

Policy Committee

Wednesday, 30 September 2020 at 10:30

Virtual meeting, <https://www.youtube.com/user/nottsc>

AGENDA

- | | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 1 | Minutes of the last meeting held on 16 September 2020 | 5 - 10 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Update on the work of East Midlands Councils | 11 - 24 |
| 5 | The National Rehabilitation Centre - Update | 25 - 28 |
| 6 | Nottinghamshire Special Education Needs and Disabilities Policy | 29 - 48 |
| 7 | Approval of Disabled Facilities Grant Top Up Loan for Essential Adaptations to Private Accommodation | 49 - 52 |
| 8 | Modern Slavery and Human Trafficking Statement | 53 - 64 |
| 9 | Planning for the Future - White Paper August 2020 | 65 - 76 |
| 10 | Arc and VIA - A Collaboration to Deliver Economic Growth | 77 - 84 |
| 11 | Operational Decisions Update | 85 - 92 |

12	Notification of Decisions Taken Under Urgency Procedures – Gigabit Broadband Voucher Schemes and Green Homes Grant	93 - 112
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15	Proposed Sale of Land off Rolleston Drive, Arnold	127 - 132
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17	EXCLUSION OF THE PUBLIC	

The Committee will be invited to resolve:-

“That the public be excluded for the remainder of the meeting on the grounds that the discussions are likely to involve disclosure of exempt information described in Schedule 12A of the Local Government Act 1972 and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

Note

If this is agreed, the public will have to leave the meeting during consideration of the following items.

EXEMPT INFORMATION ITEMS

- | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 18 | Lindhurst Development Update - Site Disposals - EXEMPT APPENDIX |
| | <ul style="list-style-type: none"> Information relating to the financial or business affairs of any particular person (including the authority holding that information); |
| 19 | Proposed Sale of Land off Rolleston Drive, Arnold - EXEMPT APPENDIX |
| | <ul style="list-style-type: none"> Information relating to the financial or business affairs of any particular person (including the authority holding that information); |

Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

- (3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Keith Ford (Tel. 0115 977 2590) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>



Meeting POLICY COMMITTEE

Date Wednesday 16 September 2020 (commencing at 10.30 am)

membership

Persons absent are marked with 'A'

COUNCILLORS

Mrs Kay Cutts MBE (Chairman)

Reg Adair (Vice-Chairman)

Chris Barnfather
Richard Butler
John Cottee
Kate Foale
Stephen Garner
Glynn Gilfoyle
Tony Harper
Richard Jackson
John Knight

Bruce Laughton
Rachel Madden **A**
David Martin **A**
Philip Owen
John Peck JP
Mike Pringle
Alan Rhodes
Muriel Weisz

SUBSTITUTE MEMBERS

Tom Hollis for Rachel Madden
Jason Zadrozny for David Martin

OFFICERS IN ATTENDANCE

Anthony May
Nigel Stevenson
Marjorie Toward
Angie Dilley
Keith Ford
David Hennigan
James Silverward

Chief Executive's Department

Melanie Brooks

Adult Social Care and Health Department

Colin Pettigrew

Children & Families Department

Adrian Smith
James Delaney
Sally Gill
Derek Higton
Matthew Neal

Place Department

1 MINUTES

The Minutes of the last meeting held on 15 July 2020, having been previously circulated, were confirmed and signed by the Chairman.

2 APOLOGIES FOR ABSENCE

Councillor Rachel Madden – Other Reasons
Councillor Davis Martin – Other Reasons

3 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS.

The Chief Executive advised that as agenda item 4 – Devolution and Local Government in Nottinghamshire affected all Members in the same way, he had granted a dispensation so that all Members were able to remain in the meeting, contribute to the debate and vote on that item.

No Declarations of Interests were made on that or the other agenda items.

4 DEVOLUTION AND LOCAL GOVERNMENT IN NOTTINGHAMSHIRE

RESOLVED: 2020/071

- 1) That approval be given for the Leader of the Council to write to the Secretary of State for Housing, Communities and Local Government (as per the draft letter at Appendix A to the report), requesting an invitation for the County Council to come forward with proposals for unitary local government for the County Council's administrative area.
- 2) That the Chief Executive be instructed to develop draft proposals for unitary local government for the County Council's administrative area (in anticipation of the invitation from the Secretary of State) to be considered at a future meeting of County Council.
- 3) That funding of £100,000 be approved for the Chief Executive to commission an independent accountancy firm to validate financial information in the proposals for unitary local government and an independent research company to conduct appropriate public and stakeholder engagement.

The requisite number of Members requested a recorded vote and it was ascertained that the following 11 Members voted '**For**' the motion:

Reg Adair
Richard Butler
John Cottee
Tony Harper
John Knight
Philip Owen

Chris Barnfather
Mrs Kay Cutts MBE
Stephen Garner
Richard Jackson
Bruce Laughton

The following 8 Members voted '**against**' the motion:

Kate Foale	Glynn Gilfoyle
Tom Hollis	John Peck
Mike Pringle	Alan Rhodes
Muriel Weisz	Jason Zadrozny

The Chairman confirmed that the motion had been carried.

5 DELIVERY OF TREES FOR CLIMATE PROGRAMME IN NOTTINGHAMSHIRE

RESOLVED: 2020/072

- 1) That Greenwood Community Forest be approved to lead on the delivery of, and for the County Council to act as the accountable body for, the Trees for Climate Programme in Nottinghamshire.
- 2) That authority be delegated to the Service Director Growth and Investment to agree the terms of the Grant Funding Agreements with Cheshire West and Chester Council, after taking relevant legal and financial advice.
- 3) That Greenwood Community Forest be authorised to work across the whole of Nottinghamshire, as set out in paragraph 12 of the Committee report.
- 4) That 2.7 Full Time Equivalent fixed term posts be established and recruited to within the Conservation Team and approval be given to the recruitment of any consultants required for the delivery of the Trees for Climate Programme in Nottinghamshire, as set out in paragraphs 13,14 and 19 of the report.
- 5) That support be given in principle to the purchase of land for tree planting schemes and for the Capital Programme to be amended accordingly with any expenditure funded by external grant.

6 STATEMENT OF COMMUNITY INVOLVEMENT COVID-19 ADDENDUM

RESOLVED: 2020/073

- 1) That the Addendum to the Statement of Community Involvement 2018 be ratified as Council policy until 7 May 2021 or such longer period as may be prescribed by relevant Government guidance or legislation imposing restrictions due to the COVID-19 pandemic.
- 2) That once COVID-19 restrictions were lifted, the Addendum to the SCI would cease to have effect and publicity and consultation on planning matters would be thereafter carried out in accordance with the original Statement of Community Involvement adopted in 2018.
- 3) That the Corporate Director, Place be authorised to approve additions to, or amendment of any part of, the Addendum to the SCI as may be necessary to give

effect to any changed legislation, regulation or guidance relating to the COVID-19 emergency.

7 ENFORCEMENT POLICY FOR THE TRADING STANDARDS REGIONAL INVESTIGATION TEAM

RESOLVED: 2020/074

That approval be given to the Enforcement Policy as set out in Appendix A to the Committee report.

8 LEARNING DISABILITY AND AUTISM COMMUNITY DISCHARGE GRANT

RESOLVED: 2020/075

That the County Council agree to receiving and administering the Learning Disability and Autism Community Discharge Grant allocation for financial years 2020-21 to 2022-23 on behalf of the Transforming Care Partnership.

9 PROPOSED EXPANSION OF TOOT HILL SCHOOL

RESOLVED: 2020/076

- 1) That the principle of an increase in capacity at Toot Hill School by one form of entry / 150 places be approved.
- 2) That funding of £92,840 be approved to enable master planning, feasibility and design to planning application stage that would assess deliverability and estimated construction costs.
- 3) That Arc be appointed to monitor the works at a cost of £10,000.

10 PROPOSED ACQUISITION OF PRIMARY SCHOOL SITE AND EXPANSION LAND – NORTH OF GATEFORD PARK, WORKSOP

RESOLVED: 2020/077

- 1) That the purchase of approximately 1.1 hectares of land at Gateford Park in the sum of £1 for school construction to meet pupil place need in the planning area; the purchase of 0.4 hectares of adjacent expansion land in the sum of £40,000; and the £150,000 costs associated with the security fence be approved.
- 2) That the purchases be forward-funded from the Council's Basic Need education budget.

11 LINDHURST DEVELOPMENT UPDATE: SITE DISPOSALS

RESOLVED: 2020/078

- 1) That approval be given for the Council to enter into a land sales contract along with the two other collaborating parties.
- 2) That the Corporate Director, Place, be authorised, in consultation with the Group Manager, Legal and Democratic Services, the Service Director Finance, Infrastructure & Improvement and the Chairman (or Vice Chairman) of Policy Committee, to approve terms of the sale contracts as set out in the Exempt Appendix to the Committee report.

12 WORK PROGRAMME

During discussions, the following issues were raised by Members:-

- With regard to this meeting's agenda item 4 – Devolution and Local Government in Nottinghamshire, the Chief Executive clarified that any response back from the Secretary of State for Housing, Communities and Local Government would be circulated to all Members of the Committee. Advice would subsequently be sought as to whether further consideration by Policy Committee of the issue was required.
- Disposal of Abbey School site, Mansfield – officers agreed to update the local Divisional Member on progress with this issue (which had previously been removed from the work programme).

RESOLVED: 2020/079

That no amendments were required to the Work Programme.

13 EXCLUSION OF THE PUBLIC

RESOLVED: 2020/080

That the public be excluded for the remainder of the meeting on the grounds that the discussions were likely to involve disclosure of exempt information described in Schedule 12A of the Local Government Act 1972 and the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

14 LINDHURST DEVELOPMENT UPDATE – EXEMPT APPENDIX

RESOLVED: 2020/081

That the information contained in the exempt appendix be noted.

The meeting closed at 1.40 pm.

CHAIRMAN

**REPORT OF THE LEADER OF THE COUNCIL
UPDATE ON THE WORK OF EAST MIDLANDS COUNCILS**

Purpose of the Report

1. To inform members of the work of East Midlands Councils

Information

2. Members have requested a regular update report on the work and activities of East Midlands Councils. The Executive Director of East Midlands Councils has agreed to produce a quarterly report for Members. The latest report on the work of East Midlands Councils is attached at Appendix A.

Other Options Considered

3. None

Reason/s for Recommendation/s

4. Members have requested regular updates on the work of East Midlands Councils.

Statutory and Policy Implications

5. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

6. There are no direct financial implications arising from this report.

RECOMMENDATION/S

That Policy Committee:-

- 1) considers the information and decides if there are any further actions required;
- 2) agrees to receive a further update to a future meeting.

Councillor Mrs Kay Cutts MBE
Leader of the Council

For any enquiries about this report please contact:
Keith Ford, Team Manager, Democratic Services

Constitutional Comments (EKH)

7. Policy Committee is the appropriate body to consider the content of the report. If Committee resolves that any actions are required it must be satisfied that such actions are within the Committee's terms of reference.

Financial Comments (SES)

8. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

Policy Committee Report (September 2020)

East Midlands Councils

1. Background

- 1.1 East Midlands Councils is the membership organisation for the region's local authorities. It is a voluntary membership body that focuses on issues of significance and common priorities for councils in the East Midlands and where a collective approach is likely to be effective.
- 1.2 It also provides training and development programmes for councillors and staff of councils in EMC membership (at no additional or marginal cost), access to low-cost services and consultancy, e.g. recruitment and HR, and governance and organisational change support.
- 1.3 EMC also hosts lead members networks including for 'portfolio holders' of Children's Services and runs a number of member and officer training programmes.
- 1.4 The following policy report includes detail on:
- Covid-19 pandemic support (section 2)
 - Investment, HS2 and Rail Franchise (section 3)
 - Asylum and Refugee Resettlement Programmes (section 4)
 - A Summary of EMC's Support and Service Provision to Councils (section 5)
- 1.5 Nottinghamshire County Council is a key partner in this work, and EMC welcomes the advice on these and any other matters of policy development and delivery.

2. Covid-19 Pandemic

- 2.1 The Covid-19 pandemic is unprecedented. Since the March 2020 lockdown, but also in advance of that in relation to preparatory planning, EMC has worked closely across Local Government, and with Government officials, in supporting the development and delivery of key programmes including shielding the vulnerable, local economy support programmes, homelessness support, and the managed reopening of household waste and recycling centres – to name a few priority areas that required local leadership and delivery by the sector. EMC has provided on-going officer support to the roll-out of these programmes and will continue to do so.

- 2.2 It has been the most testing time for the sector. What has been evident, however, is the way in which local government in this region has stepped up and acted as a beacon of sound planning and organisation, constructive and innovative problem solving and the ability to flex and stand-up their resources (including staff) in responding to these challenges.
- 2.3 Clearly, the workforce issues raised by Covid-19 have been significant. EMC has also focused support to councils on the workforce issues arising from this crisis. A significant element of this support has focused on providing advice and responding to queries from local authorities, working with the other national and regional organisations and the LGA on the development of national guidance and sharing information and best practice.

3. Economic Growth and Infrastructure

a) Background

- 3.1 The most recent statistics from Treasury (PESA, published 17th July 2020) confirm the East Midlands continues to lag behind other UK regions and nations in transport spending, despite relatively strong economic growth of the last five years.

Identifiable expenditure on Transport (2014-15 to 2018-19, £ per head, in descending order - excludes inflation)

Transport Spending (£ per head)					
	2014-15 outturn	2015-16 outturn	2016-17 outturn	2017-18 outturn	2018-19 outturn
London	686	887	935	937	903
East	252	336	328	395	493
North East	234	298	314	270	486
UK	335	421	431	452	481
England	319	414	419	440	474
West Midlands	255	330	322	342	467
South East	252	327	350	355	422
North West	278	372	366	481	412
South West	198	263	300	292	308
Yorks & Humber	295	377	328	301	276
East Midlands	221	252	217	227	268

- 3.2 The latest Treasury figures confirm the continued lack of transport investment in the East Midlands where this region is consistently the lowest funded per head of the population. Given the significant role of transport investment for boosting connectivity, growth and improving quality of life – these figures remain a concern.
- 3.3 While the size of the disparity is stark between this region and the national average – it is the range between the highest and the lowest funded regions which is perhaps more relevant where the East Midlands risks decoupling from elsewhere. Transport spending in the East Midlands has declined from around 65% of the UK average at 2014/15 to a little over 50% in 2018/19 (the latest figures available). Whilst spending in the North West, North East and West Midlands has also generally been below the UK average over this period, the situation in these regions has improved markedly since 2014/15 to levels that now match the national average.
- 3.4 The analysis suggests that there has been a trend towards rebalancing (or levelling up) transport investment within some regions over recent years - but little evidence of this in the East Midlands. If this region was funded at the same level as the UK average, the East Midlands would receive an additional £1billion per year to spend on transport.
- 3.5 Notwithstanding this, the Budget contained several positive announcements reflecting some of these priorities which may start to close the funding gap, including:
- Confirmation that the A46 Newark Northern Bypass will be delivered starting in RIS2 – although there remains little detail on when it will start, when it will finish and how much it will cost.
 - Development funding for the Chesterfield-Staveley Regeneration Route Large Local Major Scheme.
 - Support for the Derby- Nottingham Transforming Cities bid.
 - Partial support for the Leicester Transforming Cities bid.

b) HS2 in the East Midlands

- 3.6 The Prime Minister announced on the 11th February 2020 the Government’s decision to proceed with the delivery of HS2 in full. Phase 1 to Birmingham and Phase 2a to Crewe will proceed as currently proposed, although opportunities to reduce costs will be explored during construction.
- 3.7 Phase 2b, which includes the route between Crewe and Manchester and between Birmingham and Leeds via the East Midlands will be subject to a further assessment

by the National Infrastructure Commission (NIC) with the objective of integrating HS2 into Northern Powerhouse Rail and Midland Engine Rail. This will result in an 'Integrated Rail Plan for the Midlands and the North' (IRP), which DfT will publish by the end of 2020.

3.8 The HS2 Minister Andrew Stephenson MP visited Birmingham and Toton on the 5th March 2020 and spoke positively about Midlands Engine Rail and the work local partners in the East Midlands had undertaken on connectivity and on proposals to establish a locally led Urban Development Corporation.

3.9 The East Midlands HS2 Executive Board chaired by Cllr Kay Cutts MBE agreed a submission to the NIC based on the following core messages (the full document is available on the EMC website):

- **Deliver in Full:** The Eastern Leg of HS2 is critical to the long-term economic success of the East Midlands and UK plc and must be delivered in full. This must include the East Midlands Hub Station at Toton (with provision for city centre HS2 services via a conventional compatible connection), HS2 connectivity for Chesterfield and Sheffield, the Infrastructure Maintenance Depot at Staveley, and a fully upgraded HS2 Station in Leeds.
- **Deliver Early:** There are credible options for the incremental construction of the Eastern leg of HS2 which would deliver wider network and local economic benefits much earlier than would otherwise be the case. These options should be developed further in close collaboration with regional and local stakeholders.
- **Invest Now:** Implement a '10 Year Plan' of investment that will improve local transport, support early development of key sites and prepare the way for HS2. This must include the full electrification of the Midland Main Line, removal of the Low Level Rail Line in Long Eaton and delivery of the Phase 1 Package of the East Midlands Gateways Connectivity (Access to Toton) Study.

3.10 The 'Access to Toton' Study report was launched by Sir John Peace and a number of HS2 Executive Board Members on the 28th May 2020 (available on the EMC website). The report sets out a three phased approach to addressing existing transport deficits, facilitating new development and preparing the way for HS2. Phase 1 is estimated to cost £455m and has a BCR of 4.1 (transport user benefits only) – and could be delivered within the next 10 years.

c) NIC Approach

- 3.11 The National Infrastructure Commission issued an interim report on the 15th July 2020. The report is 'work in progress' but sets out next steps towards finalising advice to Government on rail priorities in November 2020.
- 3.12 The NIC will propose a number of alternative packages of interventions comprising elements of HS2, Northern Powerhouse Rail (NPR), Midlands Engine Rail and other strategic rail investments. The NIC will provide an assessment of the benefits of each package – but not recommend a preferred option to Government.
- 3.13 This is a reasonable approach in the circumstances - but it will be important that a package of interventions consistent with our NIC submission is assessed in the final report.
- 3.14 The NIC works within a 'fiscal mandate' for economic infrastructure (transport, energy, digital, waste and flood defence) equivalent to 1.2% of GDP p.a.
- 3.15 The 2018 Assessment indicated that there was sufficient headroom to deliver both HS2 and Northern Powerhouse Rail over a 25 year period. However, the costs of both have risen since to the extent that this is no longer the case. So, either choices must be made, or the fiscal mandate will need to be increased by Government.
- 3.16 Whilst the proposals set out in our NIC submission are well evidenced and modest compared to NPR (the costs/benefits of which remain opaque) – the Government has made promises to the North that may find politically difficult to walk away from. As a result, the East Midlands could be squeezed, and local leaders were clear in highlighting these concerns direct to the Minister and seek his reassurance at the roundtable meeting led by Cllr Cutts.
- 3.17 Leaders were also clear about the need to get on with conventional investments such as MMLe and Access to Toton in the short term. DfT and Network Rail appeared to appreciate the level of clarity about EM priorities.

d) East Midlands Rail Franchise

- 3.18 Following successful collaboration with DfT on the franchise competition, EMC (through its TfEM Board) has agreed with DfT an approach to provide local input into the management of the franchise, which will involve the addition of two joint funded

posts based with EMC. This is a significant opportunity, which aligns with the Williams Rail Review, to enhance the influence of regional partners on the delivery of the franchise.

- 3.19 The EMR franchise (like all rail franchises) has been replaced by a temporary emergency contact since the lockdown was declared. EMR have maintained core services throughout the pandemic focusing on maintaining regional connectivity, and reliability has remained high – generally above 97%. Whilst services are now starting to return to normal, social distancing means that effective capacity is limited and will continue to place pressure on finances and on other modes of transport – particularly car use. EMC has continued to work closely with EMR to ensure rail services meet the needs of key workers across the region.
- 3.20 The EMR Franchise Agreement includes a requirement to replace all existing rolling stock by 2024, which will comprise:
- New Hitachi bi-mode trains for inter-city services.
 - Refurbished electric class 360 trains for Corby to London services.
 - Refurbished diesel class 170 trains for all regional services.
- 3.21 To inform the design and specification of all three classes of rolling stock, a TfEM Briefing Paper has been produced based on input from councils and wider stakeholders, setting out regional expectations. This has been the subject of positive discussion with EMR.
- 3.22 The first class 170s and class 360s are due to enter service later this year – initially in un-refurbished form. EMR have been made aware of the need to make sure passengers and stakeholders are clear that these trains will not represent the desired ‘end-state’.
- 3.23 In the short term, EMR are using a limited number of class 153s to lengthen single car services. This is positive, although there have been isolated instances where single car services have continued to operate.

4. Asylum and Refugee Resettlement

a) Asylum Dispersal

- 4.1 At the end of March 2020 there were 2339 asylum seekers in dispersed accommodation across the region located in 6 dispersal areas across the East

Midlands; 734 persons in Derby City, 722 in Leicester City, 792 in Nottingham City, 37 in Broxtowe, 45 in Oadby & Wigston and 3 in Gedling. These figures have remained largely constant over the past 12-18 months.

