

ASHFIELD DISTRICT COUNCIL



Council Offices,
Urban Road,
Kirkby in Ashfield
Nottingham
NG17 8DA

Agenda

Cabinet

Date: **Monday, 31st July, 2023**

Time: **10.00 am**

Venue: **Council Chamber, Council Offices, Urban Road,
Kirkby-in-Ashfield**

For any further information please contact:

Lynn Cain

lynn.cain@ashfield.gov.uk

01623 457317

Cabinet

Membership

Chairman: Councillor Jason Zadrozny

Councillors:

Samantha Deakin
Tom Hollis
Rachel Madden
Matthew Relf
John Wilmott

Vicki Heslop
Christopher Huskinson
Andy Meakin
Helen-Ann Smith

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SUMMONS

You are hereby requested to attend a meeting of the Cabinet to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



Theresa Hodgkinson
Chief Executive

AGENDA

Page

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests.**
3. To receive and approve as a correct record the minutes of the meeting of the Cabinet held on 26 June 2023. 5 - 10
4. **Funding Update.** 11 - 32

Key Decision

Councillor Matthew Relf – Executive Lead Member for Growth, Regeneration and Local Planning

Councillor Samantha Deakin – Executive Lead Member for Parks and Environmental Services

Councillor Helen-Ann Smith – Deputy Leader and Executive Lead Member for Community Safety and Crime Reduction

5. **Be Healthy, Be Happy Annual Report 2022-23.** 33 - 58

Non-Key Decision

Councillor Chris Huskinson – Executive Lead Member for Leisure, Health and Wellbeing

6. **Draft Financial Outturn 2022/23 for General Fund, Housing Revenue Account (HRA) and Capital Programme.** 59 - 82

Key Decision

Councillor Rachel Madden – Executive Lead Member for Finance, Revenues and Benefits

7. **Council's Insurance Arrangements 2022/23.** 83 - 88

Non-Key Decision

Councillor Rachel Madden – Executive Lead Member for Finance, Revenues and Benefits

8. **Housing Ombudsman Service – Complaint Handling Code – Revised Self-Assessment.** 89 - 126
- Key Decision**
Councillor Andy Meakin – Executive Lead Member for Social Housing and Assets
9. **Civil Penalties Policy - Update.** 127 - 150
- Key Decision**
Councillor Tom Hollis – Deputy Leader and Executive Lead Member for Strategic Housing and Climate Change
10. **Proposed Demolition and Redevelopment of two Community Centres for Affordable Housing.** 151 - 160
- Key Decision**
Councillor Tom Hollis – Deputy Leader and Executive Lead Member for Strategic Housing and Climate Change
11. **Recommendations: Local Plan Development Committee - 3 July 2023.** 161 - 190
- Non-Key Decision**
Councillor Matthew Relf – Executive Lead Member for Growth, Regeneration and Local Planning

CABINET

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,
on Monday, 26th June, 2023 at 2.00 pm

Present: Councillor Jason Zadrozny in the Chair;

Councillors Samantha Deakin, Vicki Heslop,
Tom Hollis, Christopher Huskinson,
Andy Meakin, Matthew Relf, Helen-Ann Smith
and John Wilmott.

Apology for Absence: Councillor Rachel Madden.

Officers Present: Craig Bonar, Lynn Cain, Ruth Dennis,
Theresa Hodgkinson, Peter Hudson, Jas Hundal,
Paul Parkinson, Abbie Smith and Shane Wright.

In Attendance: Councillor Warren Nuttall.

CA.1 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

Councillor Vicki Heslop declared a Non-Registrable Interest in respect of agenda item 8 (Social Housing White Paper). Her interest arose from the fact that she was currently residing as a tenant in a social housing property.

CA.2 Minutes

RESOLVED

that the minutes of the meeting of the Cabinet held on 21 February 2023, be received and approved as a correct record.

CA.3 Corporate Plan Year-End Position 2022/23 and Complete 4 Year Outturn

Cabinet was requested to consider the delivery of the final year of the current Corporate Plan 2019-2023 and the April 2022 to March 2023 performance position against the Corporate Performance Scorecard. Members were also requested to note the key successes delivered over the four-year period of the Corporate Plan.

Members considered the alternative option of undertaking a light touch refresh of the Council's Corporate Plan but this was declined in favour of developing a new Corporate Plan for 2023-2027.

RESOLVED that

- a) having reviewed the levels of performance and delivery achieved against the Corporate Plan Priorities and Corporate Scorecard, as at year-end 2022/23, progress be received and noted;
- b) it be also noted that development of a new Corporate Plan 2023 – 2027 was currently underway and would be presented to September 2023 Cabinet for approval.

Reason:

The Council's ambitions for the period 2019 – 2023 are clearly identified in a set of revised and updated Corporate Priorities within the Plan which are presented regularly to Cabinet for consideration.

CA.4 Corporate Risk Year-End Position 2022/23

Cabinet was requested to review the Corporate Risk Register, the analysis of movement in risk and any mitigating actions in respect of those risks.

As the report was presented for information purposes only, there were no alternative options for Members to consider.

RESOLVED

that the current significant items on the Corporate Risk Register, as presented, be received and noted.

Reason:

To prioritise and manage the mitigation of Risk in order that the Council can achieve its objectives.

CA.5 Proposed Potential Land Exchange

Approval in principle was sought from Members, to exchange Council owned (General Fund - GF) land at Hardwick Lane, Sutton in Ashfield and Central Avenue, Kirkby in Ashfield with Council owned (Housing Revenue Account - HRA) land at Clegg Hill Drive, Huthwaite, for the purpose of potential future house building.

Members considered the alternative option of declining to approve the exchange of land but this was not recommended as the sites in question could not be developed on their own for social housing purposes, using the Council's existing methodology, without the proposed exchange.

RESOLVED that

- a) the content of the report and the need for new affordable homes to meet increasing levels of demand for housing from local residents, be noted and acknowledged;

- b) approval be given to an application being made to the Secretary of State for Levelling Up, Housing and Communities (DLUHC), for consent to change the use of a small parcel of land on the edge of the Central Avenue allotment site; the land being currently designated as allotment land but has never been used for this purpose and is currently overgrown scrubland;
- c) approval be given to consult with local residents to seek their views on a proposal to change the designation of Hardwick Lane Rec from recreational (open space) to land suitable for development with the consultation being in accordance with section 122(2A) of the Local Government Act 1972 and with any objections being brought back to Cabinet for consideration;
- d) that officers are seeking further advice in respect of the financial regulations relating to the appropriation of land from the GF to the HRA and vice-versa, be noted;
- e) the following further recommendations be approved and only apply should points b), c) and d) above be concluded satisfactorily with no outstanding issues for Members to consider;
 - to approve the proposed land exchange, with Council GF land at Central Avenue, Kirkby in Ashfield and Hardwick Lane, Sutton in Ashfield, being exchanged for an equivalent sized parcel of HRA land at Clegg Hill Drive, Huthwaite;
 - to grant delegated authority to the Executive Director of Operations and the Corporate Resources Director and Section 151 Officer to determine any additional financial adjustment needed to ensure the GF receives full value for the sites being exchanged;
 - to approve the proposal to develop the exchanged sites at Central Avenue, Kirkby in Ashfield and Hardwick Lane, Sutton in Ashfield for affordable housing to meet local need;
 - to grant delegated authority to the Executive Director of Operations, in conjunction with the Corporate Resources Director and Section 151 Officer, to negotiate and formalise final scheme costs, property mix, specification and delivery;
 - to grant delegated authority to the Executive Director of Operations to procure and appoint a contractor to develop the site;
 - to grant delegated authority to the Executive Director of Operations to contract, on behalf of the Council with Homes England, for the purposes of receiving subsidy to ensure that developments are viable and fall within a maximum payback period of 40 years.

Reasons:

1. The Council has a corporate objective to ensure there is sufficient safe and appropriate housing for local residents and building new council homes is an important part of this.

2. The Council's land holdings have been reviewed and new Council homes built on appropriate sites.
3. Demand for affordable housing remains exceptionally high and the Council has reaffirmed its commitment to continue with the new build programme. With new sites being increasingly difficult to find and achieve financial viability, it is important that creative solutions are considered, hence the land exchange proposal.

CA.6 New Parking Order

Cabinet was requested to agree the proposals detailed in the report regarding changes to parking provision and charges and enable officers to undertake the necessary process for making a new Ashfield District Council Civil Enforcement Off-Street Parking Places Order.

Members considered the alternative option of declining to revise the Parking Order but this was not recommended as the Order required suitable revision due to changes in charges and car park provision.

RESOLVED that

- a) the proposals detailed in the report regarding changes to parking provision and charges (having noted the proposals agreed at December 2022 Cabinet), be approved;
- b) officers be instructed to undertake the legal process to make a new Civil Enforcement Off-street Parking Order;
- c) approval be given for the publication of the Ashfield District Council Civil Enforcement Off Street Parking Places Order 2023;
- d) delegated authority be granted to the Executive Lead Member for Growth, Regeneration and Local Planning to enact the proposed future change(s) to the order as and when required and to make any minor amendments to the order, plans and other documents as required.

Reason:

To ensure that the Parking Order is up to date to reflect changes in parking provision and to provide flexibility for future changes which may be required.

CA.7 Social Housing White Paper

Cabinet was presented with a summary update of actions undertaken as a result of the (then) Ministry of Housing, Communities and Local Government (MHCLG) Social Housing White Paper, in line with recommendations since the original summary presented to Cabinet in January 2021 and the subsequent updates presented in December 2021, June 2022 and January 2023.

As the report was presented for information purposes only, Members did not have any alternative options to consider.

RESOLVED

that the following be received and noted:

- a) the key implications and priorities for Ashfield District Council arising from the then Ministry of Housing, Communities and Local Government (MHCLG) Social Housing White Paper and the resulting identified actions;
- b) the progress of the Social Housing (Regulation) Bill through the House of Commons and the House of Lords;
- c) progress against the reported action plan;
- d) commencement of the regulatory requirement for the Authority to collect and report the findings of Tenant Satisfaction Measures for the 2023/24 financial year, and annually thereafter;
- e) the plan for the Authority's collection of the Tenant Satisfaction Measures;
- f) the performance information contained within the report to provide assurance of regulatory compliance.

Reasons:

- 1. To update elected Members on how Ashfield District Council meets the Regulatory regime for Council Housing and complies with the expectations of the Regulator.
- 2. To keep elected Members informed of our progress towards meeting the statutory and regulatory requirements.
- 3. To update elected Members with the progress of the development of the Social Housing (Regulation) Bill.
- 4. To promote the fact that Cabinet is ultimately responsible for ensuring regulatory compliance of the Council's social housing activities.

The meeting closed at 2.50 pm

Chairman.

