basis and a live-in carer has been identified and has moved in with the household or is ready to do so when accommodation is available and if the applicant were to claim housing benefit, the extra bedroom would be awarded, in conjunction with housing benefit regulations. Receipt of carers allowance alone does not mean that a live in carer is necessary. In all cases, regardless of whether or not the carer is in receipt of carer's allowance, it will be necessary for the applicant to provide evidence that they receive disability benefits commensurate with the need for a live in carer. If an additional bedroom is required for a carer, supporting evidence from an Occupational Therapy or Adult Social Care assessment will be required. A GP letter is not sufficient.

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## APPENDIX 2

**Equality Impact Assessment**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Chief Executive	Lead officer responsible for EIA	Head of Housing
Name of the policy or function to be assessed:		Allocations Policy	
Names of the officers undertaking the assessment:		Head of Housing	
Is this a new or an existing policy or function?		Updated policy for an existing function	
<p><b>1. What are the aims and objectives of the policy or function?</b></p> <p>The purpose of the policy is to set out who can apply for social housing, how priority is given to different applicants and how the housing register is maintained.</p>			
<p><b>2. What outcomes do you want to achieve from the policy or function?</b></p> <p>A fair Allocations process, which is clear on who can apply for housing and the priority that applicants are given.</p>			
<p><b>3. Who is intended to benefit from the policy or function?</b></p> <p>Applicants Tenants Employees who band applications and allocate properties</p>			
<p><b>4. Who are the main stakeholders in relation to the policy or function?</b></p> <p>Applicants Tenants Employees who band applications and allocate properties Other agencies who may be supporting applicants to apply for properties</p>			
<p><b>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</b></p> <p>Personal data is held for applicants on the Choice Based Lettings system which records age, disability and gender.</p>			

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

Supporting evidence is regularly provided by other agencies to support a housing application.

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

Applicants are asked to complete a survey in regards to their experience in applying for housing. Annual reviews are undertaken each year.

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

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

Applicants must be over the age of 18 to apply. This can be justified.

There is also eligibility criteria to qualify for housing with the Council, such as immigrations status. This can be justified

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

Yes, provided the eligibility criteria are met and applicants can show that they are met

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

Warnings are placed on the Council's choice based lettings system when applicants require information in a different format or language. This ensures that they are sent information about in a way that they can access.

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

No impact in this area is expected.

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

Regular monitoring of the service will be undertaken.

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

**Age:**

The eligibility criteria for housing is defined in legislation, applicants must be over 18. The Council may need to refer younger people who wish to apply to the appropriate statutory agency.

Younger applicants are more likely to be applying for their first tenancy and may require additional support to ensure that they understand the process and the evidence required.

To access the system fully applicants require access via a computer, tablet or phone. Whilst many older applicants do not require any additional support, it is acknowledged that some older applicants may not have access to these. Autobids, which place suitable bids on behalf of applicants, and support of the Housing Needs Assistants is available when required.

**Disability:** Autobids, which place suitable bids on behalf of applicants, and support of the Housing Needs Assistants is available when required. Home visits are not routinely offered, but will be offered when support is required due to a disability.

**Gender:** It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

**Gender Reassignment:** It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

**Marriage and Civil Partnership:** Tenants that are married or in a civil partnership are more likely to be joint applicants. Specific questions may arise due to this, which the Housing Needs Assistants can address.

**Pregnancy and Maternity:** It is acknowledged that applicants may want to make an application during pregnancy, if their current property will no longer be large enough for their family size. Appropriate advice regarding eligibility for larger accommodation will be provided.

**Race:** It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any

barriers identified.

**Religion and Belief:** It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

**Sexual Orientation:** It is not anticipated that the Council will need to take any further action in order to enable access for this group. Regular monitoring and analysis may identify reasons that have not been anticipated. Action will be taken to mitigate any barriers identified.

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

**Signature:**  
**R Shaw**  
**Head of Housing**

## Report of the Portfolio Holder for Housing

### AIDS AND ADAPTATIONS POLICY

#### 1. Purpose of Report

To seek approval for the amended Aids and Adaptations policy

#### 2. Recommendation

**Cabinet is asked to RESOLVE that the new Aids and Adaptations Policy be approved.**

#### 3. Detail

The Aids and Adaptations Policy sets out the Council's approach to the provision of aids and adaptations to Council owned accommodation. It covers both General Needs and Independent Living tenancies. Homeowners, leaseholders and private sector tenants are not included within the scope of this policy because they are eligible to apply for a Disabled Facilities Grant from the Council if they require financial assistance.

The aims and objectives of the policy are:

- Provide a high quality aids and adaptations service to enable disabled tenants and their immediate families to live safely and independently in their own home.
- Provide an efficient adaptations service making best use of the council housing stock, and the budget available.
- Set out a framework to deal consistently with request for aids and adaptations.
- Ensure that value for money is a key consideration in delivering new adaptations and retaining existing adaptations.
- Assist those in need of adaptations to make informed choices about their housing options, facilitating transfers to more appropriate accommodation where required.
- Raise awareness of the availability of the aids and adaptations service.

The revised Aids and Adaptations Policy is included at appendix 1; the changes are summarised in the table at appendix 2 and an Equality Impact Assessment is attached at appendix 3.

#### 4. Financial Implications

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

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

5. Legal Implications

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

It will be necessary to ensure that the Aids & Adaptations Policy addresses all the legal obligations the Council has as a Landlord under within the parameters of The Chronically Sick and Disabled Persons Act 1970, The Housing Act 1985, Housing Grants, Construction and Regeneration Act 1996, Equality Act 2010, The Care Act 2014 and The Housing Regulatory Framework, specifically the Home Standard 2015.

6. Human Resources Implications

Not applicable.

7. Union Comments

Not applicable.

8. Data Protection Compliance Implications

Not applicable.

9. Equality Impact Assessment

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

10. Background Papers

Nil





# **AIDS AND ADAPTATIONS POLICY**

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## **1.0 Scope**

This document sets out Broxtowe Borough Council's approach to the provision of aids and adaptations to Council owned accommodation. It covers both General Needs and Independent Living tenancies. Homeowners, leaseholders and private sector tenants are not included within the scope of this policy because they are eligible to apply for a Disabled Facilities Grant from the Council if they require financial assistance. If a tenant wishes to install their own adaptation, this is covered by the Alterations and Improvement Policy.

## **2.0 Purpose**

Broxtowe Borough Council is committed to ensuring that council tenants and their immediate families who have a disability can, as far as possible, continue to live safely and independently and carry out essential day to day activities. The needs of the individual need to be balanced with effective use of limited Council stock.

This policy statement accords with two of the Councils' corporate priorities which are:

*"A good quality home for everyone."*

and

*"Support people to live well"*

## **3.0 Aims and Objectives**

The policy aims and objectives are to:

- Provide a high quality aids and adaptations service to enable disabled tenants and their immediate families to live safely and independently in their own home.
- Provide an efficient adaptations service making best use of the council housing stock, and the budget available.
- Set out a framework to deal effectively and consistently with request for aids and adaptations.
- Ensure that value for money is a key consideration in delivering new adaptations and retaining existing adaptations.
- Assist those in need of adaptations to make informed choices about their housing options, facilitating transfers to more appropriate accommodation where required.
- Raise awareness of the availability of the aids and adaptations service.

## **4.0 Regulatory Code and Legal Framework**

The Council has to operate within the framework created by various pieces of legislation. These include:

- Housing Act 1985
- Care Act 2014
- Equality Act 2010
- Chronically Sick and Disabled Persons Act 1970
- Housing Grants, Construction and Regeneration Act 1996

## **5.0 Policy**

### **5.1 Definition of an adaptation**

An adaptation is a change made to a property to make it more accessible and safer for a disabled person. These are defined as minor or major.

### **5.2 Minor adaptation**

Minor adaptations involve small scale, usually non-structural, alterations or additions to a property. Examples of this type of work include:

- Lever operated taps
- Hand rails
- Grab-rails
- Additional external lighting
- Flashing fire alarms
- Minor internal alterations
- Minor kitchen or bathroom works
- Minor stepped access alterations

### **5.3 Major adaptation**

Major adaptations involve larger schemes of works and often involve structural alterations. Types of major adaptations include:

- Installation of ramps or widening doorways
- Installation of improved lighting or adapting a room specifically to make it safer for a disabled person
- Improvements to access facilities such as a stair lift
- Improvements to the facilities such as replacing a bath with a level access shower
- Over-bath showers
- An extension to the property to provide ground floor bedroom or showering facilities

### **5.4 Request for an adaptation**

The Council will normally only consider a request for aids and adaptations if the disabled person is the person(s) named in the tenancy or their dependent under the age of 18.

A person is regarded as disabled under the Equality Act 2010 if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities. 'Substantial' is defined as more than minor or trivial, 'Long-term' means 12 months or more.

For minor adaptations the tenant may make a self-referral to the Aids and Adaptations Officer. For major adaptations, the Occupational Therapy Service at Nottinghamshire County Council will assess the requirements and needs of the tenant, using the recognised Adult Social Care and Health eligibility criteria and associated guidance and provide a recommendation to the Council. Alternatively, for less complex major adaptation requests, the Aids and Adaptations Officer may assess the requirements and needs of the tenant through the Trusted Assessor process.

Referrals received by a hospital Occupational Therapist, resulting from a full property assessment as part of discharge planning, may be considered by the Council, but the Council will reserve the right to refer the request directly to an appropriate agency for further assessment.

Where the Council receives a request directly through an organisation representing a person with a specific disability / sensory impairment to supply and fit specialist equipment, the Council will decide if the works can proceed in accordance with the provisions of this policy. Such organisations include the Deaf and Visual Impairment Team from Nottinghamshire County Council.

The Council will reserve the right in all cases to refer a request to the Occupational Therapy Service at Nottinghamshire County Council for further assessment.

## **5.5 Approval of minor adaptations**

Minor aids and adaptation under the cost of £1000 will be approved by the Aids and Adaptations Officer and will be completed in chronological order from the date the referral is received unless the Occupational Therapy Service request the referral be treated as a priority or approval is given by the Capital Works Manager.

## **5.6 Approval of major adaptations**

The following will be considered when approving major adaptations works:

- Occupational Therapist or Trusted Assessor report and advice
- Whether the adaptations requested are reasonable and practicable, having regard to the age and character of the property
- The cost of the adaptations necessary to the current property,
- The likely medical prognosis and the long-term usability of the proposed adaptation
- Property type and demand
- Any under-occupation or over-occupation
- The likely availability of more appropriate alternative accommodation
- The needs of the tenant, and any personal factors that the tenant puts forward as demonstrating a need to remain in their existing accommodation
- The availability of the tenant's existing support network and carers

Approval of major adaptations will be made on the condition that:

- An Occupational Therapist or, if applicable, the Aids and Adaptations Officer through the Trusted Assessor procedure completes an Assessment of Need

which outlines clear recommendations that the work is necessary to sustain independent living;

- An assessment is carried out with the tenant to check whether a move to a more suitable property may resolve the need for adaptations and present a better long-term solution to their circumstances (see section 5.9); and
- The proposed works comply with all Planning Permission and Building Regulation requirements.

The decision for works up to £30,000 will be made by the Capital Works Manager (or nominated deputy).

In the following circumstances approval may be withheld and the Capital Works Manager will consult with the Housing Operations Manager (or nominated deputy) before making a decision:

- In a family dwelling where under or over occupation exists.
- Where there is a requirement to extend to provide an additional bedroom or living room or wetroom and suitable alternative accommodation exists within the near locality or alternative area where the tenant wishes to live.
- Where a level access shower or wetroom is required in an under occupied family dwelling.
- Where access ramps would adversely affect the amenity of the area.
- Where the practicalities of carrying out adaptations to properties with narrow doors, stairways and passages make wheelchair use in and around the dwelling difficult.

This is not an exhaustive list and the Capital Works Manager may consult with the Housing Operations Manager for any works if appropriate.

In the above circumstances the Council will look at options in its housing stock that may be more appropriate in order to offer value for money and release under occupied properties (See section 5.9). However, individual circumstances or needs will be taken into consideration and the Council may seek further evidence of personal factors or professional advice (i.e. from Occupational Therapy, Health or Social care professionals) to make an informed decision.

Works over £30,000 must be discussed by the Head of Asset Management and Development with the Housing Portfolio Holder and approved by Cabinet.

In most circumstances work will be completed in chronological order from the date the referral is received unless the Occupational Therapy Service request the referral be treated as a priority or in exceptional circumstances the Capital Works Manager may decide to prioritise a request.

## **5.7 Communal Areas**

Where a request for an adaptation is received for a communal/ shared access area the process for approvals described in section 5.6 will be followed, however the Housing Operations Manager (or nominated deputy). Each request will be assessed

on an individual basis and an assessment will be made on the impact for other users of the shared/ communal area. It may be necessary to consult with other users before a decision is made. Communal adaptations will be funded through the relevant Housing budget.

## **5.8 Works that will not be approved**

The Council will not adapt a property when:

- A tenancy does not exist
- The tenant is seeking to move or transfer on the grounds the property is not suitable for their needs or they wish to move to another area of the borough or to another local authority area.
- Where the Council is seeking possession of a property because of a breach of tenancy conditions, or where a current Right to Buy application has been made.

The Council will not fund non-fixed equipment which are normally provided by the Social Care Authority, including:

- Powered bath-hoists
- Commode chairs
- Specialist toilet seats
- Specialist furniture

## **Induction loops5.9 Alternative Solutions**

Where a request for adaptations has been refused (see section 5.6) and if it is considered by the Council that a tenant's needs would be best met through a move to a more suitable property, a priority move will be sought, in accordance with the Council's Allocations Policy.

Where a decision is made that a tenant's needs can be best met through a move to a more suitable property, the Aids and Adaptations Officer will inform the Allocations Team of a tenant's housing needs and will provide details to support their housing application.

Where a relocation to a more suitable property proceeds, the Council may support the tenant with the cost of moving. The amount offered will depend upon individual circumstances up to a maximum of £1,000. At least three quotations for each move related service or cost will be required and the suppliers will be paid direct by the Council, funded from the Aids and Adaptations budget. Funding may only be given to cover actual costs.

## **5.10 Appeals**

If a tenant wishes to appeal against any decision taken regarding their requested adaptation they must do so within 28 days of the date of the decision letter.

The appeal must be made in writing to the Head of Asset Management and Development and outline the reason that the tenant disagrees with the decision that has been made and provide any supporting documentation. The Head of Asset

Management and Development will acknowledge receipt of the appeal letter within 5 working days. The appeal will be considered by the Head of Asset Management and Development in consultation with officers and relevant health and social care professionals and a response will be provided within 10 working days, or where that cannot be achieved within 20 working days with advice given to tenant of delay. A copy of the appeals procedure will be provided to the tenant with their application decision.

Should a tenant remain dissatisfied, they can access the Council's Corporate Complaints Policy at [www.broxtowe.gov.uk](http://www.broxtowe.gov.uk)

## **5.11 Timescales for works**

The Aids and Adaptations Officer will acknowledge to the tenant the receipt of the referral, and the details of the works requested within 5 working days of receipt of the referral. In addition, the tenant will be given an indication of the timescale in which it is anticipated the works will start and be completed, the name of the contractor and contact telephone numbers for the contractors and Aids and Adaptations Officer.

Target times for completion of works will vary according to the type of adaptation required. The Council aims to carry out specific types of adaptations following receipt of a referral within the following timescales:

- Minor adaptations: 3 weeks
- Major adaptations, not requiring architect or planning permission: 12 weeks
- Extensive adaptations such as extensions: 26 weeks (following planning approval and successful tender of contract)

## **5.12 Maintenance of adaptations**

The Council will meet the costs of all routine repairs and maintenance to any equipment it supplies through this policy. A programme will be in place to undertake annual servicing and maintenance of stair lifts and lifting equipment. For most equipment, a five year extended warranty will be purchased at the time of install, funded by the aids and adaptations budget. Outside of warranty, the maintenance and repair will be managed and funded by the housing repairs team. Warranties longer than five years may be purchased if they are deemed cost effective by the Housing Repairs Manager. Such warranties will be funded by housing repairs.

The Council will maintain an up to date records of all major adaptations installed.

If equipment is wilfully damaged by the tenant, members of their household or anyone else visiting the property, the Council will recharge the tenant for any repairs required.

## **5.13 Transfers following adaptations**

Following a major adaptation, the Council would normally expect the tenant to remain in the property for a minimum of five years. However, there may be exceptions where the individual's needs have changed and the Council agree a move is necessary. The application to join Homesearch must be approved by the



Head of Housing and if any adaptations are required at the new property, these must be approved in accordance with section 5.6 of this policy.

## **5.14 Letting adapted properties**

The Council will identify details of any major adaptations for all properties that become vacant and will allocate properties to make the most appropriate use of any existing adaptation. Adapted properties will be allocated through the Council's choice based lettings scheme, and applicants that require the adaptations will be prioritised in accordance with the Allocations Policy. This is particularly important for properties with significant adaptations, such as those that have been extended to provide ground floor showering and or bedroom facilities, or where an external or through floor lift have been installed.

## **5.15 Recycling and removal of adaptations**

Where possible, equipment that has been installed as part of an adaptation will be reused by re-letting a property to an applicant that requires the adaptation. If this is not possible, the repairs team in collaboration with the Capital Works team will consider removing adaptations from locations where they are no longer required and storing for re-use. The cost of the equipment, the expected lifespan and availability of storage facilities will be considered. Examples of equipment that may be removed and recycled include:

- Stair lifts
- Hoists
- Through floor lifts
- Wash dry toilets

Where adaptations have been carried out to a property designated for elderly or disabled people, these will not normally be reversed e.g. where a bath has been replaced with a level access shower.

Where General Needs accommodation has been adapted, the Council will seek to find a suitable applicant using the Council's approved Allocations Policy, who will benefit from such adaptations (see section 5.14). Where a new tenant who is not disabled accepts an offer to move into an adapted property, adaptations such as level access showers will not usually be removed. If a bath is installed instead of a level access shower, the bath should be installed over the shower area if possible to allow for future conversion back to a level access shower.

Removal of adaptations are not funded by the aids and adaptations budget.

## **6.0 Related Policies, Procedures and Guidelines**

This policy should be read in conjunction with the:

- Aids and Adaptations Process Map
- Major Adaptations Decision Form and Guidance
- Allocations Policy
- Mobility Scooter Procedure

## **7.0 Complaints, Comments and Compliments**

The Aids and Adaptation Policy will aim to bring consistency to the management of adaptations within Council properties. However, if a tenant feels they have cause to complain, procedures are in place to put things right as quickly as possible.

- If a tenant wishes to register a complaint they are encouraged, in the first instance, to contact the Aids and Adaptations Officer directly. The Aids and Adaptations Officer will attempt to resolve the situation informally.
- If the tenant remains dissatisfied they can register their complaint through the Council's Corporate Complaints Procedure. This is available at [www.broxtowe.gov.uk](http://www.broxtowe.gov.uk)
- The Council will send a customer satisfaction survey to all of the tenants that have accessed the adaptations service.
- All comments and compliments will be noted and acknowledged as appropriate.
- The appeals process for adaptation request approvals is detailed in section 5.10.

## **8.0 Performance and Budget Monitoring**

The Aids and Adaptations budget is managed within the Deputy Chief Executive's Directorate reporting to and guided by the Head of Asset Management and Development.

The following information will be recorded by the Aids and Adaptations Officer:

- Number of adaptations installed, on the basis of minor and major
- Number and type of adaptations rejected and reasons
- Percentage of adaptations completed within target (minor and major adaptations, including extensive works - that is work that may require Planning and/or Building Control consent)

Details of spend and budget commitment will be reported to the Head of Asset Management and Development and the Head of Housing by the Capital Works Manager. Any request for budget increases will be made by the Head of Asset Management and Development to the appropriate committee.

The Council will aim that year on year, adequate resources are provided to meet the adaptation needs of its tenants and to make the best use of any adapted properties that become vacant.

## **9.0 Review**

The policy will be reviewed every three years, unless there is a change to legislation or guidance which requires an earlier review. Any major amendment to this policy will be brought to Cabinet for approval. Minor amendments will be undertaken by the Head of Asset Management and Development in consultation with the Head of Housing and Housing Portfolio Holder.

**10.0 Document History and Approval**

<b>Date</b>	<b>Version</b>	<b>Committee Name</b>
30 <sup>th</sup> March 2017	1.0	Housing Committee
14 <sup>th</sup> March 2023	2.0	Cabinet

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## APPENDIX 2

Note the policy has generally been re-written with an updated format. It is based on the previous policy but with some key changes which have (or could be considered to have) a material impact on the policy function. The key changes are detailed in the below table. A second table details the sections of the previous policy and where they are covered in the revised policy.

Aids and Adaptations Policy section	Suggested change	Reason for change
5.1 Definition of an adaptation (Section 4.0 of previous policy)	New definition: <i>An adaptation is a change made to a property to make it more accessible and safer for a disabled person. These are defined as minor or major.</i>	Simplified definition of adaptation.
5.2 Minor adaptations (section 4.1 in previous policy)	Update to examples of types of minor adaptations. Removal of over bath showers.	To reflect the types of works completed as Minor adaptations (not an exhaustive list).
5.3 Major adaptations (section 4.1 in previous policy)	Update to examples of types of major adaptations. Inclusion of over bath showers.	To reflect rising costs of over bath showers these no longer generally qualify as minor adaptations when ancillary works are included. (list is examples only, not an exhaustive list)

Aids and Adaptations Policy section	Suggested change	Reason for change
5.4 Request for an adaptation (section 3.0 and 5.0 – 5.4 in previous policy)	<p>To remove a phrase stating that adaptations will be considered for 'a permanent member of the household' New phrasing: <i>The Council will normally only consider a request for aids and adaptations if the disabled person is the person(s) named in the tenancy or their dependent under the age of 18.</i></p> <p>To add ability of Aids and Adaptations Officer to assess tenants and make recommendations for adaptations using the Trusted Assessor Process, instead of the traditional Occupational Therapy assessment route</p> <p>To add phrase applicable to all referrals received from agencies other than Nottinghamshire County Council Occupational Therapy service: <i>The Council will reserve the right in all cases to refer a request directly to the Occupational Therapy Service for further assessment.</i></p>	<p>To clarify eligibility for adaptations.</p> <p>Currently major adaptations can only be completed on receipt of an Occupational Therapists (OT) report provided by Nottinghamshire County Council. With the Trusted Assessor qualification, the Aids and Adaptations Officer can carry out assessments of need for non-complex adaptations, eliminating the need for an OT assessment. This reduces the length of time tenants have to wait for adaptations.</p> <p>To ensure the quality of service provided and to fulfil the Council's duty to consult with the welfare authority (Nottinghamshire County Council)</p> <p>Continued...</p>

Aids and Adaptations Policy section	Suggested change	Reason for change
	To remove phrase (in section 5.0 of previous policy): <i>Tenants of any age (or members of their household) can apply for an adaptation for themselves.</i>	For avoidance of confusion (i.e. that a child themselves could apply – should be their parent/guardian on their behalf)
5.5 Approval of Minor adaptations	To add £1,000 limit for Minor adaptations (not previously specified in policy)	The £1,000 limit for minor adaptations is for clarity and matches the limit of many other local authorities. It is based on The Care Act which requires minor adaptations to be made up to the value of £1,000, free of charge.
5.6 Approval of major adaptations (section 7.0 and 9.0 of previous policy)	<p>To remove phrase from conditions: <i>If major adaptation works are not reasonable or practicable to a tenant's home, the Council will work closely with the tenant and other agencies to find a more suitable property to ensure the best use of the housing stock.</i></p> <p>To amend the process for approval of adaptations and list of considerations involved. Officers job titles have been changed. Approval of Minor Aids and Adaptations (works up to £1000) by the Aids and Adaptations Officer; approval of works up to £30,000 by the Capital Works Manager, with input from the Housing Operations Manager for selected cases</p>	<p>Included under section 5.9 Alternative Solutions of the new policy, so removed from this section.</p> <p>The Aids and Adaptations service was previously moved to the Capital Works team from the Private Sector Housing team and prior to that, Housing. Updates to the Officers involved have been made to reflect that the service is now provided under Asset Management instead of Housing.</p> <p>Continued...</p>

Aids and Adaptations Policy section	Suggested change	Reason for change
	<p>(as set out in policy); approval of works above £30,000 to go for cabinet approval.</p> <p>To remove section in previous policy listing cases where it would be 'considered not reasonable or practicable for major adaptations works to be undertaken'</p> <p>Instead a list of cases where housing input will be sought has been created, but a final decision will be made by the Capital Works Manager (up to £30,000), taking into account the specific needs of an individual as outlined in the policy.</p>	<p>To ensure that individual needs are taken into account in the decision process along with the views of the housing department. To recognise that in some cases when the Housing department recommend an individual move to an alternative property, that individual needs may mean that it is not appropriate to move and adapting the current dwelling would be more appropriate. This ensures consent is not unreasonably withheld.</p>
5.7 Communal Areas	To add section regarding communal areas, not included in previous policy	To clarify approach to adaptation request for Broxtowe owned communal areas.
5.8 Works that will not be approved (section 11.0 in previous policy)	<p>To add a reason where Council will not adapt:</p> <p><i>Where the Council is seeking possession of a property because of a breach of tenancy conditions, or where a current Right to Buy application has been made.</i></p>	<p>As mentioned in section 5.13 of the policy, there is an expectation when an adaptation is approved that the disabled person has the intention to occupy the property for at least five years, in line with the Housing Grants Construction and Regeneration Act. When the Council is seeking possession or a right to buy application has been made, there is not an intention to remain for five years by the Council/ tenant.</p>



Aids and Adaptations Policy section	Suggested change	Reason for change
5.9 Alternative Solutions (section 13.0 of previous policy)	<p>To remove examples of cases where it would be considered not reasonable or practicable for major adaptations to be undertaken, and factors affecting the decision.</p> <p>To include financial assistance up to £1000 for moving in this section of the policy. This is not a change of policy but included in section 16.0 of the previous policy 'Letting of adapted properties'</p>	<p>Now covered under section 5.6 of the revised policy</p> <p>More relevant context to be included in this section of policy.</p>
5.10 Appeals	<p>To include time limit on appeals under this policy of 28 days</p> <p>To reduce the length of time within which the Council must respond from 20 to 10 working days, or up to 20 working days if a response cannot be given with 10 working days.</p> <p>To change Officer dealing with complaints from Head of Housing to Head of Asset Management and Development.</p>	<p>No time limit under existing policy, prevents appeals being received after an unreasonable length of time.</p> <p>Reflects corporate complaints procedure and to improve the speed of the appeals process for tenants. (Note: the corporate complaints process can still be accessed if the tenant is not satisfied with the appeals process)</p> <p>To reflect move of Aids and Adaptations service to Capital Works team in Asset Management.</p>

Aids and Adaptations Policy section	Suggested change	Reason for change
5.12 Maintenance of Adaptations	To add roles and responsibilities of Council departments and budget sources for maintenance of adaptations	To clarify the process and responsibilities for maintenance of adaptations.
5.13 Transfers following adaptations (section 15.0 in previous policy)	To re-phrase and to reflect use of Homesearch and Officers involved.	To correlate with the Allocations policy and following move of Aids and Adaptations service to the Capital Works team in Asset Management.
5.14 Letting of adapted properties (section 16.0 in previous policy)	To re-phrase and refer to the Allocations Policy	To correlate with the Allocations policy.
5.15 Recycling and removal of adaptations (sections 14 and 17 or previous policy)	There are no material changes to the policy relating to the removal or recycling of adaptations, however the sections titled 'Removal of adaptations' and 'recycling adaptation' have been re-phrased and combined for this section in the revised policy.	To clarify the process and approach to recycling or removal of adaptations.
6.0 Related Policies, Procedures and Guidelines (Section 22. of previous policy)	To add details of policies and procedures relating to the policy.	For clarity
9.0 Review	To amend section regarding review of the policy to: <i>The policy will be reviewed every three years, unless there is a change to legislation or guidance which required an</i>	To reflect changes to Council governance since the previous policy and the move of the aids and adaptations service to the Capital works team in Asset Management. Continued...