- 4.2 The number of asylum seekers accommodated across the country continues to be disproportionate with areas in the north and midlands accommodating most asylum seekers. Within the region dispersal is uneven, with only the core cities and their conurbations agreeing to participate in asylum dispersal.
- 4.3 It is recognised that both across and within regions, levels of dispersal and the associated pressure this puts on statutory services needs to be addressed. In this region, as elsewhere, a key concern is that the current system places pressure on local areas already under considerable strain, particularly in Derby, Leicester and Nottingham.
- 4.4 EMC continues to work with Local Authorities and the Home Office in exploring the potential for widening dispersal. An important element is to provide assurance on appropriate support and infrastructure being in place at the local level, minimising the risk of additional pressures on localities that are already having to address cohesion or lack the social and/or financial capital, and a lack of control - the concern that local areas will not be able to inform and influence the numbers and where and how asylum seekers are housed.
- 4.5 However, the greater pressure arises from the use of contingency accommodation. Due to a higher than projected increase in asylum applications nationally coupled with the announcement in March 2020 that as a result of Covid-19 there would be a cessation of 'move-ins or move-outs' of dispersed accommodation, the Home Office and Serco (the contact providers) have placed asylum seekers in contingency accommodation throughout the UK including the East Midlands specifically Derby, Leicester and Nottingham.
- 4.6 As of the 16th July, 5080 service users were accommodated nationally in contingency accommodation with the East Midlands providing 615 bed spaces (Derby City 159, Leicester City 181 and Nottingham City 275). This equates to over 12% of the current contingency population placed in the region.
- 4.7 Concerns have been raised by local authorities that unless there is a reduction in numbers or an increase in dispersal accommodation nationally, the need to continue accommodating Asylum Seekers in contingency accommodation in the region will

continue. The need for the Home Office and AASC provider to outline a short and long-term strategy, including an exit strategy relating to current 'stay put' arrangements is essential. This will mitigate the pressures on local authorities but also ensure that the exploration of contingency accommodation across UK continues.

- 4.8 Covid-19 outbreak management has led to additional concerns with the asylum seeker cohort. Each asylum seeker undergoes covid-19 screening with individuals displaying symptoms placed in isolation accommodation provided by the Home Office.
- 4.9 EMC and Dr Peter Marks, the Regional Convenor, in conjunction with DsPHs are working with the Home Office and Serco to ensure that local partners are assured that all outbreak management plans are aligned and local partners fully engaged with associated planning and control.

b) Refugee Resettlement - Vulnerable Persons Resettlement Scheme

- 4.10 Since March 2020 there have been 12 additional arrivals (4 families) as part of the Vulnerable Persons Resettlement Scheme bringing the regional total to 900 refugees:
- Derbyshire 112 refugees
 - Leicester City 196 refugees.
 - Leicestershire 158 refugees
 - Lincolnshire 40 refugees
 - Nottingham City 121 refugees.
 - Nottinghamshire 272 refugees
- 4.11 Nationally, the total is 20,007 (as of 30th March 2020) which has resulted in the Government target of 20,000 being met.
- 4.12 A further 5 individuals (1 family) were due to arrive on a scheduled flight in March 2020 but due to the Covid-19 pandemic, all flights from the Middle Eastern/North Africa region were cancelled.
- 4.13 While this voluntary resettlement scheme continues, the Covid-19 pandemic has placed a cessation on any resettlement given the risks of infection and pressures upon local authorities.

c) Unaccompanied Asylum-Seeking Children

- 4.14 As of April 2020, there were 245 unaccompanied asylum seeking children in the care of East Midlands' Children's Services, the substantial majority (92%) of these arrived spontaneously in the region, rather than via planned transfer or resettlement routes.
- 4.15 To date, a total of 100 UASC have been voluntarily transferred into the care of local authorities in the region: through the NTS from Kent and certain London Boroughs, as well as in-region from Northamptonshire. These voluntary transfers would not have been possible without the leadership and support of members and officers of unitary and county councils.
- 4.16 The overall trend since the start of the NTS continues to show a gradual downwards trajectory, driven largely by the reduction in the numbers of UASC cared for by Northamptonshire. However, with the National Transfer Scheme effectively stalled at the current time, alongside the increasing numbers of migrants arriving in small boats on the Kent Coast, numbers and pressure within the system are beginning to build once more.
- 4.17 As part of their proposed response, the Home Office is considering a 'national rota' system. EMC registered significant concerns with the suggested model and will continue to work with DCSs and Lead Members in fully exploring the implications of these proposals.
- 4.18 More positively, the region's Controlling Migration Fund (CMF) project has commenced, with support from all upper-tier councils. In response to the identified need to increase local authority UASC foster care and supported lodgings capacity and training, EMC successfully applied to the CMF for funding to deliver a programme to increase local authority foster care and supported lodgings capacity across the region, reduce the use of Independent Fostering Agencies bringing savings to Children's Services budgets, and equip carers to better support UASC, thereby reducing the incidents of missing with corresponding benefits to the police and wider community. This is the only scheme of its type in the country and is a good reflection of the strength of this region's collective approach.

d) Care Leavers

- 4.19 Whilst the number of Looked After UASC across the region has remained relatively stable over the past year, the number of former UASC care leavers has increased from

520 (April 2019) to 648 (April 2020), an increase of 25%, adding further pressure to already stretched council budgets at a time of increased statutory duties of local authorities for young people.

- 4.20 EMC led a comprehensive review to enable councils to gain a more detailed understanding of the costs incurred in providing support to former UASC care leavers and likely future pressures over the next 5 years. This review identified several key findings; a shortfall in funding of £10,485 per former UASC care leaver per year, Home Office funding covering only 37% of the costs incurred by local authorities equating to an annual funding shortfall to the region of £5.2m. Local authorities received no funding whatsoever for almost one-third (32%) of the total former UASC care leaver population currently due to the tariff thresholds. Projecting forward, the cost pressures on local authorities from providing Leaving Care services to former UASC (18-24-year olds) was estimated to be between £5.9m - £10.1m by 2024.
- 4.21 The final report was presented to Ministers at the Home Office and DFE to inform their review of financial support for Local Authorities.
- 4.22 We are pleased with the outcome of the review. On 8th June, the Immigration Minister announced a revised funding regime applying to all former UASC Care Leavers with effect from 1st April 2020 that:
- Substantially increases the funding contribution to £240 per care leaver per week.
 - Removed reduced rates for legacy case claims.
 - Removed the first 25 Care Leavers' rule that prevented Local Authorities claiming for the first 25 equivalent Care Leavers in their care.
- 4.23 This announcement has resulted in a significant uplift in funding for all local authorities providing ongoing support to those unaccompanied asylum-seeking children leaving care.
- 4.24 Based on our report, the average cost per former UASC care leaver is £16,602 per year. Assuming the new rate (£12,480 per year) applies to all former UASC care leavers, then the funding now covers 75% of council costs (it was 37% under the previous rules). While the increase in funding is welcome, there remains a shortfall between the amount provided by Government and the actual costs to Children's Services. So, still not full costs recovery, but a lot closer.

4.25 Also, based on the care leaver demographics in our report, the uplift equates to an increase of £3.1m per year to the region. As the number of UASC care leavers continues to grow, the increase will be higher, approx. £4.1m.

5. A Summary of EMC's Support and Service Provision to Councils

5.1 Since the onset of the Covid-19 pandemic, EMC has supported the sector to implement new ways of working including:

- Enabling councils to harness benefits of changes to working arrangements and maintaining the momentum for change.
- Working at regional and national level on key organisational development themes to capture and share good practice. We will be putting Nottinghamshire County Council forward to a national group as an example of being one of our leading authorities on this.

5.2 EMC is working with national and regional counterparts who are providing councils with support around the recovery agenda in response to Covid-19. The purpose is to share practice and learning to avoid duplication of effort and maximise economies of scale – hopefully saving time and resources for us all.

5.3 A series of virtual networks being offered over the forthcoming months to share information/practice and inform regional work on themes identified by leads for Member Development and for broader Learning & Development. Our offer will be including virtual facilitated networks for councillors on issues identified by councillors. Through an increased use of virtual networks and platforms, EMC has seen greater participation levels of Members and officers, and these programmes have been delivered at nil, or at the most, marginal cost.

5.4 EMC would like to thank Nottinghamshire County councillors and officers for their continued leadership and support over the past year. The region continues to make progress in a number of areas; whether it be through securing greater influence on strategic initiatives including HS2, Midlands Connect, the region's rail franchise or supporting councils respond to asylum and refugee resettlement challenges, or providing advice on HR and organisational change.

5.5 EMC's subscription base (less than a third of its income base) supports the range of services in addition to the programme areas referred to in this report. EMC continues to provide members and officers with access to briefing events, skills development

and wider CPD. The last year has seen over a 20% increase in the take-up of these programmes with 2,300 councillors and officer places taken throughout the year.

- 5.6 We have continued to offer advice, access to low cost services, capacity support and organisational reviews to our member councils - and all councils in membership accessed at least one of these discounted services over the last year. This includes EMC delivered organisational support and HR services through over 60 different assignments to councils in the region, and 77 employment related requests. In terms of direct services and negotiated joint procurement, EMC delivered an estimated £730,000 of savings on behalf of its member councils – a return of over 3:1 against total member subscriptions.

----- **END** -----

Stuart Young
Executive Director
East Midlands Councils

REPORT OF THE LEADER OF THE COUNCIL

THE NATIONAL REHABILITATION CENTRE - UPDATE

Purpose of the Report

1. To provide members with an update on the ongoing development of the new National Rehabilitation Centre (NRC).

Information and Advice

2. The National Rehabilitation Centre is being developed at the Stanford Hall Rehabilitation Estate near Loughborough with the opening planned for Summer 2024. Nottingham University Hospitals Trust is the NHS sponsor and leads the NRC Programme.
3. The Council's Chief Executive is a member of the NRC Programme Group, representing the County Council and the Midlands Engine.
4. The Programme Director for the Centre, Miriam Duffy, provided an introduction to the NRC at the Policy Committee meeting of 15 January 2020 and will attend this meeting to provide the first of a series of ongoing updates with progress (see **Appendix**) and to respond to Members' queries.

Other Options Considered

5. None – the Committee has previously agreed to receive updates on the Centre.

Reason/s for Recommendation/s

6. To update Members on this new programme and underline the Council's support for the development of this national facility.

Statutory and Policy Implications

7. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty,

safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

8. There are no direct financial implications arising from this report.

RECOMMENDATION/S

- 1) That Members consider the latest update and decide whether any further information is required at this stage.
- 2) That the Committee welcomes the ongoing progress with the development of the Centre and supports the revised timetable.
- 3) That a further update report be provided to a future meeting of Policy Committee.

**Councillor Mrs Kay Cutts MBE
Leader of the Council**

For any enquiries about this report please contact:
Miriam Duffy, NRC Programme Director

Constitutional Comments (KK 16/09/2020)

9. Policy Committee is the appropriate body to consider the content of the report. If Committee resolves that any actions are required it must be satisfied that such actions are within the Committee's terms of reference.

Financial Comments (SES 15/09/2020)

10. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

National Rehabilitation Centre

Update report

1. The National Rehabilitation Centre programme continues to reach important milestones in the pre capital phase of the business case process and by the end of the year the first capital stage of the business case process will be concluding. The timeline has been extended for the overall project due to COVID 19 and the impact that had on the start of the public consultation. The milestones since January are outlined below.
2. **Public consultation:** The opportunity and clinical service outlined to members in the 15th January update has now been tested through eight weeks of public consultation with members of the public and special interest groups. The legal responsibility for this lies with the Clinical Commissioning Groups. The decision on how to proceed with the case and the public feedback will be presented to the governing body of the Clinical Commissioning Groups on the 4th December. Nottingham CCG has approached the County Council's Health Scrutiny Committee to request an opportunity to share the outcomes of its latest consultation so that the Committee's comments can be reported to the CCG Board. Due to the relevant timescales, an additional Health Scrutiny meeting has been arranged for 14 October 2020 at 2pm to consider this matter.
3. **Academic partners appointed:** The NRC programme has appointed academic partners to work with the clinical teams to realise the overall and National ambition for the NRC. The academic partners are University of Nottingham and Loughborough University. These two organisations lead a wider consortium of 24 other universities across England to support the training and research which will go on in the NRC. There is a tight hub of six universities locally who will drive the activity and programme and contribute to the business case. These are; University of Derby, Nottingham Trent University, University of Leicester, University of Birmingham. All these are currently active in either rehabilitation research of education. The universities are planning to start delivering courses and research ahead of NRC building being open.
4. **Clinical senate review:** the East Midlands Clinical Senate reviewed the clinical model in July 2019 and made four recommendations for further work; developing a scoring system for admissions, anticipating demand will be greater than capacity, developing a detailed workforce plan, planning for discharges out into community services and addressing any gap and economic evaluation of the quality of life years post rehabilitation at NRC. All these have been addressed and will be presented back to the clinical senate on the 24th September 2020.
5. **Capital business cases:** The two stages of the Capital programme require approval from NHSEI and Department of Health and Social Care, HM Treasury and ministerial support. The first stage is the Outline Business Case (OBC) which details the preferred option in terms of cost and social value for money. The second stage is the Full Business Case (FBC) which will be completed by the end of 2021 and details the procurement arrangements for the construction and delivery of the NRC.
6. **Enabling works:** Enabling works on site have commenced with the section 278 application for the road junction due to be submitted but the end of this calendar year. As the developer, BS Stanford, the company who runs the estate will submit this application, working closely with the NRC programme team. This will allow the road junction, bell mouth entrance and the access road to the site to be built. All of this is important to enable construction of the NRC to start on time. It has been funded through early draw down of the £70m allocated for the scheme.
7. **Building design:** NRC programme have appointed architects to develop the detailed internal design of the building and the schedule of accommodation. This will be checked and challenged by a health care planner who will deliver a robust assessment of the clinical model and the accommodation to facilitate

delivering the outcomes required. Architects are working closely with the clinical and academic teams to provide a highly integrated and interactive space where patients participate in research whilst completing their rehabilitation programmes.

8. **Funding:** As agreed in the Autumn Budget of 2018 the allocated £70m to the NRC scheme is to build the clinical capacity for the NRC. The academic space will need to be funded separately, The NRC programme team are working to redress the capital gap in much more challenging post COVID circumstances than we were facing in January.
9. **The Timeline:** The overall timeline has now been changed due to COVID 19 causing delays to the public consultation and the approvals process. The construction will now commence Spring /Summer 2022 with the projected opening date of Autumn 2024.
10. **Conclusion:** Significant progress has been made on the NRC programme since January despite the COVID pandemic. The feedback from public consultation will help to shape the case going forwards, and the programme is on track to complete future milestones following the Governing Body meeting on the 4th December.

**REPORT OF THE CHAIRMAN OF THE CHILDREN AND YOUNG PEOPLE'S
COMMITTEE**

**THE NOTTINGHAMSHIRE SPECIAL EDUCATIONAL NEEDS AND
DISABILITIES POLICY (2020-2023)**

Purpose of the Report

1. The report seeks approval of the Nottinghamshire Special Educational Needs and Disabilities (SEND) Policy for the period 2020-2023, attached as **Appendix 1**.

Information

2. The proposed SEND Policy builds on over 30 years of learning and best practice in Nottinghamshire. In recent years, the SEND landscape has changed significantly and this Policy has been developed with the Council's key stakeholders, including parents and carers, in response to these changes:
 - there are now more children and young people with SEND
 - the SEND needs of some children have become more complex, especially around social, emotional and mental health
 - new legislation stipulates that the Council must now plan support for some young people with SEND until the age of 25 years.
3. In September 2019, the Department for Education launched an internal review of SEND, five years on from the Children and Families Act 2014. The aims of the review are to consider how the changes introduced by the Act are supporting children and young people with SEND, and to make sure they are being implemented as well as possible. The Council will need to consider the outcomes of this review which are due later this year in the implementation of this Policy.
4. Underpinning the SEND Policy is the Council's continuing commitment to inclusive practice. The Council's inclusive approach ensures that most children and young people with SEND receive their education in local mainstream settings and access resources without the need for an Education, Health and Care Plan (EHCP).
5. The proposed SEND Policy will contribute to the following commitments set out in the Council Plan 2017-2021, 'Your Nottinghamshire Your Future':
 - families prosper and achieve their potential (commitment 1)

- children and young people are kept safe from harm (commitment 2)
 - children and young people go to good schools and early years settings (commitment 3)
 - people are healthier (commitment 6)
 - people can access the right care and support at the right time (commitment 9).
6. The SEND Policy also considers the recommendations of the Review of the High Needs Block, which was commissioned by the Council and the Schools Forum in 2018, and the feedback from the subsequent consultation with parents/carers and other key stakeholders. The High Needs Block is part of the Dedicated Schools Grant and supports provision for children and young people with special educational needs and disabilities (SEND) from their early years to age 25. The High Needs Block Review made the following recommendations:
- engagement with parents and carers should be increased
 - the quality of mainstream SEND offers should be improved and made more consistent
 - decision making should be based more in local areas
 - a more focussed strategy around High Needs Block spend should be developed
 - the Council should reduce reliance on high cost Independent Non-Maintained placements
 - the Council should make the case to national Government for an increase of Nottinghamshire's share of available funding.
7. During 2018-2019, the Chairman of the Children and Young People's Committee met with Nottinghamshire's Conservative MPs to request their support in seeking a fairer national formula for the funding of children and young people with SEND. The Chairman subsequently met with the then Schools Minister, Nadhim Zahawi, on 19th March 2019, strongly expressing the view that children and young people with SEND in Nottinghamshire were not funded at the same level as the national average, or its statistical neighbours.
8. For the financial year 2020-2021, Nottinghamshire has received one of the highest increases in its High Needs Budget of 17.3% (or £11.8m). However, even with this improved level of funding, Nottinghamshire remains the worst funded local authority compared with its statistical neighbours.
9. The SEND Policy's vision is for Nottinghamshire to be a place where *children and young people with Special Educational Needs and Disabilities (SEND) will be safe, healthy and happy, have a good quality of life and opportunities to fulfil their aspirations, develop their independence and make a positive contribution to society.*
10. The SEND Policy sets out the values and principles which will shape the Council's work with children and young people with SEND and their families and identifies 12 essential outcomes to be achieved over the next three years. These values, principles and outcomes have been strongly informed by the feedback received from parents and carers.
11. To deliver these outcomes, the SEND Policy identifies six broad steps. During the next few months the Council, together with parents/carers and other key stakeholders, will be developing an action plan to support the delivery of the Policy's outcomes. This action plan will be owned and monitored regularly by the Nottinghamshire SEND Accountability

Board. An annual progress report will be provided to the Children and Young People's Committee.

12. An extensive and productive public consultation was undertaken between 16th September and 30th November 2019, the outcomes of which are set out fully in **Appendix 2**.
13. The proposed SEND Policy has been produced in consultation with key stakeholders including the County's two Clinical Commissioning Groups, and the Nottinghamshire Parent Carer Forum.

Other Options Considered

14. The changes following the Children and Families Act 2014 necessitated the development of this Policy.

Reason/s for Recommendation/s

15. To enable the Council together with its key stakeholders to respond effectively to the changes in the SEND landscape, and to improve the confidence of parents and carers in the related processes and provision.

Statutory and Policy Implications

16. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

17. There are no financial implications arising directly from this report.

Implications for Service Users

18. The implementation of the SEND Policy will result in improved support and provision for children and young people with SEND, as well as the improved confidence of parents and carers.

RECOMMENDATIONS

- 1) That Committee approves the proposed Nottinghamshire Special Educational Needs and Disabilities (SEND) Policy (2020 – 2023), attached as **Appendix 1**.

Councillor Philip Owen
Chairman of the Children and Young People's Committee

For any enquiries about this report please contact:

Chris Jones
SEND Strategic Development Lead
T: 0115 9932714
E: Christopher.1.jones@nottscc.gov.uk

Constitutional Comments (LW 08/09/20)

19. Policy Committee is the appropriate body to consider the content of the report.

Financial Comments (SAS 09/09/20)

20. There are no financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

[The Nottinghamshire Special Educational Needs and Disabilities Policy \(2020-2023\) – report to Children and Young People’s Committee on 21st September 2020](#)

Full responses to consultation

Electoral Division(s) and Member(s) Affected

All.

C1361



Nottinghamshire Special Educational Needs and Disabilities (SEND) Policy (0-25 years)



Foreword

I am pleased to provide a foreword to Nottinghamshire's Special Educational Needs and Disabilities (SEND) Policy for the period 2020-2023. The Policy builds upon over thirty years of learning and best practice in Nottinghamshire, and especially our commitment to inclusive practice.

I want every child or young person with SEND in Nottinghamshire to access services and support which allows them to aspire to a future that, includes wherever possible the opportunity for independent living, purposeful employment and a healthy life.

The Policy reflects the changing landscape of SEND following the Children and Families Act (2014). The last few years has seen a significant increase in the demand for SEND services and provision, as well as the need to support some young people until the age of 25.

The Policy has been developed with our partners including parents and carers. The recommendations of the High Needs Review (2018) have informed the development of the Policy, and especially the feedback received from parents and carers about their experiences of SEND services and provision in Nottinghamshire.

The Policy has been through an extensive public consultation with an on-line survey and workshops including one specifically for parents and carers. The feedback has been very positive as well as providing very useful comments regarding the implementation of the Policy.

The Policy will contribute to the delivery of the key commitments in the Nottinghamshire County Council Plan 2017-2021, 'Your Nottinghamshire, Your Future', with a focus on:

- **Families prosper and achieve their potential** (commitment 1)
- **Children are kept safe from harm** (commitment 2)
- **Children and young people go to good schools and early years settings** (commitment 3)
- **People are healthier** (commitment 6)
- **People can access the right care and support at the right time** (commitment 9).

The Policy is ambitious for Nottinghamshire and will need all partners to work together to deliver its outcomes. An action plan will be developed to ensure the delivery of the Policy, which will be regularly reviewed and monitored by the Nottinghamshire SEND Accountability Board.

Cllr Philip Owen
Chairman of the Children and Young People's Committee

Our Vision

“ Our vision is that children and young people with Special Educational Needs and Disabilities (SEND) will be safe, healthy and happy, and have a good quality of life and opportunities to fulfil their aspirations, develop their independence and make a positive contribution to society. ”

The Nottinghamshire Approach

Nottinghamshire County Council (NCC) believes in inclusion. Our systems ensure that the majority of children and young people with SEND receive their education in local mainstream settings and access resources without the need for an Education, Health and Care Plan (EHCP). To this end, support is delivered in a timely manner by those who know them and understand their specific needs.

When mainstream settings are unsuitable, we work together with schools and colleges to provide high quality, specialist alternatives. Overall, Nottinghamshire has 11 maintained and academy special schools with a combined pupil population of 1,007.

These provide specialist places, accessible via the statutory EHCP assessment process.

Our commitment to inclusion extends into adulthood. Nottinghamshire’s post-16 Further Education (FE) footprint comprises mainstream, specialist and vocational provision which supports successful transition into adult lives of independence, choice and control, and employment, where appropriate.

Our Core Values/Principles

Nottinghamshire has a long and proud history of supporting children with SEND.

Our 10 Core Values/Principles are:

1.