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Report To:	CABINET
Date:	31st July 2023
Heading:	FUNDING UPDATE
Executive Lead Members:	<p>CLLR MATTHEW RELF, EXECUTIVE LEAD MEMBER FOR GROWTH, REGENERATION AND LOCAL PLANNING,</p> <p>CLLR SAMANTHA DEAKIN, EXECUTIVE LEAD MEMBER FOR PARKS AND ENVIRONMENTAL SERVICES</p> <p>CLLR HELEN-ANN SMITH, DEPUTY LEADER AND EXECUTIVE LEAD MEMBER FOR COMMUNITY SAFETY AND CRIME REDUCTION</p>
Ward/s:	ALL WARDS
Key Decision:	No
Subject to Call-In:	No

Purpose of Report

To ensure that Cabinet is kept updated on funding allocations; progress of funded programmes and bids for external funding.

To add Public Open Space Section 106 contributions to the Capital Programme.

To note a potential future cost pressure for the Public Sector Decarbonisation Scheme (PSDS) programme which may require additional Council funding.

Recommendation(s)

1. To note the progress for Future High Streets Fund, Towns Fund, UKSPF and Community Safety funding programmes.
2. To note and recommend to Council, the revised Towns Fund re-profiled funding programme for the Capital Programme.
3. To note the submission of an expression of interest to the Arts Council and to recommend to Council the acceptance of grant monies and to act as the Accountable Body if the bid is successful.
4. To recommend to Council, following receipt of funds, that Section 106 monies be included on the capital programme as outlined in the report.
5. To note a potential future cost pressure in relation to the Hucknall Leisure Centre PSDS scheme which may require the allocation of additional Council funding in the future.

Reasons for Recommendation(s)

1. To ensure that Cabinet is kept updated on progress with the funding programmes and submission of funding bids.
2. To ensure that projects and spend within the funding programmes are achieved within the set timeframes and programme budget envelopes.
3. To ensure that if funding bids are successful grant monies can be accepted and project delivery begun.
4. To ensure delivery of the Council's Corporate Plan and improvements to parks and green spaces with a rolling programme of investment.
5. To ensure funding streams are delivered collaboratively and effectively.
6. To ensure Members are aware as early as possible about the potential cost pressures which may require additional Council funding in the future.

Alternative Options Considered

1. Not to approve the allocation of S106 funding on the capital programme. Not allocating the funds will mean that public open space improvement projects cannot be delivered. Not recommended.
2. Not to recommend the acceptance of funding if the Arts Council bid is successful. Not accepting the funds would mean that investment in the District could not be progressed.

Detailed Information

Across the Towns Fund, Future High Streets, Levelling Up Fund and UK Shared Prosperity Fund programmes we are delivering over £102 million of direct investment in Ashfield.

1. Future High Streets Fund

1.1 Finance:

The table below sets out the approved profiled income from DLUHC (Department for Levelling Up, Housing and Communities) and associated co-funding for each project. Where projects have been delayed, it has been reported to DLUHC and the funding carried forward.

Project	RDEL/CDEL	21/22 (£)	22/23 (£)	23/24 (£)	24/25 (£)	25/26 (£)	Total (£)
FHSF Sutton Academy Theatre / Cornerstone	RDEL (Revenue)	-	-	-	-	-	-
	CDEL (Capital)	48,545	143,287	2,155,287			2,347,118
		48,545	143,287	2,155,287	-	-	2,347,118
	Co-funding			100,000			100,000
TF18 Cornerstone	CDEL	-	1,496	-	498,504	-	500,000
TOTAL							2,947,118
FHSF High Pavement	RDEL						-
	CDEL	988,342	148,812	514,511			1,651,665
	Sub Total	988,342	148,812	514,511	-	-	1,651,665
	Co-funding		-	937,289			937,289
Total							2,588,954
FHSF Low Street 9-11 and No 14	RDEL						
	CDEL	86,920	1,081,310	581,770			1,750,000
	Co-funding			647,933			647,933
Total							2,397,933
FHSF Fox Street pop-up food court and car park	RDEL						
	CDEL	67,314	44,397	419,378			531,088

	Co-funding	-		70,912			70,912
Total							
							602,000
						FHSF TOTAL	6,279,871
						CO-FUNDING	1,756,134

1.2 Progress

A progress and risk-based summary for each project is provided below.

Project	Achievements/ progress/next steps	Risk Level / programme and cost
Theatre Project	RIBA stage 2 has been completed. The design team are now progressing RIBA stage 3. A revised programme has been forecast to deliver the project. A revised delivery programme will be reviewed and agreed with DLUHC.	↑
Low Street	14 Low Street - Complete. 9-11 Low Street - Value engineering completed and due to be retendered late July. The project is behind the forecast programme due to delays in managing the inflation cost risk but remains on track for completion March 2024.	↔
High Pavement	Project commenced on site and remains on track to complete November. Negotiations are progressing with new tenants. Makerspace committee has been formed and they are now progressing the project awareness and equipment fit options for the new facilities.	↔
Fox Street	Two unsuccessful open procurement tenders have delayed the delivery of the project. The Council is now working with a framework contractor to establish a fixed cost for the scheme to enable it to proceed. It is anticipated that the project will progress on site in October.	↑

2. Towns Fund

2.0 Finance

The table below sets out the approved profiled income from DLUHC and associated secured and unsecured co-funding for each project. The funding profile has now been approved by DLUHC following the project adjustment request (PAR) submitted to DLUHC in January. The total Towns Fund and Levelling Up Fund funding from DLUHC is £65.7 million.

Project	RDEL/CDEL	21/22 (£)	22/23 (£)	23/24 (£)	24/25 (£)	25/26 (£)	Total (£)
TF-01 Ashfield Civil Engineering Centre	RDEL (Revenue)	-					-
	CDEL (Capital)	6,902	46,865	2,047,367	-		2,101,134

	Sub Total	6,902	46,865	2,047,367	-	-	2,101,134
	Co-funding		453,017	250,000	60,500		763,517
TOTAL							2,864,651
TF-02 Ashfield Construction Centre	RDEL	-	-	-	-	-	-
	CDEL	14,746	21,377	1,108,877	4,032,555		5,177,555
	Total	14,746	21,377	1,108,877	4,032,555	-	5,177,555
	Co-funding		-	1,837,500	-	-	1,837,500
TOTAL							7,015,055
TF-03 Automated Distribution and Manufacturing Centre	RDEL	-	-	500,000	375,000	125,000	1,000,000
	CDEL	17,035	153,724	19,079,241	233,141	-	19,483,141
	Sub Total	17,035	153,724	19,579,241	608,141	125,000	20,483,141
	Co-funding				467,000	934,000	1,401,000
TOTAL							21,884,141
TF-04 Cycling and Walking Routes	RDEL	-	-	-	-	-	-
	CDEL	1,142	30,000	1,808,138	97,000	-	1,936,280
	Total	1,142	30,000	1,808,138	97,000	-	1,936,280
	Co-funding			-	45,000		45,000
TOTAL							1,981,280
TF-05 Enterprise in Ashfield	RDEL	2,344	681,553	1,360,103	985,000	816,000	3,845,000
	CDEL	-	-	-	-	-	-
	Sub Total	2,344	681,553	1,360,103	985,000	816,000	3,845,000
	Co-funding						3,746,867
TOTAL							7,591,867
TF-06 Green Ashfield	RDEL	-	-	-	-	-	-






	CDEL	1,142	114,457	1,684,401	398,048		2,198,048
	Sub Total	1,142	114,457	1,684,401	398,048	-	2,198,048
	Co-funding			2,812,134	317,167	-	3,129,301
TOTAL							5,327,349
TF-07 High Street Property Fund	RDEL	-	-	-	-	-	-
	CDEL	18,265	4,631	876,305			899,201
	Sub Total	18,265	4,631	876,305	-	-	899,201
	Co-funding			100,000			100,000
TOTAL							999,201
TF-08 Kingsmill Reservoir Leisure Development	RDEL	-	-	-	-	-	-
	CDEL	23,196	459,422	2,059,125	810,257		3,352,000
	Sub Total	127,000	2,414,743	2,414,743	2,414,743		3,352,000
	Co-funding			192,000	456,000		648,000
TOTAL							4,000,000
TF-09 Kingsway Sports Hub	RDEL	-	-	-	-	-	-
	CDEL	5,640	87,059	1,398,977			1,491,676
	Total	5,640	87,059	1,398,977	-	-	1,491,676
	Co-funding	39,000			910,000		949,000
TOTAL							2,440,676
TF-10 Library Innovation Centres	RDEL	-	-	48,000	51,000	51,000	150,000
	CDEL		3,375	509,625	38,000	36,478	587,478
	Sub Total	-	3,375	557,625	89,000	87,478	737,478
	Co-funding				113,000		113,000
TOTAL							850,478
TF-11 North Kirkby Gateway	RDEL	-	-	-	90,000	90,000	180,000
	CDEL	7,935	83,605	1,520,583	4,630,797	3,786,727	10,029,648
	Sub Total	7,935	83,605	1,520,583	4,720,797	3,876,727	10,209,648
	Co-funding						

	Co-funding				-	2,155,000	2,985,999	5,140,999
	TOTAL	15,350,647						
TF-12 Portland Square Refurbishment	RDEL	-	-	-	-	-	-	-
	CDEL	65,000	400,000	264,352	-	-	-	729,352
	Total	65,000	400,000	264,352	-	-	-	729,352
	Co-funding	-	-	136,000	-	-	-	136,000
	TOTAL	865,352						
TF-14 Science Discovery Centre & Planetarium	RDEL	-	-	-	-	-	-	-
	CDEL	149,500	385,786	1,554,714	208,004	-	-	2,248,004
	Total	149,500	385,786	1,554,714	208,004	-	-	2,248,004
	Co-funding	-	29,000	-	956,000	-	-	985,000
LUF- Science Discovery Centre	CDEL	-	250,000	1,425,000	1,425,000	-	-	3,100,000
	Total	6,333,004						
TF-15 Sutton Lawn Sports Hub	RDEL	-	-	-	-	-	-	-
	CDEL	5,661	113,904	651,435	1,247,633	-	-	2,018,633
	Total	5,661	113,904	651,435	1,247,633	-	-	2,018,633
	Co-funding	-	-	83,340	2,064,000	-	-	2,147,340
	TOTAL	4,165,973						
TF-16 Visitor Digital Offer	RDEL	-	-	-	-	-	-	-
	CDEL	11,474	58,539	144,797	-	-	-	214,809
	Total	11,474	58,539	144,797	-	-	-	214,809
	Co-funding	-	-	45,000	-	-	-	45,000
	TOTAL	259,809						
TF-17 West Kirkby Gateway	RDEL	-	-	-	-	-	-	-
	CDEL	6,908	250,128	1,459,965	2,741,041	-	-	4,458,041
	Total	6,908	250,128	1,459,965	2,741,041	-	-	4,458,041
	Co-funding	-	-	-	3,920,000	-	-	3,920,000

TOTAL		8,378,041
	TOWNS FUND TOTAL	62,600,000
	LUF FUND TOTAL	3,100,000
	CO-FUNDING	25,755,524

2.1 Project highlights report

A progress and risk-based summary for each project is provided below.