Aids and Adaptations Policy section	Suggested change	Reason for change
	<i>earlier review. Any major amendment to this policy will be brought to Cabinet for approval. Minor amendments will be undertaken by the Head of Asset Management and Development in consultation with the Head of Housing and Housing Portfolio Holder.</i>	

## Notes on formatting of revised policy

Previous policy	New policy
Introduction	Now section 1.0 Scope
Section 1.0 Policy Statement and Objectives	Now section 2.0 purpose and section 3.0 Aims and objectives
Section 2.0 Legal framework	Now section 4.0 Regulatory Code and Legal Framework
Section 3.0 Who is considered under this policy?	Now included in section 5.4 Request for an adaptation'
Section 4.0	Now included in section 5.1 definition of an adaptation
Section 4.1 Minor adaptations	Now section 5.2 Minor adaptations
Section 4.2 Major adaptations	Now section 5.3 Major adaptations
Section 5.0 – 5.4 Identifying the needs for adaptations	Now section 5.4 Request for an adaptation
Section 6.0 Prioritising adaptations	Now included in section 5.6 Approval of major adaptations
Section 7.0 Approval of work	Now section 5.6 Approval of major adaptations
Section 8.0 Timescales for works	Now section 5.11 Timescales for works
Section 9.0 Funding	Now covered in section 5.6 Approval of major adaptations
Section 10.0 Servicing and Maintenance of Equipment	Now section 5.12 Maintenance of adaptations
Section 11.0 Works which will not be funded	Now section 5.8 Works that will not be approved
Section 12.0 Installation of aids and adaptations by tenants	No longer included in policy instead section 1.0 refers such cases to be covered by the Alterations and Improvements Policy
Section 13.0 Alternative solutions	Now section 9.0 Alternative solutions
Section 14.0 Removal of adaptations	Now included in section 5.15 Recycling and removal of adaptations
Section 15.0 Transfers after adaptations have been carried out	Now section 5.13 Transfers following adaptations
Section 16.0 Letting adapted properties	Now section 5.14 Letting adapted properties
Section 17.0 Recycling adaptations	Now included in section 5.15 Recycling and removal of adaptations
Section 18.0 Tenant liaison	No longer included as a separate section in new policy, instead expected liaison at different stages of process are detailed in each section of the policy.

Previous policy	New policy
Section 19.0 Performance and Budget Monitoring and Review	Now section 8.0 Performance and Budget Monitoring and Review
Section 20.0 Service standards	No longer included as a separate section as it duplicated the Timescales for works section (now section 5.11)
Section 21.0 Appeals	Now Section 5.9 Appeals
Section 22.0 Procedures	Now covered in section 6.0 Related Policies, Procedures and Guidelines
Section 23.0 Complaints, Comments and Compliments	Now section 7.0 Complaints, Comments and Compliments
Section 24.0 Review of policy	Now section 9.0 Review

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## APPENDIX 3

**Equality Impact Assessment**

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

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

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

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

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

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

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

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

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

they act as employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they commission and procure from others.

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

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

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

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

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

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

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

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

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



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

### EQUALITY IMPACT ASSESSMENT (EIA)

<b>Directorate:</b>	Deputy Chief Executive	<b>Lead officer responsible for EIA</b>	Nick Hawkes, Head of Asset Management
<b>Name of the policy or function to be assessed:</b>		Aids and Adaptations Policy	
<b>Names of the officers undertaking the assessment:</b>		Stephen Grimes, Project Manager	
<b>Is this a new or an existing policy or function?</b>		Existing policy	
<p><b>1. What are the aims and objectives of the policy or function?</b></p> <p>The Aids and Adaptations Policy sets out Broxtowe Borough Council's approach to the provision of aids and adaptations to Council owned accommodation. It covers both General Needs and Independent Living tenancies. Homeowners, leaseholders and private sector tenants are not included within the scope of this policy because they are eligible to apply for a Disabled Facilities Grant from the Council if they require financial assistance. If a tenant wishes to install their own adaptation, this is covered by the Alterations and Improvement Policy.</p>			
<p><b>2. What outcomes do you want to achieve from the policy or function?</b></p> <p>The amended policy reflects the transfer of the Aids and Adaptations Service from Private Sector Housing to the Capital Works team and includes updates to procedures to improve the aids and adaptations service.</p>			
<p><b>3. Who is intended to benefit from the policy or function?</b></p> <p>Broxtowe Borough Council social housing tenants, specifically those with disabilities</p>			
<p><b>4. Who are the main stakeholders in relation to the policy or function?</b></p> <p>Broxtowe Borough Council social housing tenants Housing and Asset Management staff Occupational Therapy Team (Nottinghamshire County Council)</p>			
<p><b>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</b></p> <p>An equal opportunities form is sent to all applicants where aids and adaptations have been completed which gathers information including age, gender, ethnicity and disability of applicants.</p>			

<b>Directorate:</b>	Deputy Chief Executive	<b>Lead officer responsible for EIA</b>	Nick Hawkes, Head of Asset Management
<b>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</b> No specific data available			
<b>7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?</b> Consultation held with Housing and Asset Management staff. No specific consultation relating to equality impact. Feedback from previous adaptation cases has influenced revised policy			
<b>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:</b>			
<input type="checkbox"/> <b>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?</b> The policy specifically targets people with a disability or condition, who require adaptations to their home to improve safety and accessibility.			
<input type="checkbox"/> <b>Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?</b> Whilst the policy specifically targets people with a disability, the policy function is accessible to all equality groups with disabilities.			
<input type="checkbox"/> <b>Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?</b> Eligibility criteria has to be met to access the aids and adaptations service, however these criteria are set through legislation, with an established pathway, which includes the Occupational Therapy Service at Nottinghamshire County Council, to access the service.			
<input type="checkbox"/> <b>Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?</b> Not applicable.			
<input type="checkbox"/> <b>What further evidence is needed to understand the impact on equality?</b> None			

<b>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?</b>
<b>Age:</b> No further action required
<b>Disability:</b> No further action required (policy specifically targets this group)
<b>Gender:</b> No further action required
<b>Gender Reassignment:</b> No further action required
<b>Marriage and Civil Partnership:</b> No further action required
<b>Pregnancy and Maternity:</b> No further action required
<b>Race:</b> No further action required
<b>Religion and Belief:</b> No further action required
<b>Sexual Orientation:</b> No further action required
<p><b>I am satisfied with the results of this EIA. I undertake to review and monitor progress and against the actions proposed in response to this impact assessment.</b></p> <p><b>N Hawkes</b>  <b>Head of Asset Management</b></p>

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

### **PARK ATTENDANTS – INCREASE IN BUDGET ALLOCATION 2023/24**

#### 1. Purpose of Report

To seek approval to increase the 2023/24 budget allocation for the park attendants.

#### 2. Recommendation

**Cabinet is asked to RESOLVE that the revenue budget for the provision of the park attendant service is increased by £30,000, with the additional budget allocation required for this purpose being funded from General Fund reserves in 2023/24.**

#### 3. Detail

Throughout the year some of the parks have an attendant on site. The sites with an attendant change between the summer and winter months in line with the activities taking place on site. The duties of the attendant include facilitating the sporting activities taking place, cleaning pavilions, littering picking, lower level grounds maintenance, opening and closing of pavilions, checking fixtures with football teams and being a point of contact for the Council.

The provision of an attendant on site is a positive relationship giving members of the public access to services along with being able to report or speak with a Council representative.

The contract for the provision of park attendants expires at the end of March 2023. A procurement exercise for renewal of the contract has therefore recently been undertaken. Several suitable providers have submitted their tenders.

The revenue budget for 2023/24 was increased as part of the budget planning process. However, following a review of the tender bids it is apparent that a further increase in the budget is needed to meet the cost of delivering the service. The increase in costs above the anticipated level is most likely associated with price pressures for wages and fuel for the service providers.

It is requested that the base revenue budget for 2023/24 for the parks attendants is increased by a further £30,000 to facilitate the provision of an attendant service in 2023/24.

4. Financial Implications

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

The agreed revenue budget for 2023/24 includes a regular allocation for the provision of the park attendant service. The proposed budget increase of £30,000 in 2023/24 and beyond to meet increasing contract costs, if approved, would have to be funded directly from General Fund Reserve balances.

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, however it is important to note that the new contract must be procured by the Council in strict compliance with the Public regulations 2015 and the Council's financial regulations

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

N/A

7. Union Comments

The Union comments were as follows.

Providing the funds are available, UNISON have no concerns regarding this proposal.

8. Data Protection Compliance Implications

N/A

9. Equality Impact Assessment

N/A

10. Background Papers

Nil

## Report of the Portfolio Holder for Community Safety

### HATE CRIME ACTION PLAN 2023 - 2026

#### 1. Purpose of Report

To seek approval for a Hate Crime Action Plan.

#### 2. Recommendation

**Cabinet is asked to RESOLVE that the Hate Crime Action Plan 2023-2026 be approved**

#### 3. Detail

Broxtowe Hate “incident” data

2019/20	2020/21	2021/22
98	108	99

The term 'Hate Crime' can be used to describe a range of criminal behaviour where the perpetrator demonstrates hostility towards the victim's disability, age, race, religion, gender, sexual orientation or transgender identity, these aspects of a person's identity are known as 'protected characteristics'.

In England and Wales five strands of hate crime is monitored:

- Race or ethnicity
- Religion or beliefs
- Sexual orientation
- Disability
- Transgender identity

These strands are covered by legislation (sections 28-32 of the Crime and Disorder Act 1998 and sections 145 and 146 of the Criminal Justice Act 2003) which allows prosecutors to apply for an uplift in sentence for those convicted of a hate crime.

The College of Policing published updated guidance on how the police should respond to hate crime in October 2020. The [Authorised Professional Guidance on hate crime](#) includes information on what can be covered by hate crime. The guidance states:

“A hate crime is any criminal offence which is perceived by the victim or any other person to be motivated by a hostility or prejudice based on:

- a person's race or perceived race, or any racial group or ethnic background including countries within the UK and Gypsy and Traveller groups; this includes asylum seekers and migrants
- a person's religion or perceived religion, or any religious group including those who have no faith

- a person's sexual orientation or perceived sexual orientation, or any person's sexual orientation
- a person's disability or perceived disability, or any disability including physical disability, learning disability and mental health or developmental disorders
- a person who is transgender or perceived to be transgender, including people who are transsexual, transgender, cross dressers and those who hold a Gender Recognition Certificate under the Gender Recognition Act 2004.

The inclusion of migrants within the first category listed above means that offences with a xenophobic element (such as graffiti targeting certain nationalities) can be recorded as race hate crimes by the police.

An offence may also be motivated by hatred towards a characteristic (strand) that is not currently centrally monitored and therefore does not form part of the data collection presented in this statistical bulletin (age or gender for example). Hate crimes are taken to mean any crime where the perpetrator's hostility or prejudice against an identifiable group of people is a factor in determining who is victimised. While a crime may be recorded as a 'hate crime', it may only be prosecuted as such if evidence of hostility is submitted as part of the case file. Terrorist offences may or may not be considered a hate crime depending on the circumstances. A terrorist attack may be targeted against general British or Western values rather than one of the five specific strands. However, other terrorist attacks are motivated by a hatred towards one of the hate crime strands. For example, the Finsbury Park Mosque attack in June 2017 has been classified as a hate crime because the victims were thought to be targeted because of their religious affiliation.

The Law Commission is considering proposals to reform hate crime laws to remove the disparity in the way hate crime laws treat each protected characteristic – race, religion, sexual orientation, disability and transgender identity and are due to report their recommendations later in 2021. Any proposals by the Law Commission may lead to future changes in the future coverage of the monitored strands.

A copy of the Hate Crime Action Plan for 2023-26 is attached at 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. Any significant budget implications in the future, over and above virement limits, would require approval by Cabinet.

#### 5. Legal Implications

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



There are no direct legal implications that arise from this report, the relevant legislation is contained within the report.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

7. Union Comments

The Union comments were as follows:

8. Data Protection Compliance Implications

There are no data protection issues to be considered.

9. Equality Impact Assessment

N/A

10. Background Papers

Nil

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**HATE CRIME Action Plan 2023 - 2026**

Objective	Approach	Proposed Activity	Activity Lead	Success Indicators	Timescale	Status
<b>Reduce Hate Crime</b>	Renew the Hate Crime Pledge	Raise awareness of Hate Crime and Broxtowes commitment to tackling Hate Crime, by renewing the Hate Crime Pledge and holding a photo opportunity event signing the new pledge. Provide a week long opportunity in the Councils reception for staff and members of the public to sign their own pledge	Communities Officer Equalities Chief Communities Officer Communications Officer Leader of the Council Mayor Portfolio Holder	Agreement by Cabinet to Renew pledge  Event delivery  Social media comms of event	Feb - March 2023	
	Support for victims of Hate Crime through CCP referrals and signposting	Referral of repeat victims of Hate Crimes into the Complex Case Panel for management and assurance	Chief Communities Officer Communities Officer Equalities Police	Referrals to CCP  Signposts into support services	2023 2024 2025	
	Raise	Distribute Hate Crime leaflets and	Communities	Leaflet		

Objective	Approach	Proposed Activity	Activity Lead	Success Indicators	Timescale	Status
	awareness of Hate Crime and reporting mechanisms	posters to relevant sites throughout the Borough, including foreign language versions where appropriate	Officer Equalities	distribution	2023 2024 2025	
	Address and challenge extremist views	Referral of individuals with extremist views into the CHANNEL Panel and the PREVENT team for management and assurance	Chief Communities Officer Police	Broxtowe cases managed by the CHANNEL panel and PREVENT	2023 2024 2025	
	Update the Hate Crime Policy	Review and amend the Hate Crime Policy and publish on the website	Chief Communities Officer Communities Officer Equalities	Updated policy  Policy Approved by Cabinet  Published on the website	2024	
	Address repeat offending relating to Hate Crimes	Referral of repeat perpetrators of Hate Crimes into the ASB Group for management and assurance	Chief Communities Officer Communities Officer Equalities Police	Refer relevant cases to ASB panel	2023 2024 2025	
	Physical	Mutli-agency / multi provision event	Communities	Event held	2023	

Objective	Approach	Proposed Activity	Activity Lead	Success Indicators	Timescale	Status
<b>Raise Awareness of Disabilities Provide support and reduce inequalities</b>	Disabilities Event  Stapleford	to raise awareness of services and opportunities and signposting. To raise awareness within the general community, of the disabled community in a positive light.	Officer Equalities Communities Officer Health Communications Officer Liberty Leisure	Signposting to services  Agencies engaging with disabled community  Engaging relevant agencies  Comms	May - June	
	Mental Health Event  Eastwood	Raising Mental Health awareness among the community with the support of the relevant agencies. Raise awareness of support service provision and signposting.	Communities Officer Equalities Communities Officer Health Communications Officer	Event held  Agencies engaging with disabled community  Engaging relevant agencies  Comms	2024  August - Sept	

Objective	Approach	Proposed Activity	Activity Lead	Success Indicators	Timescale	Status
	Learning Disability Event  Eastwood	Raising awareness of Learning Disabilities among the community with the support of the relevant agencies. Raise awareness of support service provision and signposting	Communities Officer Equalities Communities Officer Health Communications Officer	Event held  Signposting to services  Agencies engaging with disabled community  Engaging relevant agencies  Comms	2025  July - Aug	
<b>Gender</b>	International Women's Day media campaign	International Women's Day to celebrate women	Communities Officer Equalities Communications Officer	Campaign Delivered  Comms	2023  March	
	International Men's Day media campaign and White Ribbon event for staff	International Men's Day event to promote Health, Mental Health and White Ribbon	Senior Communities Officer Violence and Domestic Abuse	Campaign Delivered  Event Delivered  Staff pledges to	2023 2024 2025  November	

Objective	Approach	Proposed Activity	Activity Lead	Success Indicators	Timescale	Status
	at Beeston and Kimberley Depot		Communities Officer Equalities Communications Officer	White Ribbon  Comms		
<b>Sexual Orientation</b>	Promote the LGBTQ+ Community	Campaign to raise awareness of LGBTQ+ community  Raise awareness of how hate crimes affect the LGBTQ+ community  Raise awareness of the support available to the LGBTQ+ community	Communities Officer Equalities Communications Officer	Campaign delivered  Comms	2025  June	
<b>Age</b>	Older Persons Event  Eastwood	Raise awareness of the needs of the older community in Broxtowe, engaging relevant parties to help create an event tailored to our older community and a place for them to become aware of support provisions available in the community	Communities Officer Equalities Communities Officer Health Housing Independent Living Communications Officer	Event Delivered  Engaging relevant agencies  Signposting to support services  Comms	2023  Aug Sept	

Objective	Approach	Proposed Activity	Activity Lead	Success Indicators	Timescale	Status
	Young Peoples Event  Stapleford	Raise awareness of the needs of young people in Broxtowe, engaging relevant parties to help create an event tailored to our young people and a place for them to become aware of support provisions available in the community	Communities Officer Equalities Communities Officer Children and Young People Claire Senior Communities Officer Crime and ASB Communications Officer	Event Delivered  Engaging relevant agencies  Signposting to support services  Comms	2024  May - June	
<b>Equality and Diversity</b>	Raise awareness of Equality and Diversity in relation to the workplace	Issue Equality and Diversity at Work Leaflets to new starters on induction	Chief Communities Officer	Leaflet distribution	2023 2024 2025	
	Update training package	Review Equality and Diversity training on BLZ	Communities Officer Equalities and HR	Updated training on BLZ in accordance with the currently legislation and policy	2024	



Objective	Approach	Proposed Activity	Activity Lead	Success Indicators	Timescale	Status
	Update the Equality and Diversity Policy	Review and amend the Equality and Diversity Policy and publish on the intranet	Chief Communities Officer Communities Officer Equalities	Updated Equality and Diversity Policy in line with the current legislation and policy  Cabinet approval  Publish to the intranet	2025	
<b>Equal Opportunities</b>	Update the Equal Opportunities Policy	Review the Equal Opportunities Policy and publish on the intranet	Chief Communities Officer Communities Officer Equalities	Revise the Equal Opportunities Policy in line with current legislation and policy  Cabinet approval  Publish to the intranet	2024	
	Create equal	Review and amend the Sanctuary	Chief	Delivery of the	2023	

Objective	Approach	Proposed Activity	Activity Lead	Success Indicators	Timescale	Status
	opportunities for survivors of Domestic Abuse to remain in their homes	Policy and publish on the website.  Deliver the Sanctuary Scheme	Communities Officer Senior Communities Officer Violence and Domestic Abuse and	Sanctuary Scheme  Review of policy to align with the current countywide recommendations		
<b>Culture/Race Religion/Belief</b>	Holocaust Memorial Day Event  Bramcote	Support the Holocaust Memorial Day event at the Holocaust Memorial Bramcote Park	Civic Office Communications Officer Communities Officer Equalities	Event held  Good participation and engagement	2023 2024 2025  Jan	
	Hold Black History Event	Black History Month event to raise awareness of black history	Communities Officer Equalities Communications Officer	Event held  Comms	2024  Oct	
	Hold Multi Faith Event	Raise awareness of and promote tolerance of multi faiths	Communities Officer Equalities Communications Officer	Event held  Comms	2025  May - June	

Objective	Approach	Proposed Activity	Activity Lead	Success Indicators	Timescale	Status
	Refugee, Asylum Seekers Event  Beeston	Hold an event that brings together our refugee community, and various faiths to celebrate the diversity of Broxtowe and to share information of support services and activities for our refugees and Asylum seekers.	Communities Officer Equalities Communications Officer	Event held  Agencies engaging with refugees and asylum seekers to signpost to support  Comms	2023  Oct - nov	
<b>Reduce Community Tension</b>	Develop interventions package	Develop package of interventions to be delivered where community tensions arise	Communities Officer Equalities	Packages of intervention	2023 2024 2025	
<b>Support Victims</b>	Refer victims to specialist services	<p>Raise awareness of reporting and support organisations and signpost victims</p> <ul style="list-style-type: none"> <li>Stop Hate UK: 0800 138 1625 or for deaf people text: Relay on 18001 0800 138 1625</li> <li>Victim Support: <a href="http://www.victimsupport.org.uk">www.victimsupport.org.uk</a></li> </ul>	Communities Officer Equalities	Website page with the relevant information and links  Comms	2023 2024 2025	

Objective	Approach	Proposed Activity	Activity Lead	Success Indicators	Timescale	Status
		<ul style="list-style-type: none"> <li>Tell MAMA</li> <li>Childline: <a href="http://www.childline.org.uk">www.childline.org.uk</a></li> <li>Mental health and trauma support self-referral via NHS Talking Therapies via: <a href="https://www.nhs.uk/service-search/find-a-psychological-therapies-service/">https://www.nhs.uk/service-search/find-a-psychological-therapies-service/</a></li> </ul>				
<b>Reduce Modern Slavery</b>	Update the Modern Slavery Statement and publish on the website	Review and amend the Modern Slavery statement and publish on the website	Chief Communities Officer	Revise the statement to ensure it is up to date Cabinet approval  Publish on the website	2023 2024 2025	
<b>Increase Communication and Engagement</b>	Develop the Key Individuals Network (KINs)	Develop relationships with leaders of key minority groups throughout the Borough to identifying Key Individuals and faith leaders for the KINs network to enable key messages to be distributed to minority groups throughout the	Communities Officer Equalities Communications Officer	Developing new networks with relevant community members	2023 2024 2025	

Objective	Approach	Proposed Activity	Activity Lead	Success Indicators	Timescale	Status
		Borough and to engage with KINs to identify issues for support and resolution.				
	Annual Social Media Campaigns linked to action days	Develop social media communications to raise awareness of <ul style="list-style-type: none"> <li>- Hate crime and reporting mechanisms - Oct</li> <li>- Black History – Oct</li> <li>- Ramadan – Feb - Mar – Apr</li> <li>- Season of lights/Diwali/Passover Nov – Dec</li> <li>- Women's day – Mar</li> <li>- Disabilities – Dec</li> </ul>	Communities Officer (Equalities) Communications Officer	Social Media Comms	2023 2024 2025	
<b>MEMBERS ACTIONS</b>						

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**Broxtowe  
Borough  
COUNCIL**

In Nottinghamshire we recognise that everybody has a role to play in tackling hate and discrimination and in promoting communities which are safe for all. By signing this pledge, we are committing ourselves and the organisations for which we work, whether they are from the statutory, voluntary, community or private sectors, to create a Nottinghamshire that says "No to Hate!"

## **Say 'No to Hate!' Organisational Pledge**

### **I pledge on behalf of my organisation that we will:**

1. Be mindful of the language used by our organisation, our behaviour, to reduce the likelihood of causing offence, and act inclusively in our dealings with people so no-one feels left out.
2. Challenge inappropriate language/banter within our personal, social and work environments and speak out against all forms of prejudice and discrimination.
3. Be a visible advocate for those experiencing hate crime/incidents and do our best to tackle prejudice and to stop those who, because of hate or ignorance, would hurt anyone or violate their dignity.
4. Try at all times to be aware of our own prejudices and seek to gain understanding of those who we may perceive as being different from ourselves.
5. Reach out to support those who are targets of hate, recognising that small acts of kindness to those at risk of being victims of hate crime/incidents make a difference.
6. Encourage all our employees to behave in the manner outlined above; ensure all our employees are trained to be aware of hate crime issues and know how to respond to victims who report incidents.
7. Share information about hate crimes that come to the attention of our organisation with the Safer Nottinghamshire Board Hate Crime Steering Group to contribute to creating a better picture of hate crime in the County and City.
8. Ensure that policies and procedures developed within our organisation deal effectively with hate crime or incidents that occur, whether against members or the public or staff or between employees in the workplace.
9. Think about specific ways our organisation and all those who work for us can promote respect for all people and make Nottinghamshire a place where people feel safe.
10. Promote and implement policies in our organisation that promote diversity and equality and challenge all forms of discrimination.

**We know that one person can make a difference and that everyone has a part to play in achieving equality and social justice. By signing this pledge, we commit ourselves to leading an organisation that says 'No to Hate!'**

**Name:**

**Organisation:**

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## Report of the Portfolio Holder for Community Safety

### **PUBLIC SPACES PROTECTION ORDERS (PSPO's)**

#### 1. Purpose of Report

To seek approval for the renewal of the pre-existing Public Spaces Protection Orders (PSPO's) for alcohol control, vehicle control, dog control and footpath gating in order to continue helping to control issues of ASB in public spaces.

#### 2. Recommendation

**Cabinet is asked to RESOLVE that;**

1. **Beeston Town Centre Alcohol Control PSPO including extension be approved.**
2. **Beeston North Alcohol Control PSPO be approved.**
3. **Stapleford Town Centre Alcohol Control PSPO be approved.**
4. **Eastwood Town Centre Alcohol Control PSPO be approved.**
5. **Kimberley Town Centre Alcohol Control PSPO be approved**
6. **Manor Park Alcohol Control PSPO be approved**
7. **Eastwood Vehicle Control PSPO be approved**
8. **Chilwell Vehicle Control PSPO be approved**
9. **Basil Russell Playing Fields Dog Control PSPO be approved**
10. **Malthouse Close to Knapp Avenue Footpath Gating PSPO be approved**

#### 3. Detail

PSPO's were introduced by the Anti-Social Behaviour, Crime and Policing Act 2014, and are designed to stop individuals or groups from committing anti-social behaviour in or on land to which the public has access within the restricted area.

PSPO's are designed to deal with a particular nuisance in a particular area by imposing reasonable restrictions/requirements on the use of public space. They have a two-fold approach prevention and enforcement. The prevention element is in most cases sufficient to prevent behavior occurring.

A PSPO does not restrict behavior from taking place within the designated area but allows action to be taken where that breach causes ASB. A breach of the PSPO without reasonable excuse would be a criminal offence, subject to a Fixed Penalty Notice of £75 or prosecution. Fixed Penalty Notices can be issued by a constable or other authorised officers. On summary conviction, an individual would be liable to a fine not exceeding level 2 on the standard scale (currently £500).

Members approved a request to consult stakeholders to extend the PSPO's for a further three years and requested an extension to the restricted area of the Beeston Town Centre Alcohol Control PSPO due to an increase of incidents

related to alcohol on Chilwell High Road. Consultation as required by the legislation has been undertaken the results of which are shown at appendix1.

Maps and Orders are shown at appendix 2.

4. Financial Implications

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

There are no additional financial implications with costs associated with new signage being contained within existing budgets.

5. Legal Implications

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

The Anti-Social Behaviour Crime and Policing Act 2014 and associated guidance sets out a series of requirements for introducing PSPOs and the policy for their extension. As noted in the report, the process for the extension of the PSPOs required a programme of consultation as detailed above. The Council is now required to consider the proposals individually

In considering these criteria, the Council will need to assess whether the evidence provided objectively meets the tests set out in the legislation.

Any Interested person can challenge the extension of a PSPO by bringing a claim in the High Court within 6 weeks of the order being varied, such a challenge can argue either that the Council did not have the power to make the variation or that a requirement of the process was not complied with. This ability to challenge under Section 66 of the Anti-Social Behaviour Crime and Policing Act 2014 is in addition to the usual ability to challenge by way of judicial review within 3 months of making the decision on any of the usual public law grounds.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:  
N/A

7. Union Comments

The Union comments were as follows:  
N/A

8. Data Protection Compliance Implications

N/A

9. Equality Impact Assessment

N/A

10. Background Papers

Nil.