Ensuring the child or young person's voice is central to decision making.

2.

Supporting collaborative relationships with key partners and services, including parents and carers, schools and colleges and other educational settings, health and other local authority services.

3.

Working in partnership to ensure co-ordination of services.

4.

Co-producing services with service users.

5.

Committing to improve the attainment of all children and young people, with a particular focus on the achievement and progress of those with SEND.

6.

Ensuring early support and timely intervention, following the identification of need, using a graduated approach to avoid escalation of difficulties.

7.

Maintaining inclusive practices to ensure that children and young people remain connected to their communities.

8.

Preparing children and young people for adulthood at the earliest appropriate stage.

9.

Ensuring that children and young people with SEND attend good and outstanding schools and colleges, including special schools and colleges where appropriate.

10.

Allocating resources using processes that are simple, fair and transparent.

Our values/principles in practice

Adherence to our values/principles will contribute to the commitments set out in the County Council's Plan 2017-2021, 'Your Nottinghamshire Your Future' (**Appendix A**):

- Families prosper and achieve their potential (commitment 1).
- Children are kept safe from harm (commitment 2).
- Children and young people go to good schools and early years settings (commitment 3).
- People are healthier (commitment 6).
- People can access the right care and support at the right time (commitment 9).

We commit to keeping our core values/principles at the centre of all SEND provision and services.

Appendix B (to be developed for April 2020) contains the Nottinghamshire SEND Strategic Action Plan detailing the actions required from different services to fully adhere to our core values/principles.

The Changing SEND Picture

This policy builds on 30 years of learning and best practice developed in response to major legal and cultural changes in the field of SEND.

In recent years, the SEND picture has changed significantly. As a Council we must recognise and address the following issues:

- There are now more children and young people with SEND.
- The SEND needs of some children have become more complex, especially around social, emotional and mental health.
- New legislation stipulates that we must now plan support for some young people with SEND until the age of 25.
- In September 2019, the Government announced the launch of a cross-cutting review of SEND five years on from the Children and Families Act 2014. The aims of the review are to consider how the changes introduced by the Act are supporting children and young people with SEND, and to make sure they are being implemented as well as possible. We will take into account the outcomes of this review to inform the implementation of this Policy.



The High Needs Review (2017-18)

Responding to increasing pressures on Nottinghamshire's SEND provision, the Schools Forum and Local Authority commissioned an independent review of High Needs Block spend. The review, conducted in 2018, made the following recommendations:

- Engagement with parents and carers should be increased.
- The quality of mainstream SEND offers should be improved and made more consistent.
- Decision making should be based more in local areas.
- A more focussed strategy around High Needs Block spend should be developed.
- NCC should reduce reliance on high cost Independent Non-Maintained (INM) placements.
- NCC should make the case to National Government for an increase of Nottinghamshire's share of available funding.

Following the review's recommendations, the Local Authority consulted with parents and key stakeholders. Consultation feedback will inform the future planning for SEND in Nottinghamshire and particularly **where we want to be in 3 years' time.**

Where we want to be in 3 years' time

Considering our core values/principles, current challenges and lessons learned so far, we have identified **12 essential outcomes** for this policy:

1. Decisions we make about the education of children and young people with SEND are being shaped by their thoughts and views.
2. Decision making related to placements and curriculum is of high quality, so that children and young people are better prepared for adulthood and are able to access educational pathways leading to the outcomes they seek.
3. Decision making takes place as close to children or young people as possible to promote local accountability with a focus on early intervention.
4. Our plans and services for SEND are designed with children and young people, parents and carers, according to the principles of co-production, as outlined in Nottinghamshire's Co-production Charter.
5. Parents and carers of children and young people with SEND are confident in the decisions that are made, and in the provision their children and young people receive.
6. Children and young people access appropriate educational provision, with or without an EHC Plan, so that they make continuous and appropriate progress from their personal starting points.
7. Transition arrangements across key stages and between all Children's and Adult services are seamless and smooth.
8. The range of local SEND provision and educational settings is broad, so that more children and young peoples' needs are met closer to home.
9. Our approach to concerning behaviour is consistent and restorative, so that such behaviour is viewed as an indicator of underlying need.
10. Our approach to social, emotional and mental health concerns is consistent, so that needs are met in mainstream settings and fewer children and young people with SEND receive fixed-term or permanent exclusions.
11. Technology and digitalisation is maximised within the EHCP process, so that timeliness, transparency and effectiveness are improved, and parent and carer confidence is high.
12. All partners have timely access to appropriate continuing personal development (CPD), so that there is a high level of knowledge, skill and confidence in the SEND workforce in Nottinghamshire.

We will work with NCC staff, parents, schools and colleges and other partners to ensure that these objectives are implemented as part of **Nottinghamshire's Future SEND**

Nottinghamshire's Future SEND Journey

To fulfil the commitments made in this policy, we will follow **6 Next Steps**:

1. SEND Partnership:

- Building on and improving existing Families of Schools and School Behaviour and Attendance Partnership funding arrangements.
- Partnership working involved within, co-produced with stakeholders including parents and carers.
- Undertaking the triennial SEND review with a focus on Preparation for Adulthood.

2. SEND Provision:

- Developing enhanced provision in mainstream settings and special school hubs in special school settings.
- Increasing the number and capacity of Nottinghamshire special schools—building on projects already agreed (Ash Lea, Bracken Hill, Carlton Digby, Newark Orchard) and seeking Member approval to build a new specialist provision in the Hucknall or Ollerton areas.
- Increase post-16 provision, including Supported Internships, leading to paid employment outcomes.

3. SEND Systems:

- Creating systems for locality working regarding engagement with parents and carers, SEND provision, effective use of SEND funding, specialist placements and EHCP assessments.

- Creating a system for local accountability.

4. SEND Achievement:

- Undertaking actions required by the wider Improving Educational Opportunities for All Strategy.
- Implementing the recommendations from the triennial SEND review.

5. SEND Workforce:

- Working in partnership with initial Teacher Training providers, Universities and Teaching School Alliances— so that provision for SEND across all partners is high quality and consistent.
- Further developing strengths-based practice.

6. SEND Communication:

- Rolling out the digital hub for the EHC process.
- Continuously improving the Local Offer, informed by children and young people, parents, carers and other key stakeholders.
- Providing a central resource of clear and consistent advice.
- Rationalising communication between SEND services, schools, colleges and families.

Glossary

Check on the link below to view the glossary of terms document online.

https://search3.openobjects.com/mediamanager/nottinghamshire/fsd/files/glossary_of_terms.pdf



For further information contact:

Children and Families Services
County Hall, West Bridgford, Nottingham NG2 7QP

Telephone:

Email:

www.nottinghamshire.gov.uk

The Nottinghamshire Special Educational Needs and Disabilities (SEND) Policy Consultation Outcomes

1. A public consultation was conducted between 16th September and 30th November 2019 with responses from 156 participants representing 18 different stakeholder groups. In addition, four consultation workshops were held for key stakeholders, attended by 105 individuals, one being a specific event for parents/carers which was attended by 12 parents/carers.
2. Stakeholders included parents and carers, young people, learning providers, school governors, Public Health and Clinical Commissioning Groups, voluntary organisations and Nottinghamshire County Council employees.
3. The consultation survey questions were as follows:
 - do you agree with proposed vision for Nottinghamshire?
 - how might the vision be improved?
 - do you agree with the Policy's core values / principles?
 - are you able to identify any additional core values / principles which should be included?
 - which of the core values / principles do you consider to be the most important?
 - do you agree that the 12 outcomes identified in the Policy are the correct ones?
 - are there any other outcomes which should be considered?
 - which of the 12 outcomes do you consider to be the most important?
 - do you agree that the Next Steps identified in the Policy are the correct ones?
 - are there any additional Next Steps which should be considered?
 - which of the Next Steps do you believe will make the greatest difference to the lived experiences of children and young people with SEND in Nottinghamshire?
4. Most respondents (**97.44%**) supported the Policy's vision and (**98.72%**) agreed with the Policy's core values and principles. The most important core values / principles were:
 - ensuring early support and timely intervention, following the identification of need, using a graduated response to avoid escalation of difficulties (23.08%)
 - ensuring the child or young person's voice is central to decision making (22.44%)
 - supporting collaborative relationships with key partners and services (19.23%).
5. Likewise, most respondents (91.67%) agreed with the Policy's 12 essential outcomes. The outcomes considered to be the most important were:
 - children and young people access appropriate educational provision with or without an EHC Plan, so that they make continuous and appropriate progress from their personal starting point (25.00%)
 - decisions we make about the education of children and young people with SEND will be shaped by their thoughts and views (16.03%).

6. Nearly 85% of respondents felt that the Next Steps outlined in the Policy were the correct ones. The most important one for children and young people in Nottinghamshire with SEND was SEND Provision (48.72%).
7. Overall, the on-line consultation received 240 free-text comments, which have since been analysed and, where appropriate, used to inform the final amendments to the SEND Policy. Where respondents have made suggestions in relation to the implementation of the Policy, these will be used to develop the Policy's Action Plan.
8. A copy of the consultation feedback will be shared with key stakeholders, including parents and carers, via the Nottinghamshire SEND Accountability Board.
9. For analysis purposes, comments and queries have been grouped under the following themes:

Vision

"The vision is excellent and clearly demonstrates the over-arching aspirations in Nottinghamshire for children and young people with SEND".

While there was strong support for the vision, 65 comments were received in response to the question, *'How might the vision be improved?'* Answers suggested adding:

- voice of the child being central
- being safe, healthy and happy
- timely intervention and appropriate need-based provision
- well trained and equipped staff
- constraints of available resources
- specific mention of education, whereas the majority felt the vision should reflect a broader more holistic aim than just educational attainment.

Many comments or suggestions made in response to this question are addressed later in the Policy or relate to how the Policy might be implemented. These points will be taken into consideration, as appropriate when developing the SEND Strategic Action Plan.

Values and principles

There were 58 responses to the question, *'Are you able to identify any additional core values/principles which should be included?'* The points made in response to this question very much echoed those given for the vision. Suggestions included:

- child, parent/carer's voice central to decision making
- focus on the achievement and progress of those with SEND
- more ambitious expectations and aspirations for those with SEND
- correct assessment and identification of need for children and young people 0-25
- recognise and support all needs regardless of diagnosis
- accountability, particularly for educational settings that are 'results focused'
- appropriate support for children with neurological (behavioural) differences
- Ofsted to assess and inspect SEND provision and support at school
- adequate SEND awareness training for teachers (and pupils) including training on SEN without diagnosis, understanding behaviour, support over punishment.

Essential outcomes

There were 51 responses to the question, “*Are there any other outcomes which should be considered?*” which while varied can be summarised under the following:

- effective EHCP Process – the resolution to issues being experienced in relation to Education and Health Care Plan process from initial application and assessment, through to reviews and provision
- well-trained, equipped and resourced SEND workforce, with appropriate support services available to professionals
- increased parent/carer and child engagement, involvement and confidence with SEND processes
- digital integration – fit for purpose digital hub
- enhanced SEND provision.

Next Steps

There were 66 responses to the question, “*Are there any additional next steps which should be considered?*” Most responses highlighted opportunities to address issues in the SEND process and suggestions to support the implementation of the SEND Policy:

- Quality First Teaching (QFT), as part of graduated response
- joined up working and local information sharing
- mainstream schools to be better prepared for SEND provision (increase flexibility of curriculum)
- increased accountability for educational settings for how SEND funding is being used.
- equipped and well-trained SEND workforce (increasing CPD access, “*the policy needs to reach classroom practitioners*”)
- guidelines for and better understanding of ‘options’ and what provision is available
- early years provision and early intervention
- enhanced response times (timely and appropriate intervention)
- emphasise inclusion rather than segregation
- learn from best practice in other areas of the country.

Summary

The results of the public consultation provide clear evidence of general support for the SEND Policy in terms of what it aspires to achieve. The feedback and comments from both the workshops and online consultation emphasised a wide range of issues which need to be addressed for a successful implementation of the Policy.

**REPORT OF THE CHAIRMAN OF THE CHILDREN AND YOUNG PEOPLE'S
COMMITTEE**

**APPROVAL OF DISABLED FACILITIES GRANT TOP UP LOAN FOR
ESSENTIAL ADAPTATIONS TO PRIVATE ACCOMMODATION**

Purpose of the Report

1. To seek approval for a loan of £30,000, as part of the Disabled Facilities Grant top up policy, to enable essential adaptations to be carried out to a disabled child's home. The condition will be that the Local Authority will seek to impose a legal charge on the property which is held in trust for the child. A financial assistance agreement with the parents and legal charge with the trustees will formalise this loan.

Information

2. A Disabled Facilities Grant (DFG) is a statutory grant that is awarded under Part 1 of the Housing Grants, Construction and Regeneration Act (HGCRA) 1996 and is administered by the Housing Authority. The maximum grant that can be awarded towards an adaptation is currently £30,000. Where the adaptation is for a child with a disability no financial assessment is applied.
3. Under the Chronically Sick and Disabled Persons Act (CSDPA) 1970 s3, the Housing Authority is obliged to give specific regard to the needs of a disabled child when meeting their responsibilities with regards to housing requirements. In order to address such duties and to understand if DFG works are '*necessary and appropriate*' the Housing Authority is required to consult with the relevant County Council's Children's Occupational Therapy Services.
4. The Council's Occupational Therapy service is required to assess a disabled child and their family's needs to understand if they are eligible for a DFG, and what adaptations are thought to be '*necessary and appropriate*'.
5. In this case the Occupational Therapy assessment has taken place and the '*necessary and appropriate*' adaptations have been agreed upon with the Housing Authority. The adaptation is for provision of level/wheelchair access into and out of the property and to essential facilities on the ground floor. Adaptations include a ground floor bedroom and bathroom with specialist high low bath and changing plinth, widening of access and internal doors, level wheelchair access and provision of Ceiling Track Hoists in the bedroom and bathroom. The total cost of the adaptations will be £73,029. A mandatory DFG grant of

the maximum £30,000 has been awarded. This request is for an interest free loan to be agreed of £30,000 to be repaid over 10 years. The family will fund the outstanding £13,029 themselves.

6. This will be an interest free loan which will be repaid to the Local Authority over a period of 10 years. The Local Authority's investment is protected by a legal charge and the Council has claw back rights on the funding in the event of default by the parents or sale of the property
7. The Policy and Process Guidance for Supporting Discretionary Top Up Assistance Payments was agreed by Policy Committee in September 2015.
8. The Policy states:

4.1 If formal approval for a DFG is given and the cost of works is in excess of the statutory DFG of £30,000, Nottinghamshire County Council will assist a service user in meeting their housing needs by exercising their discretionary powers under the Chronically Sick and Disabled Persons Act (CSDPA) 1970.

6.4 The offer of any loan will need to be approved through Policy Committee prior to any payment being made.

Other Options Considered

9. All other accommodation options have been considered as part of the DFG process. Major adaptations to the current accommodation are considered to be the most effective option.

Reason/s for Recommendation/s

10. The proposed adaptations are essential in order for the service user to lead a full life with appropriate accommodation and care facilities in place.
11. Without the loan of £30,000 this adaptation cannot proceed and the accommodation will not be suitable for the service user.
12. The Council has discretionary powers to assist a service user in meeting their housing needs. The adaptations are considered necessary and appropriate for this child's needs to be met. The loan will be repaid over a period of 10 years.

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Data Protection and Information Governance

14. On agreement to funding it will be necessary for the Occupational Therapy Service and Housing Authority to share information about the service user and Trustees in order for legal documentation to be drawn up by the Local Authority's legal services. This documentation will concern a legal charge on the property and a financial assistance loan agreement requiring the parents to repay a proportion of the funding should they decide to sell the property within an agreed time period

Financial Implications

15. This will be an interest free loan which will be repaid to the Local Authority over a period of 10 years. The Local Authority's investment is protected by a legal charge and the Council has claw back rights on the funding in the event of default by the parents or sale of the property.

Safeguarding of Children and Adults at Risk Implications

16. Suitably adapted accommodation with appropriate equipment will reduce the likelihood of harm to the service user through inappropriate moving and handling.

RECOMMENDATION/S

- 1) That Committee approves the loan of £30,000 to the parents for these adaptations and for the Council's interest to be protected by way of legal charge on the property.

Councillor Philip Owen
Chairman of the Children and Young People's Committee

For any enquiries about this report please contact:

Sandrina Mapletoft
Service Manager, Integrated Children's Disability Services
T: 0115 8043162
E: sandrina.mapletoft@nottscc.gov.uk

Constitutional Comments (AK 04/09/20)

17. The report falls within the remit of Policy Committee by virtue of the Constitution and Policy and Procedure Guidance – Supporting Discretionary Top Up Assistance Payments.

Financial Comments (SAS 17/09/20)

18. This will be an interest free loan which will be repaid to the Local Authority over a period of 10 years. The Local Authority's investment is protected by a legal charge and the Council has claw back rights on the funding in the event of default by the parents or sale of the property. It does not have any implications for the Children & Families revenue budget.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

[Policy and Process Guidance for Discretionary Payments towards the provision of major adaptations to service users' homes – report to Policy Committee on 9th September 2015](#)

Electoral Division(s) and Member(s) Affected

Stapleford & Broxtowe Central

Cllr Dr John Doddy & Cllr John Longdon

C1389

30 September 2020**Agenda Item: 8****REPORT OF THE LEADER OF THE COUNCIL****MODERN SLAVERY AND HUMAN TRAFFICKING STATEMENT****Purpose of the Report**

1. The purpose of this report is for Members to consider and approve the content of the Council's Modern Slavery statement. The statement is an updated version of that considered and agreed by Members on 22 May 2019.

Information

2. The UK Government is driving forward with initiatives to tackle Modern Slavery. Nationally on 26 March 2015 the Modern Slavery Act received royal assent. The Act is the first of its kind in Europe, and, also in the world, to specifically address modern slavery and human trafficking in the 21st century.
3. The legislation is intended to enhance support and protection for victims, to provide law enforcement tools to target slave drivers, to ensure perpetrators can be severely punished, and includes provision to encourage business to undertake action to ensure their end-to-end supply chains are slavery free. The Act also established the UK's first ever Independent Anti-slavery Commissioner to drive forward the law enforcement response.
4. Section 54 of the Modern Slavery Act 2015 was brought into force on 29 October 2015 and requires employers to produce a Modern Slavery statement for financial years ending on or after 31 March 2016. Section 54 of the Act states that an employer's slavery and human trafficking statement should include the following information:
 - Details of the Council's structure, business and supply chains;
 - The policy in relation to slavery and human trafficking;
 - Due diligence processes in relation to slavery and human trafficking in business and supply chains;
 - Identification of the level of risk of slavery and human trafficking and how the identified risk will be managed;
 - How performance in ensuring that slavery and human trafficking are not taking place in our business or supply chains is measured;

- What training on slavery and human trafficking is available to employees
5. Over the last year, there has been significant progress across the UK to tackle modern slavery and human trafficking. The Independent Review of the Modern Slavery Act 2015 was published in May 2019. This Review was commissioned by Government to look at how the legislation and its implementation could be strengthened as the methods used by criminals to exploit vulnerable people evolve.
 6. In May 2019, Dame Sara Thornton assumed the role of the new Independent Anti-Slavery Commissioner (IASC). The IASC plays an instrumental role in giving independent advice on modern slavery issues and how they should be tackled across the whole UK. The UK's Government response to modern slavery is structured around the 'four Ps' framework used in the Modern Slavery Strategy. Further information and resources are available in the 2019 UK Annual Report of Modern Slavery produced by Central Government. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/840059/Modern_Slavery_Report_2019.pdf
 7. Nottinghamshire County Council is committed to understanding the risks presented by slavery. The Communities Team is coordinating the council's response to Modern Slavery which includes:
 - Working with partners to establish referral pathways for victims
 - Contributing to a multi-agency strategy which incorporates early intervention and prevention support for victims of Modern Slavery, training and awareness for practitioners and first line responders
 - Promoting Anti- Slavery Day, which is every year on October 18th to raise awareness amongst colleagues, stakeholders and partner organisations on the impact of Modern Slavery
 8. Work jointly undertaken with the University of Nottingham on a pilot study to evaluate any potential modern slavery risk in two specific Adult Social Care supply chains, the commissioning of Residential Care and Nursing Homes and the use of Direct Payment Support Service Providers has been well received. The outcome of a workshop held for front line Officers in Mansfield to collaboratively and specifically look at where risks might still be evident to areas of work associated with Direct Payments Service, in particular, Personal Assistants who provide a care service has resulted in a further section being included in the Direct Payments Policy covering the Council's recommendations for Direct Payment recipients to help safeguard against Modern Day Slavery.
 9. A Modern-Day Slavery & Human Trafficking workshop was held in 2019 in The Rufford Suite at County Hall whereby Elected Members and Senior Officers were invited to attend which was presented by the Head of Prevention for the Gang-master and Labour Abuse Authority who highlighted the work currently being undertaken to tackle modern day slavery and human trafficking. Modern Day Slavery is often carried out in areas of work which goes unnoticed e.g. pop up hand car washes and increasing numbers of nail bars.
 10. The Council has also required all staff working in supply chain management, Procurement and Human Resources professionals to have completed training on modern slavery awareness- the Modern-Day Slavery online training module is available to all staff within the authority through the 'My Learning, My Career' link; reviewed the system for supply chain verification currently in place, where potential suppliers are evaluated before they

enter the supply chain and reviewed our existing supply chains whereby all existing suppliers are evaluated.

11. The Government's guidance on producing a slavery and human trafficking statement is that it must be approved at the highest level of the organisation and be published on the Council's website with a prominent link to the statement on the homepage. Organisations required to publish a statement must respond to requests for a written copy within 30 days. The Council's statement is attached as **Appendix A**. If an organisation to which the requirement applies fails to produce a slavery and human trafficking statement for a particular financial year, the Secretary of State may bring proceedings in the High Court requiring the organisation to do so.

12. In addition to the Council's own statement, it will need to retain copies of the statements of other suppliers who are required to publish their own statement i.e. commercial organisations with a total turnover of £36 million per annum. Tender documentation has been amended in order to ask potential suppliers particular questions in tender exercises to ensure that suppliers are meeting this duty before awarding contracts.