Project	Achievements/ progress/next steps	Risk Level / programme and cost
Be Healthy Be Happy		
North Kirkby Gateway	The realignment of the boundary will be submitted to DLUHC in July. We are developing the masterplan for the land across the Pond Hole and Ellis Street sites.	
Kirkby Sports Hub	A new project design team are being appointed to review and finalise RIBA stage 2 and address budget risks to ensure the scheme remains within the budget envelope. The target date for the Football Foundation submission has been moved to July 2024 to ensure sufficient time to meet the level of approvals required.	
Sutton Lawn Sports Hub	A new project design team are being appointed to review and finalise RIBA stage 2 and address budget risks to ensure the scheme remains within the budget envelope. The target date for the Football Foundation submission has been moved to July 2024 to ensure sufficient time to meet the level of approvals required. Improvements to the tennis courts are being progressed this summer through the Lawn Tennis Association (LTA) framework and funding.	
More to Discover		
Sutton Town Centre		
Portland Square	Nottinghamshire County Council (Via EM) team are progressing the S278 agreement review process. We are now working with a framework contractor to establish a fixed cost for the scheme to enable it to proceed. It is anticipated that the project will progress on site in January 2024.	
Sutton Academy Theatre	RIBA stage 2 has been completed. The design team are now progressing RIBA stage 3. A revised programme has been forecast to deliver the project.	
Visitor Economy		

Cycling and walking routes	The procurement of the design team is now progressing.	↔
Visitor digital offer	The web and app digital infrastructure are built and awaiting testing. The project team are now progressing the development of the content. Options are being developed for marketing content to support the launch.	↔
Science Discovery Centre and Planetarium	MSAS are finalising the fixed price costs with the appointed predevelopment phase construction contractor. The contracts are due to be signed in July.	↔
Kings Mill Reservoir leisure development	The enabling contract work for the new leisure building commenced on 28 th June. The initial stages will progress the demolition of the former club house and construction of a new car park.	↔
Succeed in Ashfield		
ADMC (Kirkby/Sutton)	The business case for the ADCMC project has now been approved by DLUHC. A formal offer has been submitted to the landowner for the preferred site and negotiations are ongoing. The Council is progressing further due diligence on an alternative site option.	↓
Ashfield Construction Centre and Satellite	Handover of the RIBA stage 2 development work undertaken by VWNC is underway. The procurement strategy and delivery model are being progressed for the agreement to proceed.	↔
Ashfield Civil Engineering Centre	Project development work is underway including site surveys – and assessments in preparation for the planning application. An assessment of land ownership is being reviewed to enable the legal agreements between ADC and Vision West Notts to be progressed.	↔
Enterprising Ashfield	<p>Delivery Achievements:</p> <p>Enterprise – HeadStart</p> <ul style="list-style-type: none"> • 7 clients on current cohort starting 7th July. • 32 clients assessed and confirmed Enterprise Ready • 32 Grant Agreements signed. • 32 grants paid to clients. • 7 clients being supported through 1:1 mentoring. <p>Enterprise – R&D Collaboration</p> <ul style="list-style-type: none"> • 3 enrolled. • 12 potential leads. We are supporting several eligible businesses through our Productivity through Innovation programme that will progress onto additional support through Enterprising Ashfield. • Supply Chain Management Event: 8 businesses registered to attend but only 3 businesses attended. 2 businesses have signed up for further support. <p>Enterprise – Growth</p> <ul style="list-style-type: none"> • 11 Total enrolments to date • 9 Clients currently undergoing support • 1 growth grant authorised. • 16 businesses in pipeline • Retail offer being developed as part of our Demonstrator projects. – Our Growth Business Adviser has met and facilitated tours around Kirkby in Ashfield and Sutton in Ashfield town centres with Ophelia Gamble and Wendy Walker 	↔

	<p>from The High Street Experts. As a result, options about potential delivery projects regarding our retail demonstrator are now being scoped.</p> <p>Talent – Graduate Placements</p> <ul style="list-style-type: none"> • 11 graduates placed since start of programme. • 9 Placements completed. • 9 Grant Agreements in pipeline <p>Talent – Apprenticeships</p> <ul style="list-style-type: none"> • 23 live apprenticeships • 28 potential leads • Range of apprenticeships – Level 5 Nursing Associate, <p>Skills</p> <ul style="list-style-type: none"> • 20 short courses completed: • 97 clients attended courses to date. • 69 enrolments for future courses • 52 places booked for 2nd/3rd courses. • 5 bespoke courses in pipeline/delivered with a potential of 123 participants: 	
Library Innovation Centres - Kirkby & Sutton	The official opening of the Kirkby Library project is on 15 th July. Project planning is progressing for the Sutton Project.	↔
Greener Ashfield		
West Kirkby Gateway & public transport hub	RIBA Stage 2 design development work has been progressed for the North side of Lane End and will be completed July.	↔
Green Ashfield	The first retrofit PV system has been completed at 14 Low Street with the second scheme underway at High Pavement House. A metering and data collection strategy is being progressed and the asset investment plan and procurement strategy is being finalised.	↔
High Street Property Fund	Development phase for the Moor Market flats is underway. The wider property market is being monitored for opportunities.	↔

3.0 UK Shared Prosperity Fund

The table below sets out the approved funding profile for the programme:

	Year 1 – 2022/23	Year 2 – 2023/24	Year 3 – 2024/25	Total
Allocated funding	387,395	774,790	2,029,950	3,192,135
Carry forward underspend to Year 2	(243,639)	243,639	0	0
Total	143,756 (actual)	1,018,429	2,029,950	3,192,135

Programme Update

On 2 May, the Council submitted its year-end report for UK Shared Prosperity Fund (UKSPF). On 28 June, DLUHC advised that the year-end report and Credible Plan were accepted. The year 2

allocation and year 1 carry forward fund are approved and we can implement our plans with confidence.

Risk is being actively managed with the risk register updated on a monthly basis. Whilst some projects are being or have been delivered, there are many projects that are being procured through joint commissioning and local procurement. The procurement process in some cases had taken longer than anticipated. The various processes highlight the pressures of affordability, competency, and quality.

For Year 2 (2023-2024) there is no guarantee that underspend will be able to be carried forward to Year 3 (2024-2025). Project managers have forecasted or are in the process of forecasting planned spend for Year 2 and are considering, where possible, how to accelerate, reduce, or reallocate, spending.

3.1 Communities and Place

Most Community infrastructure projects are either on track for delivery or have been delivered. The Hucknall High Street Improvement Fund will launch jointly with the High Street Grant on 31 July, using an online tool. There is already interest in both schemes. The Sutton Environmental Improvements have been procured and investment of Hucknall Safer Streets contributions are near completion. Other community programmes are at various stages of development and procurement.

3.2 Supporting Local Business

Many of the services are part of the Nottinghamshire County Council (NCC) joint procurement for services to Support Local Business. The NCC joint framework has been awarded to the East Midlands Chamber of Commerce. This will cover Business advice and support for digital technologies, workforce training, improving productivity and innovation, decarbonisation and overseas trade. Other initiatives to be delivered in-house are either in progress or being mobilised. These include High Pavement/ Low Street incentives, Makerspace coordination, ADMC pre-opening, Specialist events and a potential online trading support programme which is in development. Specialist events are being planned for Year 2, with an event to support the Hucknall and High Street Grants and a Net Zero event in early November. An 18-month graduate internship will also be recruited.

3.3 People and Skills

There are two key services that are being procured for delivery in year 2. A programme for support for the economically inactive. This is being procured through a People and Skills NCC joint procurement. The Council is procuring a second service to focus on supporting basic skills. These services are the step change from the NCC Multiply programme being offered by Inspire, Futures and West Nottinghamshire College.

4.0 Community Safety

Funding for Community Safety comprises of external funding interventions from April 2022 to present.

4.1 Hucknall Locality – Reduce crime & ASB and improve feelings of safety – £86,000

£86k of UK Shared Prosperity Fund is allocated to Hucknall for community safety interventions and the following is being delivered.

We have utilised £11k of this money on a Safe Point camera which has been installed, on a new, purposely erected white coloured column, situated at the junction of Station Street and Torkard Way, Hucknall. This has been strategically positioned at this location to offer a more visible support mechanism to women and girls that feel unsafe. It is hoped that the siting of this camera offers a safer environment for women and girls as they commute on foot to the tram and train station from the centre of town. This camera has a help button attached to the column that gives them instant access to the CCTV control room who will be able to monitor activity in that vicinity with 2 HD cameras which will cover the immediate and surrounding area. If required, this live footage can be patched through to the Police control to make an immediate decision on what will be the most appropriate action to take to give help and support to the individual pressing the button.

£31k has been spent on 5 x Deployable CCTV cameras including the installation costs through WCCTV. RE-Deployable CCTV cameras have been pivotal in supporting investigations and increasing feelings of safety and acting as a deterrent.

We have worked in close partnership with the Neighbourhood Police Team in Hucknall to identify 5 areas that are in priority need locations, to help women and girls feel safe in Hucknall. As a result the 5 cameras have been erected in the following areas:

- Chatsworth Drive
- Goodall Crescent at the corner of the Copse
- Linby Walk
- St Mary's Way / George Street
- Junction 27 of the M1 near to the ANPR Camera

These camera locations will help to detect and deter crime and assist with future operations. It is also worth remembering that these cameras can be moved to different locations of Hucknall should any new trends arise.

£10k has been gifted to ADC for environment equipment, which has been spent on QR code signage for easy environmental reporting. It also empowers our community to report environmental issues as they go about their day-to-day business across Hucknall. A breakdown of how the money has been spent is highlighted below with the actual QR code which you can test on your mobile telephone. These signs have been erected on columns across Hucknall, flooding the area with easy access to ADC environmental services at the touch of a button.

£15k has been used to employ a partner in Switch Up who are the experts in youth engagement. They support young people through sports, mentoring, counselling and training. This encourages social inclusion, breaking down barriers between groups in a local area who might not otherwise engage. Behaviour modification and a 'hook' for other interventions whilst providing a diversion from undertaking Anti-Social Behaviour and/or criminal activity. Council officers will meet on the 20th July, with their delivery officers, to get a firm understanding of what will be delivered throughout Hucknall.

£14k has been dedicated for the 'Shopwatch' Radio System for Hucknall Town Centre. Shop Watch allows retailers in the area to be in instant communication with each other, for a proactive approach to reducing and managing crime and ASB, particularly shop thefts. Retailers are also able to be in communication with the local police, Community Protection Officers, CCTV and various other

helpful initiatives to improve responsiveness and provide overall reassurance to local businesses. Currently, a list of shops that will be taking part in the project has been drawn up. Hucknall are still at the initial stages, with the radios being ordered and a launch date yet to be arranged.

4.2 Funding from the PCC - £63,333

Work has been completed in 2022/2023 through funding from the Prevention/Target Hardening bids of **£33,333** and Locality funding (previously SNB Locality Funding) of **£30,000** to support the following Community Safety interventions within Hucknall as below:

- Gating of Alleyway – Public Spaces Protection Order - **£5000**
- 3 x Upgraded CCTV Cameras - **£7833**
- Safe Point Camera **£20,000**
- Safe Space Accreditation Scheme **£30,500**

4.3 Safe Space Accreditation and CCTV

Previous audits for Sutton-In-Ashfield and Kirkby-In-Ashfield under the Safer Streets initiative concluded minimal places of safety for women and girls to go if they feel unsafe or threatened. Following a visual audit of Hucknall, it is apparent that there are also minimal places of safety for residents to go to, therefore, to support coverage of all key towns across the district, it is advised for additional CCTV and places of refuge are devised.