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## APPENDIX 1

## Broxtowe Public Space Protection Orders

## Proposed 3 year Extensions 2022

## Consultation Responses

PSPO	AGENCY	SUPPORT	OPPOSE
<b>Beeston Town Centre Alcohol</b>			
	Police Chief Constable	YES	
	Police & Crime Commissioner	-	-
	BBC Members	-	-
	NCC members	-	-
	MP	-	-
	Residents	-	-
	Web Responses	8	0
<b>Beeston North Alcohol</b>			
	Police Chief Constable	YES	
	Police & Crime Commissioner	-	-
	BBC Members	-	-
	NCC members	-	-
	MP	-	-
	Residents	-	-
	Web Responses	8	0
<b>Stapleford Town Centre Alcohol</b>			
	Police Chief Constable	YES	
	Police & Crime Commissioner	-	-
	BBC Members	-	-
	NCC members	-	-
	MP	-	-
	Residents	-	-
	Stapleford Town Council	-	-
	Web Responses	8	0
<b>Eastwood Town Centre Alcohol</b>			
	Police Chief Constable	YES	
	Police & Crime Commissioner	-	-
	BBC Members	1	0
	NCC members	-	-
	MP	-	-
	Residents	0	0
	Town Council	YES	
	Web Responses	6	1
<b>Kimberley Town Centre Alcohol</b>			
	Police Chief Constable	YES	
	Police & Crime Commissioner	-	-
	BBC Members	4	0
	NCC members	1	0
	MP	-	-
	Residents	-	-

PSPO	AGENCY	SUPPORT	OPPOSE
	Kimberley Town Council	-	-
	Web Responses	8	2
<b>Manor Park Alcohol</b>			
	Police Chief Constable	YES	
	Police & Crime Commissioner	-	-
	BBC Members	-	-
	NCC members	-	-
	MP	-	-
	Residents	-	-
	Web Responses	7	0
<b>Chilwell Vehicle</b>			
	Police Chief Constable	YES	
	Police & Crime Commissioner	-	-
	Savills	-	-
	BBC Members	-	-
	NCC members	-	-
	MP	-	-
	Residents	-	-
	Web Responses	8	0
<b>Eastwood Vehicle</b>			
	Police Chief Constable	YES	
	Police & Crime Commissioner	-	-
	BBC Members	1	0
	NCC members	-	-
	MP	-	-
	Residents	-	-
	Eastwood Town Council	YES	
	Web Responses	6	1
<b>Basil Russell Park Dog Control</b>			
	Police Chief Constable	YES	
	Police & Crime Commissioner	-	-
	BBC Members	3	0
	NCC members	1	0
	MP	-	-
	Residents	3	0
	Nuthall Parish Council	YES	
	Web Responses	7	1
<b>Malthouse Close – Knapp Avenue Gating</b>			
	Police Chief Constable	YES	
	Police & Crime Commissioner	-	-
	BBC Members	1	0
	NCC members	-	-
	MP	-	-
	Residents	1	0
	Eastwood Town Council	YES	
	Web Responses	6	1

## APPENDIX 2



**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014  
SECTION 59**

**PUBLIC SPACES PROTECTION ORDER**

**BROXTOWE BOROUGH COUNCIL  
ALCOHOL CONTROL PUBLIC SPACES PROTECTION ORDER**

THIS ORDER is made by Broxtowe Borough Council ("the Authority") because the Authority is satisfied on reasonable grounds that activities carried out or likely to be carried out in a public space:

- Have had or are likely to have a detrimental effect on the quality of life of those in the locality;
- Are or are likely to be, of a persistent or continuing nature;
- Are or are likely to be unreasonable; and
- Justify the restrictions imposed.

Namely the areas of:

**BEESTON NORTH  
BEESTON TOWN CENTRE  
MANOR PARK RECREATION GROUND, TOTON  
STAPLEFORD TOWN CENTRE  
KIMBERLEY TOWN CENTRE  
EASTWOOD TOWN CENTRE**

delineated in red on the attached plans being the "Restricted Areas".

The Authority is satisfied that the following activity has been or is likely to be carried out in the Restricted Areas:

**CONSUMPTION OF ALCOHOL**

**1. RESTRICTIONS/REQUIREMENTS:**

**You are prohibited from consuming alcohol or having an open container of alcohol in your possession in a public place within the Restricted Areas.**

## **2. PERIOD FOR WHICH THE ORDER HAS EFFECT**

This Order will come into force on       day of

and lasts until       day of

At any point before the expiry of this period the Authority can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

## **3. WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?**

Section 63 of the Anti-Social Behaviour Crime and Policing Act 2014 says that where a constable or authorised person reasonably believes that you:

- Are or have been consuming alcohol in breach of this Order; or
- Intend to consume alcohol in breach of this Order

the constable or authorised person may require you to:

- (a) Not to consume, in breach of the Order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
- (b) To surrender anything in your possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

It is an offence for a person, without reasonable excuse, to fail to comply with a requirement imposed by a constable or authorised person under Section 63.

A person guilty of an offence is liable on conviction in the Magistrates' Court to a fine not exceeding level 2 on the standard scale.

The effects of Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014 are appended to this Order.

## **4. FIXED PENALTY**

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 21 days to pay the fixed penalty of £75. If you pay the fixed penalty in less than 14 days this will be reduced to £50. Payment of a fixed penalty within the aforementioned time frames discharges liability for the offence and you will not be prosecuted.

## **5. VALIDITY OF ORDERS**

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone



who lives in, regularly works in, or visits the Restricted Areas. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Authority.

Interested persons can challenge the validity of this Order on two grounds: that the Authority did not have power to make the Order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it, or vary it.

Dated

The Common Seal of  
**BROXTOWE BOROUGH COUNCIL**  
was affixed in the presence of :-

Proper Officer

Name \_\_\_\_\_

Position \_\_\_\_\_

Officer of the Council

Name \_\_\_\_\_

Position \_\_\_\_\_

**APPENDIX****Section 67 Anti-Social Behaviour Crime and Policing Act 2014**

- (1) It is an offence for a person without reasonable excuse-
  - (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
  - (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order
- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63)



**Broxtowe  
Borough  
COUNCIL**

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014  
SECTION 59**

**PUBLIC SPACES PROTECTION ORDER**

**BROXTOWE BOROUGH COUNCIL  
BASIL RUSSELL PLAYING FIELDS, NUTHALL  
PUBLIC SPACES PROTECTION ORDER**

THIS ORDER is made by Broxtowe Borough Council ("the Authority") because the Authority is satisfied on reasonable grounds that activities carried out or likely to be carried out in a public space:

- Have had or are likely to have a detrimental effect on the quality of life of those in the locality;
- Are or are likely to be, of a persistent or continuing nature;
- Are or are likely to be unreasonable; and
- Justify the restrictions imposed.

Namely the area to the rear of Basil Russell Playing Fields in Nuthall within the area delineated in red on the attached plan being the "Restricted Area".

The Authority is satisfied that the following activity has been or is likely to be carried out in the Restricted Area:

**DOG FOULING AND DOG CONTROL**

**1. RESTRICTIONS/REQUIREMENTS:**

Subject to the exceptions at Schedule One or consent by the landowner having been given to the person in charge of the dog the following will be a breach of this Order:

**1. Dog Fouling**

If a dog defecates at any time in the Restricted Area and the person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be in breach of this Order.

**2. Dogs on Leads**

A person in charge of a dog in the Restricted Area shall be in breach of this Order, if without reasonable excuse that person fails to keep the dog on a

lead.

### **3. Exclusion of Dogs**

A person in charge of a dog shall be in breach of this Order if, at any time, they take the dog onto, or permit the dog to enter, or to remain on, any land comprising the children's play area within the Restricted Area and shown hatched blue on the plan.

#### **For the purpose of this Order –**

A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land.

Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

### **2. PERIOD FOR WHICH THE ORDER HAS EFFECT**

This Order will come into force on

and lasts until

At any point before the expiry of this period the Authority can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

### **3. WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?**

Under s.67 of the Anti-social Behaviour Crime and Policing Act 2014 it is an offence for a person without reasonable excuse, to do anything prohibited by this Order or fail to comply with a requirement of this Order.

A person guilty of an offence under s.67 of the Anti-social Behaviour Crime and Policing Act 2014 is liable on summary conviction to a fine not exceeding level three on the standard scale, up to £1,000 at the time this Order came into force.

The effects of s.67 of the Anti-social Behaviour Crime and Policing Act 2014 are appended to this Order.

### **4. FIXED PENALTY**

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 21 days to pay the fixed penalty of £75. If you pay the fixed penalty in less than 14 days this will be reduced to £50. Payment of a fixed penalty within the aforementioned time frames discharges liability for the offence and you will not be prosecuted.

## 5. VALIDITY OF ORDERS

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the Restricted Area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Authority.

Interested persons can challenge the validity of this Order on two grounds: that the Authority did not have power to make the Order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it, or vary it.

Dated

The Common Seal of  
**BROXTOWE BOROUGH COUNCIL**  
was affixed in the presence of :-

Proper Officer

Name \_\_\_\_\_

Position \_\_\_\_\_

Officer of the Council

Name \_\_\_\_\_

Position \_\_\_\_\_

## APPENDIX

### Section 67 Anti-Social Behaviour Crime and Policing Act 2014

- (1) It is an offence for a person without reasonable excuse-
  - (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
  - (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order
- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63)

## SCHEDULE ONE THE EXCEPTIONS

- (a) This Order shall not apply to a person who:-
- i. Is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948; or
  - ii. Is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which they rely for assistance; or
  - iii. Who has a physical or mental impairment which has a substantial and long term adverse effect on the ability to carry out normal day to day activities including affecting their mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects in respect of a dog trained by a Prescribed Charity or such other charity/approved body as is considered appropriate by the Authority and upon which they rely for assistance; or
  - iv. Is training an assistance dog for one of the Prescribed Charities or such other charity/approved body as is considered appropriate by the Authority; or
  - v. Is not a person falling within the criteria mentioned in paragraph i to iv above but who the Authority considers should be exempt due to the impairment of that particular person.
- (b) Nothing in the Order shall apply to the normal activities of a working dog whilst the dog is working. This includes dogs that are being used for work in connection with emergency search and rescue, law enforcement and the work of HM Armed Forces.
- (c) Each of the following is a "Prescribed Charity":
- i. Dogs for the Disabled (registered charity number 700454);
  - ii. Support Dogs (registered charity number 1088281);
  - iii. Canine Partners for Independence (registered charity number 803680).

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**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014  
SECTION 59**

**PUBLIC SPACES PROTECTION ORDER**

**BROXTOWE BOROUGH COUNCIL  
KNAPP AVENUE / MALTHOUSE CLOSE  
PUBLIC SPACES PROTECTION ORDER**

THIS ORDER is made by Broxtowe Borough Council ("the Authority") because the Authority is satisfied on reasonable grounds that activities carried out or likely to be carried out in a public space:

- Have had or are likely to have a detrimental effect on the quality of life of those in the locality;
- Are or are likely to be, of a persistent or continuing nature;
- Are or are likely to be unreasonable; and
- Justify the restrictions imposed.

Namely the area to the rear of Knapp Avenue and Plumpton Way leading to Malthouse Close delineated red on the attached labelled plan being the "Restricted Area".

The Authority is satisfied that the following activity has been or is likely to be carried out in the Restricted Area:

**ANTI-SOCIAL BEHAVIOUR**

**1. RESTRICTIONS/REQUIREMENTS:**

**Restriction over the public right of way to the rear of Knapp Avenue and Plumpton Way leading to Malthouse Close identified edged red on the attached plan.**

**Where a gate or barrier is installed it is required to remain locked and secure at all times except for passage and repassage for the Authorised Groups. Failure to do so would amount to a breach of this Order.**

## **2. PERIOD FOR WHICH THE ORDER HAS EFFECT**

This Order will come into force on     day of

and lasts until     day of

At any point before the expiry of this period the Authority can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

## **3. RESTRICTION OVER PUBLIC RIGHT OF WAY OVER HIGHWAY**

In this Order "the Highway" means the highway at the location shown edged red on the attached plan.

The public right of way over the Highway is restricted at all times so that passage and repassage thereover may not occur to all persons, except:

- a) For occupiers of premises adjoining or adjacent to the Highway;
- b) Where the Highway is the only or principal means of access to a dwelling;
- c) Where the Highway is the only or principal means of access to premises used for business or recreational purposes during periods when the premises are normally used for those purposes;
- d) The Police, Fire and Rescue Service or Emergency Ambulance Services;
- e) A local authority undertaking a statutory duty; or
- f) Any statutory undertaker provider of gas, electricity or water services or communications provider which maintains apparatus in the Highway.

being the "Authorised Groups".

A gate or other barrier may be installed, operated and maintained at any point or points on the Highway as determined from time to time by the Authority. The responsible department for the maintenance and operation of the gates can be contacted on 0115-9177777.

An alternative route is Knapp Avenue to Church Street to Malthouse Close.

## **4. FIXED PENALTY**

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 21 days to pay the fixed penalty of £75. If you pay the fixed penalty in less than 14 days this will be reduced to £50. Payment of a fixed penalty within the aforementioned time frames discharges liability for the offence and you will not be prosecuted.

## 5. VALIDITY OF ORDERS

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the Restricted Area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Authority.

Interested persons can challenge the validity of this Order on two grounds: that the Authority did not have power to make the Order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the order, quash it, or vary it.

Dated

The Common Seal of  
**BROXTOWE BOROUGH COUNCIL**  
was affixed in the presence of :-

Proper Officer

Name \_\_\_\_\_

Position \_\_\_\_\_

Officer of the Council

Name \_\_\_\_\_

Position \_\_\_\_\_

## APPENDIX

### Section 67 Anti-Social Behaviour Crime and Policing Act 2014

- (1) It is an offence for a person without reasonable excuse-
  - (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
  - (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order
- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63)



**Broxtowe  
Borough  
COUNCIL**

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**SECTION 59**

**PUBLIC SPACES PROTECTION ORDER**

**BROXTOWE BOROUGH COUNCIL  
CHILWELL INCLUDING CHILWELL RETAIL PARK VEHICLE NUISANCE  
PUBLIC SPACES PROTECTION ORDER**

THIS ORDER is made by Broxtowe Borough Council ("the Authority") because the Authority is satisfied on reasonable grounds that activities carried out or likely to be carried out in a public space:

- Have had or are likely to have a detrimental effect on the quality of life of those in the locality;
- Are or are likely to be, of a persistent or continuing nature;
- Are or are likely to be unreasonable; and
- Justify the restrictions imposed.

Namely the area in Chilwell including Chilwell Retail Park and all adopted roads within the area delineated in red on the attached labelled plan being the "Restricted Area".

The Authority is satisfied that the following activity has been or is likely to be carried out in the public space:

**CAR CRUISING AND ASSOCIATED ACTIVITIES**

**1. RESTRICTIONS/REQUIREMENTS:**

**1.1 Subject to the exceptions at 1.2 any person is prohibited from participating in or being a spectator of car cruising and car cruising events including but not limited to the following activities:**

- a. Driving motor vehicles at excessive speed or accelerating aggressively;
- b. Racing motor vehicles;
- c. Wheel spins;
- d. Stunts being performed in motor vehicles;
- e. Music being played on equipment installed in a motor vehicle that

is audible outside the vehicle;

- f. Driving motor vehicles in a convoy of two or more vehicles, whether side by side or in single file;
- g. The promotion, publication or organising any car cruising or car cruising events to occur within the Restricted Area, by the internet, email, Facebook, Twitter or any other social media, hoardings, publications or adverts;
- h. Excessively revving engines;
- i. Congregation of two or more motor vehicles on Chilwell Retail Park;
- j. Sounding of a motor vehicle horn in such a manner that it causes or is likely to cause nuisance to persons in the locality;
- k. Causing an obstruction on a public highway or publicly accessible place, whether stationary or moving which causes or is likely to cause nuisance to persons in the locality;
- l. Creating a danger or risk of injury to road users and pedestrians;
- m. Using foul or abusive language;
- n. Creating public nuisance or annoyance;
- o. Using threatening, intimidating behavior towards another person; and
- p. Recording any of the activities on any device.

**1.2 Exceptions – the restrictions in this Order to not apply to the following:**

- a. A convoy of motor vehicles taking part in a funeral procession and associated congregation;
- b. Any activity that has been approved in advance by the Local Authority.

**1.3 A person participates in car cruising if:**

- a. They are the driver of a motor vehicle engaging in the car cruising activities; or
- b. They are a passenger in a motor vehicle engaging in the car cruising activities.

**1.4 A person is a spectator of car cruising if they attend a meeting of two or more vehicles engaging in activities of car cruising.**

## **2. PERIOD FOR WHICH THE ORDER HAS EFFECT**

This Order will come into force on

and lasts until

At any point before the expiry of this period the Authority can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

## **3. WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?**

Under s.67 of the Anti-social Behaviour Crime and Policing Act 2014 it is an offence for a person without reasonable excuse, to do anything prohibited by this Order or fail to comply with a requirement of this Order.

A person guilty of an offence under s.67 of the Anti-social Behaviour Crime and Policing Act 2014 is liable on summary conviction to a fine not exceeding level three on the standard scale, up to £1,000 at the time this Order came into force.

The effects of s.67 of the Anti-social Behaviour Crime and Policing Act 2014 are appended to this Order.

## **4. FIXED PENALTY**

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 21 days to pay the fixed penalty of £75. If you pay the fixed penalty in less than 14 days this will be reduced to £50. Payment of a fixed penalty within the aforementioned time frames discharges liability for the offence and you will not be prosecuted.

## **5. VALIDITY OF ORDERS**

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the Restricted Area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Authority.

Interested persons can challenge the validity of this Order on two grounds: that the Authority did not have power to make the Order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it, or vary it.

Dated

The Common Seal of  
**BROXTOWE BOROUGH COUNCIL**  
was affixed in the presence of :-

Proper Officer

Name \_\_\_\_\_

Position \_\_\_\_\_

Officer of the Council

Name \_\_\_\_\_

Position \_\_\_\_\_



## DEFINITIONS

Motor Vehicle – a mechanically propelled vehicle intended or adapted for use on road and for the purpose of this Order includes motor cycles which are mechanically propelled vehicles, not being an invalid carriage, with less than four wheels.

### Section 67 Anti-Social Behaviour Crime and Policing Act 2014

- (1) It is an offence for a person without reasonable excuse-
  - (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
  - (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order
- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63)

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**Broxtowe  
Borough  
COUNCIL**

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014  
SECTION 59**

**PUBLIC SPACES PROTECTION ORDER**

**BROXTOWE BOROUGH COUNCIL  
EASTWOOD VEHICLE NUISANCE PUBLIC SPACES PROTECTION ORDER**

THIS ORDER is made by Broxtowe Borough Council ("the Authority") because the Authority is satisfied on reasonable grounds that activities carried out or likely to be carried out in a public space:

- Have had or are likely to have a detrimental effect on the quality of life of those in the locality;
- Are or are likely to be, of a persistent or continuing nature;
- Are or are likely to be unreasonable; and
- Justify the restrictions imposed.

Namely the area of SOUTH EASTWOOD including Tinsley Road and the A610 between Eastwood and Junction 26 of the M1 delineated red on the attached labelled plan being the "Restricted Area".

The Authority is satisfied that the following activity has been or is likely to be carried out in the Restricted Area:

**CAR CRUISING AND ASSOCIATED ACTIVITIES**

**1. RESTRICTIONS/REQUIREMENTS:**

**1.1 Subject to the exceptions at 1.2 any person is prohibited from participating in or being a spectator of car cruising and car cruising events including but not limited to the following activities:**

- a. Driving motor vehicles at excessive speed or accelerating aggressively;
- b. Racing motor vehicles;
- c. Stunts being performed in motor vehicles;
- d. Music being played on equipment installed in a motor vehicle that is audible outside the vehicle;

- e. The promotion, publication or organising any car cruising or car cruising events to occur within the Restricted Area, by the internet, email, Facebook, Twitter or any other social media, hoardings, publications or adverts;
  - f. Excessively revving engines;
  - g. Congregation of two or more motor vehicles on Tinsley Road;
  - h. Sounding of a motor vehicle horn in such a manner that it causes or is likely to cause nuisance to persons in the locality;
  - i. Causing an obstruction on a public highway or publicly accessible place, whether stationary or moving which causes or is likely to cause nuisance to persons in the locality;
  - j. Creating a danger or risk of injury to road users and pedestrians;
  - k. Using foul or abusive language;
  - l. Creating public nuisance or annoyance; and
  - m. Using threatening, intimidating behavior towards another person.
- 1.2 Exceptions – the restrictions in this Order to not apply to the following:
- a. A convoy of motor vehicles taking part in a funeral procession and associated congregation;
  - b. Any activity that has been approved in advance by the Local Authority.
- 1.3 A person participates in car cruising if:
- a. They are the driver of a motor vehicle engaging in the car cruising activities; or
  - b. They are a passenger in a motor vehicle engaging in the car cruising activities.
- 1.4 A person is a spectator of car cruising if they attend a meeting of two or more vehicles engaging in activities of car cruising.

## **2. PERIOD FOR WHICH THE ORDER HAS EFFECT**

This Order will come into force on

and lasts until

At any point before the expiry of this period the Authority can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

## **3. WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?**

Under s.67 of the Anti-social Behaviour Crime and Policing Act 2014 it is an offence for a person without reasonable excuse, to do anything prohibited by this Order or fail to comply with a requirement of this Order.

A person guilty of an offence under s.67 of the Anti-social Behaviour Crime and Policing Act 2014 is liable on summary conviction to a fine not exceeding level three on the standard scale, up to £1,000 at the time this Order came into force.

The effects of s.67 of the Anti-social Behaviour Crime and Policing Act 2014 are appended to this Order.

## **4. FIXED PENALTY**

A constable or authorised person may issue a fixed penalty notice to anyone he or she believes has committed an offence. You will have 21 days to pay the fixed penalty of £75. If you pay the fixed penalty in less than 14 days this will be reduced to £50. Payment of a fixed penalty within the aforementioned time frames discharges liability for the offence and you will not be prosecuted.

## **5. VALIDITY OF ORDERS**

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or visits the Restricted Area. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Authority.

Interested persons can challenge the validity of this Order on two grounds: that the Authority did not have power to make the Order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it, or vary it.

Dated

The Common Seal of  
**BROXTOWE BOROUGH COUNCIL**  
was affixed in the presence of :-

Proper Officer

Name \_\_\_\_\_

Position \_\_\_\_\_

Officer of the Council

Name \_\_\_\_\_

Position \_\_\_\_\_

## DEFINITIONS

Motor Vehicle – a mechanically propelled vehicle intended or adapted for use on road and for the purpose of this Order includes motor cycles which are mechanically propelled vehicles, not being an invalid carriage, with less than four wheels.

### **Section 67 Anti-Social Behaviour Crime and Policing Act 2014**

- (1) It is an offence for a person without reasonable excuse-
  - (a) To do anything that the person is prohibited from doing by a public spaces protection order, or
  - (b) To fail to comply with a requirement to which a person is subject under a public spaces protection order
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order
- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63)

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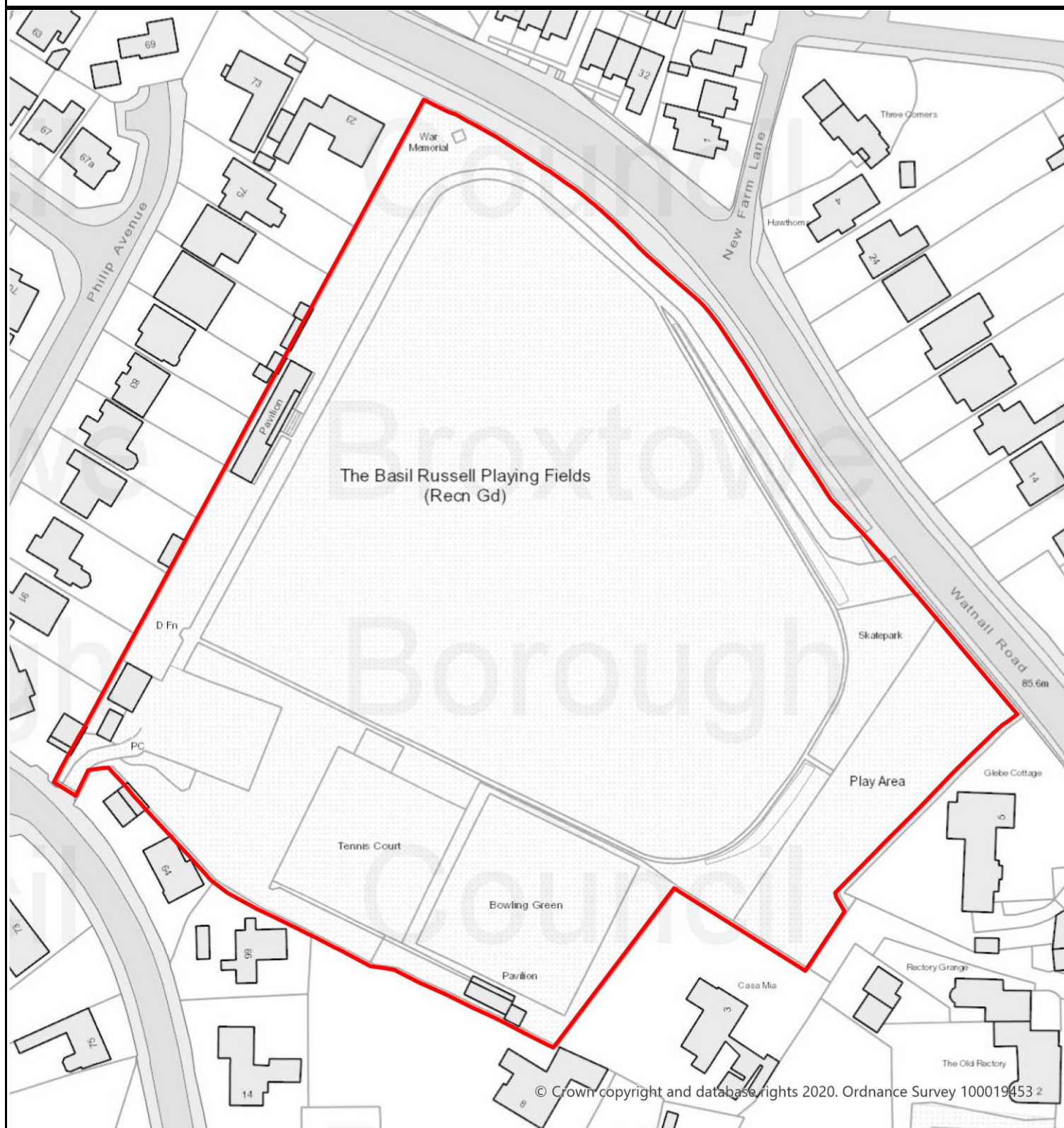
# Basil Russell Playing Fields



Broxtowe Borough Council Alcohol Control Public Spaces  
Protection Order



Broxtowe  
Borough  
COUNCIL



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## NOTES AND INFORMATION

 Restricted Area

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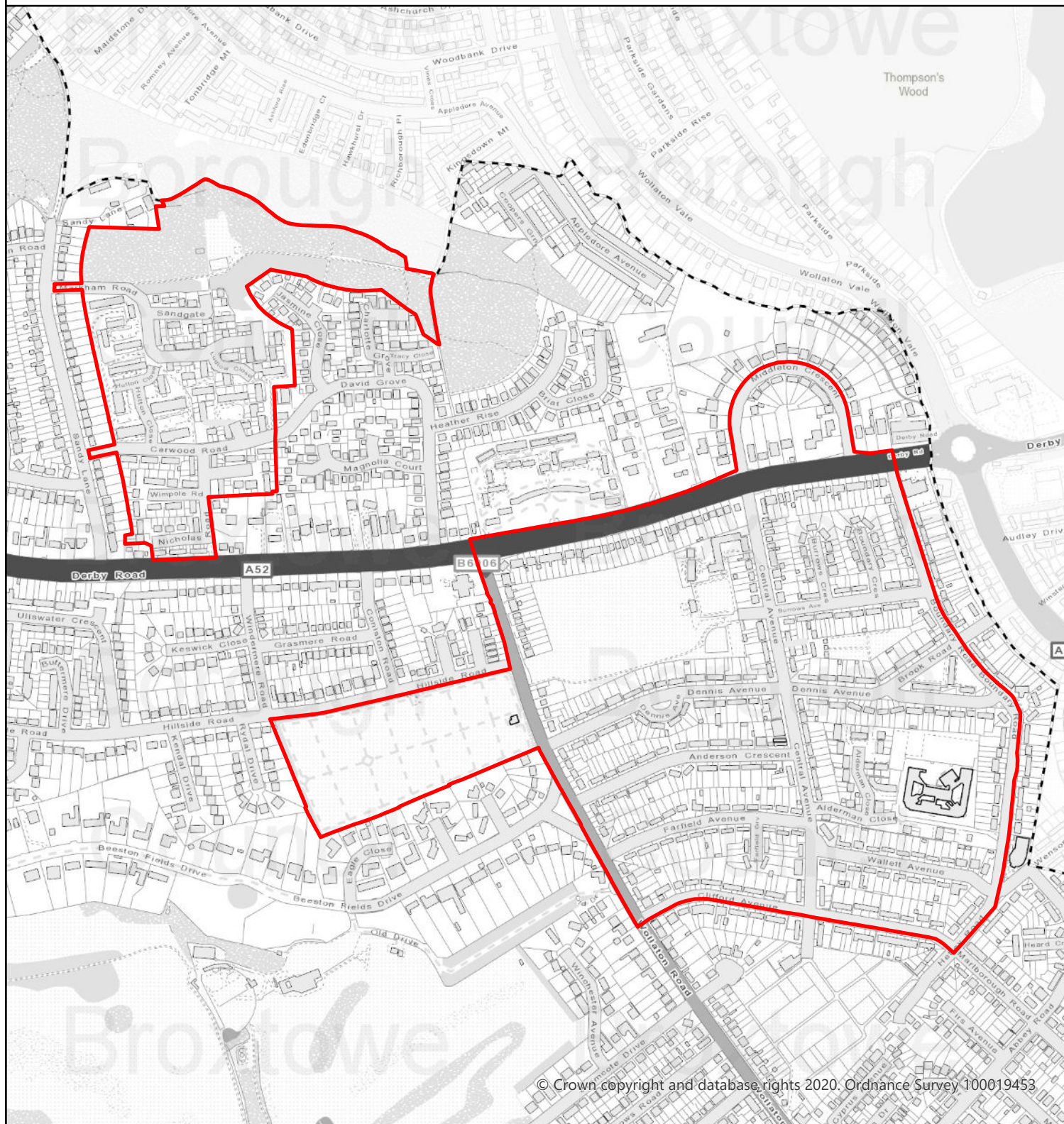