13. In order to further increase awareness of modern slavery, and provide clarity for councils on their role in tackling it the Local Government Association, in December 2017, published -

"Modern Slavery – A council guide". A copy of this document can be downloaded at https://www.local.gov.uk/sites/default/files/documents/22.12_Modern_slavery_WEB%202.pdf

14. Examples of the impact of the work that is being undertaken on tackling Modern Slavery include:

- The discovery of a warehouse being used to cut tobacco leaves to make into illicit tobacco products. Two Vietnamese gentlemen were discovered living and working in the factory, the conditions were very poor, and they were immediately suspected of being victims of modern slavery. They were taken into protection by the police.
- A second case again in the area of illicit tobacco was discovered during enquires that officers were making into a lease holder for a shop in the County area that had been selling illicit products. They visited a connected retail premise outside of Nottinghamshire with local Trading Standards officers for that area. After interviewing the seller of illicit cigarettes, the officers became aware there were elements of concern for Modern Slavery, the person in the shop could not recall their home address, they had worked 9 days in succession, and only received £20 for 5 hours work. They had been made to sell counterfeit and illicit tobacco and cigarettes on behalf of the tenant of the property and the boss. Again, this person was taken into protection by the police.
- A high-profile case in Kirby-in-Ashfield in 2019, where the victim was forced to live in outhouse by his ex-partner and her new partner, resulted in a Modern Slavery Investigation. The offenders were given jail sentences after pleading guilty to coercive and controlling behavior. For detailed information on this case please see link provided <https://www.bbc.co.uk/news/uk-england-nottinghamshire-50339597>

Other Options Considered

15. The Council is required to publish a Modern Slavery and Human Trafficking Statement and would wish to do so as part of its commitment to being a good employer and as an exemplar to other employers (as noted: see **Appendix A**).

Reasons for Recommendations

16. To inform members of the need to produce an updated statement on modern slavery and human trafficking and to seek agreement to and approval to publish the updated statement on the public website.

Statutory and Policy Implications

17. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Human Resources Implications

18. The current review of all the Council's employment policies and procedures includes consideration to how we can further develop our prevention strategies to ensure modern slavery and human trafficking form no part of our workforce. This work is being mirrored by the Council's Procurement Team to apply the same standards to our supply chain and those who deliver services on the Council's behalf.
19. The recognised trades unions were consulted on the draft statement at Central Joint Consultative and Negotiating Panel on 14 December 2017 and were broadly supportive of the statement and need to challenge and prevent modern slavery and human trafficking.

Human Rights Implications

20. These have been considered in developing the statement which is designed to protect individual and collective rights.

Public Sector Equality Duty implications

21. Equality implications have been considered during the development of the Council's Modern Slavery Statement.

Safeguarding of Children and Adults at Risk Implications

22. The implications for vulnerable adults and children have been considered in developing the statement which will add an additional layer of prevention for people for whom there may be a risk of modern slavery or human trafficking.
23. There is a National Referral Mechanism (NRM) available and is a framework for identifying victims of human trafficking and ensuring they receive appropriate care. A range of agencies may be involved in a trafficking case such as the police, the UK Border Agency (UKBA), local authorities and non-government organisations such as charities.
24. The Office of the Nottinghamshire Police & Crime Commissioner have funded a

caseworker until March 2021, taking referrals for South Nottinghamshire; Broxtowe, Gedling and Rushcliffe where there are concerns about adult exploitation and work with partners to support victims and reduce harm. The Caseworker is hosted by the Exploitation and Slavery Team for Adults (ESTA). based at Nottingham City Council

Implications for Service Users

25. The statement will help to minimise the risk of modern slavery and human trafficking for service users and encourage early identification and action on potential issues.

RECOMMENDATIONS

It is recommended that Policy Committee:

- 1) Consider and agree the updated attached statement in **Appendix A** which demonstrates the Council's commitment to ensuring that there are no victims of slavery or human trafficking employed directly by the Council, in its commissioned services or supply chains.
- 2) Approve the publication of the updated statement on the public website.

Councillor Mrs Kay Cutts MBE
Leader of The Council

For any enquiries about this report please contact: Cathy Harvey, Team Manager
Communities Team at cathy.harvey@nottscc.gov.uk or on 0115 9773415

Constitutional Comments (KK 26/08/2020)

25. The proposals in this report are within the remit of the Policy Committee.

Financial Comments (SES 26/08/2020)

26. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

- Equality Impact Assessment for NCCs Modern Slavery Statement
- Modern Slavery Statement 2019

Electoral Division(s) and Member(s) Affected

- All

Nottinghamshire County Council's Modern Slavery and Human Trafficking statement

Introduction

Nottinghamshire County Council is absolutely committed to preventing slavery and human trafficking in our corporate activities and to ensuring that our supply chains are free from slavery and human trafficking.

This statement sets out Nottinghamshire County Council's actions to understand all potential modern slavery risks related to our services and businesses and to put in place steps that are aimed at ensuring that there is no slavery or human trafficking in our own services and businesses and our supply chains.

As part of Local Government, Nottinghamshire County Council recognises that we have a responsibility to take a robust approach to slavery and human trafficking. We pay our own employees the Living Wage Foundation Living Wage as part of our ongoing commitment to treating people fairly and to raise workers out of poverty. Whilst we do not require our suppliers to match this commitment, we do ask them to consider its adoption for their workforces.

Organisational structure and supply chains

This statement covers the activities of Nottinghamshire County Council. The statement covers direct employees of the Council, agency workers engaged through the Council's managed service and services delivered on behalf of the Council by third party organisations and in the council's supply chains.

The Council has worked with Nottingham University to carry out a risk profile assessment into the Council's supply chains in care home service provision. This aims to ensure that these are robust and slavery-free in regard to the recruitment and retention of care workers who provide nursing and residential care staff. A training course was also made available to front line staff within the Direct Payments Service of the risks of Modern Day Slavery. As result of this further measures have been put in place to further reduce the risk in that regard.

Countries of operation and supply

Nottinghamshire County Council only operates within the United Kingdom. Whilst the risk of slavery and human trafficking is considered low, the Council remains vigilant and will take all steps available to manage the risks presented.

High-risk activities

The Council has determined that there are no areas of its business that are considered to be at high risk of slavery or human trafficking:

Responsibility

Responsibility for the Council's anti-slavery initiatives is as follows:

- **Policies:** Service Director, Customers, Governance and Employees in the Chief Executives Department will be responsible for ensuring appropriate recruitment and employment policies are in place and reviewed on an annual basis to ensure they remain current and relevant.
- **Risk assessments:** To be undertaken by the relevant service area where there is deemed to be a risk of modern slavery or human trafficking, with the support of colleagues within HR and Procurement. The risk assessment will be signed off by the appropriate service

director and held centrally and demonstrate the corporate responsibility for human rights and modern slavery risk analysis.

- **Investigations / due diligence:** Any concerns regarding modern slavery or human trafficking should be raised with the Service Director, Customers, Governance and Employees in the first instance.
- **Training:** Awareness of the issue of human trafficking and modern slavery have been raised in the Chief Executive's blog. E-learning material is available to all staff within the authority.
- A Modern-Day Slavery Seminar presented by Paul Elms, Head of Prevention of the Gangmasters & Labour Association for senior officers and elected members highlighting the work that has and still is being carried out in order to reduce modern day slavery throughout the Country
- **Partnership:** The Council is a partner at the Safer Nottinghamshire Board Modern Slavery Steering Group. The Council is also represented at the East Midlands Strategic Migration Partnership Anti Human Trafficking Partnership and the Nottingham and Nottinghamshire Modern Slavery Partnership.

Relevant policies

Nottinghamshire County Council reviews its policies and procedures on an ongoing basis to ensure they remain compliant and fit for purpose. The following policies and procedures are considered to be key in meeting the requirements of the Modern Day Slavery Act.

- **Whistleblowing policy** - The organisation encourages all its workers, customers and other business partners to report any concerns related to the direct activities, or the supply chains of, the organisation. This includes any circumstances that may give rise to an enhanced risk of slavery or human trafficking. The organisation's whistleblowing procedure is designed to make it easy for workers to make disclosures, without fear of retaliation.
- **Employee code of conduct** Nottinghamshire County Council's code makes it clear to employees the actions and behaviour expected of them when representing the organisation. The organisation strives to maintain the highest standards of employee conduct and ethical behaviour in all its operations and when managing our supply chain.
- **Expectations of Suppliers** Nottinghamshire County Council is committed to ensuring that its suppliers adhere to the highest standards of ethics. Suppliers are required to demonstrate that they provide safe working conditions where necessary, treat workers with dignity and respect, and act ethically and within the law in their use of labour. We work with suppliers to ensure that they meet the required standards. However, serious violations of the Council's supplier expectations will lead to the termination of the business relationship.
- **Agency workers managed service** The Council uses only specified, reputable employment agencies to source labour and always through its managed service provider, verifies the practices of any new agency it is using before accepting workers from that agency. The contractual audit process with the managed service provider supplies the required evidence of panel supplier abilities to comply. There has been no requirement to take action as a result of the risk of slavery and human trafficking in the period covered by this statement.

Practical Guidance

In the course of our employment with the Council, we may come across situations and people that cause us concern. This section seeks to give some practical guidance to assist with deciding if someone may have been trafficked or is the victim of modern slavery.

Victims are trafficked all over the world for little or no money, including to and within the UK. They can be forced to work in the sex trade, domestic service, and forced labour, criminal activity or have their organs removed to be sold. There is no typical victim and some victims do not understand they have been exploited and that they are entitled to help and support. Victims are often trafficked to a foreign country where they cannot speak the language, have their travel and identity documents removed and are told that if they try to attempt an escape, they or their families will be harmed.

Key indicators of trafficking include:

- Is the person in possession of their own passport, identification or travel documents or are these documents in possession of someone else?
- Does the person act as if they were instructed or coached by someone else? Do they allow others to speak for them when spoken to directly?
- Was the person recruited for one purpose and forced to engage in some other job? Have transport costs been paid for by facilitators, whom they must pay back through working or providing services?
- Does the person receive little or no payment for their work? Is someone else in control of their earnings?
- Does the victim have freedom of movement? Are they dropped off and collected from work?
- Is the person withdrawn or do they appear frightened?
- Has the person or their family been threatened with harm if they attempt to escape?
- Is the person under the impression they are bonded by debt, or in a situation of dependence?
- Has the person been physically or emotionally harmed or deprived of food, water, sleep, medical care or other life necessities?
- Can the person freely contact friends or family? Do they have limited social interaction or contact with people outside their immediate environment?

This list is not exhaustive. Remember, a person may display a number of the trafficking indicators set out above but they may not necessarily be a victim of trafficking. Often you will build up a picture of the person's circumstances which may indicate that something is not quite right. **If you have a suspicion, report it.**

What should I do if I suspect someone is being trafficked or the victim of slavery?

If a member of staff is approached by a person identifying as a victim of modern slavery, or if a staff member considers that a person may be a potential victim of modern slavery, then if they have the victim's explicit consent, they should contact Nottinghamshire Police on 101.

If this is an emergency situation then staff should call Police on 999.

If you hold information that could lead to the identification, discovery and recovery of victims in the UK, you can also contact the Modern Slavery Helpline 08000 121 700.

Please contact the Nottinghamshire Multi Agency Safeguarding Hub (MASH) to discuss your concerns under the adults safeguarding procedures on 0300 500 8080.

For potential child victims of trafficking please call the MASH on 0300 500 8090 or the NSPCC Child Trafficking Advice Centre on 0808 800 5000.

Out of office hours, you can contact the Emergency Duty Team on 0300 456 4546

Please be aware not all victims may want to be rescued and there may be instances where reporting a suspected trafficking case puts the potential victim at risk.

Due diligence

Nottinghamshire County Council undertakes due diligence when considering taking on new suppliers and regularly reviews its existing suppliers. This is the responsibility of the individual contract managers. The organisation's due diligence and reviews include:

- mapping the supply chain broadly to assess particular products or geographical risks of modern slavery and human trafficking;
- evaluating the modern slavery and human trafficking risks of each new supplier;
- reviewing on a regular basis all aspects of the supply chain based on the supply chain mapping;
- conducting supplier assessments on an annual basis focusing on financial stability, covering insurance, compliance with various employment policies and which have a greater degree of focus on slavery and human trafficking where general risks are identified;
- creating an annual risk profile for each supplier to cover all the issues in the previous bullet point;
- taking steps to improve substandard suppliers' practices, including providing advice to suppliers and requiring them to implement action plans for example to demonstrate compliance with safer recruitment requirements;
- participating in collaborative initiatives focused on human rights in general, and slavery and human trafficking in particular;
- invoking sanctions against suppliers who fail to improve their performance in line with an action plan or who seriously violate our expectations of suppliers, including the termination of the business relationship.
- All invitations to tender for business with the Council include the following statement:

“We are committed to ensuring that there is no modern slavery or human trafficking in our supply chains. NCC will not support or deal with any business knowingly involved in slavery or human trafficking. We use the Crown Commercial Services Standard Selection Questionnaire which includes a self- certification element to our tendering processors these are used to assess suppliers’ policies and practices on slavery and human trafficking.”

Performance indicators

Nottinghamshire County Council has reviewed its key performance indicators (KPIs) in light of the introduction of the Modern Slavery Act 2015. As a result, we have:

- required all new staff working in supply chain management, Procurement and HR professionals to have completed training on modern slavery as part of their induction;
- reviewed the system for supply chain verification currently in place, whereby we evaluate potential suppliers before they enter the supply chain; and
- continue to review our existing supply chains by contract managers, whereby we evaluate all existing suppliers.

Training

The organisation requires all staff responsible for supply chain managers or working in HR or Procurement within the Council to complete training on modern slavery.

The modern slavery training covers:

- our business' purchasing practices, which influence supply chain conditions and which should therefore be designed to prevent purchases at unrealistically low prices, the use of labour engaged on unrealistically low wages or wages below a country's national minimum wage, or the provision of products by an unrealistic deadline;
- how to assess the risk of slavery and human trafficking in relation to various aspects of the business, including resources and support available;
- how to identify the signs of slavery and human trafficking;
- what initial steps should be taken if slavery or human trafficking is suspected;
- how to escalate potential slavery or human trafficking issues to the relevant parties within Nottinghamshire County Council;
- what external help is available, for example through the Modern Slavery Helpline, Gangmasters and Labour Abuse Authority and "Stronger together" initiative;
- what messages, business incentives or guidance can be given to suppliers and other business partners and contractors to implement anti-slavery policies; and
- the steps we should take if suppliers or contractors do not implement anti-slavery policies in high-risk scenarios, including their removal from the organisation's supply chains.

Awareness-raising Programme

- As well as training staff, we have raised awareness of modern slavery issues by entries in the Chief Executive's blog including a link to the Gangmaster and Labour Abuse Authority website.

Modern Slavery in Adult Social care

The County Council has worked with the Modern Slavery International Rights Lab at Nottingham University which looked at a pilot study to evaluate the modern slavery risk in the Council's adult social care supply chains. Two supply chains were selected for investigation: the commissioning of Residential Care and Nursing Homes and the use of Direct Payment Support Service Providers.

As a result of this work further safeguarding has been proposed in an updated Data and Barring Service Policy in relation to Direct Payments to Personal Assistants.

Local Government Association (LGA)

The Local Government Association published guidelines in December 2017 for Councils tackling modern day slavery. The link can be found below:

<https://www.local.gov.uk/modern-slavery-council-guide>

County Councillor Alan Rhodes is the LGA Champion for Modern Slavery.

September 2020

REPORT OF THE CHAIRMAN OF PLANNING AND LICENSING COMMITTEE

PLANNING FOR THE FUTURE – WHITE PAPER AUGUST 2020

Purpose of the Report

1. To consider the Council's response to the Government White Paper 'Planning for the Future' which proposes fundamental reforms to the planning system in England. This report provides a summary of the key proposals contained in the White Paper. The consultation questions and list of proposals are detailed at **Appendix A**. The Council's response to those questions is currently being drafted by officers and, once completed, will be circulated to Members of Policy Committee ahead of the meeting for consideration.

Information

2. The Government published its White Paper 'Planning for the Future' on 6 August 2020. The white paper can be viewed at <https://www.gov.uk/government/consultations/planning-for-the-future>. The White Paper sets out far-reaching proposals to fundamentally reform the planning system in England. Consultation on the White Paper closes on 29th October 2020. The Council's response is in the process of being drafted.
3. The White Paper proposes the biggest structural changes to the planning system since 1947. The Government considers that such radical reform is required in order to modernise the planning system and remove the barriers that currently hinder and delay much needed development. It is proposed to streamline, simplify and digitise the planning system to provide certainty and predictability and to create a process which is more engaging, simpler and can be trusted by communities.
4. The White Paper focusses heavily on the need for housing and infrastructure delivery and a renewed emphasis on design quality. Further consultation is anticipated on detailed proposals but key changes that could affect the County Council's current statutory planning, highways and transport functions are summarised below.

Plan-making process

5. The Council has a current statutory duty to prepare Local Plans for both minerals and waste development. Local plans would continue to have a central role in the new planning system, but the proposals seek to both speed up and simplify the plan-making process.
6. Local Plans would become much shorter, visual and map-based documents, focussed on identifying land for development in one of three categories:
 - a. Growth areas (for substantial development such as urban extensions or new settlements)
 - b. Renewal areas (smaller, infill development in existing built-up areas) and;
 - c. Protected areas (where cultural or environmental characteristics require development to be more controlled, for example in Green Belt and Conservation Areas)
7. Within 'growth areas', outline planning approval would automatically be granted for the forms and types of development specified in the plan. In 'renewal areas', there would be a statutory 'presumption in favour' of development. Protected areas would still be subject to more stringent development controls and full planning applications would be required for development in these areas. Site-specific policies and local design guides and codes would be used to set out the height, density, style and appearance of the different types of development that would be allowed within each area. Local development management policies covering matters such as water quality, flood-risk, highways impacts, and the protection of landscape, biodiversity and heritage assets would be replaced by standard national policies.
8. Councils and the Planning Inspectorate would be required to meet a statutory timetable of 30 months for plan preparation with 'sanctions for those who fail to do so'. Local plans should be subject to a single, simplified 'sustainable development' test, replacing the existing four tests of soundness. The legal duty to cooperate with other local planning authorities on strategic issues would be removed but further consideration will be given to the way in which strategic cross-boundary issues, such as major infrastructure or strategic sites, should be planned for. The need for sustainability appraisals alongside plans would be abolished and replaced with a simplified process for assessing the environmental impact of plans.
9. The planning process would be increasingly digitised, moving from a process based on paper documents to a process that is 'driven by data' and with much greater use of standard formats and templates. Local authorities would be helped to use digital tools to support 'a new civic engagement process for local plans and decision-making' to make it easier to comment on proposals using smart phones or other mobile devices. Community consultation at the planning application stage would be streamlined with a greater emphasis on engagement at the plan-making stage.

Decision-making process

10. The Council is responsible for determining planning applications for minerals and waste related development and for its own development such as schools and libraries. Under the proposed reforms more development would be given permission 'in principle' through the Local Plan process. However, given the specialist nature of minerals and waste planning, it is not clear at this stage whether these standard approaches would be applied to minerals and waste development.

11. The Government has stated that the determination of planning applications should be faster and more certain with firm deadlines and penalties where councils fail to determine an application within the statutory time limit. If an application is refused and the decision is subsequently overturned at appeal, applicants would be entitled to an automatic refund of their planning fee. Councils should also be subject to a new performance framework to ensure continuous improvement across all planning functions and enable early intervention by Government if problems emerge with individual authorities.
12. Routine processes such as validating planning applications should be more automated, and the amount of key information required as part of a standard planning application should be reduced. A national set of planning conditions would be introduced to cover common issues. Greater enforcement, and higher fines for deliberate unauthorised development are also proposed.

Developer Contributions for infrastructure

13. With public spending decreasing over recent years it has become more important for the Council to secure money from development in order to deliver the public services and infrastructure that are needed alongside new homes such as public transport, highway access, education facilities, library provision and household waste recycling facilities. The Council is currently able to seek funding from developers through either Section 106 agreements or the Community Infrastructure Levy as detailed in the Council's Planning Obligations Strategy (last updated October 2019). It is proposed to replace the existing parallel regimes for securing developer contributions with a new, consolidated 'Infrastructure Levy'
14. This could be either a flat rate set nationally or a variable rate for different areas. A threshold would be established whereby if the development value falls below this threshold the levy will not apply. To ease cashflow problems, particularly for smaller developers, the levy would be applied at the point at which the development is occupied rather than at the commencement of development. Councils would also be allowed to borrow against the Infrastructure Levy revenues in order to 'forward fund' infrastructure that is needed prior to the completion of the development. There will also be greater flexibility in what the funding can be used for, including for affordable housing. The Government is also consulting on whether it is appropriate to extend the Infrastructure Levy to capture changes of use through permitted development rights even where no additional floorspace is created.

Discussion

15. The reforms proposed within the White Paper are intended to speed up the delivery of homes and infrastructure across England. Measures to streamline the overall planning process that remove unnecessary duplication, provide greater certainty, and enable communities and individuals to understand proposals affecting them more easily, are to be broadly welcomed. The White Paper does not refer to planning in two tier council areas such as Nottinghamshire where responsibilities for planning are split between the two Councils. This can often create confusion to the public and additional delay because of the need for consultation between two separate organisations, despite the best efforts of two-tier Councils to work together well. For the reforms to have the most beneficial impact, a review of local government structure to include the benefits of a unitary authority, working across a geography which enables a Council to plan effectively is needed. The recent report to this Committee on Devolution and Local

Government to advance proposals for local government reform in Nottinghamshire will support this.