The Safe Space Accreditation Scheme is primarily designed for small local businesses. The SSF4 Female survey previously undertaken for Sutton and Kirkby reveals that a large proportion of female respondents say that there is a lack of overall safe spaces if they feel unsafe or in trouble. All key businesses in the target area will be invited to join the scheme and premises risk assessed and offered target hardening (outside business premises/shops where signage, lighting and CCTV and monitoring device will be installed deter offenders and make females and wider members of the public feel safer.

Businesses will receive vulnerability and safeguarding training for staff to increase their knowledge of what action to take if a person asks or appears to be seeking help to make them feel safer; a risk assessment of premises and suitable target hardening to make them look and feel safer and certification will be established.

The Police and Council have been involved in devising and delivering the training to local businesses. In addition, a safe point camera will be installed in the high street/square area of Hucknall and deployable and upgraded camera and gating of alleyway will be installed in prominent areas.

4.4 Domestic Abuse Funding - £93,761

The Council is White Ribbon accredited and has secured funding to address domestic abuse and violence against women and girls, the Council's Community Safety Team has been awarded over £90,000 for 2022/2023 which comprises of £33,761 for domestic abuse statutory duty funding for safe accommodation and £60,000 for supporting survivors of domestic abuse, and delivery of the Sanctuary Scheme. The scheme is a homelessness prevention initiative to enable survivors of domestic abuse to remain in their home by increasing the security of the premises.

The Council will be working in partnership with domestic abuse services and Nottinghamshire Police to deliver these activities over the course of the year and support mechanisms have been put in

place to assist vulnerable residents through a dedicated Vulnerable Adult Support Scheme. This is a multi-agency team established to support those at significant risk.

4.5 Prevent Funding – £20,000

Sutton-in-Ashfield was one of only two places across the whole of Nottinghamshire to be successful for £20,000 Home Office project work to help prevent radicalisation.

Whilst in its infancy, Ashfield District Council are working with key partners to secure the funding including Nottingham City Council, Nottinghamshire County Council and Nottinghamshire Police. Ashfield Community Safety Partnership and Nottinghamshire’s Prevent leads will be using the funding to help deliver services that tackle the causes of radicalisation. The work will build critical thinking and personal resilience with young people in the area as well as targeted intervention work with residents who are susceptible to being radicalised towards violent extremism.

The Prevent Programme - part of the Government’s Counter Terrorism Strategy, is designed to safeguard people at risk of being drawn into supporting terrorism, through tailored interventions designed to address the personal and social factors which can make people vulnerable to radicalisation.

4.6 Safer Streets – Kirkby-in-Ashfield - £375,000 (funding awarded to District Area)

Detail of works to date:

ANPR Cameras

ANPR cameras have been installed Kirkby as of March 2023. Activation information listed below:

During March 2023

	Total reads	VOI Activations	PNC Activations	Priority Activations
Ashfield - 5 Sites	1,455,824	2694	764	48

Burglary Reduction work

Interventions are being undertaken to risk assess residential properties and install CCTV and prevention devices in properties identified at most risk. Updates of work undertaken have been provided below:

LSOA AREA – KIRKBY (Home Security)	T o t a l
No. of Risk Assessments offered and/or accepted	1 0 2
No. of Risk Assessments undertaken and referred to Tomlinson’s for Target Hardening	2 4
GOLD	1

SILVER	1 6
BRONZE	7
DOORBELL ONLY	0

CCTV

Seven new cameras and two upgrades have been purchased covering the Town centre and Coxmoor area of Kirkby in Ashfield. Two CCTV Refuge cameras have been installed Kirkby areas – Morven Park and Kirkby Plaza.

Community Bystander Training Events

A third sector provider Equation has been commissioned to undertake this work across Kirkby-In-Ashfield commencing January 2023.

Gating Order (PSPO)

A Public Spaces Protection Order was enacted in March 2023 that seen gating of key areas across the District. The alleyways that will be closed are:

- Between Bentinck Street and Bramley Court, Sutton
- Between Downing Street and North Street, Sutton
- Between Welbeck Street and Portland Close, Sutton
- Between Bramley Court and Sutton Lawn, Sutton
- Rear of 34-37 Rockwood Walk, Hucknall
- Between Spruce Grove and Beacon Drive, Kirkby
- Adjacent 40 Rosewood Drive, Kirkby
- Between Spruce Grove and Poplar Avenue, Kirkby

Under the byelaw, any person found entering the alleyways could be issued with a Fixed Penalty Notice of £100 and/or face prosecution.

Healthy Relationships Programme (Schools and Businesses)

A third sector provider Equation has been commissioned to deliver this initiative. The bespoke programme is being delivered across Kirkby-in-Ashfield as part of the £750,000 Home Office funding secured by the Community Safety Partnership to help end violence against women and girls and make public spaces safer.

Ashfield District Council, Nottinghamshire Police and Nottinghamshire's Police Crime Commissioner have teamed up with Equation (a domestic abuse charity) and schools to deliver the course. The programme provides interactive and awareness sessions to address gender-based violence, domestic abuse and adverse behaviours towards women and girls.

The sessions will help build a young person's understanding of relationships, encourage young people to aspire to have healthy relationships and begin to recognise when relationships become unhealthy. The projects will also raise awareness of support services available for young people such as Juno Women's Aid and Childline.

Neighbourhood Capacity & Cohesion Building (Resident Participation)

Work to encourage residents on the Coxmoor estate to help each other/do small tasks for each other which in turn will help to increase their sense of wellbeing, reduce calls for service, and

increase feelings of belong/safety has achieved some significant outcomes and laid foundations for the work to follow.

Better Together is a part of the work that aims to encourage people to help each other, many residents already do things for others. Better Together wants to celebrate this and get even more people involved.

One of its advantages is that there is no need for residents to commit to a set day or amount of time, they can be part of this whenever it suits them.

Safe Spaces Accreditation Scheme and Shop Watch (Businesses)

This scheme pioneered in Sutton-in-Ashfield funded through SSF3 has now been established in Kirkby.

A network of businesses in Kirkby and Hucknall have been kitted out with state-of-the-art CCTV systems, signage, lighting and training for staff to enhance security and safety across the District. Residents and visitors to the towns can access the stores if they feel they are at risk or need help. The cameras will also be used to help deter retail crime and other offences as well as being used by the Police to assist with criminal investigations. The CCTV devices will be filming 24 hours a day, 7 days per week and are equipped with sensors and night vision.

In addition 15 businesses have signed up to the Business Crime Forum (shop watch Scheme). A project to enhance community safety and clamp down on shoplifting and anti-social behaviour across Kirkby in Ashfield, has been launched by Ashfield District Council and Nottinghamshire Police.

Ashfield District Council, Nottinghamshire Police and the Office of the Police and Crime Commissioner for Nottinghamshire have so far teamed up with 15 local retailers who have signed up to the Business Crime Forum (Shop Watch) Radio Scheme after retailers were issued with new radio systems that link directly to the CCTV control room situated at Police Headquarters. The radios can be used to warn other shops in the scheme of an individual or group causing trouble and alert control room operatives so immediate action can be taken.

Street Lighting

A total budget of £38k in Kirkby to be spent this year to complete a chain of lights in parkland that was previously devoid of lighting, in the interests of VAWG and feelings of safety. New lighting columns have been installed on Clumber Street and Coral Crescent. Two other locations have had power supplies upgraded. In Kirkby, the whole budget has been spent on lighting the Holidays Hill Park, again devoid of lighting and previous ASB hotspot.

Target Hardening ASB - Youth Work and Diversionary Activities

Diversionary activity is planned in Kirkby by a third sector provider Switch up implement the project. A detailed delivery plan which supports the bid submission has been approved which started in January 2023. The young people being targeted are aged between 10 and 24 years old, from the Coxmoor Estate in Ashfield who are at risk of being involved in anti-social behaviour / crime and disorder, who may have or currently experiencing childhood experiences (ACEs) or developmental trauma. Switch up will deliver 121 mentoring sessions per week (on average 6 hours) of, skills based, and tailored to individual needs over the two financial years.

4.7 Vulnerable Adult Support Scheme - Improved lives & Demand Reduction

The team comprises of specialist services covering domestic abuse, substance abuse, Anti-Social Behaviour, mental health, finance, and employment. The scheme has been successful in bringing together an array of professionals consisting of Police, Police Community Support Officers, Substance Misuse Services, Ashfield District Councils Anti-Social Behaviour team, Tenancy Services, Housing Options, Health & Well-being, Crime Reduction Lead, Nottingham County Council's Adult and Young Persons Social Care Service. The team also comprises of specialist services covering domestic abuse, mental health, finance, and employment.

The VASS scheme has 11 adults and 5 young people, of which 11 are actively engaging with VASS professionals. The reviews will look at progress made in key areas such as health, safety, influences, housing, community, coping, substance misuse, crime, anti-social behaviour, and relationships. A total of ten scoring documents have been completed which has resulted in establishing baselines from which bespoke care plans have been implemented. The midway review has provided evidence in a reduction in, anti-social behaviour, domestic burglary, theft from a person and robbery, drugs, violence, and sexual offences as a result. Trent University and the Home Office will also evaluate the scheme.

5.0 Arts Council Place Partnership bid

Ashfield is one of 54 priority places being supported by the Arts Council to develop the arts and cultural offer. Priority places are where fewer people are involved in creativity and culture, have received less Arts Council Funding, and have few places where people can get involved in creativity and culture.

The first meeting of the Ashfield Arts Partnership (a subgroup of the Discover Ashfield Board and which supports the Mansfield and Ashfield Cultural Compact) was held in April with a follow-up meeting in May. Partners agreed to develop funding applications to support enhanced arts provision and participation in the District, supporting the asset-based projects being delivered through the regeneration programmes, for example the Cornerstone Theatre in Sutton and the Science Discovery Centre and Planetarium.

An expression of interest has been submitted to Arts Council England for Place Partnership funding with 15 partners involved in the development and with input from local communities. Once feedback is received from the Arts Council development of the main bid will commence. The community-led bid will support increased creative engagement and activity and build skills and capacity in the cultural sector. The bid includes in-kind partnership contributions and projected revenue of c.£300k and together with UKSPF funding this will allow us to bid for the maximum grant of up to £1million. If the bid is successful delivery of the three-year programme would commence in April 2024.

The Council would act as the Accountable Body for the bid which would support arts and educational partners to deliver activity across the District.

6. Capital Programme – Public Open Space/ Public Realm Income

The table below sets out income received to be included on the Capital Programme.

The income has been received from:

	Income Source	Amount (£)	Capital Programme Budget Allocation	Funding Type
A	S106 Contribution V/2016/0487	£204,000.00	C00255012	S106
B	S106 Contribution V/2018/0082	£105,237.50	TBC	S106
C	S106 Contribution V/2016/0487	£102,000.00	TBC	S106

A - Under the terms of the S106 agreement the funding is to be used for Sutton Town Centre Public Realm improvements.