# Beeston North

Broxtowe Borough Council Alcohol Control  
Public Spaces Protection Order



**Broxtowe**  
Borough  
COUNCIL



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## NOTES AND INFORMATION

 Restricted Area

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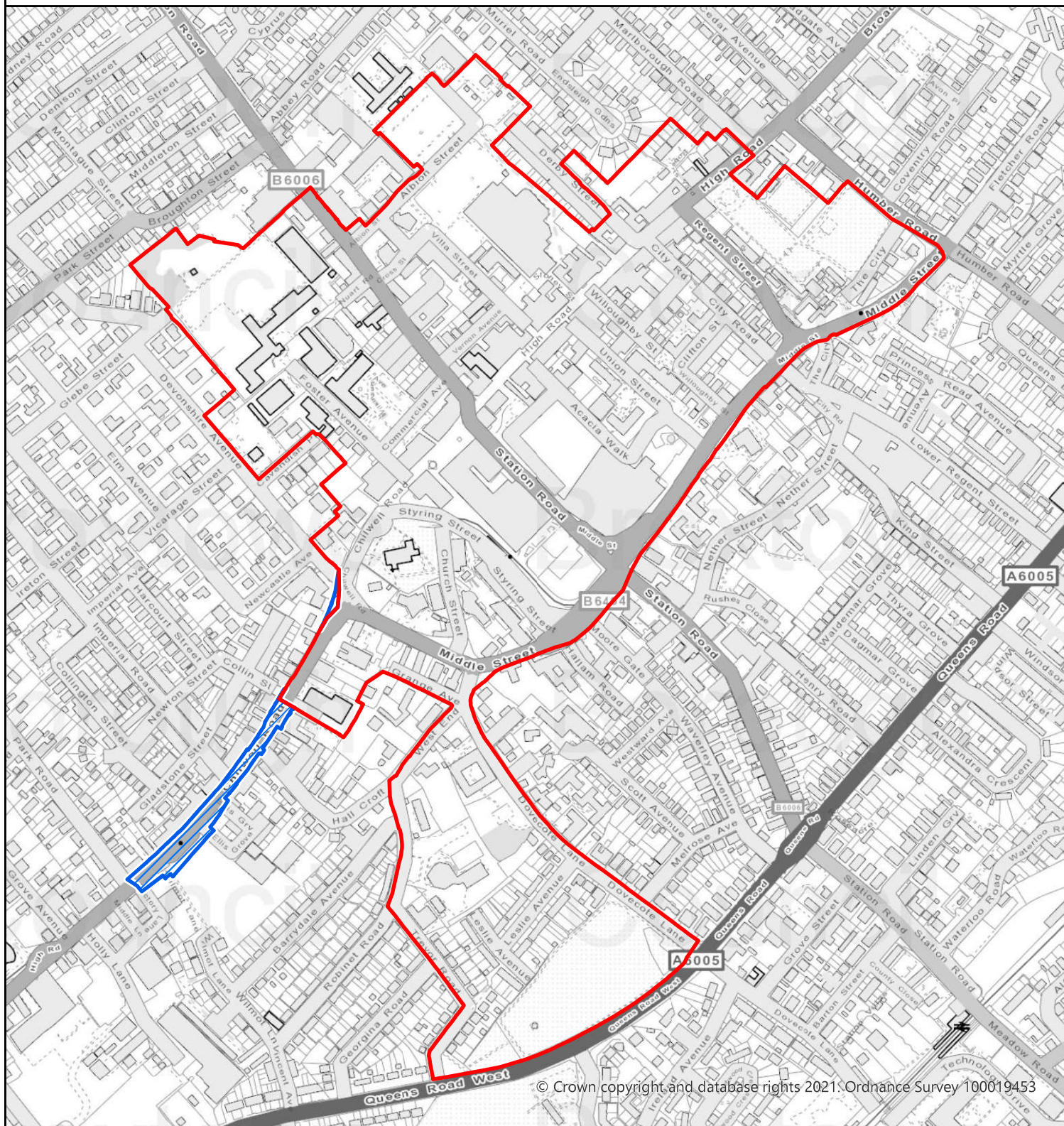


# Beeston Town Centre

Broxtowe Borough Council Alcohol Control  
Public Spaces Protection Order





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Borough  
COUNCIL



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## NOTES AND INFORMATION

-  Restricted Area
-  Proposed Extension

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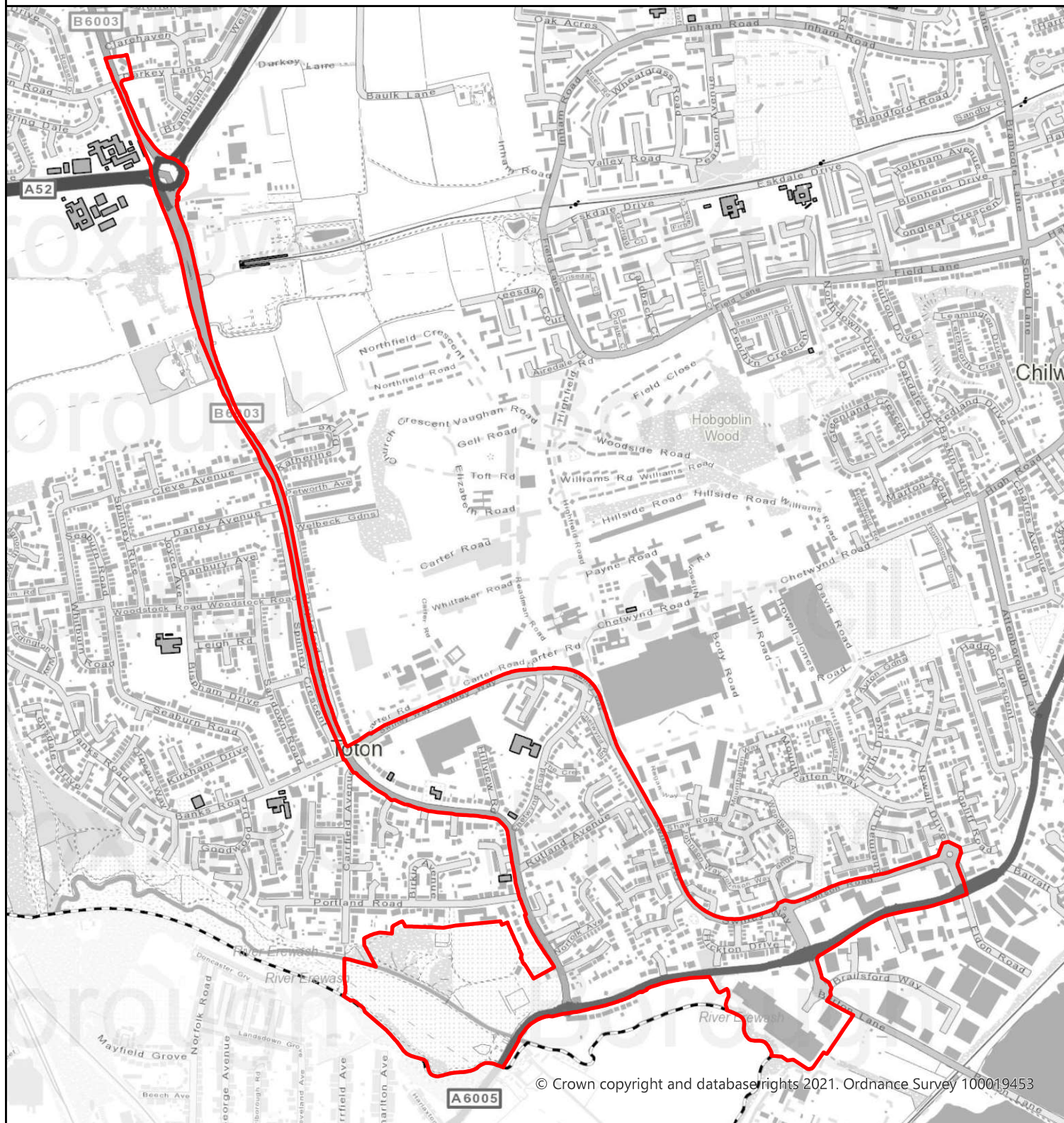


# Chilwell Retail Park

Broxtowe Borough Council Alcohol Control  
Public Spaces Protection Order





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Borough  
COUNCIL**



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## NOTES AND INFORMATION

-  Restricted Area
-  Proposed Extension

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# Eastwood Town Centre

Broxtowe Borough Council Alcohol Control  
Public Spaces Protection Order



**Broxtowe**  
**Borough**  
**COUNCIL**



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## NOTES AND INFORMATION

 Restricted Area

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**Eastwood**  
Broxtowe Borough Council Vehicle Nuisance  
Public Spaces Protection Order



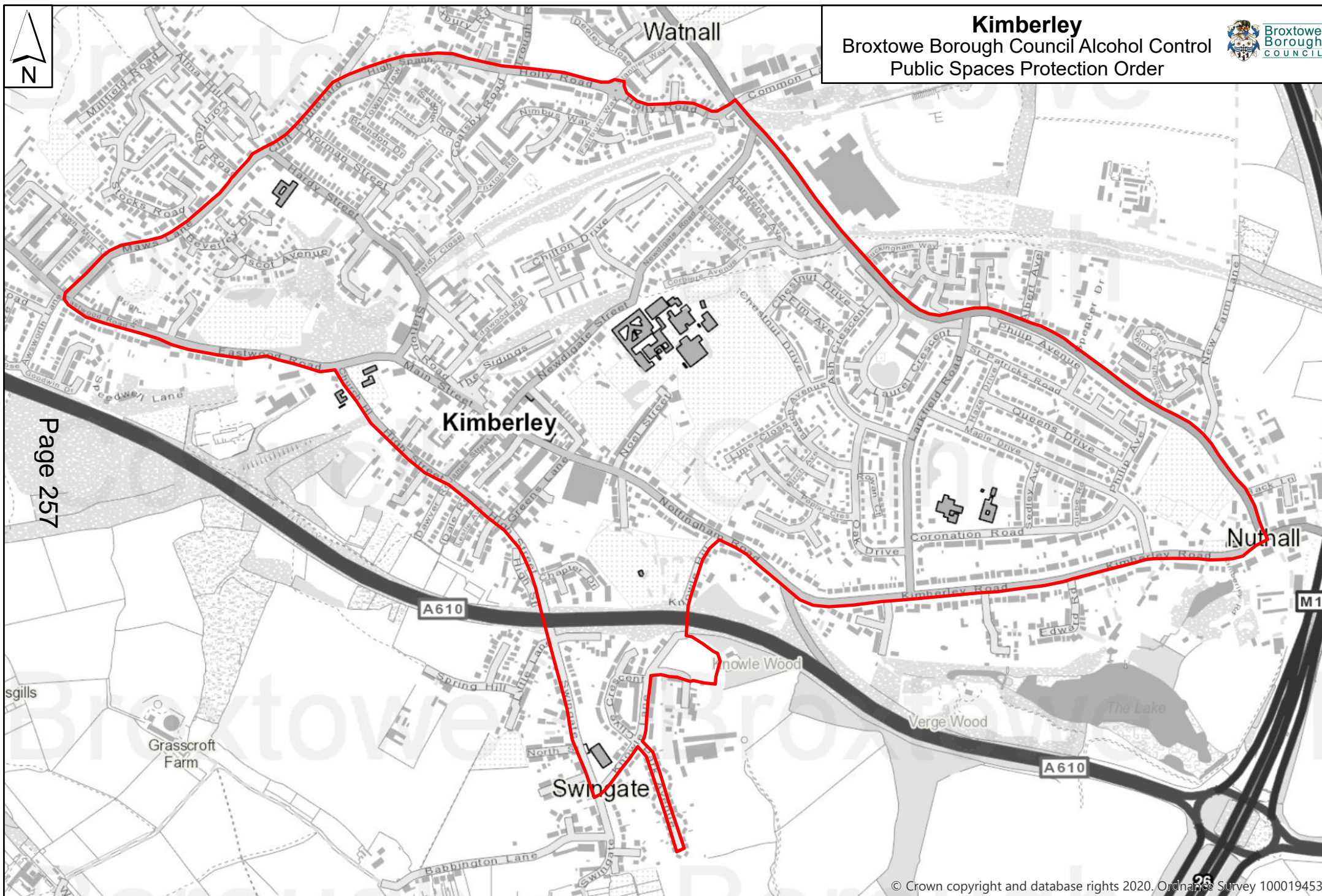
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# Kimberley

Broxtowe Borough Council Alcohol Control  
Public Spaces Protection Order



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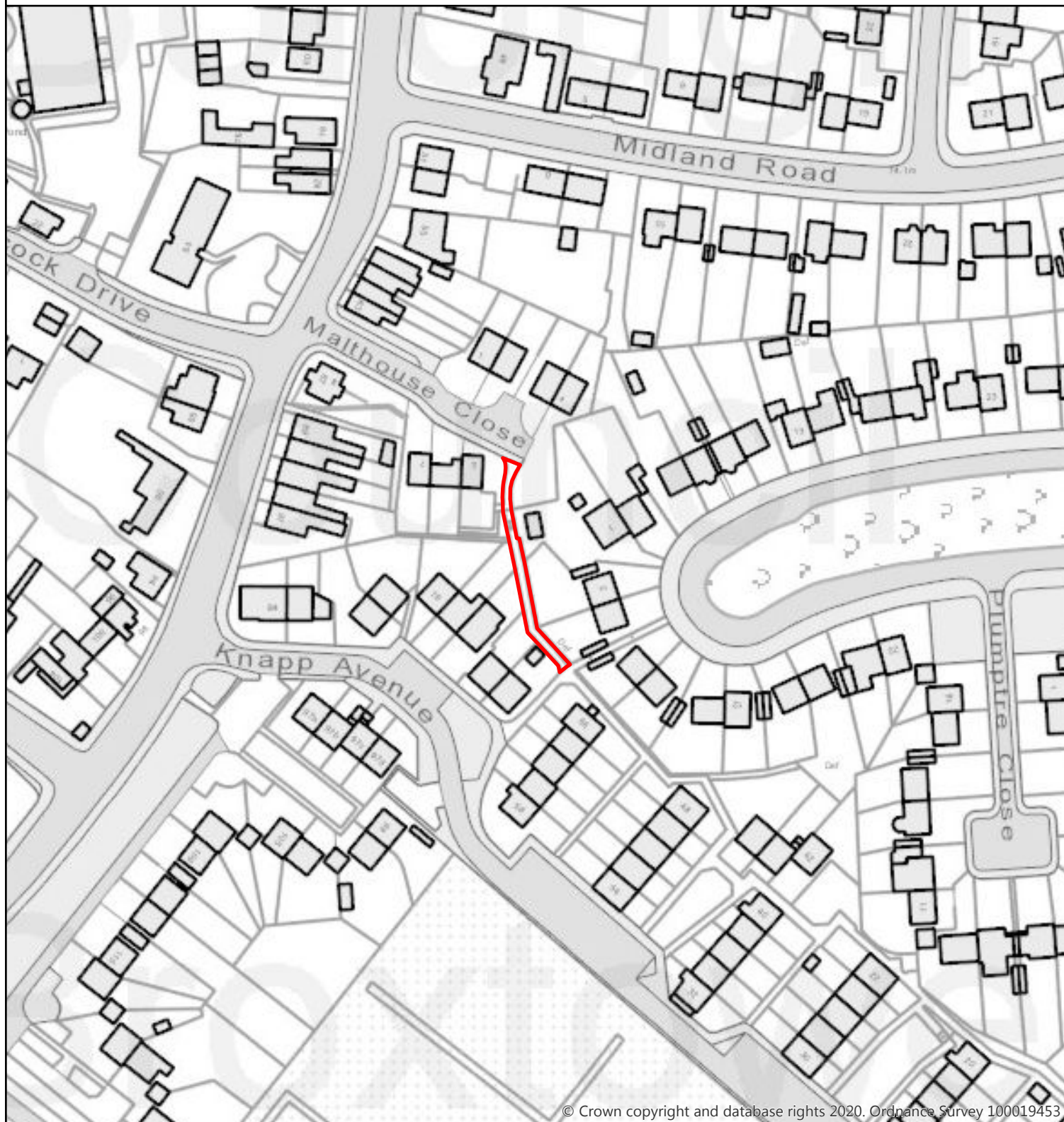


# Broxtowe Borough Council PSPO

Rear of Knapp Avenue & Plumtre Way  
leading to Malthouse Close



Broxtowe  
Borough  
COUNCIL



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## NOTES AND INFORMATION

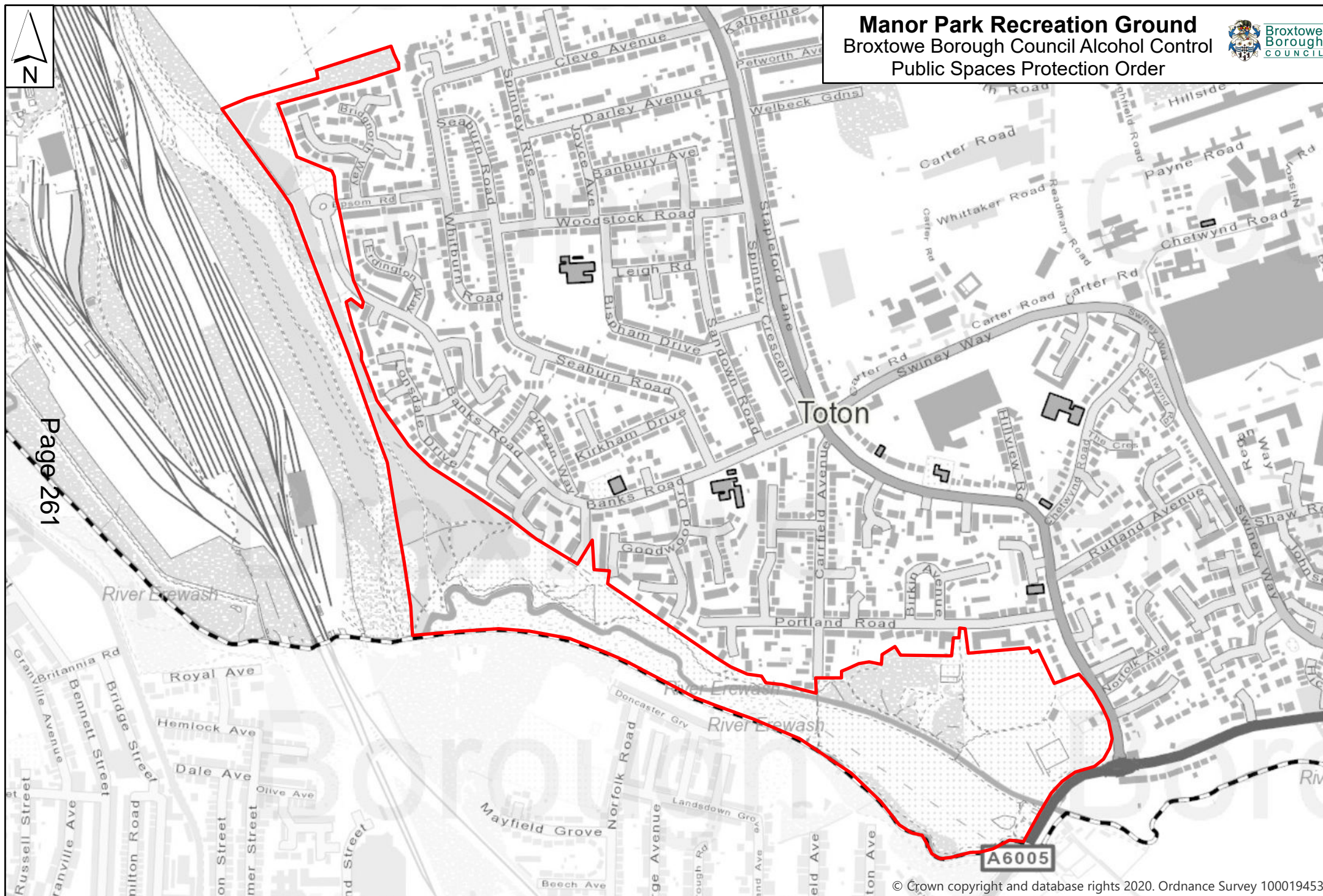
 Restricted Area

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**Manor Park Recreation Ground**  
Broxtowe Borough Council Alcohol Control  
Public Spaces Protection Order



Page 261

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Restricted Area —

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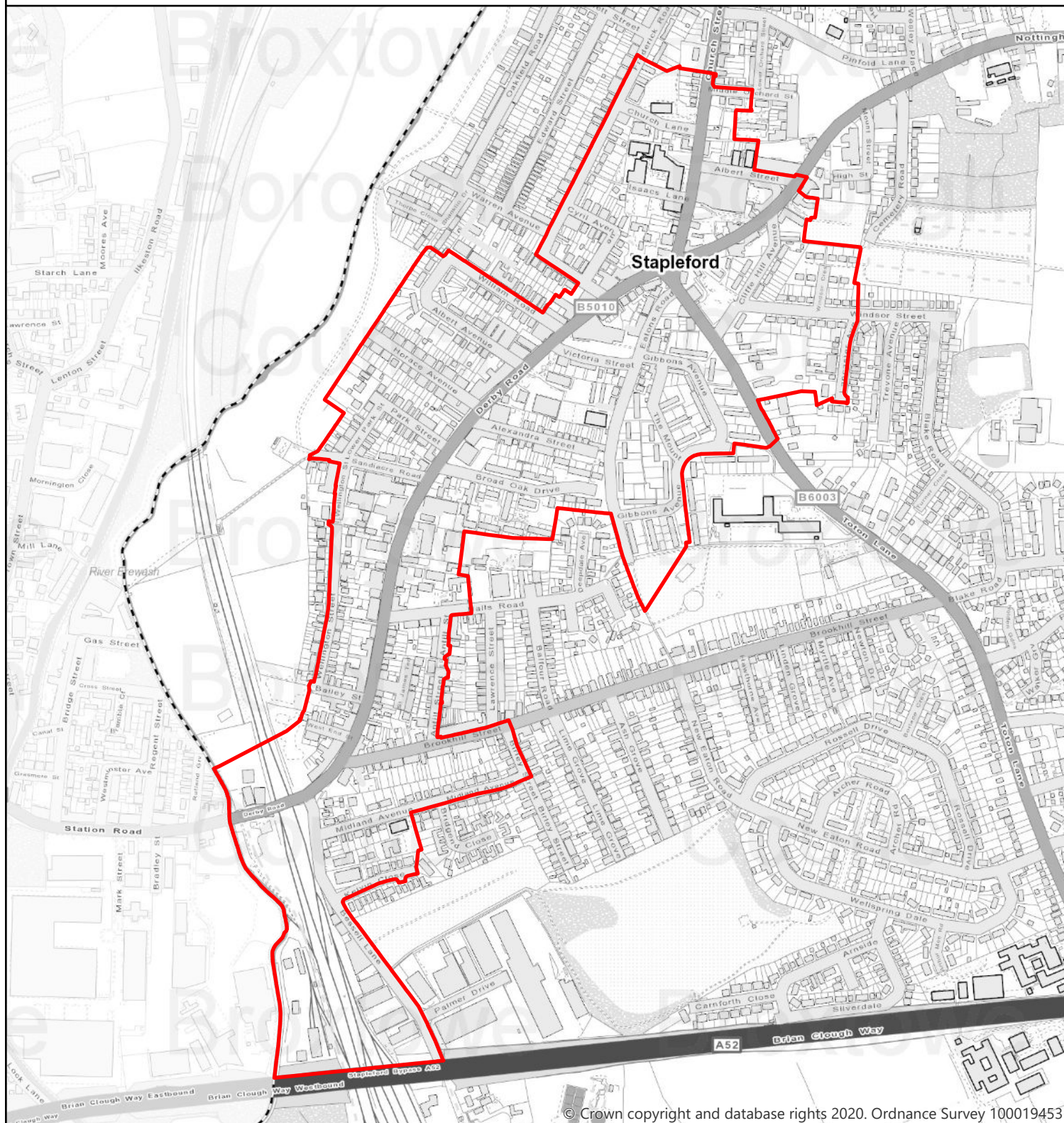


# Stapleford Town Centre

Broxtowe Borough Council Alcohol Control  
Public Spaces Protection Order



**Broxtowe**  
Borough  
COUNCIL



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## NOTES AND INFORMATION

 Restricted Area

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## Report of the Portfolio Holder for Community Safety

### SERIOUS AND ORGANISED CRIME STRATEGY

#### 1. Purpose of Report

To seek approval for the updated Serious and Organised Crime Strategy.

#### 2. Recommendation

**Cabinet is asked to RESOLVE that the updated Serious and Organised Crime Strategy be approved.**

#### 3. Detail

Serious and organised crime is defined in HM Government's 2018 Serious and Organised Crime Strategy as *"Individuals planning, coordinating and committing serious offences, whether individually, in groups and/or as part of transnational networks."* The strategy goes on to state that the main categories of serious offences covered by the term are child sexual exploitation and abuse; illegal drugs; illegal firearms; fraud; money laundering and other economic crime; bribery and corruption; organised immigration crime; modern slavery and human trafficking; and cyber-crime.

According to the Government's strategy, *"serious and organised crime affects more UK citizens, more often, than any other national security threat and leads to more deaths in the UK each year than all other national security threats combined. It costs the UK at least £37 billion annually. It has a corrosive impact on our public services, communities, reputation and way of life."*

Although the National Crime Agency leads the UK's fight to cut serious and organised crime, it is essential that the approach involves action and input from all relevant partner agencies. Public sector organisations and law enforcement agencies, including councils, police, health, social care, education services and immigration enforcement, have a duty to protect the wellbeing of their local communities.

The updated strategy, attached as an appendix 1 to this report along with the change table attached at appendix 2, sets out the actions Broxtowe Borough Council will take to contribute to the targeting and disruption of serious and organised crime.

#### 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:

Whilst there are no direct legal implications that arise from this report, it is important to note that the law makes available a broad set of powers to prosecute and punish individuals for committing any of the criminal offences that could be considered as serious or organised crime and the importance to be aware of the legal powers that are available and are used to deal with the threat from serious and organised crime

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

N/A

7. Union Comments

The Union comments were as follows.

8. Data Protection Compliance Implications

There are no data protection issues.

9. Equality Impact Assessment

An Equalities Impact assessment is included as appendix 3 to this report.

10. Background Papers

Nil.



Broxtowe  
Borough  
COUNCIL

## APPENDIX 1

# Serious and Organised Crime Strategy

## **Overall aim**

To contribute to the targeting and disruption of serious and organised crime in Broxtowe.