16. The use of technology and standard formats to process applications more quickly would need to ensure that sufficient information is still provided to enable the local impacts of development proposals to be assessed. Additional software investment may also be needed to meet future Government standards. The introduction of strict time-limits, with financial penalties, to determine more complex planning applications such as new quarries or large energy from waste facilities could detract from the quality of decision making and lead to a higher number of planning appeals or legal challenges.
17. Shifting the emphasis of public consultation from individual planning applications to the plan making process could streamline the overall process but this would need to be supported by much wider-reaching consultation measures at the plan-making stage as the majority of people currently only engage with the planning system when is a planning application for a specific development rather than commenting on wider principles or broad land allocations.
18. Changes to the way developer contributions are sought could speed up the development process. The current Section 106 process is often lengthy, and resource intensive as rigorous negotiations are needed to secure funding. However, the ability to obtain off-site benefits should be retained as legal agreements are the only available mechanism to achieve this. The Community Infrastructure Levy has not generated the level of infrastructure investment that was envisaged when it was introduced. A single Infrastructure Levy could therefore increase the funding for essential services and infrastructure, but this will depend on the level at which the rate is set. If there is a threshold below which contributions will not be sought, this could lead to a funding deficit for necessary infrastructure should there be an economic downturn as the levy would only be applied at the point of occupation.
19. The Councils full draft response to the consultation questions posed by the Government in the White Paper, once completed, will be circulated to Members ahead of the meeting for their consideration.

Other Options Considered

20. Not to respond to the consultation. The Council would not have the opportunity to comment on major proposed reforms likely to affect the delivery of its services.

Reason/s for Recommendation/s

21. In order that a response to the White Paper is made on behalf of the Council and has been approved by Members.

Statutory and Policy Implications

22. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

- 1) That the draft response to the White Paper on Planning reform be approved.

Councillor Chris Barnfather
Chairman of Planning & Licensing Committee

For any enquiries about this report please contact: Suzanne Osborne-James/Emma Brook

Constitutional Comments (RHC 8/9/20)

23. Policy Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference.

Financial Comments (SES 27/08/20)

24. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

Planning for the Future, White Paper, August 2020 – List of Proposals and Consultation Questions

Pillar One – Planning for development

Question 1. What three words do you associate most with the planning system in England?

Question 2(a). Do you get involved with planning decisions in your local area? [Yes / No]

Question 2(b). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

Question 3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? [Social media / Online news / Newspaper / By post / Other – please specify]

Question 4. What are your top three priorities for planning in your local area? [Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]

Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – *Growth* areas suitable for substantial development, *Renewal* areas suitable for development, and areas that are *Protected*.

Question 5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]

Proposal 2: Development management policies established at national scale and an altered role for Local Plans.

Question 6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.

Question 7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which

would include consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.]

Question 7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

Question 8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

Question 8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]

Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

Question 9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?

Question 9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

Question 9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? [Yes / No / Not sure. Please provide supporting statement.]

Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology

Question 10. Do you agree with our proposals to make decision-making faster and more certain?

Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

Question 11. Do you agree with our proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

Question 12. Do you agree with our proposals for a 30-month statutory timescale for the production of Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools.

Question 13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]

Question 13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

Proposal 10: A stronger emphasis on build out through planning.

Question 14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

Pillar Two – Planning for beautiful and sustainable places

Question 15. What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/ or poorly-designed / There hasn't been any / Other – please specify]

Question 16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

Question 17. Do you agree with our proposals for improving the production and use of design guides and codes?

Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.

Question 18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer

for design and place-making? [Yes / No / Not sure. Please provide supporting statement.]

Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.

Question 19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]

Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

Question 20. Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]

Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

No consultation question in White Paper

Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

No consultation question in White Paper

Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century.

No consultation question in White Paper

Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

No consultation question in White Paper

Pillar Three – Planning for infrastructure and connected places

Question 21. When new development happens in your area, what is your priority for what comes with it?

Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

Question 22(a). *Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.]*

Question 22(b). *Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? [Nationally at a single rate / Nationally at an area-specific rate / Locally]*

Question 22(c). *Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]*

Question 22(d). *Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? [Yes / No / Not sure. Please provide supporting statement.]*

Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights.

Question 23. *Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]*

Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision

Question 24(a). *Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present? [Yes / No / Not sure. Please provide supporting statement.]*

Question 24(b). *Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?*

Question 24(c). *If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? [Yes / No / Not sure. Please provide supporting statement.]*

Question 24(d). *If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? [Yes / No / Not sure. Please provide supporting statement.]*

Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy

Question 25. *Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]*

Question 25(a). *If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]*

Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.

No consultation question in White Paper

Proposal 24: We will seek to strengthen enforcement powers and sanctions

No consultation question in White Paper

EQUALITIES IMPACTS

Question 26. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

REPORT OF THE LEADER OF THE COUNTY COUNCIL

ARC AND VIA: A COLLABORATION TO DELIVER ECONOMIC GROWTH

Purpose of the Report

1. That the Committee considers the approach and actions taken to date to establish a Memorandum of Understanding between and Arc Property Services Partnership Limited (Arc Partnership), and Via East Midlands on collaboration and joint working that supports Nottinghamshire County Council's wider strategies and plans on economic growth; and decides if any further information is required.

Information

2. Both Arc Partnership and Via East Midlands are successful companies established by Nottinghamshire County Council to deliver services in line with their Service Agreements and empowered to deliver third party works under the auspices of Local Authority Trading Companies, as both are classed as 'Teckal Companies'.
3. Both businesses are different in terms of constitution. Via East Midlands is a wholly owned subsidiary of the County Council, whilst Arc Partnership operates as a joint venture between the County Council and Scape Group Ltd. However, the principles of how both operate are similar.
4. Both organisations already collaborate in a number of areas to deliver projects/programmes of work that deliver value for money, quality of output and customer excellence. As such, they now wish to consider greater collaboration, supported by a Memorandum of Understanding, that will formalise plans for greater joint working, cross selling and the establishment of a framework for delivery which supports the County Council's plans and policy drivers on economic growth.
5. The key drivers for such an approach are based on value for money and keeping the "Nottinghamshire County Council pound within Nottinghamshire" wherever possible. The added value of this joint working to the local supply chain will be measured and reported annually under these new working principles.
6. Arc Partnership delivers multi-disciplinary property design, consultancy, master planning, regeneration, project/programme management, emergency, reactive, compliance asset management and planned services on behalf of the County Council.
7. Via East Midlands delivers multi-disciplinary engineering and fleet management services, including highways maintenance, design and consultancy, project/programme management,

construction, signals and lighting, drainage, landscaping, environmental assessment, road safety, fleet services and a highway training centre.

8. Both companies deliver extensive third-party trading opportunities across the East Midlands.
9. Through Arc Regeneration, an evolving business unit within Arc Partnership, work continues with the County Council to bring forward a number of key regeneration, inward investment and economic growth projects. Within this relationship, Arc acts as both a direct deliverer and enabler, drawing on the wider resources of its supply chain as 'virtual teams' handpicked to suit the needs of each individual project. These include the Council's Investing in Nottinghamshire Programme and other inward investment and regeneration schemes. High value and high-profile projects include the Top Wighay Farm and Lindhurst developments, and Eastwood Multi-Service Hub/residential housing development.
10. Working together, Arc Partnership and Via East Midlands have helped secure substantial amounts of external funding for these projects. Both companies have also jointly supported advanced feasibility studies and assessments for projects emerging through the East Midlands Development Corporation. This relationship provides a great opportunity for both companies and the County Council to advance major projects and position the Development Corporation for the securing of major economic growth opportunities.
11. The greater collaboration envisaged through the Memorandum of Understanding attached as an Appendix to this report will help enable a pipeline of future projects to be developed, placing Nottinghamshire in a position of advantage to secure further funding to assist economic growth and recovery.
12. Both Arc Partnership and Via East Midlands' Boards have already agreed to establish a Memorandum of Understanding in order to deepen their joint working, and this report informs this Committee of this greater collaboration in the delivery of feasibility studies, projects and programmes of works emerging from the County Council's economic growth plans. The Memorandum of Understanding will also support both companies to share resources and expertise in their drive for greater innovation, particularly in terms of technological developments that drive efficiency, business advantage and better value for money in respect of the services that each deliver on behalf of the County Council.
13. Via East Midlands and Arc Partnership Boards have both endorsed the Memorandum of Understanding. Future joint work will be monitored and evaluated with regular joint reporting to the relevant Boards of both organisations, through the County Council's Operational Boards established for projects /programmes of works, and to this Committee.

Financial Implications

14. There are no direct financial implications related to the proposals. However, the Memorandum of Understanding will, through its promotion of joint work and shared business development, lead to greater efficiencies for the County Council in respect of the services it commissions from both Companies. It will also support the longer term financial resilience of both Companies.

Other Options Considered

15. The other option is to continue to work on an ad-hoc basis without any structured approaches. This option would limit synergies, economies of scale, be less efficient and less strategic in delivering the County Councils economic growth ambitions.

Reason/s for Recommendation/s

16. For members to consider a Memorandum of Understanding between Arc Partnership and Via East Midlands which provides greater synergy, collaboration, forward planning and monitoring of joint activity in order to benefit the economy of Nottinghamshire.

Statutory and Policy Implications

17. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATIONS

- 1) That the Committee considers the approach and actions taken to date, in formalising a Memorandum of Understanding between and Arc Property Services Partnership Limited (Arc Partnership), and Via East Midlands on collaboration and joint working that supports Nottinghamshire County Council's wider strategies and plans on economic growth; and decides if any further information is required.

Councillor Mrs Kay Cutts MBE
Leader of the County Council

For any enquiries about this report please contact: Derek Higton, Service Director, Place & Communities, Tel: 0115 9773498

Constitutional Comments (CEH 07/09/2020)

18. Policy Committee has authority to consider this report.

Financial Comments (KRP 15/9/20)

19. As noted in the report the proposed changes are intended to generate efficiencies which will accrue to the County Council either through reduced costs, increased workload or increased dividends.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

- Electoral Division(s): All
- Member(s): All

MEMORANDUM OF UNDERSTANDING

1. Parties:

Arc Property Services Partnership Ltd trading as “Arc Partnership”
and
Via East Midlands Ltd

2. Background

Arc Partnership and Via East Midlands are Alternative Service Delivery Models established by Nottinghamshire County Council (“the County Council”) to deliver services in line with their Service Agreements and empowered to deliver third party works under the auspices of Local Authority Trading Companies, as both are classed as ‘Teckal Companies’. Both companies are either wholly or partly owned by the County Council

Arc Partnership delivers multi-disciplinary property design, consultancy, masterplanning, regeneration, project/programme management, construction; emergency, reactive, compliance asset management and planned servicing on behalf of the County Council and the communities and people it represents.

Via East Midlands delivers multi-disciplinary engineering and fleet management services, including highways maintenance, design and consultancy, project/programme management, construction, signals and lighting, drainage, landscaping, environmental assessment, road safety, fleet services and a highway training centre.

Both organisations already collaborate and partner in a number of areas in delivering projects and programmes of work that deliver value for money, quality of output and customer excellence.

Purpose

Through their experience, both within and as companies separate from the Council, both parties have a strong public sector ethos and allegiance to the County Council and as such endeavour, wherever possible, to keep the “Nottinghamshire County Council pound within Nottinghamshire”. The parties, with the support of the County Council, now wish to build on their existing practices to formalise the collaboration of both organisations. Through this collaboration they seek to deliver greater joint working, cross selling, and establish a framework which will bring forward a number of key regeneration, inward investment and economic growth opportunities. Greater collaboration evidenced through pace and quality of delivery on the ground will enable a pipeline of projects to be aligned, placing Nottinghamshire in a position of advantage to secure further funding and will support the County Council’s plans and policy drivers on economic growth.

3. Principles of collaboration and Parties' roles and responsibilities:

- Being accountable to each other for the performance of their respective roles and responsibilities set out in the agreement and to perform their obligations under this agreement and in relation to each Project with all reasonable skill and care;
- To share information, experience, materials, and skills, develop effective working practices, work collaboratively to identify solutions, manage and mitigate risk and reduce costs;
- To adhere to all statutory requirements and best practice and to comply with all applicable laws and standards including, but not limited to, EU procurement rules, data protection, environmental and freedom of information legislation;
- To carry out the Purpose in such manner as to facilitate the delivery of social value outcomes for communities in Nottinghamshire;
- To agree a strategy for managing communications with stakeholders;
- To ensure sufficient and appropriately qualified employees and other necessary resources are available and in the case of employees, authorised to fulfil the responsibilities set out in this agreement.

4. Proposals and Projects/Project Governance

Projects

Projects can be proposed by either Party; the Parties will meet regularly to share a pipeline of projects to aid management of resources.

When a project is commissioned there will be an inception meeting to establish which Party shall be the project lead ("the Lead"). The Lead for a project will be determined through agreed criteria including but not limited to complexity, balance of disciplines necessary to deliver the project, the nature and origin of funding. Notwithstanding the objective of this collaboration, if either organisation's resource capacity or capability does not support the delivery of a particular project the Lead is entitled to engage third party services.

The inception meeting will establish the scope of services to be provided by the respective Parties.

The Lead organisation will ensure the contractual arrangements for the appointment of services from the other organisation. Such appointments shall be through agreed appropriate professional service or NEC contracts. For the purposes of this agreement these contracts shall include but be not limited to:

- Intellectual Property
- Insurance
- Liability and indemnity
- Confidentiality and Freedom of Information
- Dispute resolution.

Governance

The collaboration will be monitored and evaluated through the County Council's Operational Boards already established for projects and programmes of works, together with regular operational meetings and joint reporting to the respective Boards of both organisations, and to the County Council's Policy Committee. The proposed governance structure of Major Projects is appended to this Memorandum of Understanding.

5. Term and Termination

This is open ended arrangement subject to review through the governance structure

Either Party can cease to be bound by the arrangement with 3 months' notice, and with the agreement of their respective Boards.

6. Announcements

The Parties agree to work in partnership with each other and the County Council on all media releases and with reciprocal responses to any relevant third-party media material.

7. Status

This agreement is not legally binding; notwithstanding the provisions of subsequent contracts the Parties will enter into for the provision of services, the parties agree to collaborate in good faith.

REPORT OF THE LEADER OF THE COUNTY COUNCIL

OPERATIONAL DECISIONS QUARTERLY UPDATE JAN - AUG 2020

Purpose of the Report

1. To update Members on the Operational Decisions taken outside the Policy Committee January to August 2020. This update includes more than 3 months as a result of delays due to the Covid 19 implications.

Information

2. At the meeting of the Finance & Property Committee in January 2014 approval was given to amend the list of day to day operational decisions which can be taken by the Director, subject to the chair of Finance & Property Committee determining whether operational decisions should still be reported to Committee. It was also agreed that a report should be submitted to the Finance & Property Committee, now Policy Committee on a quarterly basis outlining all operational decisions made, supplemented annually by a review report on Estate Management operational decisions.
3. In accordance with the above decision this is the quarterly report covering Jan to August 2020 informing Policy Committee of Operational Decisions taken between those dates.
4. Committee approved amendments to the list of day to day operational decisions which can be taken by the Service Director, Investment & Growth in January 2014 (Currently being taken by Service Director Place & Communities). Since January 2020 there have been some 52 such decisions.
5. Relevant Electoral Division Members have been invited to comment on appropriate Estate Practice decisions that are progressed via operational decisions (except where Committee have been specifically advised otherwise).
6. Care was taken with disposals and the granting of leases, licences and the like to ensure best consideration has been achieved by reference to and tested against market value(s) and rates. All charges and other fees levied were appropriate and commensurate with the transaction.
7. Details of the decisions taken are shown below: -

SP	Electoral Division(s)	TITLE	DESCRIPTION (extract from Operational decision)
3619	West Bridgford North	00030 Trent Bridge House- Licence to occupy Floor 6 to CCG	The grant of a 1 Year licence of Floor 6 within Trent Bridge House (TBH) to Clinical Commissioning Group (CCG). commencing on 1 st February 2020.

3615	Newstead	Request for Landlord Consent to underlet Unit 7a Ravenshead Library, Milton Court, Ravenshead NG15 9BD	The previous under lease expired on the 30 th September 2019. The tenants requested to renew the lease on the same terms.
3625	Outside Nottinghamshire	Licence to use land at St Michael's Catholic Church, Main Road, Hathersage	St Michael's Environmental Education Centre is a County Council run facility. Terms are agreed with the Diocese of Hallam for the County Council to use the woodland providing outdoor education programmes for school children and adults on a 2 year Licence.
3629	Warsop	Shirebrook Colliery Tip – Lease to Shirebrook Miners Welfare Angling Club	3 Year Lease to Trustees of the Shirebrook Miners Welfare Angling Club
3632	West Bridgford West	00753 - 77 Wilford Lane, West Bridgford	Nottinghamshire County Council have the benefit of an overage clause at the above property in which the Council receives 25% of any uplift in value arising from the grant of planning permission at sale. The current owners have now triggered the clause through gaining retrospective permission to build 3 car spaces and agreeing to sell the property and terms have been agreed for as overage payment.
3633	Newstead	Top Wighay Farm - Amendment to Farm Business Tenancy	As development of the scheme is due to commence the Farm Business Tenancy has been amended to reduce the area of land that the occupier can farm.
3646	Worksop North	James Hince Court – Lease	The proposal is for Eden Supported Living Ltd to occupy James Hince Court on a short term basis while their property in Worksop is repaired following flood damage sustained during last autumn's flooding. A 6 month lease has been agreed on full repairing terms at a rental of £7,083.33 per cal month.
3550	Toton, Chilwell & Attenborough	01340 Bispham Drive Junior School. Licence to wraparound club	The grant of a 3 Year licence of shared rooms within the school building to Bizzy Kidz for after school Childcare Provision.
3573	Various	Caretakers Properties - Rent Review	The implementation of the biennial rent review of caretaker accommodation throughout the County in line with the Personnel Handbook.
3590	Sutton Central & East	Forest Glade Primary School - Conversion to Academy	Conversion to Academy status
3637	Misterton	00045 27 Sutton Lane, Sutton cum lound, Retford	The above land was sold by the Council on 31 st March 2016 as part of a larger holding. The transfer requires the Council to give written consent to any transfer and the owners now wish to sell part of the land (a triangular piece) to the new owners of 27 Sutton Lane to be incorporated as part of their garden.
3636	Newark East	Consent for a wayleave for BT to install Telephone & Broadband at Newark Orchard School, 49 London Road, Newark	A request has been made by Nottinghamshire County Council for BT to extend the existing infrastructure of Telephone and Broadband network at Newark Orchard School, 49 London Road, Newark NG4 3AL to serve the new facility

		Road, Newark NG4 3AL	
3651	Worksop East	Release of overage at former Ryton Park Primary School, Memorial Avenue, Worksop	Nottinghamshire County Council has the benefit of an overage clause at the above property, from which the Council could receive 25% of any uplift in value arising from the grant of planning permission at sale. The Council has agreed terms with the property owner to release the site from the overage provision into the future to enable a sale.
3639	Leake and Ruddington	Brookside Primary School - Conversion to Academy Status	Conversion to Academy status
3627	Hucknall South	Land acquisition to rear of 48 High Street, Hucknall	Approval for the acquisition of land and to agree the Owner and Tenant's Claims following a Compulsory Purchase Order (CPO) to acquire 180 square metres of land at the rear of the 48 High Street, Hucknall for the Hucknall Town Centre Improvement Scheme (HTCIS).
3643	Collingham	01684 Bridge Children's Centre – Letting of part to Early Years childcare provider	The grant a 5 year sub-lease of part of the Children's Centre building to Country Kids Day Nursery an Early Years Childcare Provider and complete a deed of variation to the Head lease to allow childcare provision.
3644	West Bridgford South	Deed of Easement - Wayleave for Electricity supply to Rosecliffe Spencer Academy currently under construction	A wayleave agreement required to provide power to the site of the new build Academy School.
3640	Leake & Ruddington	Lease of IT Suite at East Leake Children's Centre	Proposed lease of IT suite currently occupied by Brookside Primary School as a result of conversion of the school to Academy status.
3634	Worksop East	Request for Deed of Grant on land to the front of Worksop Library	Site of a memorial plaque to a fallen policeman. The Police Authority is to take full responsibility for the installation, maintenance, repair and insurance.
3650	Hucknall South	Lease renewal of Hucknall Registrar's Office	The existing lease expired 26 August 2019 and a new 5 year lease has been agreed.
3652	Sutton Central & East	00728 Rushley Farm West – Grant of 2 new Farm Business Tenancies	Pending a future development scheme for the site, the granting of 2 short term Farm Business Tenancies to the existing occupier.
3655	Arnold South	Surrender and Re-grant of a Lease at Arnot Hill House	The Registry office are proposing to surrender a room within in their current Lease and take occupation of an additional, larger room which has recently become vacant on the ground floor of the building.
3654	Mansfield South	Lease of Unit 2, Hermitage Way, Hermitage Lane Industrial Estate, Mansfield	Following a short marketing period, terms were agreed for the grant of a five year lease of the property. The rent is considered to be a market rent and the proposed tenant is a local company.
3656	Hucknall North	Wayleave for CCTV equipment and	The property is a vacant shop acquired as part of the Hucknall 136 Hermitage Relief Road scheme. Ashfield District Council

		release of restrictive covenants at 28 Baker Street, Hucknall	(ADC) has agreed to release restrictive covenants on the title of the property in return for the grant of a wayleave to locate CCTV equipment.
3658	Retford West	Lease of a room at 17b The Square, Retford	The Registrars are proposed to take occupation of a single room within the building following their departure of Chancery Lane Offices. In addition to occupying the room for use as an office, the Registrars will also have access to the shared facilities in the building including the kitchen and toilets.
3659	Keyworth	Reduction in Payment to Rushcliffe Borough Council at Keyworth Leisure Centre	Following negotiations with Rushcliffe Borough Council reductions in the payment to RBC for the use of the Leisure Centre for Primary School Swimming Programme has been agreed.
3661	Ashfields	01933 Summer House Children's Centre - Lease of part for Early Years Childcare	The grant a 5 Year lease of rooms within the Children's Centre building to Little Lambs day nursery for Early Years Childcare Provision.
3662	Mansfield East	01131 Sherwood East (Clipstone) Children's Centre - Lease of part for Early Years Childcare	The grant a 5 year lease of rooms within the Children's Centre building to Learning Ladder Childcare for Early Years Childcare Provision.
3666	Sutton West	Unit 1 Fulwood View, Brookside Way, Huthwaite - New lease	A new five year lease to be granted at market rent to a new tenant following marketing.
3671	Tuxford	Western Power Wayleave for Connection at East Markham Primary School	A Wayleave has been requested for a Western Power connection at East Markham Primary School
3676	Sutton West	01964: Huthwaite Children's Centre - Service of break notice	Proposal for NCC to serve a Notice to Quit the 25 year underlease of the Children's Centre building, in accordance with the Report to Children and Young People's Committee, 10 th Feb 2020, Children's Centre Property Proposals.
3677	Mansfield East	01658 : Bellamy Children's Centre – Service of break notice	Proposal for NCC to serve a Notice to Quit the 25 year lease of the Children's Centre building, in accordance with the Report to Children and Young People's Committee, 10 th Feb 2020, Children's Centre Property Proposals.
3678	Farndon and Trent	00064 - Former Church Farm Rolleston	The land has been previously owned by the Council. The current owners have triggered an overage clause in favour of the Council as they have obtained planning permission for a 4 bedroomed house on the land and they have agreed terms to dispose of the freehold of the land. Terms have been agreed for the overage payment to the Council.
3663	Radcliffe on Trent	Consent for Western Power to legalise various wayleaves for residents adjacent to R on T Junior School	Western Power has recently received a request from the resident at 18 Cropwell Road for power to be installed to a new garage which has highlighted a discrepancy in respect of existing cables at Radcliffe on Trent Junior School.