B & C - Under the terms of the S106 agreement the funding is to be used for Huthwaite Welfare Park, the project is included in the five-year Green Space Investment Plan which was approved by Cabinet on 21st February 2023 and Council on 2nd March 2023.

7. Potential future funding pressure – Hucknall Leisure Centre PSDS Scheme

The PSDS Round 3b (Public Sector Decarbonisation Scheme) to make enhancements to the Urban Road offices and Hucknall Leisure Centre is at a point where proposals have been designed up to RIBA Stage 2 concept designs.

A procurement approach has been chosen through a framework, EEM, with 7 suppliers, 1 of which would be awarded to, who would fully design proposals out and deliver them by the end of March 2024. Market engagement with the suppliers, whittled the initial 7 down to 4, then down to only two parties who showed interest. One of these suppliers, who showed the most engagement, knowledge and expertise has unexpectedly gone into administration. There is now a significant concern, that due to the diminished lack of suppliers and competition in the market, costs resulting from the tender process might be higher than expected and higher than the current approved budget. Further options for procurement routes are being tested to explore implications and to ensure best value can be achieved. However, the funding for PSDS has very tight delivery timescales and entering into a new procurement process has additional risk associated with it. All options will continue to be reviewed, but all are likely to lead to an additional increase in costs and therefore a shortfall in approved budget, based on the pressing need to meet funding contract requirements.

Members are asked to note this and the potential that a future request for Council funding may be requested if the cost pressures materialise as expected. This is expected to apply to the Hucknall Leisure Centre scheme only. It is anticipated that the Urban Road scheme will be delivered within the current approved budget.

Implications

Corporate Plan:

Economic Growth and Place

Town Centres

1. Deliver key masterplans, including town centres and railway stations

2. Revitalise and re-purpose town centres by:-
 - a. Bringing empty buildings back into use
 - b. Diversifying the town centre economy
 - c. Capitalising on external funding

District Wide Physical Regeneration

Support economic growth by:

1. Delivering the Future High Streets and Towns Fund programmes

Health and Happiness

Arts, Culture and Events

1. Work with partners to develop Ashfield’s arts and cultural offer
2. Deliver the annual events programme
3. Facilitate community-led events

Cleaner and Greener

Parks and Open Spaces

1. To ensure delivery of the Council’s Corporate Plan and continue to improve parks and green spaces with a rolling programme of investment.

Safer and Stronger

Anti-social Behaviour and Hot Spots

3. Working in collaboration with partner agencies to improve positive activity and tasking

Working in Partnership to Deliver Outcomes

4. Maximise external funding opportunities to deliver initiatives including Safer Streets 4 for Coxmoor.

Legal:

The Legal Team and Executive Director of Governance are actively supporting and advising in relation to all Regeneration projects where required.

Where required specialist external legal advice is being obtained to advise on the funding programmes to ensure all risks to the Council are fully considered. [RLD 11/07/2023]

Finance: As set out in the body of the report. [PH 12/07/2023].

Budget Area	Implication
General Fund – Revenue Budget	As set out in the programme budget tables above
General Fund – Capital Programme	As set out in the programme budget tables above

Housing Revenue Account – Revenue Budget	No implications
Housing Revenue Account – Capital Programme	No implications

Risk:

Risk	Mitigation
Programme budget pressures from market changes.	Risk is mitigated by the due diligence work undertaken and approved through a gateway process. Monitoring of market trends and budget forecasting to reduce risks.
Resourcing and delivery risks associated with multiple project/programme delivery	Corporate Risk identified. Appointment and engagement of staff and consultants to support the programmes where necessary. Project Management for each programme.

Human Resources:

There are no direct HR implications contained in the report in relation to the funding. However, the projects relating to the funding may have a HR implication which would be identified in subsequent reports.

Environmental/Sustainability:

Not applicable for this report. Sustainability is a priority of the Towns Fund programme.

Equalities:

No issues identified for this report. Equality Impact Assessments will be undertaken to support delivery of the Towns Fund and FHSF programmes and Public Open Space projects.

Other Implications:

None

Reason(s) for Urgency

Not applicable

Reason(s) for Exemption

Not applicable

Background Papers

None

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Report To:	CABINET
Date:	31ST JULY 2023
Heading:	BE HEALTHY, BE HAPPY ANNUAL REPORT 2022-23
Executive Lead Member:	CLLR CHRIS HUSKINSON, EXECUTIVE LEAD MEMBER FOR LEISURE, HEALTH, AND WELLBEING
Ward/s:	ALL ASHFIELD WARDS
Key Decision:	NO
Subject to Call-In:	YES

Purpose of Report

The purpose of the report is to share the progress made in year two of the Be Healthy, Be Happy Strategy 2021 – 25 by partners within the Ashfield Health and Wellbeing Partnership.

Recommendation(s)

To note the progress made and acknowledge the work of the Ashfield Health and Wellbeing Partnership.

Reasons for Recommendation(s)

Significant progress has been made during 2022-23 to further align the partnership to key strategies, such as the Nottinghamshire Health and Wellbeing Strategy, and to ensure key organisations are represented and influence the work of the partnership. Numerous projects and programmes have been delivered to deliver the aims of the Be healthy, Be Happy Strategy.

Alternative Options Considered

The report is for information only therefore no alternative options have been considered.

Detailed Information

The Ashfield Health and Wellbeing Partnership is a local partnership which aims to encourage and provide opportunities for residents within the Ashfield area to lead a healthy and happy lifestyle. The partnership leads on the Be Healthy, Be Happy and Love Where You Live elements of Discover Ashfield and is focused on addressing the health inequalities which exist across the District.

Key partners include Active Notts., Ashfield Voluntary Action, Everyone Active, Nottinghamshire County Council and both Mid and South Notts Placed Based Partnerships.

The Ashfield Health and Wellbeing Partnership Strategy Be Healthy, Be Happy, 2021 – 2025 has four priorities:

Best Start - Give every child and young person the best chance of maximising their potential.

Living Well - Create healthy and sustainable places.

Ageing Well - Everyone can access the right support to improve their health.

Health Inequalities - Keep our communities safe and healthy.

The annual report details the work that has been undertaken by the partnership during 2022-23.

Implications

Corporate Plan:

The Be Healthy, Be Happy Strategy is closely aligned to the Healthy and Happy Corporate Plan priority. The work of the partnership supports the Council to achieve the aims set out to help people improve their health and happiness by developing pride and aspiration in our communities, developing and strengthening partnerships, focussing on prevention, and improving health service provision.

Legal:

There are no legal issues identified in the report. [RLD 28/06/2023]

Finance: [PH 27/06/2023]

Budget Area	Implication
General Fund – Revenue Budget	The Council provides a £10,000 budget to the health and wellbeing team to support the Health and Happiness Corporate Plan priority.
General Fund – Capital Programme	Not applicable
Housing Revenue Account – Revenue Budget	Not applicable
Housing Revenue Account – Capital Programme	Not applicable

Risk:

Risk	Mitigation
Dissolution of the Ashfield Health and Wellbeing Partnership, due to lack of interest or capacity within the system	The strategic group has been set up to steer the work of the Partnership which ensures buy in from key organisations. Through consultation to develop the strategy and regular reviews, the focus of the strategy remains current to the needs of the residents living with the greatest health inequalities.

Human Resources:

The Council provides officer time to support the administration of the Partnership. This includes organising Partnership and Strategy group meetings, subgroups of the Partnership such as the Young People's Network and Feeding Ashfield, production of the strategy and annual reports. This has been absorbed into the work of the team so there is limited impact.

Environmental/Sustainability:

No impacts identified.

Equalities:

The key focus of the Strategy and Annual Plan is to reduce the health inequalities that exist across Ashfield, targeting resource to those places and identified groups who are least likely to access health services and community activities.

Other Implications:

None identified.

Reason(s) for Urgency

(if applicable)

Reason(s) for Exemption

(if applicable)

Background Papers

Be Healthy, Be Happy Strategy 2021 – 25

https://www.ashfield.gov.uk/media/rpslhvvc/health_and_wellbeing_strategy.pdf

Cabinet 27 September 2022

<https://ashfieldintranet.moderngov.co.uk/ieListDocuments.aspx?CId=133&MId=4538&Ver=4>

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Be Healthy, Be Happy Strategy

Annual Report 2022-23



Contents Page

Foreword

Values

Best Start - Give every child and young person the best chance of maximising their potential.

Living Well - Create healthy and sustainable places.

Ageing Well - Everyone can access the right support to improve their health.

Health Inequalities - Keep our communities safe and healthy.

Our Collective Pledge

Call to action

Vision

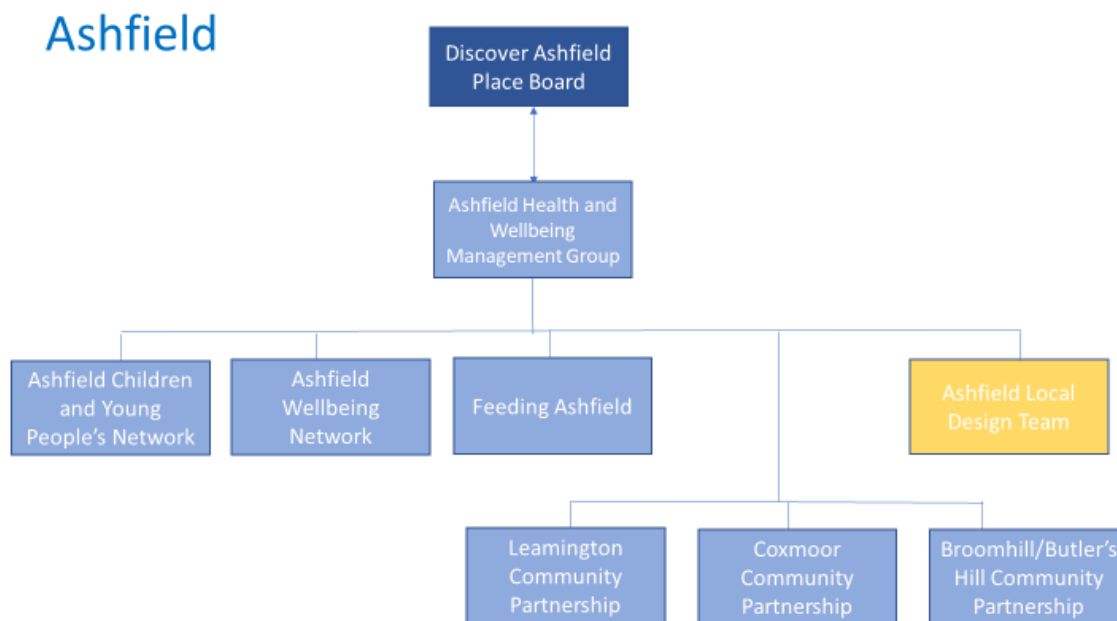
Everyone who lives in Ashfield leads a healthy and happy life

Mission

To work collaboratively to help people improve their health and wellbeing, develop pride and aspiration in our communities and promote Ashfield in a positive manner.