## **What is serious and organised crime?**

Serious and organised crime:

- takes places within local communities, across local borders, nationally and internationally
- is dynamic and opportunistic
- is perpetrated by groups or networks of individuals that collaborate to establish criminal networks and build resilient and profitable organisations
- involves violence, corruption and intimidation to protect and sustain criminal activity
- develops access to a diverse set of capabilities across a wide network of individuals, including professionals such as lawyers and accountants, often targeted for their expert knowledge.

The UK Government defines serious and organised crime in its 2018 Serious and Organised Crime Strategy as:

*“Individuals planning, coordinating and committing serious offences, whether individually, in groups and/or as part of transnational networks”.*

The strategy goes on to state that *“the main categories of serious offences covered by the term are child sexual exploitation and abuse; illegal drugs; illegal firearms; fraud; money laundering and other economic crime; bribery and corruption; organised immigration crime; modern slavery and human trafficking; and cyber-crime.”*

## **Who are the victims of serious and organised crime?**

The harm caused by serious and organised crime is far reaching and can be very different for the victims who can be individuals, communities and businesses alike.

- it can include the loss of money or other assets, or harm to business or personal reputation
- victims can suffer from anxiety and stress, particularly if they are vulnerable
- occasionally victims can be physically injured, subjected to psychological trauma, or killed as a direct or intended consequence of criminal action
- entire communities can also be victims; for example, prevalent drug supply and distribution across a local area can have substantial impact on the health and wellbeing of residents and the overall environment, generating a sense of fear or disquiet. Money laundering, loan sharks, illicit businesses and the exploitation of workers can also harm local communities.
- Vulnerable young people are especially at risk from Child Sexual Abuse and exploitation due to a change in Organised Crime Gangs operating modals. Gang members are increasingly distancing themselves from direct contact with drugs and weapons in order to evade justice through the use of



vulnerable young people to transport and sell drugs and weapons through County Lines.

- Vulnerable adults are at increased risk from exploitation by Modern Slavery, fraud and cuckooing.
- Foreign Nationals in economically unstable or war torn countries are at increased risk from Modern Slavery and Trafficking and Immigration Crime.

## **What are the extent and costs of serious and organised crime?**

According to the latest Government strategy, *“serious and organised crime affects more UK citizens, more often, than any other national security threat and leads to more deaths in the UK each year than all other national security threats combined. It costs the UK at least £37 billion annually. It has a corrosive impact on our public services, communities, reputation and way of life.”*

Figures from the National Crime Agency National Strategic Assessment of Serious and Organised Crime 2019 indicate there were 4,542 organised crime groups (OCGs) mapped in the UK at the end of June 2018, which includes over 37,000 individuals.

The Nottinghamshire Police and Crime Needs Assessment (PCNA) 2018 states that *“around 35 known organised crime groups (OCGs) and 7 ‘Evolving Crime Networks’ (ECNs) are being actively monitored and targeted by enforcement agencies across Nottinghamshire, which collectively involve over 223 individuals. Many of these individuals are directly involved in drug supply and have active links to offenders serving time in prison. The vast majority of organised crime groups in Nottinghamshire are, by the nature of their criminality, involved in or linked to the use of violence, firearms and knives, and use the threat of violence to intimidate, coerce and exert control over other, often vulnerable, individuals.”*

The PCNA 2019 does not make reference to the number of OCGs or individuals involved

It is known that organised crime groups are also responsible for much of the activity around County Lines, which is the term used to describe a form of organised crime where criminals based in urban areas pressurise vulnerable people and children to transport, store and sell drugs in smaller county towns.

## **Government policy**

In 2018, the Government launched a new Serious and Organised Crime Strategy to better coordinate a national approach to reduce the level of serious and organised crime affecting the UK and local communities. The National Crime Agency (NCA) is the national law enforcement agency against serious and organised crime and works globally across multi-agency partnerships that include the police, law enforcement, local public sector agencies and private industry.

The aim of the Government's strategy is *"to protect our citizens and our prosperity by leaving no safe space for serious and organised criminals to operate against us within the UK and overseas, online and offline."*

The national strategy has four overarching objectives to achieve its aim: These are:

- Relentless disruption and targeted action against the highest harm serious and organised criminals and networks.
- Building the highest levels of defence and resilience in vulnerable people, communities, businesses and systems.
- Stopping the problem at source, identifying and supporting those at risk of engaging in criminality
- Establishing a single, whole-system approach

The national strategy uses the framework that has been developed for national counter-terrorist work and has four thematic pillars, often referred to as the 4Ps:

- Prosecuting and disrupting people engaged in serious and organised crime (**Pursue**)
- Preventing people from engaging in this activity (**Prevent**)
- Increasing protection against serious and organised crime (**Protect**)
- Reducing the impact of this criminality where it takes place (**Prepare**)

The national strategy sees councils and a range of partners playing an important role alongside the police to tackle serious and organised crime and organised criminal groups.

From a local perspective Pursue, Prevent, Protect and Prepare means:

**Pursue:** prosecuting and disrupting the criminal activity of organised criminal groups. Locally this means establishing strong, effective and collaborative partnerships to gather and share intelligence on organised criminal groups that operating in local area and across county borders.

**Prevent:** deterring individuals from getting drawn into serious and organised crime and previous offenders returning to crime. Prevent involves a wide range of local approaches and interventions and can include developing new interventions, making use of existing services and raising local awareness of the reality and consequences of being involved with organised criminal groups to dispel associated myths of wealth and glamour.

**Protect:** protecting individuals, families, businesses and communities against serious and organised crime. Protect involves ensuring the right controls and practices are in place to safeguard communities and ensure these groups have the information to help them to protect themselves.

**Prepare:** being prepared to manage the impact or consequence of serious and organised crime. This includes the ability to immediately respond to major serious and organised crime incidents and ensure a rapid and effective resolution and recovery for affected communities, victims and witnesses.

## **Who is responsible for tackling serious and organised crime?**

Everyone. Public sector organisations and law enforcement agencies, including: councils, police, health, social care, education services and immigration enforcement, have a duty to protect the wellbeing of their local communities.

Under section 17 of the Crime and Disorder Act 1998, councils have a responsibility to do all that they reasonably can to prevent, crime and disorder in their area.

### **Action by local authorities**

Local Government Association guidance on Serious and Organised Crime (*Tackling Serious and Organised Crime – a local response* LGA 2015) states:

*“Disruption activity relies on good, appropriate information sharing between local partner agencies. Local multi-agency partnership arrangements such as community safety partnerships (CSPs), serious and organised crime partnerships (SOCPs), multi-agency safeguarding hubs (MASH) and multi-agency risk assessment conferences (MARAC) are likely to hold valuable intelligence that can aid law enforcement agencies to pursue organised crime groups and individual perpetrators.*

*Councils should work with partners to further understand the pathways and vulnerability factors that may result in individuals participating in organised crime and put interventions in place.*

*Public sector organisations should be aware of their own vulnerabilities too. In particular, the change of emphasis from local government being a provider to a commissioner of services changes the risk profile of fraud, as well as the control environment in which such risk is managed.*

*Controls and safeguards that deter, detect and investigate both internal and external fraud must remain resilient with more frequent or substantial procurement of services.”*

The Council’s role in dealing with serious and organised crime is likely to be concentrated within certain services. The LGA guidance states that certain trades may be more likely to be infiltrated by serious and organised crime, particularly those where transactions are often by cash. These trades can be attractive vehicles for money laundering and can include the liquor licensing trade, taxi licensing, tanning parlours and even childcare or nursing homes. Local authority officers can encounter serious and organised crime when dealing with planning or licensing applications or letting premises to businesses.

The letting of contracts, such as security contracts, can also present a risk of exposure to serious and organised crime. In respect of Council housing, there can be a risk that properties are used for purposes linked to drug dealing and manufacture. In not all such cases will the Council be able to refuse permission or not let a contract. However, the opportunity can be taken to try and deter or disrupt organised crime.

### **Action by elected members**

The key leadership roles councillors have on Community Safety Partnerships, Police and Crime Panel, Child and Adult Safeguarding Partnerships, Health and Wellbeing Boards and Local Enterprise Partnerships as well as ambassador roles for organisations such as the Violence Reduction Unit provide a means to highlight the threat posed by organised crime groups. Councillors also have an assurance and scrutiny role checking that multi-agency approaches to tackle serious and organised crime are established and effective.

### **Action by Broxtowe Borough Council**

The following actions will be taken by the Council in order to work towards achieving the aim of this strategy.

- Appoint the Chief Communities Officer as the Single Point of Contact in the Council for issues relating to Serious and Organised Crime.
- Continue as an active member of the Nottinghamshire Serious and Organised Crime Board.
- Work with local victims' services to ensure that there are adequate pathways of support for those who may take some time to seek, engage and accept help.
- Share information with the police and other partners. Often an awareness of the risks from organised crime can result in a heightened awareness and better intelligence.
- Support the education of young people about the effects of drugs and educate consumers about counterfeit goods.
- Continue as active members of the South Nottinghamshire Community Safety Partnership, and ensure the issue of serious and organised crime is a key part of the work of that group.
- Ensure relevant training on safeguarding is given to taxi drivers as a condition of their licence.
- Ensure regular and thorough audits of the Council's systems and procedures are undertaken using the templates provided in *"The impact of organised crime in local communities"* – The Police Foundation 2017.
- Work with all relevant partners, including Police, neighbouring councils, commissioned services, education, health, voluntary sector, community rehabilitation companies (CRCs), to prevent individuals from engaging in serious and organised crime.

- Continue to work closely with partners to safeguard vulnerable individuals. This includes safeguarding both children and adults who may be vulnerable for many different reasons.
- Provide training for staff and elected members on relevant aspects of identifying and reporting concerns of serious and organised crime.

### **Action by Broxtowe Borough Council elected members**

- 'Eyes and ears' of local communities – councillors are well connected with their local communities and can listen to the concerns of local residents and share community intelligence with officers.
- As decision-makers, where necessary, councillors should understand their local serious and organised crime profile and give a high profile to policy interventions and make the issue a political priority for action
- Promote the importance of partnerships, multi-agency working and information sharing to solving the problem of serious and organised crime
- As scrutineers, investigate the work that the council and its partners are doing and reduce its vulnerability to serious and organised crime, encouraging continuous improvement.

### **Reporting concerns and further information**

Anyone with a concern about any activity they think may be linked to serious and organised crime should report it to;

Nottinghamshire Police on 101

National Referral Mechanism on 08000 121 700

Enforced labour - The Gangmasters & Labour Abuse Authority on 0800 432 0804

Crimestoppers on 0800 500 111

Further information on any aspect of this strategy can be obtained from the Chief Communities Officer.

### **Support**

Support is available through the following organisation's;

Adult safeguarding 0300 500 80 80

Red Cross 0771 073 3051

Salvation Army 0300 303 8151

Migrant Help 0130 420 3977

Childline 0800 11 11

NSPCC 0800 012 1700

### **Review of policy**

This policy shall be reviewed after a three-year period, or sooner if changes to legislation and / or national policy require. The responsible officer shall be the Chief Communities Officer.

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**APPENDIX 2**Change Table

2018 Policy	2023 Policy
Page 1 - Who are the victims	Inclusion of County Lines, Fraud, Modern Slavery and Trafficking, Child Sexual Abuse, Cuckooing and Immigration Crime
Page 2	Addition of the lack of inclusion of references in the 2019 PCNA
Page 5 – Action by elected members	Inclusion of Police and Crime Panel Inclusion of the Violence Reduction Unit
Page 6 – Reporting concerns	Removal of the Head of Public Protection. Inclusion of the National Referral Mechanism, Gangmasters Authority and Crimestoppers Inclusion of new section on support Change of Head of Public Protection to Chief Communities Officer

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**APPENDIX 3****Equality Impact Assessment**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Chief Execs	Lead officer responsible for EIA	Chief Communities Officer
Name of the policy or function to be assessed:		Serious Organised Crime Strategy 23-26	
Names of the officers undertaking the assessment:		Chief Communities Officer	
Is this a new or an existing policy or function?		Updated	
<p><b>1. What are the aims and objectives of the policy or function?</b></p> <p>The Strategy has been updated following the retirement of the Head of Public protection and to bring it up to date.</p> <p>The Strategy sets out the Borough Councils approach to tackling Serious Organised Crime.</p>			
<p><b>2. What outcomes do you want to achieve from the policy or function?</b></p> <p>To provide a framework within which Serious Organised Crime is recognised by all Officers and Members as their responsibility and to encourage referrals and manage cases within the resources available.</p>			
<p><b>3. Who is intended to benefit from the policy or function?</b></p> <p>Officers, Members and vulnerable adults and children including foreign nationals who are at risk.</p>			
<p><b>4. Who are the main stakeholders in relation to the policy or function?</b></p> <p>Borough Council Police Residents who are victims</p>			
<p><b>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</b></p> <p>None</p>			

Directorate:	Chief Execs	Lead officer responsible for EIA	Chief Communities Officer
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**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 strategy relates to Local Authorities Statutory Duty and the internal management of the sharing of information.

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

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

This Strategy recognises that those with protected characteristics are disproportionately affected by serious organised crime especially Children, Foreign Nationals and those with learning disabilities, disabilities or Mental Health conditions.

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

The Strategy applies equally to all residents however some groups with protected factors are more vulnerable to targeting by OCGs and are less likely to report incidents due to their condition/s.

This Strategy recognises that those with protected characteristics are disproportionately affected by serious organised crime especially Children, Foreign Nationals and those with learning disabilities, disabilities or Mental Health conditions.

**☐ 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.

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

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

The Strategy positively affects those who are most vulnerable to serious organised crime the most many of which are already the most vulnerable within our community due to one or more protected characteristics.

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

Statistical evidence on reported incidents related to serious organised crime 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:**

## Report of the Portfolio Holder for Community Safety

### **BROXTOWE CRIME REDUCTION ACTION PLAN 2023 - 2024**

#### 1. Purpose of Report

To seek approval of the Broxtowe Crime Reduction Action Plan.

#### 2. Recommendation

**Cabinet is asked to RESOLVE that the Broxtowe Crime Reduction Action Plan 2023-24 be approved.**

#### 3. Detail

The Council, Police and partners are committed to working together to deliver improvements for the people living in Broxtowe and have successfully delivered crime reduction plans in partnership for the last 7 years.

Where locality funding is made available by the Office of the Police and Crime Commissioner(OPCC) local plans for activity requiring funding are submitted for approval in March to ensure they comply with the strict guidelines for receiving funding, including addressing current policing priorities.

Should funding not be made available by the OPCC the plan contains “mainstream” actions which partners will be undertaking using their own resources.

The Action Plan was prepared following an action planning meeting of the Broxtowe Crime Reduction Group in January and agency submissions by email with agencies from all sectors being involved.

A copy of the Action Plan is attached at Appendix 1

#### 4. Financial Implications

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

There are no financial implications to consider with all actions contained within both the Council’s and partners’ existing budgets.

#### 5. Legal Implications

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

The Crime and Disorder Act 1998 (as amended) 2011, established partnerships between police, local authorities, fire and rescue authorities, probation service,

and clinical commissioning groups. The purpose of these partnerships is to ensure that all these agencies work together to tackle local crime and disorder.

The 1998 Act placed a central duty on these 'responsible authorities' to implement strategies to tackle them. Under s.6 of the Crime & Disorder Act 1998, the Council (with other partner authorities) has a duty to formulate and implement a strategy for the reduction of crime and disorder in its area (including anti-social behaviour adversely affecting the local environment), a strategy for combating the misuse of drugs, alcohol and other substances in the area and a strategy for the reduction of re-offending in the area.

In formulating the strategy, the partner authorities must have regard to the police and crime plan for the area. Section 115 of the Crime and Disorder Act (1998) gave a power to any person or body to share information with partners for the purposes of reducing crime and disorder.

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.  
N/A

8. Data Protection Compliance Implications

There are no Data Protection issues.

9. Equality Impact Assessment

No Equality Impact statement is required.

10. Background Papers

Nil.



# BROXTOWE CRIME REDUCTION PLAN 2023 to 2026

## DRAFT

OBJECTIVE	APPROACH	PROPOSED ACTIVITY	ACTIVITY LEAD	SUCCESS INDICATORS	TIMESCALE	RAG STATUS
<b>1. Violence</b>	Create and deliver the Violence Action Plan to reduce incidents of violence	See action plans 2022 – 2024 2024 - 2027	BBC Chief Communities Officer Police	Delivery of actions within the action plan	2024 2025 2026	
	Weapon Amnesty	Deliver 2 x annual Operation SCEPTRE Knife Amnesty weeks at Beeston Police Station	Police BBC Communities Officer V & DA	Amnesties delivered	2024 2025 2026	
		Deliver OPERATION HADAR	Police	Operation delivered	2024	

OBJECTIVE	APPROACH	PROPOSED ACTIVITY	ACTIVITY LEAD	SUCCESS INDICATORS	TIMESCALE	RAG STATUS
<b>2. Reduce incidents of Domestic Abuse</b>	White Ribbon Accreditation	Renew White Ribbon Accreditation	BBC Senior Communities Officer V & DA	Accreditation gained	2023	
	Deliver an Action Plan	Create and Deliver the White Ribbon Action Plan 2020 – 2023 and White Ribbon Campaigns annually	BWP	Action Plan Delivered	2024 2025 2026	
	Event	Plan and deliver 1 x WRC event annually	BWP BBC Senior Communities Officer V & DA	Event Held	2024 2025 2026	

OBJECTIVE	APPROACH	PROPOSED ACTIVITY	ACTIVITY LEAD	SUCCESS INDICATORS	TIMESCALE	RAG STATUS
	Media Promotion	Promote International Women's Day annually Planned Partnership approach with co- ordinated media messages	BWP BBC Senior Communities Officer V & DA	Media campaign delivered	2024 2025 2026	
		Promote International Men's day annually Planned Partnership approach with co- ordinated media messages	BWP BBC Senior Communities Officer V & DA Communities Officer H	Media campaign delivered	2024 2025 2026	

OBJECTIVE	APPROACH	PROPOSED ACTIVITY	ACTIVITY LEAD	SUCCESS INDICATORS	TIMESCALE	RAG STATUS
	Event	<p>Work with diverse communities across Stapleford and Beeston to raise awareness of Domestic Abuse, gain confidence within these communities and signpost to appropriate support.</p> <p>Hold a community event in partnership with the Equalities lead, BBC and Heya to engage with diverse communities</p>	BWP – BBC Senior Communities Officer V & DA BBC Communities Officer E & D CHAYAH	Event Delivered	2024	

OBJECTIVE	APPROACH	PROPOSED ACTIVITY	ACTIVITY LEAD	SUCCESS INDICATORS	TIMESCALE	RAG STATUS
		Monthly event for White Ribbon	BWP	Events held Number of people engaged	2023	
<b>3. Substance Misuse</b>	Support for tenants	BBC Housing to support vulnerable tenants where tenancy action is being sought due to the tenants being targeted by drug dealers	BBC Head of Housing	Tenants supported	2024 2025 2026	
	Action Plan	Deliver the Purple Flag Action Plan	BBC Licencing Manager	Deliver actions	2024 2025 2026	

OBJECTIVE	APPROACH	PROPOSED ACTIVITY	ACTIVITY LEAD	SUCCESS INDICATORS	TIMESCALE	RAG STATUS
	Enforcement	Links to be created from surveillance into the proposed PubWatch Liaison Group to support Policing and monitoring of licensing incidents	BBC Licencing Manager	Links Created Incidents monitored	2024 2025 2026	
		Support the issuing of banning orders through supporting Pubwatch groups and forming a PubWatch Liaison Group	BBC Communities Officer L & ASB E	Banning ordered issued Pubwatch Groups supported Pubwatch Liaison Group developed	2024 2025 2026	

OBJECTIVE	APPROACH	PROPOSED ACTIVITY	ACTIVITY LEAD	SUCCESS INDICATORS	TIMESCALE	RAG STATUS
		Visits and Patrols of licenced premises carried out to identify issues and take appropriate action	BBC Communities Officer L & ASB E Police Licensing Officer	Visits carried out Action taken	2024 2025 2026	
	Events	Hold 3 Nights of Action Beeston Stapleford Eastwood/Kimberley	BBC Communities Officer L & ASB E Police Licencing Officer Police NPT	Nights of Action events held	2024 2025 2026	
		Change Grow Live additional hours support services within Eastwood	CGL	Sessions delivered	2024	
	Campaign	Deliver Rat on a Rat Campaign	Crimestoppers Fearless Chair	Campaigns delivered	2024 2025 2026	



<b>OBJECTIVE</b>	<b>APPROACH</b>	<b>PROPOSED ACTIVITY</b>	<b>ACTIVITY LEAD</b>	<b>SUCCESS INDICATORS</b>	<b>TIMESCALE</b>	<b>RAG STATUS</b>
<b>4. ASB</b>	Prevention	Use of introductory tenancies, where possible, so that enforcement action can be taken swiftly if issues arise	BBC Head of Housing	Numbers of introductory tenancies issued and number of tenancies rescinded	2024 2025 2026	
	Action Plan	Create and Deliver the ASB Action Plan 2021 – 2023 and 2023 – 2026	BBC Senior Communities Officer C & ASB	Delivery of Actions	2024 2025 2026	
	Victim Support	Mediation service and community events aimed at increasing capacity to resolve disputes and reducing ASB	CAB Broxtowe Youth Homelessness (BYH)	Cases referred to mediation and cases resolved – Bi-monthly events and information days	Potential funding application 2024 - £14,000 2025 - £14,700 2026 - £15,435	

OBJECTIVE	APPROACH	PROPOSED ACTIVITY	ACTIVITY LEAD	SUCCESS INDICATORS	TIMESCALE	RAG STATUS
	Events	Clean up days organised	Housing Env Communities	Clean up days held	2024 2025 2026	
		Activity sessions run	BBC Communities Officer C & YP	Sessions held	2024 2025 2026	
		Deliver reactive initiatives	Notts CC Tackling Emerging Threats to Children Team CHAYAH	Sessions delivered	2024 2025 2026	
		Deliver interventions	Police Schools Liaison Officer	Interventions delivered	2024 2025 2026	
<b>5. Crime Prevention</b>	Campaigns	Increase awareness of “My Futures” referral process by circulating details partnership wide	NCC BBC Senior Communities Officer C & ASB	Campaign held	2024	

OBJECTIVE	APPROACH	PROPOSED ACTIVITY	ACTIVITY LEAD	SUCCESS INDICATORS	TIMESCALE	RAG STATUS
		Taxi selfie of registration number campaign	Communities Officer L & ASB E	Campaign held	2023 2024 2025	
	Raising Awareness	Deliver Home Street Home project to schools	BYH	Number of schools delivered to	2024 2025 2026	
	Action Plan	Deliver the Hate Crime Action Plan	BBC Communities Officer E & D	Deliver actions	2024 2025 2026	
	Victim Support	CAB offices and Inspire Libraries registered with Victim Care and provide Community Contact Points	CAB Victim Care CHAYAH	Number of contact points provided	2024 2025 2026	

OBJECTIVE	APPROACH	PROPOSED ACTIVITY	ACTIVITY LEAD	SUCCESS INDICATORS	TIMESCALE	RAG STATUS
	Target hardening	Deliver Safer Streets Action plan	BBC Chief Communities Officer Police	Deliver actions	2024	
		Deliver Safe4All Action plan	BBC Chief Communities Officer	Deliver actions	2024 2025 2026	
		Promote and further develop Safer Parking Accreditation.	BBC Surveillance Manager	Parking accreditation gained	2024 2025 2026	

OBJECTIVE	APPROACH	PROPOSED ACTIVITY	ACTIVITY LEAD	SUCCESS INDICATORS	TIMESCALE	RAG STATUS
		Improve public space surveillance technology borough wide to support safer streets and introduce a re-deployable surveillance system to improve community safety in hard to reach locations.	BBC Surveillance Manager	Cameras upgraded or installed	2024 2025 2026	
		Cycle Locks issued to cyclists at cycle marking events where necessary	BBC Senior Communities Officer C & ASB Police	Number of locks issued	2024 2025	
		Cycle cage in new car park in Stapleford		Cycle cage installed	2023	

OBJECTIVE	APPROACH	PROPOSED ACTIVITY	ACTIVITY LEAD	SUCCESS INDICATORS	TIMESCALE	RAG STATUS
		Dummy Alarm project	Senior Communities Officer C & ASB	Dummy Alarms offered to residents	2023 2024 2025	
		Burglary target hardening focussed on repeat and vulnerable victims	Chief Communities Officer Police	Number of properties target hardened	2024	
		Purchase of concrete blocks to protect parks from traveller encampments cutting locks to enter	BBC Head of Environment	Number of sites protected	2024 2025 2026	
Crime Prevention	Events	Chilwell Day of Action	BBC Head of Environment	Event held Number of people engaged	2023	

OBJECTIVE	APPROACH	PROPOSED ACTIVITY	ACTIVITY LEAD	SUCCESS INDICATORS	TIMESCALE	RAG STATUS
		Hold Bike Register cycle marking events across the Borough  Chilwell Decathlon Giltbrook Beeston North Eastwood	BBC Senior Communities Officer C & ASB Police Cllrs	Number of cycles marked Number of events held	2024 2025 2026	
		Eastwood Day of Action	BBC Head of Environment	Event held Number of people engaged		
		CHAYAH opening Day	CHAYAH	Event held Number of people engaged	2023	

OBJECTIVE	APPROACH	PROPOSED ACTIVITY	ACTIVITY LEAD	SUCCESS INDICATORS	TIMESCALE	RAG STATUS
		Taxi operation day(s) Full vehicle safety checks on taxis, including holding the correct licence.	BBC Communities Officer L & ASB E Police DVSA Licensing Officers	Number of events held Number of taxis checked	2024 2025 2026	



## Report of the Portfolio Holder for Community Safety

### MODERN SLAVERY

#### 1. Purpose of Report

To ask Cabinet to consider making a two-year commitment to support an expansion of the Slavery Exploitation team, (SET) so that more work can be done in Broxtowe and across the county to tackle the problem of modern slavery.

#### 2. Recommendation

**Cabinet is asked to RESOLVE to support the expansion of the Slavery Exploitation team and to commit £12,711 in each of the 2023/24 and 2024/25 financial years to support this initiative. A budget allocation of £12,750 will be required for this purpose to be funded from General Fund reserves.**

#### 3. Detail

Modern slavery is a largely hidden but insidious problem in our society and results in vulnerable people being exploited and harmed. The uncovering of modern slavery requires co-ordinated partnership working, intelligence sharing and expertise. A successful model of working to tackle the problem has been developed leading to the formation of the SET which is located within Nottingham City Council. The team currently operates across the city, Broxtowe, Rushcliffe and Gedling. However, no funding is currently committed by any of the districts or county council towards the costs of the work. Modern slavery is a county wide problem and resources currently committed constrain the amount of work that can be done and it is felt that the problem is considerably greater than can currently be tackled within existing resources.

More details of current activity and outcomes achieved by the SET is shown in the appendix to this report.

The Police and Crime Commissioner (PCC) has committed in principle to expanding the offer to the county from April 2023, on the basis that this would cost £376,797 (as shown in the appendix attached) funded by up to £182,146 of PCC funding, with the remaining 52% match funded by the city, county and district councils. The PCC is able to commit funding until March 2025 and this would be on the basis that partners work together to identify what activity can be mainstreamed after that.

#### 4. Financial Implications

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

There is no currently budgetary provision in place for the proposed expansion of the Slavery Exploitation Team for Nottingham and South Nottinghamshire

(Gedling, Broxtowe and Rushcliffe). If approved, it is proposed that the cost of this revenue development at around £12,750 in each of the 2023/24 and 2024/25 financial years would be funded directly from General Fund Reserve balances.