3660	Hucknall North	Lease of land at Hucknall National C of E Primary School	Lease of land linked to conversion of the school to Academy status.
3683	Sherwood Forest	Sherwood Forest Country Park and National Nature Reserve - rent review	The rent payable under the head lease and the rent payable for the under lease of the property was due for review on 1 st April 2020; the revised rent is now agreed by all parties.
3684	Mansfield South	Rent Review in Respect of Mansfield Community Arts Centre	Rent increase under the provisions of the rent review clause contained in the lease.
3688	Sutton Central & East	Sycamore House, Portland College, Nottingham Road, Mansfield - Licence to Occupy	The taking of a short-term licence by the Commissioning & Placements Team as part of the Covid-19 contingency planning for children's residential care placements.
3696	Worksop East	02115 Prospect Kilton Children's Centre - Lease of part for Early Years Childcare provision	To grant a 5 year lease of rooms within the Children's Centre building to The Early Years Alliance for Early Years Childcare Provision with effect from 1 st September 2020 following expiry of their existing lease
3689	Hucknall North	70054 Garden Licence to the rear of 24 Piper Close, Hucknall NG15 8DS	A garden licence was granted to the resident of 24 Piper Close in July 2015 who has just sold the property. The new owner is requesting that a new licence be granted to them.
3690	Worksop West	Overage Receipt – Land adjoining The Lock House, Shireoaks	The owners of a parcel of land previously owned by NCC are intending to complete a sale on the land now in their ownership. If the transaction completes, NCC will be entitled to an overage payment.
3702	Sutton Central & East	Willow House, Portland College, Mansfield - Licence to Occupy	The taking of a short-term licence by the Commissioning & Placements Team as part of the Covid-19 contingency planning for children's residential care placements.
3648	Muskham & Farnsfield	Rent review and Deed of Variation - Bilsthorpe Depot Eakring Road, Bilsthorpe	A rent increase under the provisions of the rent review clause contained in the lease. Deed of variation to amend the rent review clause for forthcoming reviews in favour of NCC.
3675	Worksop East	Unit 6, Kilton Terrace, Worksop - New Letting	Following a short marketing period, terms are agreed for the grant of a five year lease of the property. The rent is considered to be a market rent and the proposed tenant is a local trader.
3698	Sutton West	Unit 1 & 2 Fulwood Place - Dilapidation Settlement	The County Council leased the above premises to The Bakkavor Group (the tenant) and the lease has now terminated. Under the terms of that lease the tenant was responsible for all repairs and maintenance to the property. The County Council has submitted a claim for dilapidations seeking a cash settlement in lieu of the tenant undertaking the dilapidations work. Following negotiations agreement has now been reached to settle this claim.

3700	Sutton North	02131 New Woods Children's Centre - Lease of part for Early Years Childcare	The grant a 5 year lease of rooms within the Children's Centre building to The Early Years Alliance for Early Years Childcare Provision with effect from 1 st September 2020 following expiry of their existing lease.
3703	Hucknall South	06422 Butlers Hill and Broomhill Children's Centre - Lease of part for Early Years Childcare	The grant a 5 year lease of rooms within the Children's Centre building to Rocking Horse Nursey for Early Years Childcare Provision with effect from 1 st September 2020 following expiry of their existing lease.
3705	Misterton	Daneshill Lake - Lease to Daneshill Sailing Club	The grant of a new 21 year lease to Daneshill Sailing Club
3707	Eastwood	Brookhill Leys Primary School - Conversion to Academy Status	Proposed conversion to Academy status
3708	Mansfield South	Brunts Academy - Lease of Caretaker's Bungalow	Lease of Caretaker's Bungalow for use as a Special School Hub supporting with autistic spectrum condition and those with social, emotional and mental Health needs for the Trust and any neighbouring schools which would benefit from the service locally.
3714	Worksop North	Firbeck Colliery - Licence to Keepmoat Homes	Licence to Keepmoat Homes to allow works to be carried out to relocate ecology as part of a Section 106 agreement.
3721	Kirkby in Ashfield South	Mercury House and Piazza Building	The Council occupies these two offices properties on two separate leases on similar terms. The leases are for 10 years commencing in February 2016 and contain a tenants break on the fifth anniversary that can be triggered by serving of 6 months notice by no later than 22 nd August 2020 to vacate by 23 rd February 2021. Following consultation with occupying services it is now intended to collocate services from the two buildings to within Piazza Building therefore allowing service of break notice on Mercury House. In addition terms have been agreed with the landlord to vary the Piazza Building lease to include a tenants break after February 2023 and for a landlords break from February 2024.

Other Options Considered

8. Reduce the number of transactions that can be progressed by means of operational decisions, this would lead to a loss of the current advantages outlined within the report which could prove problematic from a governance perspective. Lack of clarity on operational decisions may create uncertainty on whether a legal contract can be concluded without a committee decision.
9. An alternative option is to provide officers with delegated powers on routine estate decisions. This would require a significant change in the Council's constitutional arrangements and brings few added benefits beyond a clear and functioning operational decision process.

Reason/s for Recommendation/s

10. The decision-making process requires a quarterly update and annual review to Policy Committee.

Statutory and Policy Implications

11. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

1) To update Members on the Operational Decisions taken January to August 2020.

Councillor Mrs Kay Cutts MBE

Leader of The Council

**For any enquiries about this report please contact:
Matthew Neal, Service Director – Investment and Growth**

Constitutional Comments (SS 27/08/2020)

12. This report is appropriate to be considered by and resolved upon by the Policy Committee.

Financial Comments (RWK 27/08/2020)

13. There are no specific financial implications arising directly from the report.

Background Papers and Published Documents

- None.

Electoral Division(s) and Member(s) Affected

- All

File ref.: /SB/SB/09998

SP: 3587

Properties affected: 09998 - Various NCC Properties/non-property item

REPORT OF THE LEADER OF THE COUNTY COUNCIL

**NOTIFICATION OF DECISIONS TAKEN UNDER URGENCY PROCEDURES:
GIGABIT BROADBAND VOUCHER AND GREEN HOMES GRANT SCHEMES**

Purpose of the Report

1. To inform Members of decisions taken under urgency procedures since the last meeting of Policy Committee.

Information

2. The Council's Constitution contains some urgency procedures to enable decisions to be taken quickly in appropriate circumstances. The Constitution requires that the use of these procedures be reported to the next available relevant committee meeting explaining the following three items: the decision, the reasons for it, and why the decision was treated as a matter of urgency.
3. As part of the procedure, set out below are the two recent decisions taken since the last meeting:

Date of approval	Decision taken
27/08/2020	Dual approval from the Chief Executive, as follows: a) for Nottinghamshire County Council to use all the £750,000 gainshare from the original superfast broadband agreement (contract 1) with BT, to complement Government's proposal for a Gigabit Broadband Voucher Scheme - top-up, targeting properties classified as rural, hamlets and isolated dwellings b) Delegate authority to Nottinghamshire County Council's Section 151 Officer, in consultation with legal services, to sign a formal letter of agreement with the Department for Culture, Media & Sport (DCMS) committing the Council to delivering the programme
01/09/2020	Approval from the Chief Executive for Nottinghamshire County Council to submit a bid for £1.27 million to the Department for Business, Energy and Industrial Strategy (BEIS) from the Green Homes Grant Local Authority Delivery Scheme

Reasons for Urgency

4. The reasons for urgency for both schemes were as follows:
 - a) Building Digital UK (BDUK, the government arm supporting the delivery of broadband networks expressed their intention to issue a ministerial announcement at the beginning of September to launch the Gigabit Broadband Voucher Scheme - top-up. This meant

BDUK needed an immediate response as to whether Nottinghamshire County Council would sign a formal letter committing the authority to the delivery of the programme. See **Appendix A** for the signed urgent decision form and **Appendix B** for the accompanying report.

- b) The Green Homes Grant Local Authority Delivery Scheme was launched on 4 August 2020 and the deadline for applications was noon on 1 September 2020. See **Appendix C** for the signed urgent decision form and **Appendix D** for the accompanying report.

Other Options Considered

5. These are detailed within the accompanying reports for the individual decisions.
6. Policy focus has now shifted to rolling out gigabit-capable full-fibre broadband. As of September 2020, 13.89% of Nottinghamshire properties had access to full-fibre connections. The County Council wanted to submit a proposal to the D2N2 Local Enterprise Partnership (LEP) around the gigabit voucher scheme under the recent Getting Building Fund Initiative. It is known that Kent County Council were successful with an application to their LEP because they were already piloting the top-up scheme. However, the D2N2 LEP directed the Council not to submit a proposal on the basis that they would not support any top-up voucher schemes.

Reason for Recommendation

7. To notify the Committee of these decisions at the earliest opportunity, in line with the Constitutional requirements.

Statutory and Policy Implications

8. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

9. As outlined in paragraph three of the report.

RECOMMENDATION

That the report outlining the decisions taken be noted and Members highlight any other information required.

Councillor Mrs Kay Cutts MBE
Leader of the County Council

For any enquiries about this report please contact: Nicola M^cCoy-Brown, Growth and Economic Development Tel: 0115 977 2580

Constitutional Comments (EP 04/09/2020)

10. This report is submitted to Policy Committee in accordance with the requirement to report to the next available relevant Committee on the use of Option C of the Urgency Procedure set out in the Constitution. The Policy Committee is the appropriate body to consider the content of this report.

Financial Comments (RWK 07/09/2020)

11. The £750,000 gainshare from the original superfast broadband agreement is already held by the County Council having been received previously from Openreach. Whilst the County Council will be submitting the bid to BEIS for Green Homes grant funding, any funding received will be passed on to E.ON who will be undertaking all works. There is no requirement for County Council funding should the bid be successful. Therefore there are no specific financial implications arising directly from the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Signed urgent approval forms and accompanying reports

Electoral Division(s) and Member(s) Affected

- All



URGENT DECISION BY THE CHIEF EXECUTIVE

This form **MUST** have an accompanying report attached.

Reference Number:	CEX / URGENT / 2020-003
Title of Report	GIGABIT BROADBAND VOUCHER SCHEME – TOP-UP
Department	PLACE
Relevant Committee	POLICY COMMITTEE
Date of next Committee Meeting	9 September 2020

Summary of Decision Sought (including reason/s)	<p>To recommend Nottinghamshire County Council participates in the Government's Gigabit Broadband Voucher Scheme (GBVS) by utilising the superfast broadband gainshare as a top-up.</p> <p>The demand stimulation activity for the proposed top-up voucher scheme would specifically target the premises that are currently unable to receive Superfast broadband speeds (>24 megabits per second/ Mbps). This equates to 345 residential premises and 65 business premises with poor or no broadband connectivity. Any unused part of our fund will remain with us.</p> <p>It is effectively an initiative that runs alongside the existing local full fibre network programme, providing our residents and business community greater choice of access to a gigabit-capable internet service provider (ISP) connection (equal to 1,000Mbps).</p> <p>An urgent decision is required which cannot wait until the next Policy Committee as Building Digital UK (BDUK), the DCMS arm supporting the delivery of broadband networks wishes to make a ministerial announcement at the beginning of September. It is therefore proposed that:</p> <ol style="list-style-type: none">1) The Chief Executive agrees to use all the £750,000 gainshare from our original superfast broadband agreement (contract 1) with BT, to complement the Government's proposals for a Gigabit Broadband Voucher Scheme - Top-up, targeting properties classified as rural, hamlets and isolated dwellings2) Delegated authority is given to Nottinghamshire County Council's Section 151 Officer, in consultation with legal services, to sign a formal letter of agreement with DCMS committing the Council to delivering the programme
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Reason/s for urgency	<p>Building Digital UK (BDUK) will be launching the top-up scheme in early September 2020. This means that BDUK need an immediate response as to whether Nottinghamshire County Council will sign a formal letter committing it to delivering the programme, as they wish to confirm this with the Department for Culture Media & Sport. Failure to sign the formal letter of agreement by 1 September 2020 will mean we are unable to</p>
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	participate in the Government's Gigabit Broadband Voucher Scheme (GBVS).
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Date request / report received	26/08/2020	Date form originated	26/08/2020
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DETAILS OF CONSULTATION UNDERTAKEN:

Councillors	Date	Signed	Proposed decision supported? (Yes / No)
Leader and Chair of Policy Cttee	26/08/2020	Approved via email	Yes
Leader/s of opposition group/s	27/08/2020	Cllr Rhodes – approved via email	Yes
	27/08/2020	Cllr Zadrozny – approved via email	Yes

If consultation has not been undertaken, please give reasons:	
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Approval from Chief Executive (or delegated Corporate Director in Chief Executive's absence)

Signed.......... Date.....27/8/2020.....

Please return completed form to Keith Ford, Democratic Services, x72590

REPORT OF GROUP MANAGER GROWTH & ECONOMIC DEVELOPMENT

GIGABIT BROADBAND VOUCHER SCHEME – TOP-UP

Purpose of the Report

1. To recommend Nottinghamshire County Council participates in the Government's Gigabit Broadband Voucher Scheme by utilising the superfast broadband gainshare as a top-up.

Information

2. The demand-led Gigabit Broadband Voucher Scheme (GBVS) was first launched in March 2018 as part of the wider Local Full Fibre Networks (LFFN) programme aimed at stimulating commercial investment in gigabit capable networks and was intended to run until either 31 March 2021 or when its money ran out. Under the scheme applicants were offered up to £2,500 to help businesses and homes gain access to 1Gbps capable broadband connection (homes can only get £500 and up to 10 homes must participate for every 1 small to medium sized enterprise (SME)).
3. Beneficiaries to the scheme were asked to agree to a 12-month contract with their chosen ISP as part of the scheme's terms and conditions for speeds that were at least double what they could get before, provided they met the minimum threshold of 100Mbps (Megabits per second).
4. Much like previous broadband voucher schemes, the GBVS turned out to be hugely popular and exhausted its budget sooner than expected. As a result, gigabit-capable broadband connections have been provided to a total of 122 SMEs and 10 homes across Nottinghamshire.
5. The issued vouchers have a validity of 12 months, so whilst the scheme is closed to new applicants, connections from vouchers that have been issued but not yet connected, and their associated payments when the connection is live, will continue for a further 12 months. This is a demand led programme, so any unused part of our fund would remain with us. As a result, final numbers for the scheme will not be available until after Spring 2021.
6. If the proposed top-up scheme goes ahead, it will end in March next year. Building Digital UK (BDUK), part of Government delivering broadband networks to the nation, are prepared to flex or proceed at risk, but they will not agree to any new top up schemes that they can't announce in early September, hence the need to give them clarity around the Council's preferred course of action.

7. A further voucher "top up" option was offered to Nottinghamshire County Council by BDUK however, with a deadline of 24 July to express an interest. As it was non-binding, we did so.

The opportunity

8. Currently 13.66% premises in Nottinghamshire have access to Gigabit capable internet speeds broken down by area as follows:
- Ashfield 1.18%
 - Bassetlaw 21.73%
 - Broxtowe 3.43%
 - Gedling 42.80%
 - Mansfield 9.18%
 - Newark 5.68%
 - Rushcliffe 13.60%
9. The Government is now wishing to effectively top-up a renewed GBVS with additional funding (i.e. up to £7,000 for SME's and £3,000 for homes). This greater value of vouchers is intended to reflect the higher costs of deployment in rural areas.
10. Within Nottinghamshire there are 69,814 premises (5,552 businesses) that are classified as rural by the Department for Environment, Food & Rural Affairs (Defra) and that meet the current BDUK Gigabit Broadband Voucher Scheme eligibility criteria. The demand stimulation activity for the proposed top-up voucher scheme would specifically target the premises that are currently unable to receive Superfast broadband speeds (>24Mbps) - 8,435 premises (6,710 residential premises and 1,725 business premises - a ratio of 4:1).
11. Of these target premises, we would fund a voucher top-up for 345 residential premises and 65 business premises (in line with the 4:1 ratio) which equates to an estimated take-up of 5% of target premises and results in a total of 410 vouchers. We believe that this ratio is appropriate and achievable as these premises are the most in need due to the poor connectivity currently available to them, and as such would be likely to benefit most from the investment.
12. Whilst a new top-up voucher scheme will not be able to support every rural Nottinghamshire home and businesses without a superfast broadband connection (of at least 30 Mbps), it will work to support an additional 345 homes and 65 businesses with poor or no broadband connectivity.
13. Following our expression of interest, we have since been informed that the Department for Culture Media & Sport will be launching the latest top-up scheme in early September 2020. This means that BDUK require Nottinghamshire County Council to sign a formal letter committing it to delivering the programme on or before 1 September 2020. See **Appendix A** for a copy of the letter. (**Appendix B** for the Beneficiary Terms and Condition and **Appendix C** the Supplier Terms and Conditions which are both referenced on page 8 of the letter of agreement).
14. We have assurance from BDUK that the Nottinghamshire top up fund would only be available to increase the maximum value of vouchers in eligible parts of Nottinghamshire.

15. In order to bring the Scheme to life, there is a requirement to provide match funding. We recently proposed to the Derby, Derbyshire, Nottingham and Nottinghamshire Local Enterprise Partnership (D2N2 LEP) using the Ministry of Housing, Communities & Local Government (MHCLG) "shovel ready" finance to support the top up. This was not agreed by the LEP in our case (although was in Kent).

Other Options Considered

16. We have considered three options. The first being to use the gainshare from our original superfast broadband agreement (contract 1) with BT. A part of the existing State aid Exemption, this 'claw back' process requires BT to return part of the public investment when customer adoption of the new service passes beyond the 30% mark. Where this exceeds planned uptake, the local authority can claw-back excess profit and reinvest in additional infrastructure capability. This clawback mechanism operates for 7 years from the Full Service Commencement Date of the contract. The reinvestment of the gainshare is familiar to the Council, as we have approved this approach twice previously. The funding is intended to be reinvested to further improve network coverage and speeds. Alongside the civil engineering rollout, since 2011 we have allocated resources to ensure businesses and residents in fibre-enabled areas, are aware of the new digital service available to them. This investment has been highly successful, with take-up rates as at end of June 2020 of 70%.

17. Fortuitously, the third take-up review was triggered on 30 June 2020. The exact amount of gainshare and associated interest is £1,316,497.52, however this needs to be divided between the Council and BDUK based on the Funding Investment Ratio (42.6% for BDUK and 57.4% for Nottinghamshire County Council). This means we could consider reinvesting our £750,000 (approximately) gainshare proportion to complement the Government's proposals. BDUK would require a variation to the grant funding agreement under contract 1 if the Council wished to use the gainshare resources for anything else but broadband delivery.

18. The second option gives the potential for us to invest a small proportion of our gainshare of £250k and keep the remainder of the gainshare £500k to help support other economic growth schemes. We discounted this option because the impact locally, given the expense in connecting the hardest to reach properties means the impact would be negligible. However, according to the terms and condition of the grant funding agreement between BDUK and the Council, use of the expenditure must be for the furtherance of project objectives.

19. The third option is for us to decline to reinvest any of the gainshare in the new "top-up" voucher scheme for now and retain all the gainshare monies from all superfast broadband contracts until there is a further funding agreement with BDUK in terms of the retention or use of any clawback monies (see paragraph 16). This option relies on the telecommunications market to resolve the residual problems of next generation broadband connectivity across the County. The last Open Market Review we undertook specified that the telecommunications industry has no plans to serve most of the remaining properties in Nottinghamshire, many of whom are struggling with poor or limited internet connection. Nottinghamshire has the best superfast broadband coverage for an upper tier authority in the East Midlands. This third option, effectively a 'do nothing' for 7 years, which will compromise this vanguard position and will negatively affect both the County's economic advantage and our ability to digitise future service delivery.

20. Having received legal advice on the key issues, risks and State aid implications (summarised at paras 21 and 22 below) the preferred and recommended option is number one.
21. Legal advice on the key issues, risks and State aid implications has been taken and the Council does not regard the content of the Letter of Agreement or accompanying documents as being unduly onerous to the Council or the end-users. The provision of capital support to a broadband provider in order to enable it to develop an infrastructure could cause issues in State Aid terms, but the design of this scheme whereby individual recipients receive a Voucher, means that no single recipient is likely to be subject to unlawful State Aid, because:
- the recipient will, in many cases, be a private individual; or
 - the aid received by a qualifying SME business is unlikely to exceed 200,000 Euro over a rolling 3-year period.
22. In any event, because the recipient is required to certify that it does not exceed the de minimis requirement, the Scheme should be self-policing in order to avoid the possibility of unlawful State Aid being provided inadvertently. There are alternative exemptions which may apply, but these would need to be looked at in one-off situations pertaining to each SME. Consequently, the legal and state aid risks of signing up to this scheme are considered acceptable.

Reasons for Recommendations

23. As outlined in paragraph 13, failure to sign the formal letter of agreement by 1 September 2020 immovable deadline will mean we are unable to participate in the GBV and this opportunity lost. Hence the requirement for this report to be considered under the Council's urgency procedures.
24. Commitment 11 of the Council Plan centres on Nottinghamshire being a well-connected County. We have committed to continuing to improve broadband services by completing the roll-out of superfast broadband enabling the next generation of fixed and mobile digital connectivity. Participating in the GBVS enables us to deliver on what we promised we would do.
25. Due to the heavy reliance on digital connectivity in respect of a post COVID-19 world, participation in the GBVS would be one of our immediate responses to economic recovery in the County.