The Be Healthy, Be Happy Strategy was launched in February 2021. This annual plan aims to share some of the progress and projects that have been a key focus for 2022-23, the second year of the strategy.

During this year, there has been a great deal of effort put into strengthening the health and wellbeing partnership in Ashfield. This includes new members to the management group, and realignment of some of the subgroups to create greater efficiencies, more joined up working, and stronger alignment to both the Mid and South Notts Place Based Partnerships.



A new network has been developed with a focus on children and young people, following the recognition that there wasn't a place stakeholders could connect, share, action plan and collaborate specifically for Ashfield. This led to the Ashfield Wellbeing Network being created. It combines the Ashfield Community Development Group, Ashfield Innovation Forum and Ashfield Health and Wellbeing Partnership into one, recognising that although each was slightly different, there was a lot of duplication in the discussions and information sharing that was taking place.

The work of the Ashfield Local Design Team has also been connected to the new structure and will be utilised to carry out short cycles of work to inform and guide the work of the partnership as we move into the next delivery year.

As well as changes to the structure, the partnership continues to focus on how we work.

We are connecting with partners from all sectors, that work with residents living in areas with some of the highest health inequalities in Nottinghamshire, to better understand what it will take to support residents lead healthier lifestyles. We have been coming together to share knowledge and understanding to then enable the right provision and support to be available.

The work is enabling and creating the conditions for working collaboratively. Rather than working in silos and keeping hold of our own knowledge and understanding we are trying to work together. This involves taking time to get to know each other and work out how we will do this, while ensuring those with lived experience are embedded, informing and shaping the work.

Pete Edwards

Independent Chair

Ashfield Health and Wellbeing Partnership
Management Group



Our Values...

Inclusive and Respectful

We want everyone to feel that they are involved and that their views are heard.



We will acknowledge and embrace difference, encouraging different perspectives.

In doing this we will seek to understand, not challenge and use this as a strength to build a shared understanding. We will use data and lived experience to help identify where to focus our energies and work with residents to enable inclusivity.



Ambitious and Committed

We are ambitious in our desire to create a culture of collaboration across all sectors and communities where we work towards shared goals and learn together.

We will be brave and committed to working in this way, shifting our individual and collective behaviours to enable this way of working to happen.

Collaboration

Individuals and organisations are connected, and relationships are important. We will develop shared goals and an understanding of the work we want to do together.

In doing this we will recognise the role we can play individually and collectively, working beyond organisational boundaries to explore how to create change together.



Person Centred



We will put people at the centre of everything we do, recognising that everyone and every community is different and what matters to them is what matters to us.

We will spend time understanding reaching those who do not usually have a voice and have ongoing authentic conversations to understand what is important to them.

Innovation

We will be led by insight to focus our energies and think creatively as to how we engage with residents to understand what is important to them.

We will encourage 'trying new' and testing different approaches to help us understand what creates change, what doesn't and most importantly, why.

We will create a culture of learning where we celebrate innovation, encouraging people to be creative and test ideas, by putting them into practice so that we can learn from them to inform what needs to happen next.



BEST START

Give every child and young person the best chance of maximising their potential.

Breastfeeding Friendly Scheme



In April 2022, the Breastfeeding Friendly Scheme in Ashfield was relaunched. Five venues were already leading the way, which has grown to 15 over the course of the year. The venues support breastfeeding in public areas, provide a clean, welcoming, and comfortable environment, ensure staff are positive and helpful and where possible, offer privacy to feed if preferred.

Healthy Start and Free School Meals

Healthy Start offers free fruit, vegetables, milk and vitamins to pregnant women and parents with children under four, in receipt of certain benefits. In Ashfield, partners have worked together to increase the awareness and take of the scheme. 1006 families are now accessing the vouchers, out of the 1411 eligible within the district.



up

Families can access Free School Meals for children and young people. The scheme provides a free hot meal during school terms for all children in infants (key stage one) and to children in families in receipt of certain benefits in juniors (key stage two) and secondary school.

Ashfield has the highest proportion of children eligible for free school meals within Nottinghamshire. Partners have worked together in the district to increase uptake and reduce the stigma attached to the scheme. Currently 5,283 children and young people are receiving a free school meal on a daily basis.

Feel Good Families



Feel Good Families continues to develop and grow from strength to strength, providing opportunities for public, private and voluntary organisations to come together through the new Children and Young People's Network.

The Feel Good Families Facebook page continues to promote free and low cost play and learning opportunities as well as key health messages and career opportunities for young people. The page now has over 1500 families within Ashfield engaged.

Through partnership working, we have been able to offer a variety of support, activities and events to enable us to deliver against our vision to raise aspirations, provide opportunities and encourage physical and emotional development within communities.

We have hosted over 20 events, handed out over 600 free swimming passes, provided targeted provision for individual children and young people, including junior gym memberships, soft play and swimming lessons.

Holiday Activities and Food Programme



Nottinghamshire County Council strengthened the delivery of the holiday activity and food (HAF) programme through the recruitment of new officers to increase the number of places available, support and increase the number of delivery partners, and broaden the range of activities. There were 1,287 attendances by primary school aged children and 118 attendances by secondary school aged children from Ashfield during the Easter, Summer and Autumn school holidays.

Big Spring Clean Planters



Local Children creating a school planter.

Sixteen primary schools across Ashfield have received planters, seeds, and bulbs as part of Ashfield District Council's Big Spring Clean, along with information about fair trade and recipe cards.

The planters were handmade by council staff using recycled wood donated by Door-Stop in Huthwaite, and filled with compost donated by Pro-Grow.

The planters will enable pupils to have hands-on experiences of growing their own vegetables and flowers whilst learning about the environment.

Opening School Facilities

Through the Opening Schools Facilities funding from the DFEE, the Ashfield Health and Wellbeing Partnership supported Active Notts to identify three key secondary schools in Ashfield; Holgate Academy (Hucknall), Outwood Academy (Kirkby) and Sutton Academy granting a total of £80,560 in 2022-23.

Pupil voice has guided what the funding has been used to purchase and the activities that are now starting to be delivered. In all three schools' fitness-based activities are proving a hit with the young people. The funding is helping schools target and enable less active pupils to enjoy being active beyond the school day. Instructors and coaches from local sports clubs are developing their links with the schools, now providing sessions on school site. Teachers have also benefited from additional training to help them tailor and develop provision for all pupils especially for girls and young people with special educational needs.

LIVING WELL

Create healthy and sustainable places.

Leisure Transformation

In August 2022, we opened a brand-new £15.5million leisure centre in Kirkby-in-Ashfield, replacing a very outdated building, securing £3million from Sport England and the D2N2 Local Enterprise Partnership towards capital costs.



Kirkby Leisure Centre
Health Hub



Ashfield District Council and Everyone Active hosted a community weekend to encourage residents to come and visit the new centre, with celebrities Ola Jordan, Eddie ‘the Eagle’ Edwards and three-times Paralympic gold medalist Ollie Hynd on hand to share their experiences and deliver activities. 100s of residents enjoyed free swimming, dance, soft play, and left with their face painted, having had a very enjoyable day.



Councillors officially opening Kirkby Leisure Centre

Across our three sites (Hucknall, Lammas and Kirkby) attendances have increased to over 1.34million, an increase of nearly 200,000 since 2019-20. Fitness memberships rose to 8,864 and swimming lesson memberships to 3,645, a record number. We generated £4.8m social value in 2022/23, against physical and mental health, wellbeing, individual development, and social and community development indicators.

We also invested significantly in carbon reduction measures, including new equipment, LED lighting, new air handling units, photovoltaic solar panels, and electric car charging points, and secured £1.3million for additional improvements at Hucknall from the Public Service Decarbonisation Scheme for additional photovoltaics.

Worked started on a second pool at Hucknall Leisure Centre, which will enable us to provide more swimming lessons to residents of Ashfield. The works are due to complete in Summer 2023.

Quotes from Everyone Active Customers



I've been going to Hucknall Leisure centre gym for 2 years. I wanted to get active, feel good about myself mentally and appearance too. The staff are really welcoming, and I recently had 3 PT sessions. I gained valuable knowledge of muscle groups, diet, and techniques I found helpful with my B-Tec PE at school.

Megan Turman, Hucknall Leisure Centre

The best gym I have ever been to. The staff are always so friendly and cheerful. There's no judgement, it's all just for fun and personal benefit.

Given the challenge of a million ailments, my personal trainer is tackling them all.

Benefits are helping me reduce my painkillers.

Tracey Revill, Kirkby Leisure Centre



Our local Leisure centre
is my favourite place by far
with every thing for sporting needs
it's worth a golden star

for swimming or for badminton
you've come to the right place
the pool inflatables are great
they always put a smile on my face

You can play tennis, squash as well
I cannot emphasise
just how amazing is the gym
for classes or just to exercise

Our leisure centre is so good
I think it's really great
I would give it a hundred percent
if I had to rate

A poem from Lauren Tanner (U11)
about Hucknall Leisure Centre

I absolutely love Lammas! It is like a second home! I enjoy my swimming lessons, and frequently use the tag active area! The staff are amazing! They go above and beyond for their customers! There is such a wide range of activities available for children my age! It is a safe place! I have also had my recent birthday at Lammas.

Rebecca Beresford, Lammas Leisure Centre

Active Communities

The Everyone Active Communities Team refocused their work in 2022 to include development of the health hubs at Lammas, Hucknall and Kirkby Leisure Centre, GP Exercise Referral, delivery of Holiday Activities and Food (HAF) provision and targeted interventions to support individuals identified by the partnership.

There is now a health hub available at each leisure centre. These spaces provide a place for community groups to come together at, with no hire charge. Each has its own kitchen facilities. A range of activities have developed including Singing for the Brain in partnership with Alzheimer's UK, Ashfield Citizen's Advice financial support, Hetty's and NIDAS support coffee mornings, and Your Health, Your Way weight management groups.



The poster features a photograph of four elderly people sitting in a circle, performing a stretching exercise with their arms raised. A red box in the top right corner contains the text 'GP Exercise Referral'. Below the photo, there is text describing the scheme's purpose and benefits. At the bottom, there is a banner that reads 'EVERYONE IS STAYING ACTIVE' and logos for Ashfield District Council and everyone ACTIVE. A QR code is also present.

GP Exercise Referral

GP Exercise Referral supports individuals with long term health conditions to move more.

Suggested activities are individual to your goals and needs and may include; walking, walking sports, pool activities and meeting other people with long term health conditions.

Ask your healthcare professional to make your referral on your behalf or for more information, visit everyoneactive.com/GPReferral

Benefits are:

- Maintain a healthy weight
- Manage and reduce pain
- Stay mobile
- Sleep better
- Improve your mood
- Sharpen your memory
- Have healthy muscles and bones
- Meet like-minded people

EVERYONE IS STAYING ACTIVE

Ashfield DISTRICT COUNCIL | everyone ACTIVE

The Exercise Referral scheme provides opportunities for people with underlying medical conditions, or those at risk of developing conditions to become more active in a safe and welcoming environment and raise awareness of the benefits of physical activity, helping to create long-term behavioural change. The 12-week programme is designed to help individuals self-manage their condition more effectively and with more confidence. 207 residents accessed the programme in 2023-23. The schemes most prevalent conditions for referral included diabetes, obesity and muscle and joint pain.