5. Legal Implications

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

By supporting the expansion of the SET the Council will be complying with their duties contained within the Modern Slavery Act 2015 (MSA) including the duty to identify and refer modern slavery child victims and consenting adult victims through the National Referral Mechanism. Section 43 of the MSA states that Council have a duty to cooperate with the Commissioner. The MSA builds on the Modern Slavery Strategy that was published in 2014. The Modern Slavery Strategy is particularly focussed on the law enforcement response, through Councils' role in safeguarding and caring for children and tackling child sexual exploitation is particularly mentioned, and outlines the expectation that Police and Crime Commissioners would reflect the local threat within their policing plans and strategies. As well as the MSA there are a number of other pieces of legislation that have an impact on the Council's role in supporting victims of, and tackling, modern slavery, including: the Crime and Disorder Act 1998, the Housing Act 1996, the Care Act 2014, the Children Act 1989 and the Immigration Act 2016.

6. Human Resources Implications

No HR implications. The council's community safety team works in partnership with the SET.

7. Union Comments

No implications for unions

8. Data Protection Compliance Implications

Any personal sensitive data relating to modern slavery is only shared within legal limits and within data sharing agreements.

9. Equality Impact Assessment

Victims of modern slavery can have protected characteristics under the Equality Act. The proposal will advance work to ensure victim's human and legal rights are protected.

10. Background Papers

Nil

## **Expansion of the Slavery Exploitation Team and SERAC**

Head of Community Safety, Slavery Exploitation Team Manager & the Senior Community Safety Manager

### **Overview of Service**

#### **Background**

The Nottingham City Council Slavery Exploitation Team (SET) was formed in its current format in 2019 in response to the identification of a number of cases where individuals were being held in slavery/being exploited but the case had no ownership from statutory services.

Case types included cuckooing, debt bondage, criminal exploitation and sexual exploitation.

#### **Response**

The council's response was to establish the SET as a specialist team incorporating the monthly SERAC (Slavery Exploitation Risk Assessment Conference) to develop a structure through which professionals can refer known or suspected victims of exploitation, slavery or trafficking and share situations where suspicious activity has been highlighted. The team receives and reviews all referrals to the SERAC, in addition to dealing with queries raised by internal colleagues and external partners, seeking to establish the wider background to cases and identify multiagency action plans.

Wider service provision includes the SPoC function, identification of emerging threats and trends to inform work practice, training and awareness raising, data collection and analysis.

The work of the team naturally incorporates identifying and appropriately dealing with a number of other issues affecting individuals and the wider community including serious violence, domestic abuse, sexual violence, hate crime, honour based abuse, substance misuse, mental health, homelessness, children's safeguarding, SOC, recruitment of children and ASB. The SET has always focussed on identification of vulnerabilities and sourcing appropriate pathways to support by using a person centred, case specific approach.

The team has a significant role in filling a void in services when cases do not meet thresholds for the Care Act or immediate police intervention. As such the service delivers additional safeguarding for vulnerable citizens who would not otherwise benefit from intervention. This is recognised by both the Safeguarding Adults Board and the Children's Partnership and the former has included the SERAC model in its list of approved interventions. The team manager sits on a number of the sub-groups of the Safeguarding Adults Board and chairs the group responsible for training, learning and implementation.

Examples of reduction in workload for existing services:

- ASB – cuckooed properties, county lines, sexual exploitation all cause advanced levels of ASB in a community. There have been a number of cases where ASB has been observed for months, sometimes even years, before being referred to the SET as a potential cuckooing case (where a vulnerable person's home is taken over by criminals for the purposes of exploitation) and swiftly resolved.



- Substance misuse is often interlinked with exploitation. Substance users can be vulnerable to being taken advantage of by others and drugs/alcohol are also often used as a method to control victims. SERAC utilises partnerships with recovery services to address this element.
- Resolving criminal exploitation, cuckooing and sexual exploitation have an associated reduction on demand on other services (police call outs, ambulance attendances, hospital presentation, ASB).
- In a peer review of SERAC in 2021, all SERAC partner agencies (police, NUH NHS Trust, local housing providers, GLAA, HMRC, local NGOs, Adult Social Care, NFRS, Community Protection – including Community Safety - colleagues) were consulted. Findings concluded 100% of responses agreed the involvement of the Slavery Exploitation Team and SERAC had a positive impact on organisational outcomes and forms part of a pathway for agencies when working with potential victims of exploitation and slavery. Ninety percent agreed the SERAC effectively identified access to the appropriate services and care pathways, whilst eighty percent agreed the actions agreed at the SERAC improved the wellbeing of those being discussed.

## **Impact**

There is increase in identification of ‘hidden harm’ in cases that would otherwise not have an ‘owner’ to further explore concerns. Having a multiagency partnership offers opportunity to reduce risk in such cases and prevent further harm by intervention.

In early intervention, there is a reduction on impact on services (police call outs, hospital attendances, local authority dealing with ASB/excess waste). Having a single point of contact for advice also supports front line workers likely to see warning signs leading to identification.

Data analysis and interpretation informs working practice and enables the team to target specific agencies where trends are uncovered.

All of these mean a better outcome for citizens and a safer Nottingham.

A fuller exploration of the impact of the service can be found at Appendix A. This covers the types of exploitation and the consequent demand reduction on statutory services, an examination of the cost savings generated and testimony from partners who have worked closely with the service.

## **National/Global Recognition**

The LGA have this week released a new Council Guide to Tackling Modern Slavery, which includes a three-page case study on the team and SERAC as an example of best practice. The LGA also held a national webinar in October to accompany the launch of the guidance where the SET Manager was a key speaker.

The Global Cities Free of Slavery Project, of which the team is a member, has recently completed a documentary about slavery and the different trends and ways of tackling the problem in the key involved countries (England, Mozambique, Thailand and Brazil). The team had extensive involvement with the content and the work of the team features in the documentary and in the accompanying book Cities Free of Slavery Social Determinants of Vulnerability to Work Exploitation.



The team attended a London Modern Slavery Leads Network in June 2022 to present an overview of how we operate in Nottingham as an example of best practice. This resulted in the Central Specialist Crime Division of the Met Police requesting a visit to come and spend time with the team in Nottingham to better inform their practice, and interest from both the Network and Birmingham in modelling similar processes in their areas.

SET is regarded as a leading light in academic circles. In 2021, a study was conducted, based on SET data and qualitative interviews with the team and wider partnership, by academics at The Rights Lab at Nottingham University to examine the intersection between cognitive impairment and exploitation. Findings gained significant interest and the University has subsequently been awarded funding to do similar research on a national scale to inform practice. The SET Manager is a board member on the advisory panel overseeing this national research.

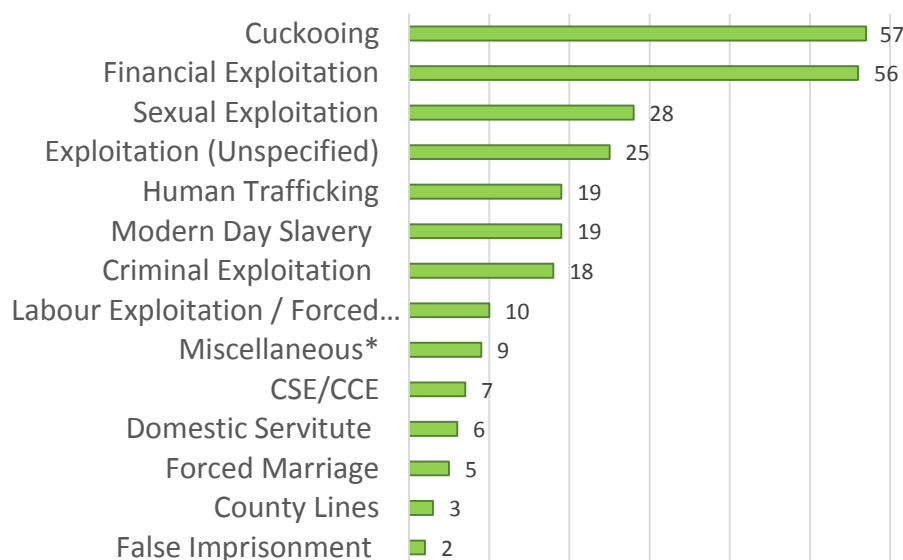
The team has recently been asked to join a Home Office ran First Responder Organisation Forum to improve communication between the Home Office and First Responders. Members of the team also represent on a Quality Assurance Panel with the Home Office reviewing Negative Conclusive Grounds Decisions.

### Current Picture

The team has expanded to cover the South conurbation and there is potential for further expansion in the field of slavery and exploitation and for the geographical area covered (the rest of the county) but this will require additional resources to reach full potential.

The team currently comprises a Manager, 2 Caseworkers and 1 Business Support Officer role.

Current Local Identified Types of Exploitation:



*Figures are based on the referrals from July 2021 – July 2022*

Due to recent increased demand in referral numbers, a RAG Rating system has been implemented to measure and prioritise risk. To devise this, consultation took place with



NCC's LADO, the Associate Director of the Rights Lab at Nottingham University (who lead in the field of Slavery and Exploitation in academic circles) and Community Protection's Senior and Director Leadership Teams.

The RAG Rating went live at the beginning of August 2022 and assesses risk in housing, disability/ongoing health conditions, substance misuse, mental health, level of agency involvement, immigration status, risk of going missing/absconding, ability to risk assess/access services, police incidents, hospital presentation and slavery/exploitation/trafficking. All of these areas are known factors affecting victims of slavery and exploitation; moving forward, the team will be able to evidence to the reduction in risk levels for specific factors from referral receipt to case closure.

### **Case Examples**

Referral for a 16 year old foreign national from DWP. He had attended to attempt to make a claim for benefits with an older unrelated male and DWP were concerned he was being exploited for benefit fraud. Within 24 hours we'd established he was an unaccompanied minor and had been in the country for 2 years with no parental guardian. CSC now have responsibility for him and a wider multi agency investigation is ongoing around the circumstances.

A live case for a young pregnant female whose property was being cuckooed led to uncovering county lines concerns for her 17 year old boyfriend. Work was undertaken to safeguard them both but escalated into threats of imminent domestic homicide and SET co-ordinated a response between police, out of area CSC and support workers at 2 different supported accommodations to make arrest and safeguard.

A property of concern came to the attention of SET via a complex persons panel. There had been ASB and criminality for years at the address and enforcement action was being pursued. The SET caseworker raised that there was a possibility the property may be being cuckooed as it appeared the owner had a degenerative medical condition as well as other vulnerabilities with substance misuse. On investigating further, it was discovered that a high number of criminals used the house as a bail address and there were a number of fines issued to the tenant for traffic/tram offences when he clearly hadn't been in the area. He had suffered a number of significant injuries and his substance misuse was used as a form of control. Utilising housing colleagues from the local authority to gain access to the address, specialist officers were able to speak to the tenant who admitted he had lost control of the property and needed help. He was placed in a detox facility that day and later transferred to a safehouse. He remains clean from substances and is in employment. A closure order was immediately placed on the property and the ASB ceased.

### **Business Case for Expansion**

#### **Overview**

The team is currently funded to operate in Nottingham and South Nottinghamshire (Gedling, Broxtowe and Rushcliffe). This current structure and costs of the team are shown below. The volume of work and demands on the team have risen exponentially as the team has become established and embedded within local structures, in particular in the city. This has resulted in a situation whereby the current structure cannot support effective working in Nottingham and South Notts. Consequently NCC and the OPCC have been in discussions in recent



months about expanding the team to ensure stability and to accommodate rising demand as the service becomes established in the county council area. The most recent discussions also included the Chief Executives from Broxtowe and Gedling.

## **Proposal**

Two proposed structures are shown below. The first covers sustainable expansion and consolidation in the South Notts area. The second relates to expansion into the whole of the county area.

Provisionally the OPCC has committed to funding 50% of costs in the city and county if needed. This would leave Nottingham City Council to cover 50% of costs in the city, with the county and district council covering the remaining 50% in that geographic area.

The expanded team would deliver the following in the chosen geographic area:

- Management of caseload
- Establishment and management of SERAC meeting. One each in city, South Notts and North Notts as required. These would be monthly
- Networking
- Training, awareness raising, prevention campaigns
- Establishment of a Slavery and Exploitation, to include the leads in district, city and county councils to coordinate pathways and joint working
- Alignment with safeguarding structures and policies
- Development work in the county area – developing relationships with services and partners, information sharing arrangements, reporting into governance structures (SNB, CSP's, safeguarding boards as required), data collection, development of training resources etc.

## **Outcomes**

The following outcomes are currently delivered within the city and South Notts areas. Any expansion would enable the service to build upon these and deliver improved outcomes for citizens and partners in the county.

- Supporting police investigations
- Feed into National Referral Mechanism referrals
- Identification of further survivors/individuals at risk
- Appropriate accommodation sourced
- Safety planning – safe and well checks, lock changes, emergency accommodation, flags on systems
- Capacity assessments
- Safeguarding/other agency referrals
- Identification and referral into most appropriate advocate
- Support to return to home country (when desired)
- Continuation of monitoring – neighbourhood wardens, police, housing, local services
- Civil actions – prohibition orders, injunctions
- Recommendations/letters of support
- Reductions in ASB, substance misuse, crime, reoffending etc.



- Associated reductions in demand upon local services, in particular those of local authorities
- Increase the identification of current hidden harms and ensure risk is managed effectively

## Demand

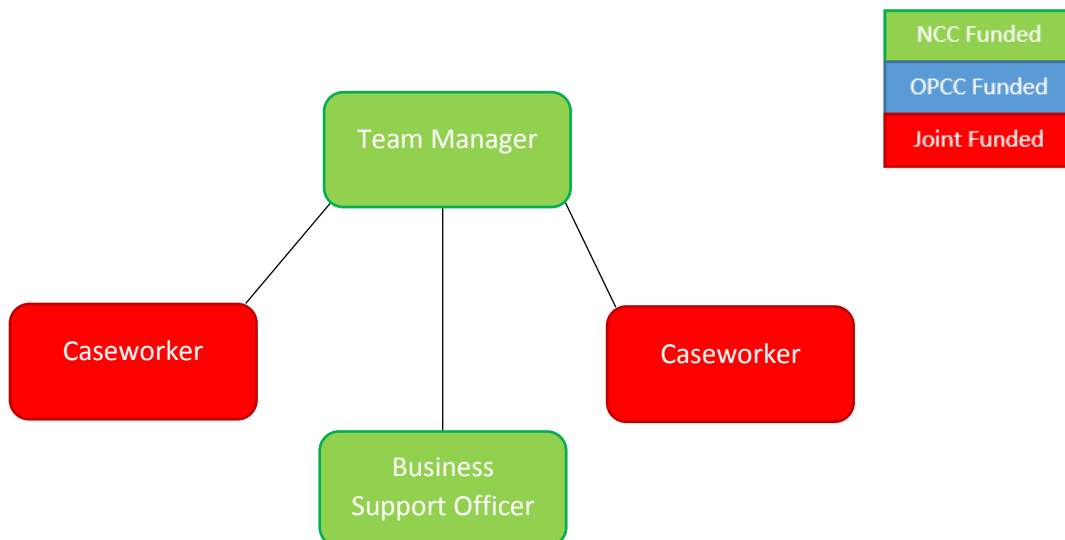
The level of demand in the county council area is difficult to assess at present as much of the harm is hidden. The experience in the city and South Notts has been that demand has risen consistently as the service has been embedded and the team has established networks with local partners and within local structures.

The situation in South Notts is somewhat clearer as the team already operates in that area. In North Notts the picture is largely unknown as the team has no presence there. Given this context there may be some benefit to a staged expansion, with the initial focus being on South Notts along with developmental work in the North. Should sufficient demand be identified in this area then the team could be further expanded to accommodate this.

## Current Structure & Potential Expansion Options

Staff are assumed to be employed by Nottingham City Council. All costs are indicative and based on projected NCC salary scales for 2022/23 following the recent local government pay award. All amounts stated include on costs.

### *Current Structure*



Post	Number	Salary (inc. On Costs)	NCC £	NCC %	OPCC £	OPCC %
<i>Team Manager</i>	1	£56,742	£56,742	100%	£0	0%
<i>Case Worker</i>	2	£87,606	£7,152	8%	£80,454	92%

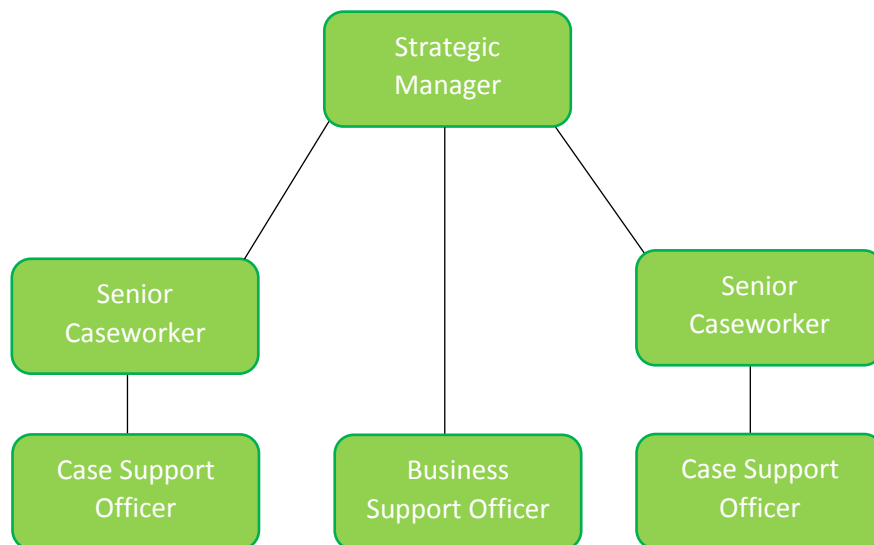




<i>Business Support Officer</i>	1	£29,066	£29,066	100%	£0	0%
<i>Total</i>	4	£173,414	£92,960	54%	£80,454	46%

Under the current model the funding is largely evenly split between NCC and the OPCC. As noted above this model is no longer fit for purpose and cannot manage demand in the city and South Notts conurbation without either additional resources, significant changes to working practices or both.

*Expansion and Consolidation in City & South Notts*



<b>Post</b>	<b>Number</b>	<b>Salary (inc. On Costs)</b>
<i>Strategic Manager</i>	1	£63,509
<i>Business Support Officer</i>	1	£29,066
<i>Senior Caseworker</i>	2	£99,532
<i>Case Support Officer</i>	2	£77,812
<i>Total</i>	6	£269,919

<b>Agency</b>	<b>%</b>	<b>£</b>
<i>OPCC</i>	48%	£128,706.50
<i>City</i>	34%	£92,960.00
<i>District/County</i>	18%	£48,252.50

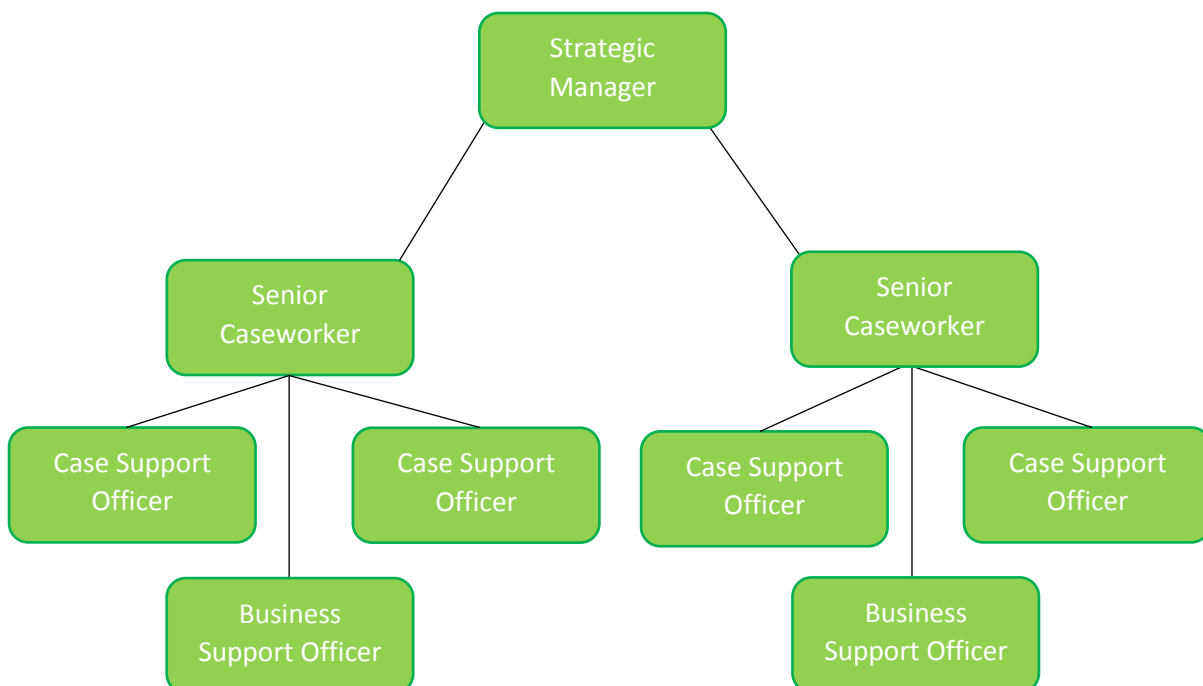


<i>Total</i>	100%	£269,919
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The above model will allow successful operation in Nottingham and South Notts, the implementation of a county SERAC and development work in North Notts as described above. It will also cover the additional managerial capacity, both strategic and operational, that would be required to operate effectively across both city and county.

Under this model Nottingham City Council would maintain its current investment. The OPCC and district/county councils would split the cost of expansion 50/50. This cost would be covered between Broxtowe, Gedling, Rushcliffe and Notts County Council. If split evenly this would amount to £12,063.13 each. The greater contribution from the city would be reflective of the greater level of demand in this area. It is proposed that funding contributions be divided equally across the whole team in order to ensure clarity and consistency.

#### *Expansion and Consolidation into North Notts*



Post	Number	Salary (inc. On Costs)
<i>Strategic Manager</i>	1	£63,509
<i>Business Support Officer</i>	2	£58,132
<i>Senior Caseworker</i>	2	£99,532



<i>Case Support Officer</i>	4	£155,624
<i>Total</i>	9	£376,797

<b>Agency</b>	<b>%</b>	<b>£</b>
<i>OPCC</i>	48%	£182,145.50
<i>City</i>	25%	£92,960.00
<i>District/County</i>	27%	£101,691.50
<i>Total</i>	100%	£376,797

Should there be proof of concept and a business case for further expansion into North Notts then this would require additional resource. Anticipated minimum provision is shown above. This would allow case management and an additional SERAC for the north of the county, alongside the other deliverables described above.

Under this model Nottingham City Council would again maintain its current investment. The OPCC and district/county councils would again split the cost of expansion 50/50. This cost would be covered between the seven districts and Notts County Council. If split evenly this would amount to £12,711.44 each. The contribution from the county would be greater than that of city in reflection of the greater geographic area, population and likely demand. It is proposed that funding contributions be divided equally across the whole team in order to ensure clarity and consistency.

There are advantages to all local authorities agreeing to be part of the expansion. Firstly, a countywide offer would deliver against both the community safety responsibilities of the district councils and the safeguarding responsibilities of the county council. Secondly, a collective response would provide a consistent service to citizens and reduce the displacement of criminal activity from one area to another. Finally, the most cost effective way to deliver a high quality service is to spread the cost evenly across all parties.

### **OPCC Commitment**

The PCC has committed in principle to expanding the offer to the county from April 2023, on the basis that this would be a total cost of £376,797 (as shown above) funded by up to £182,146 of PCC funding, with the remaining 52% match funded by the city, county and district councils. The PCC is able to commit funding until March 2025 and this would be on the basis that partners work together to identify what activity can be mainstreamed after that time.

The PCC is unable to confirm this funding until she has received notification of the 2023/24 settlement from government – this is usually received in December each year. As such this proposal should not be made public until funding is confirmed, however it can be discussed internally within and between local authorities.

### **Proposed Governance**



It is anticipated that following any decision to expand the service a Modern Slavery & Exploitation Steering Group will be established. Initially this will be the project group that will oversee the expansion and will be responsible for the agreeing the final model and financial arrangements, developing a formal partnership agreement and agreeing performance and outcomes to be measured. Membership will be comprised of relevant officers from the OPCC and local authorities, with support from HR, legal and finance colleagues as required.

Once the expanded service is operational this group will become the strategic governance forum and will be responsible for overseeing performance, outcomes, budget, training/awareness programmes and any other relevant matters. The steering group will then report upwards to the Safer Nottinghamshire Board and the Nottingham Crime & Drugs Partnership Board. The service will also be established within local safeguarding structures, such as the statutory boards, as is the case in the city council area.

## **Appendix A**

### **Impact, Demand and Cost Reductions**

The below data and outcomes are reflective of a period of time in the summer of 2022 and relates to cases that have now being closed to the team (please note that each case may have a multitude of types of exploitation and identified vulnerability).

Each type of exploitation and slavery referred to the team carries a host of associated impacts on the individuals, surrounding community and local services.

#### **Types**

**Cuckooing** (where the home of a vulnerable citizen is taken over by criminals for the purpose of illegal activity) accounted for 30% of cases. Outcomes included:

- Move to safe house or safe/supported accommodation
- Financial management implemented
- Care needs addressed
- Housing managing visitors

**Sexual Exploitation**, referenced on 30% of referrals, outcomes included:

- Move to safe house/supported accommodation

**Financial Exploitation**, identified in 60% of referrals, outcomes included:

- Moved to safe accommodation
- Agency referrals made and support in place to ensure no further exploitation
- Financial management
- Care needs addressed

**Domestic Servitude**, 10% of referrals, outcomes included:

- Agency referrals made
- Support in place to mitigate further risk

**Criminal Exploitation**, 10 % of referrals, outcome included:

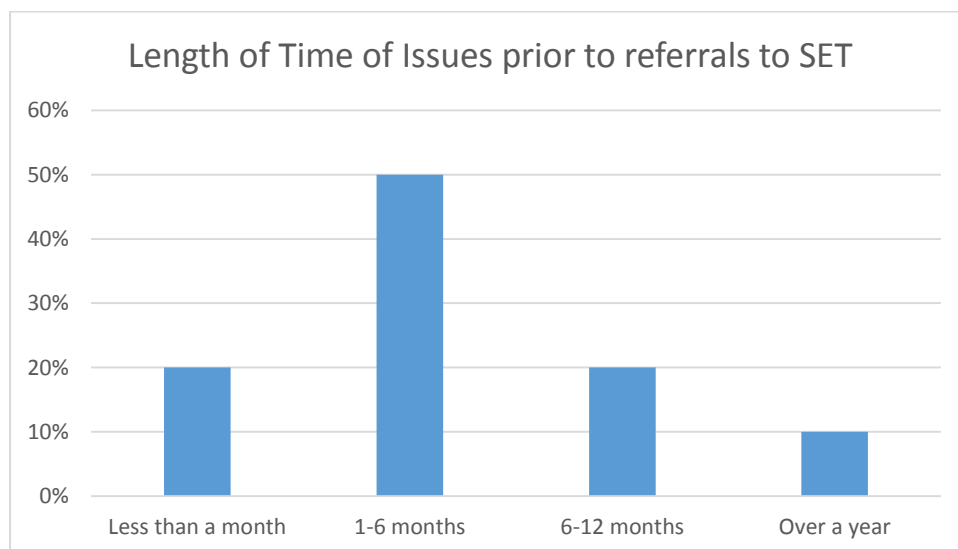
- Move to safe house

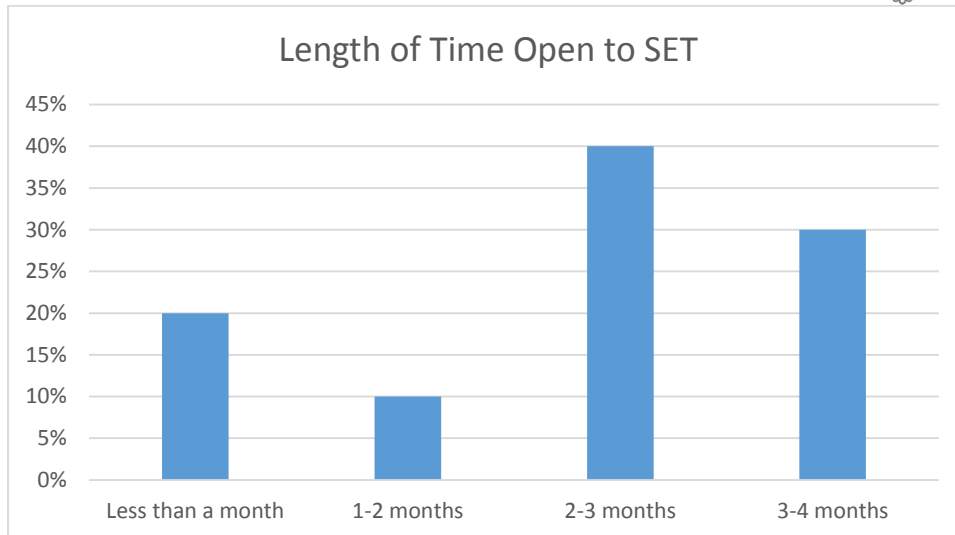
Secondary impacts to the individual being exploited, the surrounding community and local services included anti-social behaviour (in 70% of cases), criminal activity (in over 60%) and physical abuse (over 30%). Domestic abuse was also present in 20% of cases; SET work closely with domestic abuse services to agree which arena is best to manage the overall case and concerns i.e. MARAC or SERAC.