Statutory and Policy Implications

26. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

27. We are already in receipt of the £1,316,497.52 gainshare. As explained in paragraph 16, we propose to use £750,000 of that. The remainder of the gainshare totals £560,800 (i.e. 42.6%) will be returned to BDUK once the process has been agreed, for them to reinvest (along with their other funds) in our Nottinghamshire GBVS. This will arrive at an equal pound for pound match funding package for the County.

28. The total value of these vouchers based on the maximum voucher amount being claimed would be £1,500,000 (£750,000 funded by the BDUK Gigabit Broadband Voucher Scheme and £750,000 funded by the Nottinghamshire top-up scheme). This would give an average voucher value of £3,634.15 across the 410 vouchers (including £1,817.07 for Nottinghamshire County Council's top up contribution).

29. This is a demand led programme, so any unused part of our fund would remain with us.

RECOMMENDATIONS

An urgent decision is required which cannot wait until the next meeting of Policy Committee. It is therefore proposed that:

- 1) The Chief Executive agrees to the use of all the £750,000 gainshare from our original superfast broadband agreement (contract 1) with BT, to complement the Government's proposals for a Gigabit Broadband Voucher Scheme - Top-up, targeting properties classified as rural, hamlets and isolated dwellings
- 2) Delegated authority is given to Nottinghamshire County Council's Section 151 Officer, to sign the formal letter of agreement with DCMS committing the Council to delivering the programme
- 3) A report will be presented to 30 September 2020 Policy Committee outlining the decision taken.

Nicola M^cCoy-Brown
Group Manager, Growth and Economic Development

For any enquiries about this report please contact: Ceren Clulow, Broadband Project Manager 0115 977 2822

Constitutional Comments (EP 27/08/20)

30. The recommendations fall within the remit of Chief Executive in accordance with option C of the Procedure for taking Urgent Decisions as contained in the Constitution.

Financial Comments (KP 26/08/20)

31. As set out in the report, the contract 1 funding agreement requires the gainshare to be spent on broadband delivery and the proposed GBVS scheme is an appropriate use of the funding. The Nottinghamshire County Council element of the gainshare will fully fund the proposed voucher scheme. A budget for the gainshare income and the voucher funding costs will need to be set up and approved in line with Financial Regulations.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- *Digital Connectivity in Nottinghamshire*, report to Policy Committee on 18 March 2020

Electoral Divisions and Members Affected

- All



URGENT DECISION BY THE CHIEF EXECUTIVE

This form **MUST** have an accompanying report attached.

Reference Number:	CEX / URGENT / 2020-004
Title of Report	GREEN HOMES GRANT LOCAL AUTHORITY DELIVERY SCHEME
Department	PLACE
Relevant Committee	POLICY COMMITTEE
Date of next Committee Meeting	9 September 2020

Summary of Decision Sought (including reason/s)	<p>£200million government funding has been made available to Local Authorities in England from the Department for Business, Energy and Industrial Strategy (BEIS) for the Green Homes Grant Local Authority Delivery Scheme. The funding will deliver home upgrades to low-income, fuel poor households and aims to save these households money, cut carbon emissions and create green jobs. Funding can be used to upscale existing projects.</p> <p>Currently the County Council acts as accountable body for the delivery of the Warm Homes Fund (WHF) in partnership with the energy company E.ON. The WHF project will provide some 550 first time central heating systems for fuel-poor households across the County. The BEIS grant will be a useful addition to this local by funding additional work required but currently ineligible</p> <p>This new funding from BEIS will complement this existing activity by providing additional measures including solid wall insulation, air heat pumps, solar thermal heating, windows and doors, loft and cavity wall insulation. The total bid is £1.27 million covering all aspects of installation and delivery.</p> <p>However, on reviewing the BEIS requirements and after very recent discussions with E.ON, further advice has been sought on the State aid and procurement aspects of the Green Homes Grants scheme in delivery. This advice confirms that the Council would need to establish an appropriate separate mechanism to satisfy all parties that the scheme can be State aid compliant but delivered through the existing partnership. Certain terms and conditions have been agreed in principle with E.ON as outlined in the report. This is deemed sufficient to make the submission to BEIS within the tight timetable but should this prove impossible to secure as a formalised agreement, the bid may be withdrawn to protect the Council – and partners – from any challenge.</p> <p>It is therefore recommended that a bid is submitted to BEIS for the Green Homes Grant, subject to the conditions as referenced.</p>
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Reason/s for urgency	The funding was launched on 4th August 2020 and the deadline for applications is at noon on 1 September 2020, hence the urgency of this report.
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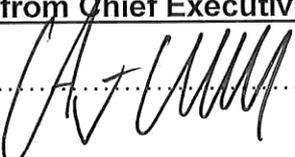
Date request / report received	28/08/2020	Date form originated	28/08/2020
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DETAILS OF CONSULTATION UNDERTAKEN:

Councillors	Date	Signed	Proposed decision supported? (Yes / No)
Leader & Chair of Policy Committee	28/08/2020	Approved via email	Yes
Leader/s of opposition group/s	28/08/2020	Cllr Rhodes – approved via email	Yes
		Cllr Zadrozny – approved via email	Yes

If consultation has not been undertaken, please give reasons:	
----------------------------------------------------------------------	--

Approval from Chief Executive (or delegated Corporate Director in Chief Executive's absence)

Signed.......... Date.....1/9/2020.....

Please return completed form to Keith Ford, Democratic Services, x72590

**REPORT OF THE GROUP MANAGER, GROWTH AND ECONOMIC
DEVELOPMENT**

GREEN HOMES GRANT LOCAL AUTHORITY DELIVERY SCHEME

Purpose of the Report

1. To seek urgent permission to apply to the Department for Business, Energy and Industrial Strategy (BEIS) for the Green Homes Grant Local Authority Delivery Scheme.

Information

2. The Chancellor of the Exchequer announced £2billion “green” funding in July aiming to save households money, cut carbon emissions and create green jobs. Some £500 million of this funding has been earmarked for Local Authority delivery to ensure those in low-income households will be able to benefit from energy efficiency upgrades.
3. The Scheme aims to deliver energy efficiency upgrades to low income and low energy efficiency rated homes, including those households living in the worst quality off-gas grid homes. Funds under this scheme will enable Local Authorities to support low-income, fuel-poor households in their local area.
4. In the first phase of funding, launched on 4 August 2020, £200 million is available to Local Authorities in England to upscale existing and new proposals which will deliver home upgrades to low-income, fuel poor households. The deadline for applications is at noon on 1 September 2020, hence the urgency of this report. The grant must be spent by the end of March 2021.
5. Currently the County Council acts as accountable body for the delivery of the Warm Homes Fund (WHF) in partnership with the energy company E.ON. The WHF project will provide some 550 first time central heating systems for fuel-poor households across the County. The project is overseen by the Warm Homes Hub, a partnership including the County Council, all the Nottinghamshire Local Authorities, E.ON, Age UK Nottinghamshire and the Nottinghamshire Energy Partnership. The Warm Homes Hub will oversee the delivery of the BEIS funding.
6. This new funding from BEIS will complement this existing activity and will extend the current WHF offer and the WHF funding can be used to match this grant. The BEIS grant will be a useful addition to the project to fund additional work required but currently ineligible. As with the Warm Homes Fund the Council will work in partnership with E.ON.

7. The bid will be seeking funding to provide an additional 125 measures comprising solid wall insulation, air heat pumps, solar thermal heating, windows and doors, loft and cavity wall insulation. The total bid is £1.27 million covering all aspects of installation and delivery.
8. The delivery and financial structures to deliver the WHF are already in place and it is anticipated these can be extended to cover the BEIS grant. There is a concessions agreement in place with E.ON to deliver the Fund which essentially places the responsibility for delivery and the management of risk with E.ON. The County Council submits a quarterly monitoring report and funding claim on behalf of the project and passports the funding to E.ON. It is proposed that the similar arrangements to deliver the BEIS funding be adopted. County Council funding is not required nor sought towards the costs of the Warm Homes Fund and the same applies to the new grant from BEIS should the application be successful.
9. However, following further review of the BEIS requirements and discussions with E.ON, legal advice has been sought on the State aid and procurement aspects of the Green Homes Grants scheme in delivery. In particular, successful Council applicants will enter into a Memorandum of Understanding with BEIS which will include requirements:
 - to confirm that the application is state aid compliant;
 - to obtain all relevant declarations including under the “De Minimis Regulation”;
 - to confirm that expenditure of monies under the Green Homes Grant Scheme will be compliant with “all relevant requirement of UK and EU” public procurement law, ie the Public Contracts Regulations 2015.
10. Following review the Council does not regard the terms of the draft Memorandum to be unduly onerous on the Council or the ultimate recipients of the aid. Any funding conditions that are relevant including repayment of grant funds if conditions are not met will be entirely backed off in a separate agreement with E.ON. Furthermore, as part of this agreement, arrangements are being put in place with E.ON to ensure that the sums paid with respect to the works / services being undertaken by them will represent market value, and E.ON will not be subject to excessive remuneration which might allow them to be defined as a recipient of unlawful state aid including commitments to:
 - provide a solution which provides value for money at a market rate for the works and services being undertaken;
 - agree a process with the Council, allowing scrutiny of the costs;
 - following scrutiny, should it be required, ensure a claw-back provision is enabled, allowing the Council to recover any resources paid out.
11. In principle at least at this stage, E.ON has agreed to the above commitments. This will be subject to further on-going discussions on finalising the terms of such an agreement after the submission date.
12. Other organisations that could be recipients of state aid particularly Landlords and Housing Organisations under this scheme will be asked to give appropriate declarations that they fall within a de minimis qualification, ie that the benefit being received from state aid support is less than 200,000 Euro over a rolling 3 year period. In addition to this, because of the nature of Housing Associations in making available properties to those who are unable to afford market housing, there will be a strong argument that the support provided falls within the general categorisation of supporting organisations which provide “*Services in the General*

Economic Interest, ie there is a “*public benefit*” exemption. If support were to be given to private Landlords the Council would request that they are likewise required to self-declare their “de minimis” exemption.

13. The requirement to comply with the Public Contracts Regulations 2015 is easily satisfied because works below £4.73m in value are below the threshold requirement to carry out an “OJEU” compliant process.

Other Options Considered

14. Given the short timescale and the process for bidding, there are no other options to consider. Given the considerations referenced in paras 9 – 13 above, while a submission can be made, should the Council fail to secure an agreement on the required assurances, then the submission will be withdrawn.

Reason for Recommendation

15. The County Council has the systems in place to deliver through those adopted with the Warm Homes Fund and can deliver the BEIS funding through those routes, in partnership with E.ON. The Council is well placed to bid at short notice and can use existing structures to deliver the programme by March 2021. These being subject to the considerations referenced regarding State aid and procurement above.

Statutory and Policy Implications

16. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for Sustainability and the Environment

17. This project will support a green recovery in response to the economic impacts of COVID-19 and help some of Nottinghamshire’s more vulnerable fuel-poor households (including the elderly and disabled) where they experience difficulties in heating their homes and meeting the associated costs.

Financial Implications

18. No funding from Nottinghamshire County Council is sought or required.

RECOMMENDATION

An urgent decision is required which cannot wait until the next meeting of Policy Committee. It is therefore proposed that:

- (a) the Chief Executive agrees to the submission being made to the Green Homes Grant Local Authority Delivery Scheme, subject to an agreement being secured between E.ON and the County Council on the delivery of a State aid compliant scheme;
- (b) Delegated authority is given to Nottinghamshire County Council's Chief Executive or other officer with appropriate delegated authority, to sign the Memorandum of Understanding with BEIS subject to (a) above;
- (c) A report is presented to a future Policy Committee outlining the decision taken.

NICOLA M^cCOY-BROWN
Group Manager, Growth and Economic Development

For any enquiries about this report please contact: Trish Adams, Growth and Economic Development Tel: 0115 977 2042

Constitutional Comments (BM 27/08/20)

- 19. Arrangements are being put in place with E.ON to ensure that the sums paid with respect to the works / services being undertaken by them will represent market value, and EON will not be subject to excessive remuneration which might allow them to be defined as a recipient of unlawful state aid.
- 20. This decision may be approved by the Chief Executive as an urgent decision, in accordance with the Council's procedure for taking urgent decisions, where the Council needs to be able to respond quickly where failure to do so would not be in the public interest. This includes circumstances where a failure to take the decision quickly would or would likely, harm the interests of the Council and the public. In this instance, a delay is likely to result in the missed opportunity of submitting a bid for funding as a consequence of delaying this decision until the next Policy Committee in September.

Financial Comments [RWK 20/08/2020]

- 21. Whilst the County Council will be submitting the bid to BEIS for Green Homes grant funding, any funding received will be passed on to E.ON who will be undertaking all works. There is no requirement for County Council funding should the bid be successful. Therefore, there are no specific financial implications arising directly from the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- *Green Homes Grant: Local Authority delivery. Guidance for Local Authorities*, published August 2020 and available online at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/906545/local-authority-delivery-scheme-guidance.pdf
- *Warm Homes Fund*, report to Policy Committee, published 18 September 2019

Electoral Division(s) and Member(s) Affected

- All

REPORT OF LEADER OF THE COUNTY COUNCIL

GETTING BUILDING FUND

Purpose of the Report

1. This report seeks approval to enter into the Getting Building Fund offer agreement for the 5G Enabled Digital Centre in North Nottinghamshire.

Information

2. Nottinghamshire County Council truly believe that the county will help lead the country out of the crisis and into recovery. The council has a proven track record of delivering successful projects and has been working hard to understand what businesses need and where investment will have the most impact.
3. Over the last few months the council has been successful in bringing forward, at pace, a range of excellent projects that provide the opportunity to drive forward the potential in the Nottinghamshire economy at this challenging time. Investment in excess of £6m has already been secured. Projects to be funded in Nottinghamshire include:
 - East Midlands Development Corporation – expected to create more than 84,000 new jobs
 - Improved digital connectivity in rural areas with the Nottinghamshire Gigabit Voucher Scheme - on top of 98% superfast coverage to help people work from home
 - New infrastructure - A1, A614, A612
4. Nottinghamshire businesses are amazingly resilient yet the pandemic has taken its toll so the council will use these carefully selected projects to target those areas and industries particularly vulnerable to COVID-19 and to deliver schemes rapidly to stimulate further investment. More will come forward in the coming weeks and months.
5. In June 2020, the £900 million Getting Building Fund was announced by the Prime Minister, aimed at investing in shovel-ready housing and infrastructure projects creating jobs and supporting economic recovery across the country. As part of that announcement, £44.4 million was awarded for projects within the Derby, Derbyshire, Nottingham and Nottinghamshire Local Enterprise Partnership (D2N2 LEP) area as a next phase of financial stimulus to restart the economy.
6. Having received endorsement by the COVID-19 Resilience, Recovery and Renewal Committee at its 16 July 2020 meeting, Nottinghamshire County Council submitted four accelerated project proposals. These were: Full fibre broadband; 5G Enabled Digital Centre; Zero Carbon Regional Demonstrator, Top Wighay; and Lindhurst Berry Hill, Mansfield.
7. Following an independent review of the proposals, ten projects across D2N2 were called forward to submit full business cases. All ten will be considered by the D2N2 Investment and

main Boards. For the council, two of the four projects originally submitted were successful, they are the 5G Enabled Digital Centre and Lindhurst Berry Hill, Mansfield projects.

8. This report is seeking approval for the County Council to enter the Getting Building Fund Grant Confirmation Document for the 5G Enabled Digital Centre (the Lindhurst Berry Hill, Mansfield project features separately as part of this Committee's agenda under a report entitled 'Lindhurst Development Update – Site Disposals'). The Council is familiar with, and has signed up to on numerous occasions, the D2N2 LEP's standard grant offer agreement. The only difference on the Getting Building Fund offer agreement is a revision to the publicity section and payments will now be made on a claims basis, rather than an agreed grant profile.
9. Whilst the full fibre broadband and the Zero Carbon Regional Demonstrator at Top Wighay projects were not called forward to full business case on this occasion, all is not lost. Firstly, an opportunity arose over the summer for the Council to participate in the Governments Gigabit Broadband Voucher Scheme. This Scheme will run alongside the existing full fibre network programme, providing Nottinghamshire residents and businesses greater choice of access to a gigabit-capable internet service provider connection equal to 1,000 megabits per second. The timing of the planned ministerial announcement at the beginning of September, meant that approvals to participate in this Scheme had to be subject to the Council's urgency decision process. This decision taken under urgency procedures also features separately in today's Committee agenda.
10. Secondly, on 5 August 2020 D2N2 LEP announced their intention to create a reserve list of future investment propositions should further funding become available. With funding made up of grants from Homes England, the D2N2 LEP and from the council, the Top Wighay development is one of the most ambitious projects ever undertaken by the county council. It will boost the county's economic growth and will regenerate an area at the heart of the County, benefitting not only the current populations but many generations to come. It is for this reason that officers are in the process of resubmitting the Zero Carbon Regional Demonstrator at Top Wighay which could be presented to any new funding allocations as they arise.

Other Options Considered

11. The Council is committed to making sure Nottinghamshire is a well-connected County. This means harnesses the future potential of 5G, the related technologies it enables and encouraging the growth of skills to support new and emerging sectors. It is for this reason, the 'do nothing' option was discounted.

Reason for Recommendation

12. The 5G Enabled Digital Centre builds on the Council's recent success in the Government's 5G Rural Connected Communities Competition with funding secured to launch a 25-month testbed and trial programme creating the world's first 5G Connected Forest at the Sherwood Forest Visitor Centre and surrounding area. The current project end date is set for January 2022, any delay in signing the grant agreement compromises both the start and end date of the project. Members approval to enter into the grant agreement is recommended as it will enable the Council to immediately lead another project specifically aimed at stimulating economic activity and supporting job creation in the context of post-COVID 19 recovery.

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human

rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

14. The grant fund totals £592,000. Approval is not being sought for any additional funding.

RECOMMENDATION

1) The 5G Enabled Digital Centre project is part of Nottinghamshire's £3.5 million Getting Building Fund allocation that supports the Nottinghamshire County Council Covid-19 Economic recovery Action Plan 2020-22, providing much-needed jobs, growth and further investment at this critical time. It is recommended that Policy Committee approves the Council entering into the Getting Building Fund offer agreement.

COUNCILLOR MRS KAY CUTTS MBE Leader of the County Council

For any enquiries about this report please contact: Nicola M^cCoy-Brown, Growth and Economic Development Tel: 0115 977 2580

Constitutional Comments (KK 04/09/2020)

15. The proposal in this report is within the remit of the Policy Committee.

Financial Comments (GB 15/09/2020)

16. The £592,000 grant funding sought from the Getting Building Fund would be capital in nature. As such, were the Council to be successful in securing the grant funding there would be a requirement to vary the capital programme through the usual capital approval process.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Nottinghamshire COVID-19 Economic Recovery Framework, report to COVID-19 Resilience, Recovery and Renewal Committee, published 16 July 2020

Electoral Division(s) and Member(s) Affected

- All

REPORT OF THE LEADER OF THE COUNTY COUNCIL

LINDHURST DEVELOPMENT UPDATE: SITE DISPOSALS

Purpose of the Report

1. To provide an update on the Lindhurst Development Scheme and seek approval to the disposal of Plot 4 of Phase Two in accordance with the terms of the Developer Collaboration Agreement.
2. To delegate authority to the Corporate Director, Place, in consultation with the Group Manager, Legal, Democratic and Complaints, the Service Director Finance, Infrastructure & Improvement, and, the Chairman (or Vice Chairman) of the Policy Committee to approve detailed terms of the legal documentation to give effect to these proposals set out in the Exempt Appendix to this report.
3. To inform Committee of the bid for funding to D2N2 Local Enterprise Partnership's (LEP) Getting Building Fund and subsequent grant offer from them and obtain approval to accept the offer of £3,000,000. Also, to seek approval to a variation to the capital programme to reflect the £3,000,000 external funding identified in this report, subject to the bid being successfully ratified by the LEP.
4. To authorise the Corporate Director, Place, in consultation with the Group Manager, Legal, Democratic and Complaints, the Service Director Finance, Infrastructure & Improvement, and, the Chairman (or Vice Chairman) of the Policy Committee to approve terms of the LEP Grant Funding Agreement as set out in the Exempt Appendix to this report.
5. To approve the commissioning of Arc Partnership Ltd. to deliver the project which is funded by the LEP grant and contributions from the Lindhurst Group.

Information

6. Some information relating to this report is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972. Having regard to the circumstances, on balance the public interest in disclosing the information does not outweigh the reason for exemption because divulging the information would significantly damage the Council's commercial position. The exempt information is set out in the exempt appendix to this report.

Background

7. The new Council Plan "Your Nottinghamshire, Your Future" sets out an ambitious vision for the future of Nottinghamshire in which the county is at the forefront of modern Britain. We want Nottinghamshire to be a place where young people and young families have the opportunity to put down their roots and live healthy and fulfilling lives. In order to achieve this, we know that quality housing in good locations

is vital. We will therefore work with developers and the Government to bring forward new housing that meets the needs of our growing population and everyone who wants to build their future here.

8. The Council has further defined its ambitions in its Place Strategy 2019-21 by investing in opportunity areas the Council aims to unlock new jobs and deliver better housing. Key activities identified for Investing in Nottinghamshire in 2019/20 include bringing forward developments at Lindhurst, Mansfield. This area of the County needs new opportunities for employment and housing for its economic and social wellbeing. The Lindhurst Scheme will help to provide new jobs and homes and improve the prospects for the whole area. It is a new neighbourhood which will create over 1700 homes, and associated community facilities.
9. By embracing the ethos of working with Government and developers in order to bring forward new housing, the Council has been very successful in working as a partner of the Lindhurst Group to kick start development activity. Phase One is well under way with all land disposals already achieved. The development saw 258 housing completions by the end of August 2020. Making the best possible use of the land will make a critical contribution towards fulfilling the Council's ambitions for the county and for the housing needs of its communities.

Phase Two, Plot 4, Local Centre site disposal

10. Building upon the successful development of Phase One, the Lindhurst Group is now in a position to move to Phase Two. A plan of the Phase Two site is provided as an Appendix to this report.
11. Approval is required for the Lindhurst Group to proceed with the sale of land on the terms and further information regarding the detail of the offer for Phase Two, Plot 4 is set out in the Exempt Appendix to this report.