A strong working relationship continues with the work the Everyone Active Communities Team contribute to with Portland College. Learners have been supported throughout the year through exercise to music classes. Through the success of these sessions, a group of learners/students are now attending Kirkby Leisure Centre to access the inclusive swimming pool. Working together we have increased opportunities for learners who didn't previously access these services and facilities.



Portland
Charity

The team also provided warm hubs over the winter period at each of the sites. An offer of a warm space, hot drink and activities was provided on a weekly basis. These complemented a number of warm hub opportunities provided by community partners across the district.

Cost of Living

During the year, the cost of living challenged many residents within Ashfield. With rising costs including food and fuel, services and organisations worked together to provide support.

Ashfield District Council launched a Cost of Living Hub, and developed a special edition of Ashfield Matters, which was delivered though every door in the district. The magazine provided information about benefits, free events and activities, warm rooms, local services to provide residents with relevant information.



JOIN OUR **WARM HUBS** ACROSS ASHFIELD

Whether you are looking to make new friends, catch up with old friends, do a bit of exercise or just enjoy a hot drink and read a book in one of our cafés, then our Everyone Active Centres are exactly what you've been looking for. There will be an activity each week along with a free hot drink and a biscuit.

Free Access to Wi-Fi is available & charging facility for Phone/laptop

Sessions will run through out December, January & February. 'No need to book, just turn up'

- Meet up with friends
- Make new friends
- Stay active
- Enjoy a hot drink
- Play some board games
- Build a puzzle

	Mondays Kirkby Leisure Centre 10.30-12.00pm
	Tuesdays Hucknall Leisure Centre 1.30-3.00pm
	Wednesdays Lammas Leisure Centre 1.30-3.00pm

A warm welcome awaits you.





Everyone Active Warm Hubs

Ashfield **Cost of Living HUB**

On each of the pages within our hub you will find key information and links to help to support you or your business during the cost of living crisis. You can find information on:

- Benefits, Council Tax, and Housing support
- Council services support
- Support for businesses
- Money, bills and debt support
- Health and wellbeing support
- Support from other organisations

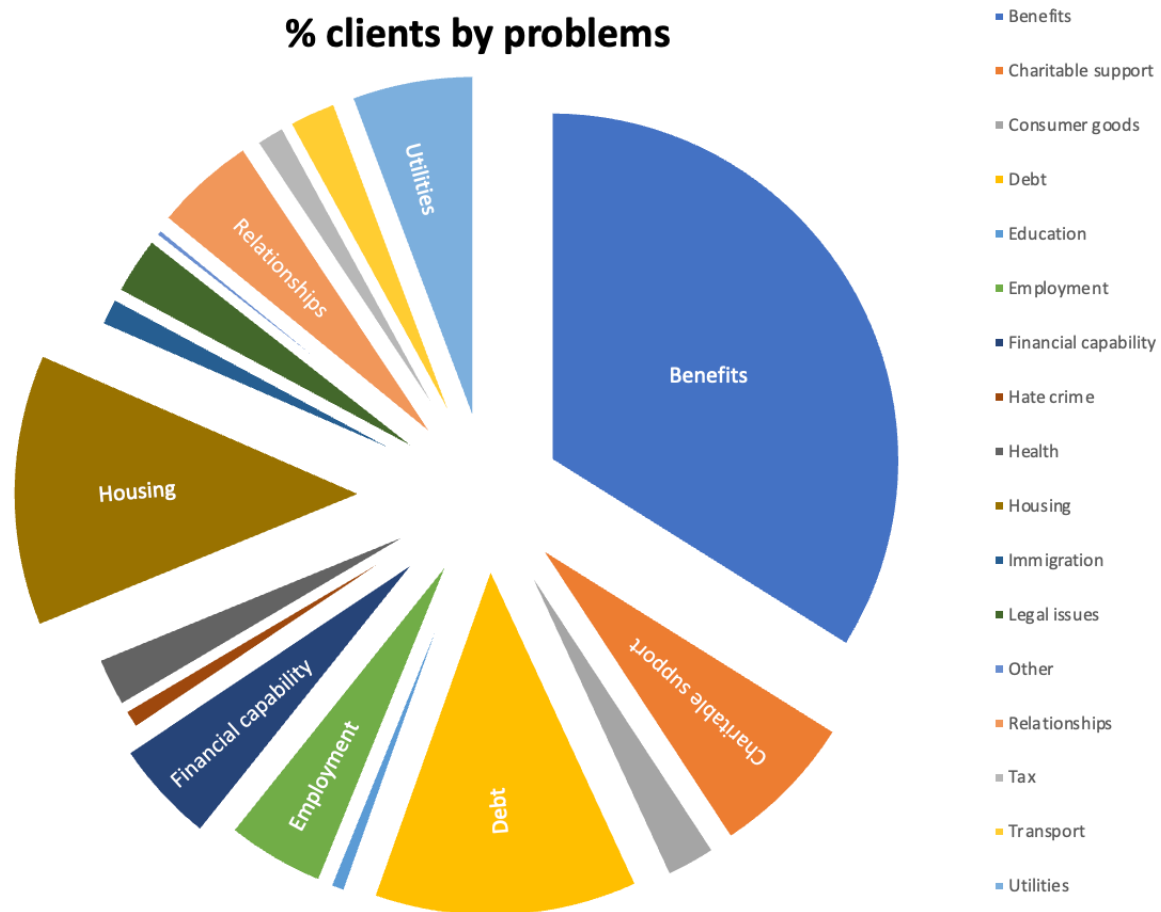



www.ashfield.gov.uk/cost_of_living_support

Ashfield District Council Cost of Living Hub

Ashfield Voluntary Action produced a Cost of Living Directory, which was circulated far and wide, providing both professionals and residents with valuable information and ways to get help.

Ashfield Citizens Advice helped 4,396 individuals with 14,160 problems. Over 50% of the people supported live with a long-term health condition or disability. Mainly people asked for help with income, housing and debt, and with rising costs support with utility bills. By helping people to improve their financial resilience, people supported were able to increase their income by over £900,000 in total.



Support requests received by Ashfield Citizen’s Advice 2022-23

Mid Notts Place Based Partnership worked with Nottingham Energy Partnership (NEP) to identify Ashfield residents who are at risk of cold-related harm and who are likely to be eligible for free or subsidised domestic retrofit measures.

A screening programme identified vulnerable residents most at risk, and social prescriber link workers and care navigators made contact via phone to talk through the options available to them.

29 households were able to take advantage of 95 support measures, including access to free services, foodbank vouchers and energy performance certificates.

42 households were supported to write applications for home insulation, heating and renewable energy services.

In total, £120,000 of funding was secured for residents in the district.



Mill Waters

The Willow Tree Memory Café provides walks, activities, games, crafts and socialising for people living with dementia and their carers. Sessions are supported by regular volunteers and due to their popularity have increased to twice a month.

A core group volunteers meet regularly to litter pick and keep the sites looking clean and tidy. We've provided group litter picking opportunities for local businesses to undertake their Corporate Social Responsibility offer.

Stone walling 'Have a Go' and training sessions were held for volunteers to learn new skills whilst restoring the historic stone walls on Sutton Lawn.

In partnership with Nottinghamshire Fire & Rescue, two water safety awareness walks were held at Kingsmill Reservoir and Sutton Lawn.

In partnership with Notts Outdoors, Wild Tots! Wild Kids! and Wild Families! were launched and are proving very popular.

Discover Ashfield

Discover Ashfield celebrates all that is best about living, visiting, learning, working and doing business in Ashfield.

Two Evening to Discover Ashfield events were held in the district, using different community spots, to bring together people working, living, learning and visiting Ashfield to share ideas, connect and make new friends. We have seen partnerships flourish between education sectors and volunteers and also businesses offering their services under their social responsibility.

The Discover Ashfield Awards, held in November 2022, recognised and celebrated all that is great in Ashfield. Local people and organisations were recognised for the contribution they make to Ashfield. Those celebrating on the night included local community interest company Active Minds, Ashfield Voluntary Action, Mansfield Boxing Academy, Ashfield Rugby Club, Mill Waters café and many more. Liz Barrett (OBE), Ashfield's NHS, Gary Jordan (MBE) and Lieutenant Colonel Keith Spirts (OBE) all picked up special recognition awards, and Alan Rooksby received the first of a new annual Maryrose Philanthropy award, recognising those who give time, commitment and resources to local charities.



Discover Ashfield Awards 2022

AGEING WELL

Everyone can access the right support to improve their health.

Hucknall for Health

Get ready for a happier, healthier 2023 and join us at **Hucknall for Health!**

At the Hucknall for Health fair, you can collect a **FREE healthy food package**, get a health check and browse our stalls...

- Cost of living help
- Healthy lifestyle advice and support
- Mental health support
- Sports and activity opportunities
- Activities for the kids to take part in too!

Date: Saturday 25 February 2023
Venue: Hucknall Leisure Centre, Linby Road, NG15 7TX
Parking available
Time: 1pm to 5pm

Book your place - scan the QR code or search Hucknall for Health on www.eventbrite.com

Hucknall for Health Event Promotion

On Saturday 25 February, Byron Primary Care Network (PCN), hosted its first-ever Hucknall for Health event, at Hucknall Leisure Centre, focusing on residents' health and wellbeing. The afternoon was planned and organised by the breadth of partners working in the area.

There were 25 stalls with representatives from local health, care, community and voluntary organisations where they shared information about their services.

Ashfield Voluntary Action posted fliers through doors to raise awareness of the event, Nottingham Forest Community Trust provided sporting activities for children while parents and carers could browse the stalls and Everyone Active delivered four 20 minutes exercise taster sessions. People had the opportunity to have a health check with a local GP to screen for indicators that increase a person's risk for developing Type 2 diabetes. Thirty-five people took this opportunity, some of whom also had blood tests on the day to check their cholesterol and blood sugar levels.

Everyone who attended had the opportunity to take home either a free healthy food pack or a free blood pressure monitor.

The event was extremely well received with over 250 people attending during the day and this couldn't have happened without the great partnership work involved in planning and delivering the event.



Resident receiving a health check from Hucknall GP.



Your Health, Your Way

Your Health Your Way continues to offer free services across Ashfield to support residents to stop smoking, eat healthier, reduce alcohol intake, move more and have a healthy weight.

Seven face to face community sessions were delivered across the district which offer adult weight management, family weight management, physical activity and falls prevention, as well as 15 virtual sessions, including women’s only groups, yoga and chair-based dance.

In partnership with Hey Day Services, falls prevention support was provided to a group of 16 adults with dementia, and health checks were offered to staff at Kings Mill Hospital, leading to a weight management group for those interested.

During the year, over 3,800 referrals were received from across Ashfield. These include self-referrals and referrals from professionals. This led to over 1,000 outcomes including mental health improvement, becoming more physically active and achieving 5% weight loss.

Carer Friendly Events

The Ashfield Innovation Network joined forces to deliver three community events in Sutton-in-Ashfield with support from carer friendly organisations. The network was created to provide further opportunities for local people to find out what services and activities were available to them in their local area. The events were linked to national days recognising carers and older people. Over 26 organisations shared information with 700 people, who also got to experience school and local choirs, solo artists, and a visit from the Dementia Bus.