Vulnerabilities identified in these cases included homelessness or risk of (in 70% of cases), mental health issues - often unmanaged (in 70%), substance misuse (in 60%), intellectual disability, physical disability, long-term health conditions, cognitive impairment and unsettled family adversaries.

Representation in the SERAC partnership addresses the secondary impacts and vulnerabilities via neighbourhood and specialist police, mental health services, community safety, drug/alcohol support workers, charities advocating for sex workers, adult social care, children's services, DWP, HMRC, Notts Fire and Rescue Service, Homes for Ukraine Scheme, asylum seeker and refugee services, probation, healthcare professionals and domestic abuse services. SET also works with community connectors to ensure individuals facing unsettled networks have access to support through the relevant community organisations and charities. All these organisations refer into the team so all reap the benefit of having a multi-agency approach to resolving issues (they would otherwise have had to deal with as a sole agency) in a shorter space of time.

Without intervention, the secondary impacts continue and any vulnerabilities remain unaddressed. Using the SERAC partnership, intervention results in a cessation of not just the slavery/exploitation but also the secondary impacts at the property and surrounding area. Support can also be offered in any identified areas of vulnerability, reducing the risk of further exploitation and secondary impacts.





### **Review**

Ongoing cases of slavery and exploitation and the impacts of ASB, crime and abuse cause demand via police call outs, adult/child safeguarding referrals, ambulance call outs, hospital presentation and wider local authority interventions (education input to child protection conferences, waste services, environmental health, trading standards, community safety partnerships).

It is difficult to obtain statistics to support the reduction in demand following SETs involvement. Data will be held by a variety of services and whilst the team can request a 'dip test' method on select cases, this would take time and would still leave subjective gaps – it is not possible to predict a hypothetical future progression had the team not been involved.

A review of the team and SERAC was undertaken in 2021 primarily because it was a recommendation contained within a completed (but yet to be published) SAR Report (Safeguarding Adults Review) undertaken on behalf of Nottingham City Council Safeguarding Adults Board. Findings of the review highlight support to existing services:

- 100% agreed the involvement of SET and SERAC have positive impact on organisational outcomes
- 100% agreed the quality and nature of support provided by SET staff was sufficient to enable effective operation of the SERAC
- 100% agreed issues of diversity and equality are considered when discussing cases and actions adapted accordingly
- 100% agreed the SERAC in its own right forms part of a pathway for agencies seeking support when working with potential victims of exploitation and slavery
- 90% agreed the SERAC effectively identifies access to the appropriate services and care pathways
- 90% agreed other legal options were discussed (i.e. consideration of capacity or mental health, police interventions, civil interventions, health interventions, support by voluntary sector agencies)
- 83% access SET as a point of contact for specialist advice
- 80% agreed the actions agreed at the SERAC improve the wellbeing of those being discussed



- In rating the effectiveness of SET in supporting the coordination of suspected case of slavery/exploitation, 75% excellent, 8% good, 17% average

### **Cost**

The estimated cost per modern slavery victim in the UK in 2016/17 (latest available data) was £328,720. Taken from the Governments Economic and Social Cost of Modern Slavery [Economic and social costs of modern slavery - GOV.UK \(www.gov.uk\)](https://www.gov.uk/economic-social-costs-modern-slavery)

Some cases are referred to the SET when it is too late for early intervention or prevention and victims will fall into this cost evaluation. However, for the majority of cases the SERAC partnership is successful in implementing safeguarding, early intervention and prevention. Over the last year (01/12/2021 – 30/11/2022) SET have received 234 referrals, with an average cost of £741 per case (based on the operational costs of the team in its current form).

### **Evaluation of the Impact of the SET and SERAC from Partners:**

#### **Senior Practitioner Duty Team, ASC 06/12/2022**

Impact of SERAC support on Nottingham City Adult Services:

We have a number of ways in which SERAC supports our adult social care services, initially when referrals come through our front door via NHCP, via case work within our adult social care teams and then targeted safeguarding work.

Impact on NHCP: When issues are initially raised via our front door the support offered by the SERAC team provides additional information about referrals and also immediate safeguarding actions that can be undertaken in a timely manner. By allowing NHCP colleagues access this information from one source we save time and alleviates the pressure on our colleagues working on NHCP.

Impact on case work within ASC teams: Once cases are allocated to workers our main function is to assess citizens social care needs and provide packages of care to meet these needs. Where there are issues around slavery and exploitation having the support of the specialised SERAC team allows our workers to focus on their main functions, freeing up their time by making additional referrals and taking safeguarding actions in relation to the SERAC issues.

Targeted Safeguarding work: Having an information sharing forum such as SERAC when managing safeguarding cases can allow our workers to quickly and effectively gather information that would not otherwise be available to them. It can aid and assist a rapid response to immediate safeguarding issues as well as the SERAC case workers being an invaluable source of specialised knowledge. Without SERAC safeguarding workers would be facing the time consuming task of contacting each individual interested or involved party to gather the information they need in order to make decision about how best to safeguard and support vulnerable people.

While I have discussed above the impact on specific services and teams, the SERAC team offer specialised knowledge and support to all ASC colleagues whenever their input is needed and appropriate, they are an invaluable team that allows our workers to gather necessary information that would otherwise take considerable amounts of time. Their

knowledge of specialised services available for people experiencing any form of exploitation and the time they take to make these referrals often alleviates pressure and time from our workers. I have no doubt that this team has a positive impact in terms of outcomes for citizens and also reducing the impact on our services of these often complex and time consuming cases.

**Adult Safeguarding Lead, Nottingham University Hospitals NHS Trust 06/12/2022**

The support we have from the SERAC/SET team is vital in enabling us to protect those patients that do not have care and support needs.

A number of at risk patients that attend our emergency department would not be identified if it weren't for the support we get from the team when we raise a concern that does not fit into other referral pathways. SET is the open door system of discussion and relevant information sharing that I believe we should have for all categories of abuse.

The support we, as health partners, can now provide to these vulnerable people has improved significantly since the team has been in place.

**ASB and Mediation Manager, Nottingham City Homes 07/12/2022**

Impact of SET and SERAC support on NCH:

- NCH have worked closely with SET since the service started
- Both agencies work closely to identify vulnerable tenants/clients
- NCH give advice and support to any tenant identified through SET and work together to make them safe/deal with alleged perpetrator
- NCH attend SERAC every month and provide updates and support to Slavery Team if required
- Modern Slavery Team is an agency NCH makes checks with if a vulnerable tenant/client is identified and referral made to the service
- Using the team/SERAC Partnership enables NCH to resolve issues in a time effective manner whilst addressing vulnerability and safeguarding

NCH and the SET have worked very closely over the last 3 years or so to address Modern Slavery across Nottingham and where a NCH tenant has been identified we work together to make them safe, support them in their accommodation and where possible, provide evidence against the alleged perpetrator. This has sometimes resulted in NCH taking action against a tenant but the SET have worked with them to continue support and relevant referrals to other agencies.

**City Neighbourhoods, Notts Police 09/12/2022**

I'd like to offer my support around a potential expansion of the Slavery and Exploitation team. I currently sit on the SERAC meeting on behalf of Nottinghamshire Police and have found this meeting to be invaluable in identifying and safeguarding those at risk of exploitation.

Over the last 12 months I have seen the number of cases for discussion grow which is down to a commitment from all partners to identify and safeguard vulnerable people in our local Communities.





This approach contributes heavily towards the forces 'Vulnerability Action Plan' and overall partnership objectives. I was recently involved in an example of where our joint working has facilitated a police investigation and safeguarded a vulnerable person at risk. Following the sharing of information by the Slavery and Exploitation team local officers based over at Gedling attended an address where there were concerns for a vulnerable female. The officers gained entry to the property and had significant concerns for the females welfare.

They sought advice from the force's Modern Slavery team and subsequently made two arrests at the scene.

The officers removed a female from the address as they considered her to be vulnerable. Accommodation was sought and she was appropriately safeguarded by the Slavery and Exploitation team who worked closely with Adult social care.

This is an excellent example of what can be achieved through partnership working, however there is always more to do and an increase in provision through the Slavery and Exploitation team would enable us to work in partnership to safeguard more vulnerable people in our Communities.

Across the City a number of cases this year have resulted in positive action. Through the SERAC meeting we have worked with other agencies such as 'Framework' in the City to reach out to vulnerable people where there are concerns that their properties have been cuckooed by those involved in drug supply. We know that drug dealers often prey on vulnerable people to further their criminal activity therefore the joint working through the SERAC meeting is key to identifying and safeguarding vulnerable people who are at risk.

The sharing of information also helps to steer proactive work by Operation Reacher teams within Nottinghamshire Police where offenders will be targeted.

As such I am fully supportive of any future increase in provision to enable us to safeguard those at risk.

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

### UPDATE ON THE LEVELLING UP FUND INCLUDING THE USE OF THE CHIEF EXECUTIVE'S URGENCY POWERS

#### 1. Purpose of Report

To provide an update on the progress of the Levelling Up Fund (LUF) in the Borough with immediate considerations for the projects in Kimberley following the successful award of £16.5 million and to note the use of the Chief Executive's Urgency Powers.

#### 2. Recommendation

**Cabinet is asked to:**

1. **NOTE the exercise of the Chief Executive's Urgency Powers, under the Constitution as set out in section 5 below, to provide an additional capital budget of £200,000 in the Capital Programme 2022/23 for the Kimberley Levelling-Up Fund – Bennerley Viaduct project, with funding being provided by central government grant due from the Levelling Up Fund.**
2. **RESOLVE that the appointment of an additional Economic Development Officer to help with the additional work load and short timespan requirements of the award be approved. The appointment at Grade 7 is to be made on an initial six-month contract at a cost of £19,100 to be wholly funded by Levelling-Up Fund grant receipts from central government.**

#### 3. Detail

In January, Broxtowe Borough Council found out that it was successful in its bid to Round 2 of the Levelling Up Fund and successfully won the full allocation of £16.5 million that was requested. Only 21% of LUF bids were successful in the second round, meaning that Broxtowe has done very well to achieve this result.

In the past month, there has been a lot of correspondence from the Department for Levelling Up, Housing and Communities (DLUHC), which has included several mandatory seminar and workshops, and internal meetings have also been taking place. There has been some publicity regarding the bid and the completed bid document has been published on the Council website with confidential information redacted.

Broxtowe have been arranging a cash flow facility for the projects to enable spend in this financial year. This is a requirement of the scheme. The Economic Development team have been working to provide support to projects to progress them, providing advice and guidance and trying to achieve early wins.

The LUF Small Grants Fund went live on the Council website on 1 March, and will close to applications on 20 March. There is a total of £25,000 available for grants to cover costs such as:

- Shop and business frontage improvement;
- Street scene or conservation area related activities, including “Victorianisation”;
- Environmental energy-saving measures that save the business money and reduce their carbon footprint;
- Disability access improvements;
- Digital, productivity and ecommerce investments that improve productivity or create jobs.

A subsidy control assessment has been requested by DLUHC and once this has been completed, a formal Memorandum of Understanding (MOU) will be sent by DLUHC to the Council. When this document is signed and returned, the funding will begin to be released. The first payment is expected to be around £2m covering the forecast amount placed in the DHLUC bid. DHLUC have also confirmed that they will honour 2022/23 spend even if there are issues with either the MOU or subsidy control.

The next payment will be for half of Year 2 spend in July, and then payment will occur every January and July until the programme ends. DLUHC have the right to withhold funding if the Borough does not meet agreed targets, one of which was early spend before the end of this financial year. As the LUF 2 launch programme has been delayed DHLUC have indicated that there will be flexibility. The Borough’s capital programme will need to be amended to take these developments into consideration

The Kimberley LUF projects consist of a programme of linked activities:

#### **Town Centre Improvements**

- Business grants.
- Electronic light and laser installations.
- New Business and Community Hub based at the Parish Rooms

#### **New Industrial Units and Sports Facilities**

- Relocate and improve the Kimberley Miners Welfare Football Club - 2<sup>nd</sup> team (KMWFC)
- Build modern industrial units at Digby Street (current location of the KMWFC 2<sup>nd</sup> Team).
- Develop new outdoor recreation facilities in conjunction with CISWO and others in line with modern community and sporting requirements

#### **Cycle Path Network and Bennerley Viaduct**

- Development of a cycle path from Phoenix Park Tram Stop to Kimberley.
- Urban cycle scheme through Kimberley, including cycle facilities

- Cycle paths linking Kimberley to Awsworth, Giltbrook, New Eastwood including a Cycle path to Bennerley Viaduct
- New Eastern Ramp and visitor facility at Bennerley Viaduct.

#### What are the next steps for the Kimberley LUF?

To date the focus has been on getting the paperwork and protocols resolved to ensure the funding is locked into Kimberley, and ensuring spend is registered against project activity in 2022/23. On 2 March 2023 a meeting was held with the Members of the Kimberley LUF Task & Finish Group who assisted the bid, plus representatives from the Friends of Bennerley Viaduct. At this meeting it was agreed that individual project leads need to be established for each project to act as a single point of contact. In some cases, this will be Borough Officers in others it will need to be another lead organisation.

It was also agreed that a governance process such as a delivery board must to be established that must be led by Broxtowe as the Accountable Body, with this Cabinet as the final arbiter of key decisions. Partners should be represented but they cannot be Project Leads and a Board Member.

Key Legal arrangements between the Council and the individual projects need to be established and signed and the terms of the MOU cascaded down to those responsible for spend or delivery. Objectives and targets should be confirmed. A risk management workshop will be held as soon the project leads are confirmed.

The cycle route project is likely to be challenging and will need specialist expertise and support. Initial discussions and ideas have been shared with VIA EM and Nottinghamshire County Council who will be absolutely critical to the success of this project. One suggestion being proposed is that an expert cycle route delivery post be created which is co-hosted by NCC/VIA EM and the Borough Council. A paper will need to return to Cabinet once a way forwards becomes clearer.

Interviews were held for an Economic Development Officer to replace a recent resignation and a second candidate has emerged who is eminently appointable and measures are being put in place to secure their services.

A letter of cooperation between the Borough Council and Friends of Bennerley Viaduct has been agreed, this will allow the Council to expend money on this project and perhaps get some early development activity and planning requirements in the 2022/23 financial year.

#### LUF Round 3

The bid for Eastwood to the LUF Round 2 which was unsuccessful. The Government has promised feedback on this which needs to be understood. The Government have also confirmed that there will be a LUF Round 3, with speculation that details will be released with the budget. Again there is an incredible amount of levelling-up in parts of the Borough such as Eastwood and

consideration will need to be given to leaving “no stones unturned” for a future Eastwood bid, though consideration will be required around the resources required and the likelihood of success. A further report will return to Cabinet as soon as more details are known.

#### Use of the Chief Executive’s Urgency Powers

Due to the Council’s budget report cut-off deadline date, the successful outcome of the Kimberley LUF bid, was not included within the February Cabinet budget reports and therefore there is currently no formal member approval for the expenditure on Kimberley LUF projects in 2022/23. The Council is to receive central government (DHLUC) approval for the successful Kimberley LUF bid (total funding £16m) bid, and is very keen to work with partners to move at pace in delivering the Kimberley LUF projects and demonstrate delivery to DHLUC. It was therefore, imperative to begin work on these project immediately in order to comply with profiled spend projections to demonstrate spend in the 2023/3 financial year.

#### 4. Financial Implications

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

Following the use of the Chief Executive’s Urgency Powers, the approved Capital Programme for 2022/23 will now include a capital budget of £200,000 towards the Kimberley Levelling-Up Fund – Bennerley Viaduct project. The cost of the scheme will be financed from the Levelling-Up Fund grants to be received from central government.

The cost of the proposed Economic Development Officer post at Grade 7 on a six-month contract is £19,100 at 2023/24 budgeted pay rates including oncosts. The addition of this temporary post to the establishment would be funded directly by a capital salaries recharge to the capital programme to then be financed by Levelling-Up Fund grant receipts from central government.

#### 5. Legal Implications

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

There will be several legal implications arising from the Memorandum of Understanding (MoU), which will set out the grant conditions, clawback clauses and the Council’s obligations as well as the subsidy control implications. The Council will in turn need to enter agreements with each funding recipient to ensure that any funding conditions are met and the Council’s position is protected. These will be considered by the Legal team once in receipt of the MoU and as the projects progress to ensure the Council are legally compliant with the relevant legislation.

In relation to the Chief Executive’s use of Emergency Powers: Chapter 2 Part 1 of the Council Procedure Rules in the Council’s Constitution states:

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

The item 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

N/A

7. Union Comments

N/A

8. Data Protection Compliance Implications

N/A

9. Equality Impact Assessment

N/A

10. Background Papers

Nil

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

### COUNCIL TAX PROPERTY LEVY

#### 1. Purpose of Report

To enable Cabinet to see the proposed Legislation changes in respect of Council Tax Property Levy from 1 April 2024

#### 2. Recommendation

**Cabinet is asked to NOTE the contents of the report.**

#### 3. Detail

In February 2020, Members approved the increase in Council Tax Empty Property Levy. The increase in the Empty Property Levy resulted in the following additional charges being applied to Council Tax Accounts in which the property had been empty for a number of years. These were:

- Adopt an empty property levy at 100% for dwellings that have been vacant for more than two years from 1 April 2020.
- Adopt an empty property levy at 200% for dwellings that have been vacant for a period of five or more years from 1 April 2020.
- Adopt an empty property levy of 300% for dwellings that have been vacant for ten or more years from 1 April 2021.

The Government recently announced the Levelling Up and Regeneration Bill which is still awaiting Royal Assent. Section 75 addresses Long Term Empty Properties by amending the initial period at which point Councils can place the 100% levy from two years down to one year. This amendment would allow Councils to implement this change from 1 April 2024. The appendix provides an analysis of the potential impact of the amendment. However, it must be noted that this aspect fluctuates so should only be used for illustrative purposes.

In addition, Section 76 of this bill will provide Councils with new powers to charge an additional 100% Levy to properties in their borough that are second homes. This change will also be applicable from 1 April 2024. However, the increased charge on Second Properties requires the Council to determine this change one year before the beginning of the financial year to which it relates. The appendix provides an analysis of the potential impact of amending this change.

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

4. Financial Implications

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

A detailed breakdown of the increase in charges as a result of potential changes is provided in the appendix to this report. If both changes are implemented from 1 April 2024, the Council would be able to generate a potential additional Council Tax charge of £874,000, estimated based on the current position, of which this Council would be able to keep around £72,000.

5. Legal Implications

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

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

6. Human Resources Implications

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

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

**Potential Council Tax increase amending the long-term empty property period from two years to one year**Empty over 1 year and under 2 years – Non-parish area

Property Band	Number of dwellings	Annual Council Tax Charge in 2022/23 (£)	Potential Increase in Council Tax Charge (£)	Broxtowe Share (£)
A	82	1,439.84	118,066.88	9,681.48
B	69	1,679.82	115,907.58	9,504.42
C	59	1,919.78	113,267.02	9,287.90
D	37	2,159.76	79,911.12	6,552.71
E	13	2,639.70	34,316.10	2,813.92
F	3	3,119.66	9,358.98	767.44
G	2	3,599.60	7,199.20	590.33
H	-	4,319.52	-	-
		<b>Total</b>	<b>478,026.88</b>	<b>39,198.20</b>

**Potential Council Tax increase from amending the second property to include 100% levy**Second Properties as of 14 February 2023 – Non-parish area

Property Band	Number of dwellings	Annual Council Tax Charge in 2022/23 (£)	Potential Increase in Council Tax Charge (£)	Broxtowe Share (£)
A	75	1,439.84	107,988.00	8,855.02
B	69	1,679.82	115,907.58	9,504.42
C	31	1,919.78	59,513.18	4,880.08
D	24	2,159.76	51,834.24	4,250.41
E	7	2,639.70	18,477.90	1,515.19
F	5	3,119.66	15,598.30	1,279.06
G	5	3,599.60	17,998.00	1,475.84
H	2	4,319.52	8,639.04	708.40
		<b>Total</b>	<b>395,956.24</b>	<b>32,468.41</b>

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

**NEW POST – SENIOR ACCOUNTANT (CAPITAL AND PROJECTS)**1. Purpose of report

To seek approval for the creation of a new Senior Accountant (Capital and Projects) post within the Finance Services team to provide a dedicated support for the Council's key strategic capital projects.

2. Recommendation

**Cabinet is asked to RESOLVE that a new Senior Accountant (Capital and Projects) post be approved at Grade 10 (subject to job evaluation) to be funded from a capital salaries recharge to the Capital Programme and a phased reduction of the Finance Services agency budget.**

3. Detail

The Council has been successful in securing significant central government funding for economic development regeneration schemes, including Stapleford Towns Fund, Shared Prosperity Fund and Levelling Up Fund for Kimberley. These schemes, alongside the Council's ambitious Housing Delivery Programme (funded in part by Homes England grants), have resulted in a significant increase in both the value and complexity of the capital programme into the foreseeable future. It is imperative that robust financial management and accounting arrangements are in place to ensure strong good governance, risk management and value for money is achieved. Furthermore, the Council needs to comply with the respective regulations, grant conditions and accounting standards.

A management review has identified that the increase in workload and added complexity of these schemes significantly increases the risk posed for the capital programme (e.g. risk associated with non-compliance with grant conditions). The Accountancy team is not presently resourced to fully manage this risk or to provide the level of support required by the respective project managers to achieve the full potential of the schemes. This was acknowledged in discussion during the recent LGA Peer Review.

It is proposed that a new post is created within Finance Services, focusing primarily on supporting the delivery of the Stapleford Towns Fund, Kimberley Levelling Up, Shared Prosperity Fund, Housing Delivery Programme and any future similar large scale and/or grant funded schemes. A list of potential responsibilities is provided in the appendix. It is proposed that around 70% of the cost of this new post would be funded by the capital programme (i.e. capital salaries) given that the primary responsibilities are related to these schemes.

In order to develop the skills potential within the Accountancy team, it is proposed that this opportunity is offered to internal candidates in the first instance. If an appointment was secured from within Finance Services, the

subsequent vacancy in the junior position would be converted into a Finance Apprentice post, which would provide a saving of around £4,000 per annum.

In addition, it is proposed that a phased reduction in the Finance Services agency budget (created to provide additional support at financial year-end with the production of the Statement of Accounts) is implemented over the next three financial years to further meet the cost of the new post.

The result of the above would produce only a nominal uplift in costs over the next three years for the Finance Services pay budget (dependant on variables such as future pay awards). A financial analysis can also be found in the appendix.

4. Financial Implications

The comments from the Head of Finance Services were as follows: The cost of the proposed Senior Accountant (Capital and Projects) post at Grade 10 is £46,750 at 2023/24 budgeted pay rates including oncosts. The addition of this post to the establishment would be funded directly from a capital salaries recharges to the capital programme and a phased reduction in the current agency budget. The nominal net cost will be contained within the overall establishment budget. Further details are provided in the appendix.

5. Legal Implications

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

Section 16 (Reorganisation of a Department or Service) of the Redundancy and Reorganisation policy states:

In such circumstances, Heads of Service should finalise the proposals, job descriptions and person specifications in liaison with HR. HR may need to evaluate jobs prior to any proposals for reorganisation in accordance with the Council's Job Evaluation procedures. Consultation should then be held with the trade unions before a report is prepared for Cabinet. Approval of any changes to establishment must then be given by Cabinet.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

HR support the potential addition of an apprentice post.

7. Union Comments

UNISON would support the creation of the new post, which would provide a development opportunity for internal candidates and a reduction in agency costs. We are very pleased to see the proposal to create a new apprentice post, which we fully support.

8. Data Protection Compliance Implications

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

**NEW POST – SENIOR ACCOUNTANT (CAPITAL AND PROJECTS)**Role and Responsibilities of Senior Accountant (Capital and Projects)

The primary responsibilities of the new post would include:

- Support on financial management, budgetary control and relevant accounting arrangements for the delivery of the Stapleford Towns Fund and Kimberley Levelling Up Fund schemes.
- Support on financial management, budgetary control and relevant accounting arrangements for the delivery of the Shared Prosperity Fund schemes.
- Support on financial management, budgetary control and relevant accounting arrangements for the bidding towards and delivery of any future large scale and/or grant funded schemes.
- Assisting the Head of Finance Services and the Chief Accountant with providing financial management, budgetary control and relevant accounting arrangements for the Housing Delivery Programme.
- Providing financial management support and advice to all Council services in proactively seeking out grant funding, match funding and other external financial contributions opportunities and supporting managers with submitting bids.
- Support across the Council to maximise the income from and use of Section 106 contributions, particularly for the Environment and Climate Change and the Planning and Economic Growth services and for the Housing Delivery Programme
- Monitoring of the Right to Buy one-for-one receipts and other Housing Revenue Account (HRA) capital receipts to ensure retention conditions are complied with and best value for money achieved in the application of those receipts

Dependant on the resource demands of the above, as secondary responsibilities the post may also:

- Support the Head of Finance Services and the Chief Accountant in regular accounting and finance activities, particularly in the production of the annual revenue and capital budget estimates and the financial year-end closedown and external audit of the Statement of Accounts.
- Support the Head of Finance Services and the Chief Accountant in the efficiency and improvement and system development projects within Finance Services.



### Financial Implications

The cost of the proposed Senior Accountant (Capital and Projects) post at Grade 10 is £46,750 (bottom of scale) at estimated 2023/24 pay rates including oncosts. The addition of this post to the establishment would be partially funded from capital salaries recharges (around 70% charged accordingly to the Stapleford Towns Fund, Shared Prosperity Fund, Levelling Up Fund and the Housing Delivery Programme accordingly); the potential conversation of a junior post into an apprentice post if an internal candidate within the current Finance Services team was successful; and a phased reduction in the current agency budget. The nominal net cost will be contained within the overall establishment budget.

The table below shows the additional revenue cost to the Finance Services establishment budget for the next three years.

<b>Finance Services Salaries Budget</b>	2023/24 £	2024/25 £	2025/26 £
New Senior Accountant (Capital and Projects) proposed at Grade 10	46,750	48,603	50,511
Vacant Junior Post (Grade 5)	(31,900)	(32,538)	(33,189)
New Finance Apprentice (Grade 2)	27,750	28,305	28,871
<b>Gross Additional Cost</b>	<b>42,600</b>	<b>44,370</b>	<b>46,194</b>
<b>Funding</b>			
Capital Salaries (70% recharge)	(32,725)	(34,022)	(35,358)
Phased reduction in Agency Budget	(10,000)	(5,000)	(5,000)
<b>Net Additional Cost</b>	<b>(125)</b>	<b>5,223</b>	<b>5,836</b>

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

### GRANTS TO VOLUNTARY AND COMMUNITY ORGANISATIONS, CHARITABLE BODIES AND INDIVIDUALS INVOLVED IN SPORTS, THE ARTS AND DISABILITY MATTERS 2022/23

#### 1. Purpose of Report

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

#### 2. Recommendation

**Cabinet is asked to CONSIDER the requests and RESOLVE accordingly.**

#### 3. Detail

Details of the grant applications received are included in the appendix for consideration. The amount available for distribution in 2022/23 is as follows:

	<u>£</u>
Revenue Grant Aid Budget	168,800
Less: Estimated requirements for:	
Rent Awards and Related Commitments	22,300
Less: Grant Awards to Date	154,195
<b>OVERCOMMITTED BUDGET</b>	<b>(7,695)</b>

Members will recall from an earlier meeting that the overcommitted grant aid budget is being financed by a withdrawal from General Fund balances.