Grant funding secured: D2N2 Local Enterprise Partnership (LEP) Getting Building Fund (LGF)

12. In June 2020, the £900 million Getting Building Fund was announced by the Prime Minister, aimed at investing in shovel-ready housing and infrastructure projects creating jobs and supporting economic recovery across the country. As part of that announcement £44.4 million was awarded for projects within D2N2 LEP area. Having received endorsement by the COVID-19 Resilience, Recovery and Renewal Committee at its 16 July 2020 meeting, Nottinghamshire County Council submitted four accelerated project proposals including a bid for £3m for infrastructure at Berry Hill, Lindhurst.
13. While the COVID 19 Resilience, Recovery and Renewal Committee endorsed the submission to full business case status, approval of Policy Committee is required to accept the grant offer of £3 million and delegate authority to the Corporate Director Place in consultation with the Service Director Finance, Infrastructure & Improvement, the Group Manager, Legal, Democratic and Complaints and the Chair of Policy Committee (or Vice-Chair) to enter the grant agreement.
14. On 5 August 2020 the LEP wrote to the Council to confirm that following the submission D2N2 made to the Governments Getting Building Fund, they received

formal confirmation that all of the projects submitted as part of our £44M bid have been endorsed by Government. This includes the Lindhurst project which was assessed as the highest-ranking project in the D2N2 region.

15. The £3m allocation of funding is subject to each project delivering against the milestones and outcomes in the Council's funding bid, and the submission and approval of a formal business case by the D2N2 Investment and Main Boards in compliance with the Local Assurance Framework.
16. One of the key criteria of the Getting Building Fund is the speed of delivery, which was one of the reasons the Lindhurst project was successful. Therefore, maintaining the focus on early delivery will be critical to demonstrate progress to Government and re-confirm the regions credibility to secure future investment.
17. In order to maintain that focus the LEP will be closely monitoring progress of each project against the original milestones. At this stage the milestones from the Council's funding bid which will be used as the basis for monitoring progress by the LEP Investment and Main Boards are:
 - to have secured Reserved Matters Approval by September 2020;
 - to submit the Final Business Case to LEP by November 2020; and,
 - for the LEP to make its final decision on the Final Business Case submission by December 2020.

By supporting the proposed recommendations contained within this report the County Council will be well positioned to meet these milestones and commence the works shortly after signing the grant offer documentation.

18. The Council is familiar with, and has signed up to on numerous occasions, the D2N2 LEP's standard grant offer agreement.
19. In order to deliver this project at pace the Council will need to formally commission Arc Partnership Ltd. (the Council's teckal company) to deliver the infrastructure on behalf of the Lindhurst Group.
20. Approval is required for the Council to accept the terms of the Getting Building Fund Grant offer of £3m and for the Council to commission Arc Partnership Ltd to deliver the project, with further information regarding the detail of the offer being set out in the Exempt Appendix to this report.

Other Options Considered

21. As detailed in the exempt appendix.

Reason/s for Recommendation/s

22. To enable the sale of land in line with the Developer Collaboration Agreement and to secure a capital receipt to the Lindhurst Group and to provide much needed commercial development for this location, and to secure grant funding from the LEP

for key infrastructure.

Statutory and Policy Implications

23. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

1. To note the update on the Lindhurst Development Scheme and approve the disposal of Plot 4 of Phase Two in accordance with the terms of the Developer Collaboration Agreement and terms set out in the Exempt Appendix.
2. To delegate authority to the Corporate Director, Place, in consultation with the Group Manager, Legal, Democratic and Complaints, the Service Director Finance, Infrastructure & Improvement, and, the Chairman (or Vice Chairman) of the Policy Committee to finalise details of the legal documentation to give effect to these proposals.
3. To inform Committee of the bid for funding to D2N2 Local Enterprise Partnership's Getting Building Fund and subsequent grant offer from them and obtain approval to accept the offer of £3,000,000.
4. To approve a variation to the capital programme of £3,000,000.
5. To authorise the Corporate Director, Place, in consultation with the Group Manager, Legal, Democratic and Complaints, the Service Director Finance, Infrastructure & Improvement, and, the Chairman (or Vice Chairman) of the Policy Committee to approve terms of the LEP Grant Funding Agreement as set out in the Exempt Appendix to this report.
6. To approve the commissioning of Arc Partnership Ltd. to deliver the project which is funded by the LEP grant and contributions from the Lindhurst Group.

Councillor Mrs Kay Cutts MBE
Leader of the County Council

For any enquiries about this report please contact: Matthew Neal, Service Director, Investment & Growth, Tel: 0115 977 3822

Constitutional Comments (SSR 21/09/2020)

4) The recommendations fall within the scope of decisions that may be approved by Policy Committee.

Financial Comments (GB 22/09/2020)

5) It is proposed that the £3.3m works identified in this report will be funded from a £3.0m Getting Building Fund capital grant from the D2N2 and from the Lindhurst Group's existing budget (£0.3m). Subject to confirmation of the successful bid to the D2N2, a variation to the capital programme will be required. The project will then be monitored through the usual capital monitoring process.

Background Papers and Published Documents

Electoral Division(s) and Member(s) Affected

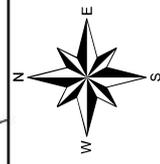
- Electoral Division: Sutton Central East, Mansfield South
- Member(s): Councillor Samantha Deakin, Councillor Stephen Garner, Councillor Andy Sissons

Lindhurst Development Update - Site Disposals

Plan provided by: dlc

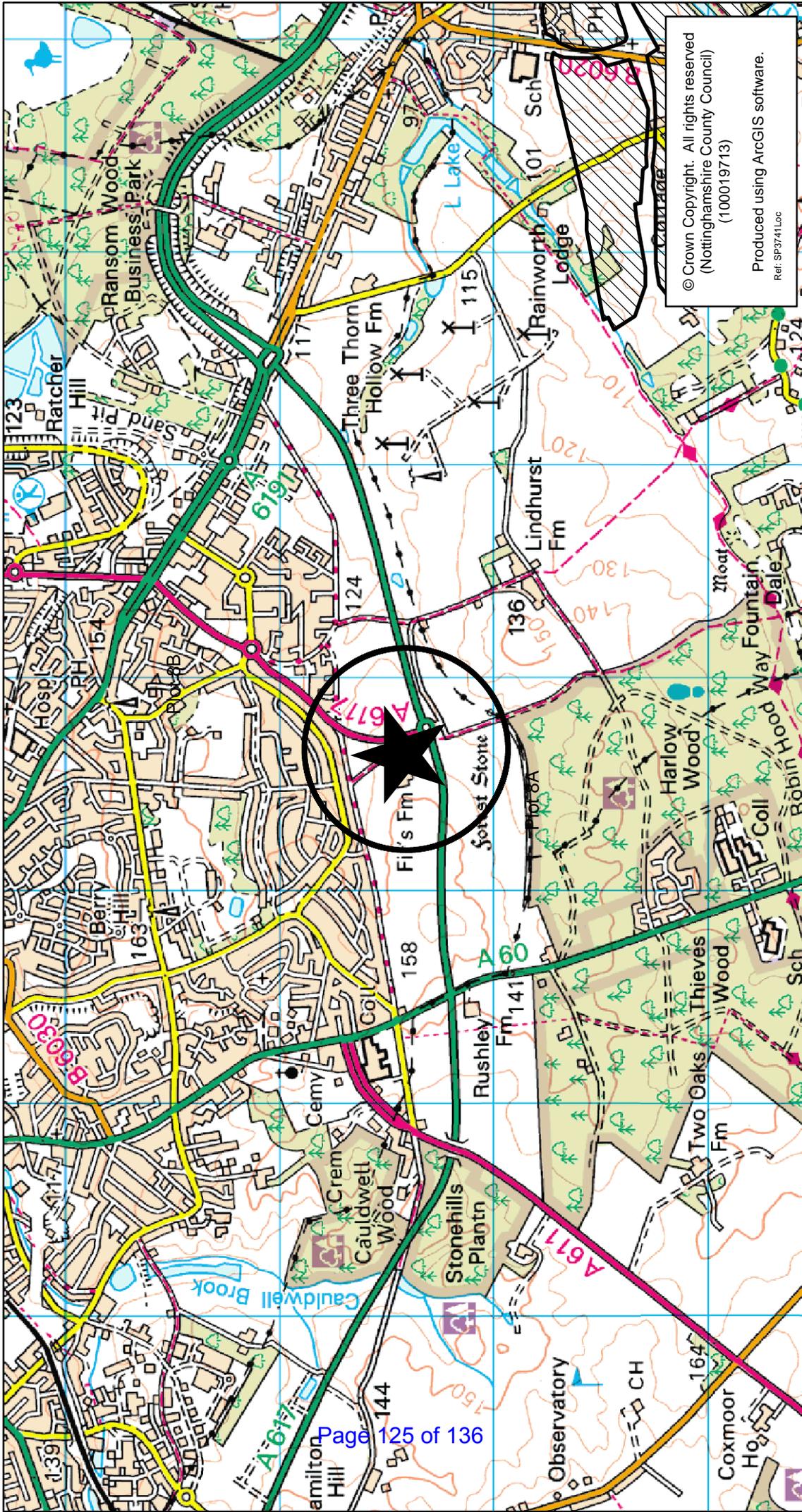


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(100019713)
Produced using ArcGIS software.
Ref: SP3741Lindhurst

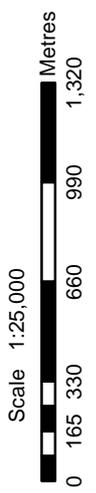
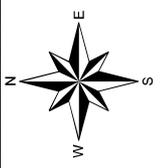


Key

-  Residential land for sale
-  NCC owned land



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(Nottinghamshire County Council)
(100019713)
Produced using ArcGIS software.
Ref: SP3741Loc



REPORT OF THE LEADER OF THE COUNTY COUNCIL**PROPOSED SALE OF LAND OFF ROLLESTON DRIVE, ARNOLD,
NOTTINGHAM****Purpose of the Report**

1. To seek approval to the disposal of the Former Highways Depot and Rolleston Drive Campus, Rolleston Drive, Arnold, Nottingham, NG5 7JH on terms as detailed in this report and its appendix.

Information

2. This report contains an exempt appendix, which is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) (Information relating to any individual and the business affairs of a particular person (including the authority holding that information)). The exempt appendix provides details of the terms agreed. Disclosure of this information would prejudice the parties' commercial interests.
3. On 15th January 2020 Policy Committee considered a report on the proposed disposal of the Councils cleared former depot site at Rolleston Drive site as indicated on the attached plan which amounts to approximately 9 acres (3.64 hectares). The site had been openly marketed for sale for residential development in autumn 2019 with several offers being received on a like for like basis, all being conditional upon ground conditions (contamination and abnormal foundation depth), the grant of planning permission and Section 106 contributions. The cost of these would be deductible from the purchase price.
4. Policy Committee approved the sale of the site on the terms set out in the exempt appendix to the report and delegated authority to the Corporate Director Place in consultation with the Section 151 Officer, the Head of Legal, Democratic and Complaints and Chair of Policy Committee to agree the final sale price (within the parameters set out in the appendix to the report) and negotiate and finalise the terms of the contract.
5. The proposed purchaser has now completed their intrusive investigations into the site conditions and other abnormal factors as per the conditions of tender. These proposed additional works and costs have been studied by the Council's consultant advisers with the result that the purchase price has now been negotiated to a figure below that for which delegation was previously approved by Committee so this report now seeks approval to proceed with the sale to the preferred bidder on the terms as set out in the exempt appendix to this report.
6. The Council has an obligation under s123 Local Government Act 1972 to obtain the best price reasonably obtainable for the disposal of its assets. The proposed disposal terms are considered to represent "best value" to the Council.

Other Options Considered

7. The Council has considered the site for operational use without identifying a viable proposal.

Reason/s for Recommendation/s

8. To deliver new housing and a substantial capital receipt upon disposal and to release the Council from ongoing maintenance and security obligations.

Statutory and Policy Implications

9. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, the public sector equality duty, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) To approve the sale of land site at Rolleston Drive as indicated edged black on the attached plan on the terms as set out in the exempt appendix to this report.

Councillor Mrs Kay Cutts
Leader of the County Council

For any enquiries about this report please contact:
Matthew Neal, Service Director – Investment & Growth

Constitutional Comments (EP 04/09/2020)

10. The recommendation falls within the remit of Policy Committee by virtue of its terms of reference. The Council is under a statutory obligation when disposing of land or buildings to obtain the best price reasonably obtainable on the open market. Therefore members should satisfy themselves of this. If the Council has any retained land the effect on the value and use of it must be considered.

Financial Comments (JPEG 03/09/2020)

11. The report states that the revised disposal terms continue to represent 'best value' to the Council. In line with the Council's current policy, the capital receipt will be used either to fund transformation costs or will be set against the principal of previous years' borrowing.

Background Papers and Published Documents

- None.

Electoral Division(s) and Member(s) Affected

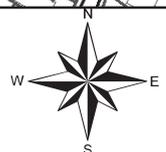
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- Electoral Division(s): Arnold North
- Member(s): Councillor Pauline Allan, Councillor Michael Payne

File ref.: 06177/00027/MB/SB/new

SP: 3732

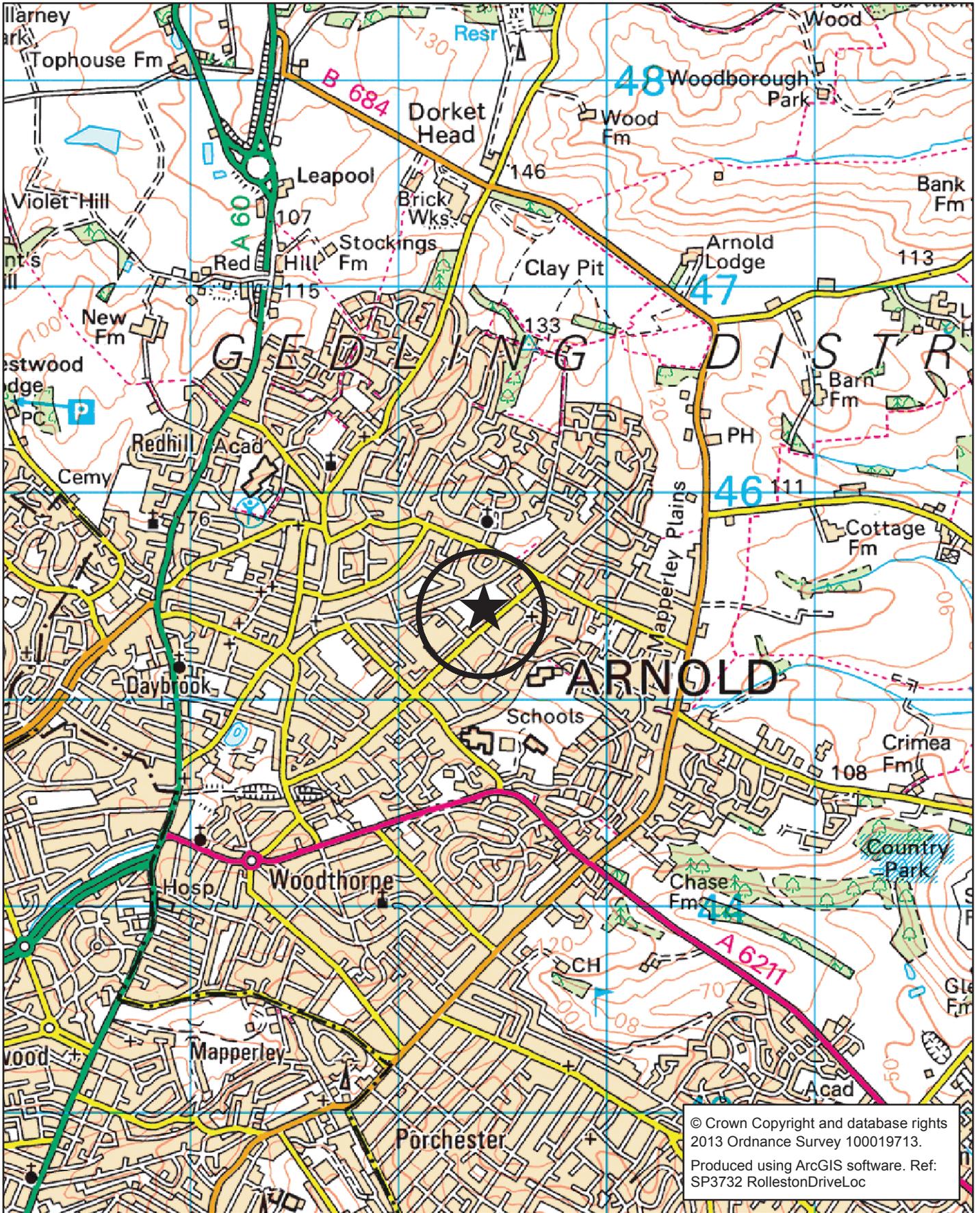
Properties affected: 06177 - Beck Meadow, 00027 - Rolleston Drive Campus



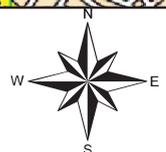


Proposed sale of Land off Rolleston Drive, Arnold - Location Plan

Plan provided by: dlc



© Crown Copyright and database rights
 2013 Ordnance Survey 100019713.
 Produced using ArcGIS software. Ref:
 SP3732 RollestonDriveLoc



REPORT OF THE SERVICE DIRECTOR, CUSTOMERS, GOVERNANCE AND EMPLOYEES

WORK PROGRAMME

Purpose of the Report

1. To review the Committee's work programme for 2020.

Information

2. The County Council requires each committee to maintain a work programme. The work programme will assist the management of the committee's agenda, the scheduling of the committee's business and forward planning. The work programme will be updated and reviewed at each pre-agenda meeting and committee meeting. Any member of the committee is able to suggest items for possible inclusion.
3. The attached work programme includes items which can be anticipated at the present time. Other items will be added to the programme as they are identified. The meeting dates and agenda items are subject to review in light of the ongoing COVID-19 period.
4. The Policy Committee will be asked to determine policies, strategies and statutory plans developed or reviewed by other Committees of the Council. Committee Chairmen are invited to advise the Policy Committee of any additional policy reviews that are being considered.

Other Options Considered

5. None.

Reason for Recommendation

6. To assist the Committee in preparing and managing its work programme.

Statutory and Policy Implications

7. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

That the Committee considers whether any amendments are required to the Work Programme.

Marjorie Toward
Service Director, Customers, Governance and Employees

For any enquiries about this report please contact: Keith Ford, Team Manager, Democratic Services, Tel: 0115 9772590

Constitutional Comments (EH)

8. The Committee has authority to consider the matters set out in this report by virtue of its terms of reference

Financial Comments (NS)

10. There are no financial implications arising directly from this report.

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None

Electoral Division(s) and Member(s) Affected

All

POLICY COMMITTEE - WORK PROGRAMME (AS AT 22 SEPTEMBER 2020)

<u>Report Title</u>	<u>Brief summary of agenda item</u>	<u>Lead Officer</u>	<u>Report Author</u>
11 November 2020			
Transforming Cities Programme	To provide an update on Nottingham City Council's Transforming Cities Fund bid and to set out the next steps in project delivery including relevant approvals.	Adrian Smith	Matthew Neal / Sally Gill / Kevin Sharman
Outside Bodies Update Report	To notify Committee of any changes to the Council's Outside Bodies Register and to seek approvals where appropriate (in line with new processes agreed by Policy Committee on 22 May 2019).	Marjorie Toward	Keith Ford
Potential Third Secondary School in West Bridgford	To consider a further update on this issue.	Adrian Smith	Neil Gamble
Update on D2N2 Local Enterprise Partnership and Midlands Engine Partnership	To provide an update on the work of the D2N2 LEP, the City of Nottingham and the Midlands Engine Partnership and seek funding as appropriate.	Adrian Smith	Nicola McCoy-Brown
Arc Partnership Bi-Annual Report	Arc Partnership 6 monthly Performance Report.	Adrian Smith	Dan Maher/Phil Berrill
9 December 2020			
Property Operational Decisions Quarterly Update Report	To consider the latest update on operational decisions taken by officers.	Adrian Smith	Sue Blockley
Update on the work of the Violence Reduction Unit	Dave Wakelin, Director of the Violence Reduction Unit, to provide a progress update.	Anthony May	Dave Wakelin
13 January 2021			
Working with Nottinghamshire's Universities	To update on the Council's work with Nottingham Trent University and University of Nottingham.	Anthony May	Nicola McCoy-Brown
Use of Urgency Procedures	Six Monthly Update report on the use of the Council's procedures for taking urgent decisions.	Marjorie Toward	Keith Ford
10 February 2021			
High Speed 2 (HS2) Update	To provide an update on progress with HS2	Adrian Smith	Ken Harrison / Hannah Barrett
Local Government Association Conference and Exhibition 2021	To seek approval for attendance at this annual conference.	Anthony May	Keith Ford

17 March 2021			
Update on the work of East Midlands Councils	Stuart Young, Executive Director of East Midlands Councils to provide an update.	Anthony May	Stuart Young
Property Operational Decisions Quarterly Update Report	To consider the latest update on operational decisions taken by officers.	Adrian Smith	Sue Blockley
Planned Maintenance 2021-22 – Latest Estimated Costs Report	Establishing the Planned Maintenance programme for 2021-22. Establishes programme and approves progression to feasibility / design stage.	Derek Higton	Phil Berrill
21 April 2021			
16 June 2021			
Property Operational Decisions Quarterly Update Report	To consider the latest update on operational decisions taken by officers.	Adrian Smith	Sue Blockley
Update on the work of the Violence Reduction Unit	Dave Wakelin, Director of the Violence Reduction Unit, to provide a progress update.	Anthony May	Dave Wakelin
14 July 2021			
Use of Urgency Procedures	Six Monthly Update report on the use of the Council's procedures for taking urgent decisions.	Marjorie Toward	Keith Ford
The National Rehabilitation Centre Update TBC	Miriam Duffy, Programme Director to give an update on progress following the initial report to Policy Committee in January 2020.	Anthony May	Miriam Duffy
Outside Bodies - Update Report	To notify Committee, on a six monthly basis, of any changes to the Council's Outside Bodies Register and to seek approvals where appropriate.	Marjorie Toward	Keith Ford