Details of the grant applications received are included in the appendix for consideration. Although the amount available for distribution in 2022/23 has now been exhausted, all bar one of the grant applications presented in this report are wholly covered by the above noted provision for rent awards and related commitments. Accordingly, should Members wish to approve all grant applications presented in this report, the additional overspend would total £5,303.

#### 4. Financial Implications

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

The grant aid budget is now fully exhausted. The total grant amount requested in this report is £27,603, of which £22,300 is already provided for in the rent provision above. The remaining £5,303 'cash' grant, if approved, would need to be financed with a further unplanned withdrawal from General Fund Reserves.

5. Legal Implications

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

6. Human Resources Implications

Not applicable.

7. Union Comments

Not applicable.

8. Data Protection Compliance Implications

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

Applications

The following grant applications have been received for consideration in 2022/23:

		<u>Grant Award 2021/22 £</u>	<u>Grant Request 2022/23 £</u>
Chilwell Community Association	1	3,150	3,150
Eastwood People's Initiative	2	2,500	2,500
5 <sup>th</sup> Stapleford Scout Group	3	4,500	4,500
2 <sup>nd</sup> Beeston Sea Scouts	4	2,150	2,150
Age Concern Eastwood	5	9,000	9,000
Bramcote Cricket Club	6	1,000	1,000
Greasley Gathering	7	1,000	2,000
Transform Training	8	Nil	3,303
		<b>Total</b>	<u>27,603</u>

As noted above, all these requests aside from items 7 and 8 (from the Greasley Gathering and Transform Training respectively) are covered within the provision for rent awards and related commitments.

#### 1. CHILWELL COMMUNITY ASSOCIATION

The Chilwell Community Association was set up with its own Constitution in January 2002 and is responsible for the day-to-day management and development of the Council premises at Chilwell Community Centre on Inham Road in Chilwell.

The aim of the Association is to provide facilities at a reasonable cost to enable local community groups and individuals to use the premises for a variety of purposes including a holiday club for local children and occasional events. The main user of the facility is the Nottinghamshire County Council Library Service and this provides an important resource and meeting place for the community.

#### Financial Information

For the year ended 31 March 2022, the Chilwell Community Association generated receipts of £14,151 (2021: £13,088) from grant aid and fees. Payments amounted to £9,995 (2021: £9,468) including rent, wages, property maintenance, utilities, insurance and other miscellaneous costs. Cash and bank balances as at 31 March 2022 had increased to £40,988 (2021: £36,832). These funds are earmarked towards the enhancement of facilities at the Community Centre, including the provision of additional facilities at the Centre, and to provide initial financial support to newly formed groups using the Centre in order for them to become established for long-term use.

### Grant Request

The Council has previously supported Chilwell Community Association with grants towards its premises rental. The grants awarded in the past four years were as follows:

2021/22	£3,150
2020/21	£3,150
2019/20	£3,150
2018/19	£3,150

For 2022/23, the Association has requested a similar grant of £3,150 to cover the market rent of the Chilwell Community Centre. This grant award would be for a period of one year and would have no effect on the Council's overall budget, with the award being matched in the Council's premises income budget.

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

- The services provided by Chilwell Community Association benefit Broxtowe residents and are complementary to the services provided by the Council.
- The activities of Chilwell Community Association target the needs of vulnerable and disadvantaged sections of the community, in particular helping to combat loneliness and social exclusion within the Borough, as well as providing educational and co-curricular benefits to local children.
- Community Associations such as Chilwell Community Association are a specific category of organisation welcomed to apply for Grant Aid.

## 2. EASTWOOD PEOPLE'S INITIATIVE

Eastwood People's Initiative is a registered charity that was formed in 1982 that serves Eastwood and the surrounding communities in north Broxtowe.

The objectives of the charity are for the relief of poverty, sickness and distress amongst the unemployed, those with low incomes, the homeless and individuals with a drugs dependency in the surrounding area. The charity also aims to advance the education and promote the benefit of local people.

Eastwood People's Initiative offers practical help and emotional support for any individual, with particular regard to people on low income or unemployed. The charity provides benefits advice and support, jobsearch and CV preparation support, short courses and also basic items such as clothing and bedding. Liaison and partnership working with other local initiatives such as the Durban House Hub and Connected Nottinghamshire is engaged with or planned.

### Financial Information

For the year ended 5 April 2022, Eastwood People's Initiative generated total receipts of £30,118 (2021: £14,103) from grants and donations. Annual expenditure of £18,399 (2021: £13,447) related to costs for rent, ICT, telephone and utilities costs, office equipment, professional/legal fees and other operating costs including the provision of the job club.

Cash at bank and in hand at 5 April 2022 totalled £12,088. In addition to this, Eastwood People's Initiative also holds approximately £64,000 in an investment account, representing the balance of a capital receipt from the sale of a bungalow on Seymour Road in 2018/19.

### Grant Request

The Council has regularly supported Eastwood People's Initiative with grants towards its operating costs. The grants awarded in the past four years being as follows:

2021/22	£2,500
2020/21	£2,500
2019/20	£2,500
2018/19	£2,500

For 2022/23, Eastwood People's Initiative has requested a similar grant of £2,500 to cover the market rent and buildings insurance (£1,750) and other associated premises costs (£750). Such an award would be in line with the Council's Grant Aid policy for the following key reasons:

- The services provided by Eastwood People's Initiative benefit Broxtowe residents and are complementary to the services provided by the Council.
- The activities of Eastwood People's Initiative target the needs of vulnerable and disadvantaged sections of the community.
- Caring Organisations such as Eastwood People's Initiative are a specific category of organisation welcomed to apply for Grant Aid.

### 3. 5<sup>TH</sup> STAPLEFORD SCOUT GROUP

The 5<sup>th</sup> Stapleford Scout Group was established in 1964 and is based at Stapleford House, Wesley Place in Stapleford. The Group currently has just under 100 members of all ages (scouts, cubs, beavers, leaders and voluntary helpers), the majority of whom are residents of Broxtowe.

The aim of the 5th Stapleford Scout Group is to provide activities within the scout association organisation. The Group provides a safe and fun environment for children aged between 6 and 18 (with the opening of the new Explorer section) to learn new skills, meet new people, have adventure and develop themselves.

### Financial Information

For the year ended 28 February 2022, receipts of £13,501 (2021: £11,780) were generated from subscriptions, grants, donations and fundraising and other activities. Annual payments amounted to £9,504 (2021: £8,322) and included equipment, capitation, premises expenses such as rent, heating, lighting, repairs and maintenance and the cost of activities and fundraising events. Cash and bank balances as at 28 February 2022 were £14,886.

### Grant Request

The Council has regularly supported the 5<sup>th</sup> Stapleford Scout Group for many years with grant aid towards its rental obligations. The grants awarded in the past four years were as follows:

2021/22	£4,500
2020/21	£4,500
2019/20	£4,500
2018/19	£4,500

For 2022/23 the 5<sup>th</sup> Stapleford Scout Group has requested a grant of £4,500 to cover the annual market rental of the accommodation at Stapleford House. This potential grant award would be for a period of one year and would have no effect on the Council's overall budget, with the award being matched in the Council's premises income budget. Such an award would be in line with the Council's Grant Aid policy for the following key reasons:

- The services provided by 5<sup>th</sup> Stapleford Scout Group benefit Broxtowe residents and are complementary to the services provided by the Council.
- The activities of 5<sup>th</sup> Stapleford Scout Group provide educational and co-curricular benefits to local children and young people.
- Uniformed Groups such as 5<sup>th</sup> Stapleford Scout Group are a specific category of organisation welcomed to apply for Grant Aid.

#### 4. 2<sup>ND</sup> BEESTON SEA SCOUTS

The 2<sup>nd</sup> Beeston Sea Scouts was established in 1928 and is based at Lilac Grove in Beeston. The group serves the South West Nottinghamshire Scout District, including Attenborough, Beeston South, Beeston Rylands and the west of Nottingham City. It currently has 110 members (including 80 junior members) with the majority living in Broxtowe.

The aim of the 2<sup>nd</sup> Beeston Sea Scouts is to provide scouting activities, under the policy and rules of the Scout Association, with the speciality of water based activities such as canoeing, kayaking, rowing and sailing. The main activities of the group attempt to develop young people in life skills in many areas of physical, social and mental development, training young people to be good citizens.



### Financial Information

For the year ended 31 December 2021, 2<sup>nd</sup> Beeston Sea Scouts generated receipts of £240,050 (2020: £65,073) from subscriptions, grants, donations and fundraising activities. Total payments amounted to £138,824 (2020: £37,258) and included premises expenses, such as heating and lighting and repairs and renewals, boat maintenance, youth programme activities (i.e. camps), purchase of equipment and capitation. The cash and bank balances at 31 December 2020 increased to £153,473 (2020: £52,247).

The increase in the cash and bank balances is primarily due to a successful funding drive for the construction of a new headquarters for the group, including one particularly generous one-off donation. Funds raised for the construction of the new headquarters are ring-fenced and not available for general use. Cash available for general purposes as at the date of the current application (19 December 2022) was £12,874, with £145,891 held in the ring-fenced reserve for the new headquarters.

### Grant Request

The Council has regularly supported the 2<sup>nd</sup> Beeston Sea Scouts with grant aid towards its rental obligations. The grants awarded in the past four years were as follows:

2021/22	£2,150
2020/21	£2,150
2019/20	£1,750
2018/19	£1,750

For 2022/23 the 2<sup>nd</sup> Beeston Sea Scouts has requested a grant of £2,150 to cover the market rental of the Lilac Grove premises. This grant award would be for a period of one year and would have no effect on the Council's overall budget, with the potential award being matched by allowances within the premises income budget. Such an award would be in line with the Council's Grant Aid policy for the following key reasons:

- The services provided by 2<sup>nd</sup> Beeston Sea Scouts benefit Broxtowe residents and are complementary to the services provided by the Council.
- The activities of 2<sup>nd</sup> Beeston Sea Scouts provide educational and co-curricular benefits to local children and young people.
- Uniformed Groups such as 2<sup>nd</sup> Beeston Sea Scouts are a specific category of organisation welcomed to apply for Grant Aid.

### 5. AGE CONCERN EASTWOOD

Age Concern Eastwood is a registered charity, established in 1970, that is based at The Colin Dyson Centre on Edward Road in Eastwood (premises

owned by the Council). The group generates its membership from Eastwood and the surrounding area. Around 70 clients use its services with the majority being Broxtowe residents aged 60 years or over.

Age Concern Eastwood provides welfare facilities to local elderly residents. Its clientele includes some disabled users, others who are suffering with dementia and those who may be isolated. The group aims to provide a quality meeting place, companionship, socialising, entertainment and advice for its elderly users by offering a wide variety of activities such as a luncheon club, social events and activities, arts and crafts and festive parties.

The charity provides its own volunteer driver service as transport for its more isolated members, with the National Lottery 'Awards for All' scheme having provided some funding to help with expenses related to this. Small grants have also been received from Nottinghamshire County Council and Eastwood Town Council.

#### Financial Information

For the year ended 31 March 2022, income totalling £76,026 (2021: £25,258) was generated from grants and donations (including £28,140 from the Nottinghamshire County Council Covid Rescue scheme, £9,000 from this Council and £10,500 from the Nottinghamshire County Council Local Improvement Scheme), meals and drinks receipts, transport receipts, fundraising and other activities. Annual expenditure of £61,739 (2021: £10,321) mainly related to wages, transport, equipment, repairs and renewals, meals and catering, rent, utilities, insurance and other general running costs. Cash at bank and in hand as at 31 March 2022 increased to £99,030 (2021: £84,743).

#### Grant Request

The Council has supported Age Concern Eastwood for many years with grants towards its premises (including rental) and transport costs. The grants awarded in the past four years were as follows:

2021/22	£9,000
2020/21	£9,000
2019/20	£9,000
2018/19	£9,000

For 2022/23, Age Concern Eastwood has requested a grant of £9,000 towards its running costs, including the rental of the Edward Road premises. This grant award would be for a period of one year and would have no effect on the Council's overall budget, with the potential award being matched by allowances already made within the grant aid budget.

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

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

Members should note that the grant aid policy would normally require that all 'cash' grant awards of £5,000 or above to be subject to a Service Level Agreement.

## 6. BRAMCOTE CRICKET CLUB

Bramcote Cricket Club was founded in 1858 and is based at Bramcote Hills Park on Ilkeston Road in Bramcote. Bramcote Cricket Club provides an opportunity to play and watch cricket. The club currently runs a number of league cricket teams and offers coaching for junior teams.

The Club is open to anyone interested in playing or coaching cricket and currently has around 50-60 members, the majority of whom live in Broxtowe. In addition, a further 100 juniors regularly attend the club to play and practice, as do other visiting clubs from around the Borough.

### Financial Information

Bramcote Cricket Club provided its financial statements for the year ended 31 December 2022 for scrutiny. These show income totalling £10,462 (2021: £14,921) being mainly generated from subscriptions, match fees, bar sales, grants and other fundraising activities. Annual expenditure of £15,967 (2021: £13,496) included bar expenses, pavilion costs, pitch maintenance, pitch hire, rent, insurances and other running costs. Cash and bank balances as at 31 December 2022 are recorded as £15,802 (2021: £21,275).

### Grant Request

The Council has supported Bramcote Cricket Club for many years with grants towards its premises costs (including rental) and the occasional capital grant towards facilities and equipment. The grants awarded in the past four years were as follows:

2021/22	£1,000
2020/21	£1,000
2019/20	£1,000
2018/19	£865

For 2022/23, Bramcote Cricket Club has requested a similar revenue grant of £1,000 towards the total cost of its annual rent obligations. This award would be for a period of one year and would be matched by allowances within the

premises income budget, leaving the Council's overall budget unchanged. Such an award would be in line with the Council's Grant Aid policy for the following key reasons:

- The services provided by Bramcote Cricket Club benefit Broxtowe residents and are complementary to the services provided by the Council.
- The activities of Bramcote Cricket Club target the needs of vulnerable and disadvantaged sections of the community, in particular helping to combat loneliness and social exclusion within the Borough.

## 7. GREASLEY GATHERING

A grant application has been received from the organising committee of the Greasley Gathering for assistance towards the costs of a free family fun-day multi-venue event in the parish of Greasley to be held on 29 May 2023 to celebrate the Bank Holiday Weekend.

The Greasley Gathering event has been taking place since 2013, having been born out of the late Queen's Diamond Jubilee celebrations. The event is hugely popular with over 1,000 people attending. At previous Gatherings there have been attractions from all across the parish including local pubs, Colliers' Wood, Beauvale Priory and Greasley Church and Craft Fair. The group organises transport (London buses) to enable everyone to get around the other venues.

### Financial Information

The financial statements provided by The Greasley Gathering for scrutiny relate to the event held on 5 June 2022 (following a two-year hiatus due to the Covid-19 pandemic). These show generated receipts of £4,614 relating to grants (including £1,000 from this Council), donations, stallholders and event day takings. The total spend was £4,780 for entertainment, transport hire, refreshments, printing and advertising. The resultant small deficit (£166) was taken from cash and bank balances which reduced to £1,505.

The Greasley Gathering anticipates grants for this year's event from Greasley Parish Council and from Nottinghamshire County Council. Though the amounts are not yet confirmed, it is expected that these will be in the range of £350-£800 in total.

### Grant Request

The Council have supported the Greasley Gathering for many years with grant aid towards its running costs. The grants awarded in the past four years were as follows:

2021/22	£1,000
2020/21	£nil*
2019/20	£nil*
2018/19	£1,000

\*Cancelled due to the Covid-19 pandemic.

For 2022/23 the Greasley Gathering has requested a grant of £2,000 to assist with the costs incurred in running the event. Such an award would be in line with the Council's Grant Aid policy for the following key reasons:

- The Greasley Gathering benefits Broxtowe residents, enhancing their quality of life, and is complementary to the services provided by the Council.
- The Greasley Gathering helps to combat loneliness and social exclusion within the Borough.

#### 8. TRANSFORM TRAINING

Transform Training Limited ('Transform Training') is a registered charity, incorporated in March 2014, which works in various venues in local communities in Nottinghamshire, Nottingham City and surrounding areas to provide emotional education and wellbeing support, primarily with children and young people but also with adults who support children and young people.

Transform Training works to improve the life skills, emotional education, mental health and the wellbeing of children and young people who are disadvantaged or excluded in their community. Transform Training develops their self-confidence and ability to make their own choices and participate in society as independent, mature and responsible individuals.

Transform Training runs projects for young people who are refugees and migrants, young people who are sexually or criminally exploited, have mental health needs or social anxiety and young people with learning disabilities.

#### Financial Information

Transform Training has provided its financial statements for the year ended 31 March 2022 for scrutiny. These show income totalling £154,769 (2021: £220,411) being mainly generated from grants and donations, including £40,000 from HK Regional Grant, £27,297 from BBC Children in Need, £17,937 from the Youth Endowment Fund and £7,633 from this Council. Annual expenditure of £204,049 (2021: £195,280) related primarily to staff costs, contractors and sessional fees for specific projects undertaken. Cash and bank balances as at 31 March 2022 are recorded as £2,014 (2021: £51,294).

#### Grant Request

For 2022-23, Transform Training has requested a grant of £3,303 as a contribution towards the TLC 'Potassium' programme. This is an intensive support programme for ten young people in Broxtowe that have been identified by the police as those who are key players in the current anti-social and criminal behaviour that is happening in the community. This is targeted to

provide a meaningful intervention which will, in turn, lower anti-social crime incidents in Broxtowe.

A full costing of the Potassium programme has been received, which indicates that the total cost is £6,803, being mostly made up of the cost of two specialist youth workers (£2,150) video production (£1,870), room hire (£768) and a 15% contribution to core costs, admin and supervision (£887). Of this, £3,500 has already been allocated secure funding from this Council's Community Safety budget. This application for £3,303 is therefore for the balance of the costs anticipated.

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

- The programme proposed by Transform Training would benefit Broxtowe residents and would be complementary to the services provided by the Council.
- The activities of Transform Training target the needs of disadvantaged sections of the community, in particular helping to combat social exclusion and anti-social behaviour within the Borough, as well as providing direct supportive benefits to local young people.

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

### CAPITAL PROGRAMME 2023/24 UPDATE – PARKS AND OPEN SPACES, BEAUVALE PARK – ALLOCATION OF SECTION 106 FUNDS

#### 1. Purpose of Report

To seek approval for Section 106 (S106) open space contributions to be used to fund improvements to the parks and open spaces and for the capital schemes to be included in the Capital Programme for the relevant years.

#### 2. Recommendation

**Cabinet is asked to RESOLVE that the scheme for Parks and Open Space improvements at Beauvale Park in Newthorpe be added to the Capital Programme 2023/24, at a cost of £28,750, to be funded by an allocation from the respective Section 106 contributions.**

#### 3. Detail

S106 developer contribution funds have now been received by the Council for improvements within Beauvale Park in Newthorpe. The proposed development, funding level and the associated improvement to the relevant park is shown below:

Development	S106 Funding	Site Identified for improvement
19/00443 - 80 Dovecote Road, Newthorpe	£26,245 (index linked £28,725)	Beauvale Park, Newthorpe – Contributions will assist towards the provision, maintenance, and ongoing management of the open space. As in previous schemes, Greasley Parish Council will identify areas to spend the contribution and obtain standing orders. When the scheme is completed invoices will be raised to Broxtowe Borough Council for the agreed amount.

S106 monies must be spent on the sites identified in the agreements. When completed the works will improve the Borough's open space and play areas for site users and aligns with the priorities within the Play Strategy.

#### 4. Financial Implications

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

Although the respective S106 agreement has been agreed and these receipts will provide the necessary funding for the Parks and Open Spaces

improvements, the Capital Programme 2023/24 to 2025/26 does not currently include these three schemes.

Members are therefore asked to approve that the improvements scheme at Beauvale Park in Newthorpe (£28,750) be added to the Capital Programme 2023/24.

5. Legal Implications

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

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

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:  
N/A

7. Union Comments

The Union comments were as follows.

N/A

8. Data Protection Compliance Implications

N/A

9. Equality Impact Assessment

N/A

10. Background Papers

Nil



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

### **CAPITAL PROGRAMME 2023/24 UPDATE – PARKS AND OPEN SPACES LONG LANE RECREATION GROUND AND HICKINGS LANE RECREATION GROUND – ALLOCATION OF SECTION 106 FUNDS**

#### 1. Purpose of Report

To seek approval for Section 106 (S106) open space contributions to be used to fund improvements to the parks and open spaces and for the capital schemes to be included in the Capital Programme for the relevant years.

#### 2. Recommendation

**Cabinet is asked to RESOLVE that the schemes for Parks and Open Spaces improvements at Long Lane Recreation Ground in Attenborough and; Hickings Lane Recreation Ground in Stapleford; be added to the Capital Programme 2023/24, at a combined cost of £50,050, to be funded by an allocation from the respective Section 106 contributions.**

#### 3. Detail

S106 developer contribution funds have now been received by the Council for improvements within certain parks and open spaces. The proposed developments, their funding levels and the associated improvement to the relevant park or open space is shown below:

Development	S106 Funding	Site Identified for improvement
17/00778 - Ready Mix Concrete, Long Lane, Attenborough	£27,956 (index linked £30,149)	Long Lane Recreation Ground, Attenborough – The resurfacing of the car park and improvement to equipment on the play area at Long Lane has been identified as a site where the contribution could be spent to make improvements for residents and visitors to the park.
20/00675 - Maults Yard, land to the rear of 68 Nottingham Road, Stapleford	£18,943 (index linked £19,913)	Hickings Lane Recreation Ground, Stapleford – Once the final layout of the recreation ground refurbishment through the Towns Fund has been established, the S106 contributions will go towards improvements within the play area, for example, new play equipment or a contribution towards a new skate park.

Whilst there are no exact restrictions on what the S106 funding must be spent on it does have to be spent on the sites identified in the S106 agreements. When completed the works will improve the Borough's open space and play areas for site users and aligns with the priorities within the Play Strategy.

4. Financial Implications

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

Although the respective S106 agreements have been agreed and these receipts will provide the necessary funding for the Parks and Open Spaces improvements, the Capital Programme 2023/24 to 2025/26 does not currently include these three schemes.

Members are therefore asked to approve that the improvements schemes at Long Lane Recreation Ground in Attenborough (£30,150); and Hickings Lane Recreation Ground in Stapleford (£19,900) be added to the Capital Programme 2023/24. The combined cost of £50,050 will be funded by an allocation from the respective Section 106 contributions.

5. Legal Implications

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

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

6. Human Resources Implications

There were no comments from the HR Manager.

7. Union Comments

The Union comments were as follows.

N/A

8. Data Protection Compliance Implications

N/A

9. Equality Impact Assessment

N/A

10. Background Papers

None.

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

### NEW BUILD SITES ADDITIONAL APPROVALS

#### 1. Purpose of Report

To seek approval for revisions to the 2023/24 and 2024/25 capital programme specifically relating to the new build programme for 79 new homes on Council owned land and increased scheme costs; to seek approval to proceed into contract at the Inham Nook pub site; and to approve a variation to the Council's proposed purchase of the 26 affordable homes at the Field Farm, Stapleford site.

#### 2. Recommendation

Cabinet is asked to RESOLVE that:

1. The revisions to the Capital Programme in 2023/24 and 2024/25 for the housing new build schemes at the Chilwell and Watnall garage sites and the Inham Nook site, as set out in the confidential appendix, be approved.
2. The revisions to the Capital Programme in 2023/24 and 2024/25 for the housing new build schemes at the Bramcote Crematorium site, as set out in the confidential appendix, be approved subject to confirmation from the Council's external accountant that the scheme can be accommodated within the HRA Business Plan,
3. The increase in overall scheme costs, as set out in the confidential appendix, be approved.
4. Delegated authority be made to the Deputy Chief Executive and Section 151 Officer, following consultation with the Portfolio Holder for Resources and Personnel Policy, to allocate additional funding for these schemes using the Section 106 commuted sum budget and additional prudential borrowing.
5. Delegated authority be made to the Deputy Chief Executive and Section 151 Officer, following consultation with the Portfolio Holder for Resources and Personnel Policy, for all key approvals relating to the assessment of tender returns for the main construction contract, including qualitative criteria and the subsequent award of the building contracts for the redevelopment of the Inham Nook site.
6. The Council proceeds with charging social rents at the Field Farm, Stapleford site, as required by the Section 106 agreement.

### 3. Detail

#### New Build Schemes – Budget Updates

The capital programme for the new build housing schemes was approved in June 2022. However, the programme has been revised recently based on the changes to the timetables associated with the schemes, additional scheme costs and due to a rapid increase in construction costs over the last nine months. The confidential appendix to this report shows the difference between the approved capital programme and the proposed revisions to the programme for 2023/24 and 2024/25 and sets out the revised scheme costs on a site by site basis.

The proposal is to fund the increase in costs by using commuted sums from the Section 106 budget to subsidise the programme, in addition to further prudential borrowing. The Council is currently reviewing the viability assessments for new build schemes with the Council's external consultant accountant, in light of recent increases in borrowing costs.

#### Inham Nook Building Contract

In September 2021, the Housing Committee approved the proposals to demolish the Inham Nook pub site (subject to planning) and the submission of a planning application to redevelop the site for affordable housing. Planning permission was recently approved to provide 15 units of one, two and three bedroom homes for rent. Cabinet agreement is now required for all key approvals relating to the assessment of tender returns to enter into the building contract following the tendering of the construction work in March and April 2023. As such, delegation authority needs to be made to the Deputy Chief Executive and Section 151 Officer, following consultation with the Portfolio Holder for Resources and Personnel Policy, for all key approvals relating to the assessment of tender returns for the main construction contracts.

#### Field Farm Update

The Section 106 agreement for the allocated housing site at Field Farm in Stapleford restricts the rents that can be charged to 'social rents' not 'affordable rents'. The charging of social rents will extend the payback period for the 26 rented and shared ownership houses to year 35. This has been confirmed by the Council's external accountant as being acceptable and can be accommodated within the HRA Business Plan.

### 4. Financial Implications

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

The Capital Programme for 2023/24 to 2025/26 was approved by Cabinet on 7 February 2023 and included the various housing new build schemes referred to

above. Further details in terms of the agreed budget and the proposed increases in costs are provided the confidential appendix.

These schemes are being financed by a combination of Homes England grants, Section 106 funding and prudential borrowing. The proposed increase in costs across the schemes will be met by a combination of Section 106 commuted sums and additional prudential borrowing.

In light of recent increases in construction and borrowing costs, the Council is working with its external consultant accountant to review the viability assessments for new build schemes. This will ensure that these schemes are feasible and sustainable in the long-term.

5. Legal Implications

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

The relevant implications for each site will be considered as each is brought forward for development. Legal Services recommends early engagement with them where any legal work is required, for example entering into and completing any external grant funding agreements, purchasing any properties or entering into any legal contracts, as works, goods and services required to deliver the schemes must be procured by the Council in strict compliance with the Public regulations 2015 and the Council's financial regulations. Additionally, the delegations sought under this report are consistent with the Council's Constitution and allow for quicker and more flexible decisions to be made in respect of potential housing developments.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

N/A

7. Union Comments

The Union comments were as follows.

N/A

8. Data Protection Compliance Implications

N/A

9. Equality Impact Assessment

N/A

10. Background Papers

Nil



## 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\*.

6 June 2023	<ul style="list-style-type: none"> <li>• Cultural Strategy</li> <li>• Grants to Voluntary and Community Organisations</li> <li>• Equality and Diversity Annual Report</li> <li>• Housing Management of Communal Areas Policy</li> <li>• Waste Strategy</li> <li>• Electric Vehicle Charging Points</li> <li>• Climate Change Strategy and Climate Change Communication Budget</li> <li>• Amendments to the Planning Enforcement Plan Dated October 2019</li> </ul>
4 July 2023	<ul style="list-style-type: none"> <li>•</li> </ul>
25 July 2023	<ul style="list-style-type: none"> <li>•</li> </ul>

#### 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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