Attendees and local organisations at Ashfield Carer Friendly Events

HEALTH INEQUALITIES

Keep our communities safe and healthy.

Ashfield Voluntary Action

Ashfield Voluntary Action (AVA) provide support for local community groups, support for individuals and act as a broker for volunteering.



As part of this, AVA run a wide range of groups within Ashfield. These provide a safe and enjoyable environment and help people feel more connected, learn new skills, get back into employment and improve self-confidence.



Weekly activities organised by Ashfield Voluntary Action

As well as linking volunteers into other opportunities, AVA also provide opportunities for volunteers to help and support their own projects. This includes running the FAVA kiosk at the Ashfield Health and Wellbeing Centre. The kiosk provides hot and cold drinks, snacks, cakes, sandwiches and jacket potatoes to staff and service users. It enables the wonderful team of volunteers make new friends and gain confidence and new skills, sometimes supporting their development and growth back into employment.

Priority Places – Leamington, Broomhill/Butler’s Hill and Coxmoor

Funding has been secured through NHS England to reduce the health inequalities that exist in Broomhill/Butler’s Hill (Hucknall) and Coxmoor (Kirkby-in-Ashfield).

As part of this, AVA worked closely with Nottingham Trent University, Mid and South Notts Place Based Partnerships, Ashfield District Council, Active Notts and a range of community organisations to conduct research and consultation using a wide variety of approaches and routes into the community. Opportunities were created to speak with residents to gain a deeper understanding of the issues, challenges and opportunities faced by residents.

Community Partnerships were set up in both areas to provide a space for local organisations to come together to share their work, finds ways to support each other, and look at how to fill potential gaps or areas of need.

In Coxmoor, a raft of measures are being delivered to improve feelings of safety. Funded through the UK Shared Prosperity Fund and the Home Office Safer Streets Fund. Locked gates have been installed to prevent access to alleyways following an overwhelming response from residents in favour of these restrictions.

A new partnership is being developed with Nottingham based organisation Switch Up, a bespoke service that caters for young people who are either involved in, or at risk of being involved in criminality and anti-social behaviour, as well as working with young people who are not in education, employment or training. The interventions will consist of physical activity, educational and support sessions which cover various topics such as drugs and alcohol, mental health, and employability.



Coxmoor Community Living Rooms have been created to take services to people may not otherwise be able to access them. To date, there have been eight living rooms attracting over 100 people from all walks of life that live on the estate.

We have learned all kinds of things and have offered support when people have asked for it from food parcels to referral to services to support drug misuse, whilst enjoying a warm drink and biscuits. We've found residents are more open to sharing their stories with us, whilst relaxing on a comfy sofa.



Coxmoor Community Living Room



Help Yourself Enjoy Christmas

Wednesday 23rd November 10 am- 12 pm
Free Event for Butlers Hill/ Broomhill residents
at the St John's Community Hall Hucknall



For more information Call: 01623 555 551
Email: y.hudson@ashfieldvoluntaryaction.org.uk

In Broomhill/Butler's Hill we are hearing about issues that concern residents including anti-social behaviour, cost and impact of changes to public transport, cost of living, difficulties accessing services and access to free or low cost local activities for families.

In response to this and as a way of developing relationships and trust to explore this further, a number of interventions have been put in place. This includes activities such as the 'Help Yourself Enjoy Christmas Event' organised by AVA.

£9,200 UK Shared Prosperity Funding was secured to provide a positive, free activity focussed on increasing cycling confidence and maintenance skills. A local organisation, Ridewise were recruited to lead the project.



Ridewise delivered a promotional campaign to build interest in donating bikes that were no longer needed, getting bikes refurbished and improving bike maintenance skills, and cycle confidence.

8 weeks of sessions took place at Hucknall Titchfield Park, including a Dr Bike 2-hour session (bike donating and maintenance) and 2 fun sessions, each one hour, with a maximum of 12 spaces each.

During the sessions, over 30 bikes were donated, refurbished and repurposed and the fun sessions all had over 90% occupancy.

Residents tended to attend 4 sessions to feel confident to ride a bike and there were high numbers of people getting involved with balance/mobility/behavioural and visual impairments.

Additional funding was secured to purchase and install a container on the park to house the bikes, which we hope to develop over time to become a cycling hub.

Linking with Feeding Ashfield, support was provided to St John's Church in Hucknall to set up a weekly community meal. Since November 2022, local families have been meeting after school to enjoy a healthy meal, play games and talk to other families and volunteers in safe and warm environment. This project is regularly supported by nearby OT Food Club.

In Leamington, the Community Partnership was launched in November 2022. A raft of organisations turned up to have discussions about how they might be able to offer services, activities and support to residents living on the Leamington estate.

An audit of local activities was carried out and this revealed that not only was there a shortage of activities, but those that were on offer, often weren't taken up by residents.

On the back of door knocking and talking to residents in the area, Everyone Active started a new seated exercise class at the Willets Court Community Centre in the heart of the area. 12 – 15 residents are attending weekly and benefitting from meeting new people, making new friends, and improving their overall health and wellbeing.

Events

Ashfield District Council organised and delivered a calendar of events across the district during the year. This included the first ever Ashfield Day, held on 27th August 2023 at Sutton Lawn.

12,000 people flocked to the park to enjoy the fantastic talent of the local performers on the entertainment stage, which included singing from Ollie Hayes, Ellie, Kirkby-based Empire Music School, and Josh Turner, alongside poetry readings from Kevin Jackson, and the historical play, the 17th Century Show, rounding off the on-stage entertainment.

Residents also enjoyed the outdoor cinema screenings of Paddington, Mrs Doubtfire, and Grease. Elsewhere on Sutton Lawn, visitors were able to experience the dog show, donkeys, pony rides, funfair rides, food and gift stalls, live music and arts, free face painting,

Disney princesses, and family activities such as circus skills, hula hoop megastructure, inflatable goals, giant garden games, and giant bubbles.

Local organisations and charities were able to share information about their services, and local traders were able to sell goods to residents.



Ashfield Day 2022

Ashfield District Council partnered with Discover Ashfield and Lincoln Green Brewery to host the Ashfield Food and Drink Festival. Over 35 stalls provided a range of freshly made food, drink and treats.



Ashfield Food and Drink Festival 2022

The Christmas Lights were turned on in style with events in Sutton, Kirkby, and Hucknall Town Centres.



Christmas Light switch ons 2022 at Hucknall, Kirkby and Sutton.

Armed Forces

The Armed Forces Covenant commitment ensures that Armed Forces personnel are not disadvantaged by their service whilst also being treated with fairness and respect in our society.

In Ashfield, we strive to publicise, maintain, and improve our offer to the Armed Forces community across the district. We are supporting organisations to work towards signing the Armed Forces Covenant and their Employer Recognition Scheme Awards, ensuring our serving Armed Forces personnel, veterans and their connected families are advised, signposted and given the best service possible.

We host events including the Armed Forces Day and Merchant Navy Day. Remembrance Parades were held in partnership with local Rotary Clubs and other key organisations. Communities came together to remember and give thanks to those that served and those that continue to do so.

Opportunities are provided for Armed Forces personnel and their families to come together, including a fortnightly walk at Kingsmill Reservoir and the Military Community Network Group, Breakfast Club who meet monthly.



Age UK Veterans Walk at Kingsmill Reservoir

The official opening of Spectre Coffee Shop in Sutton-in-Ashfield took place in March 2023, led by Lieutenant Colonel Keith Spiers OBE TD and attended by Nottinghamshire Police Armed Forces Network and Ashfield District Council. Spectre Coffee provides a meeting place for the Armed Forces family with discounts for blue-light workers. The coffee shop has been set up by two local businessmen.



Spectre Coffee Shop Opening 2023

FEEDING ASHFIELD

The Feeding Ashfield Network continues to meet every other month. Attendees include volunteers from community groups working on the food agenda, education providers, social prescribers, and various guest speakers. Participating in this network has facilitated collaboration, enabling all involved to gain a better understanding of the services on offer within Ashfield along with any additional support that may be required.

The Feeding Ashfield webpage is designed to be used as a tool aiding both professionals and residents to find information they require around support available, where to find services and how to get involved.

Community growing was identified by network members as something that could be an asset to the local food agenda. Ashfield District Council communicated with all council owned allotment holders. Allotment holders have been linked up with nearby food banks, donating any surplus produce as and when they are able.

Feeding Ashfield worked with FoodCycle to agree a suitable location and promote a new opportunity in the district for a weekly social eating get together. The project launched in March 2023, and feeds up to 50 guests each week. The project is supported by FareShare and Ashfield based Charity without Borders, who ensure there is enough food to go round.



Weekly Social Eating at The Magdalene Centre

Feeding Ashfield and Feel Good Families have linked together to enable the sharing of recipes and cookery tips. Weekly posts are shared on behalf of local residents and organisations to encourage Ashfield to get cooking.

Our collective pledge

During the Ashfield Health and Wellbeing Partnership Annual General Meeting we ask partners to commit to pledges to Be Healthy, Be Happy. The collective pledge is:

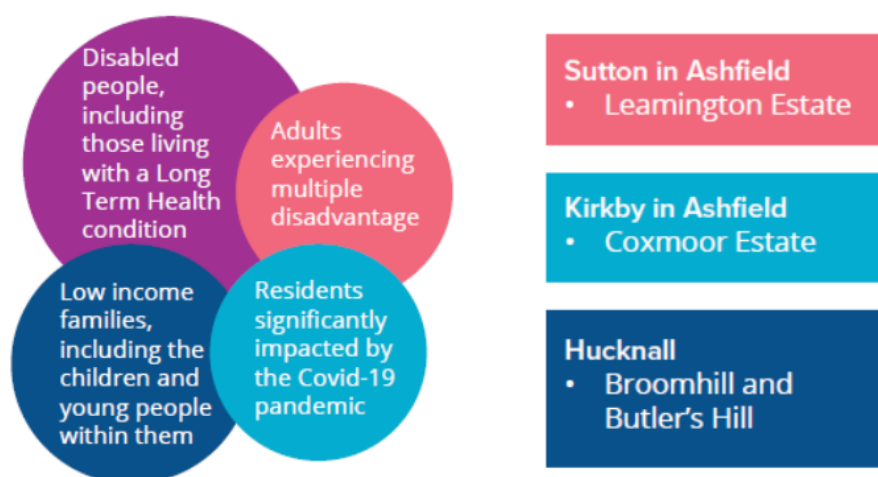
- To listen to the views of our communities
- To continue to build relationships.
- Explore how services can work together with the person at the centre.
- To communicate and promote the work of others.
- To build on the assets and strengths that exist in Ashfield.

Call to Action

The priorities for Be Healthy, Be Happy remain unchanged. They are:

- Best Start - Give every child and young person the best chance of maximising their potential.
- Living Well - Create healthy and sustainable places.
- Ageing Well - Everyone can access the right support to improve their health.
- Health Inequalities - Keep our communities safe and healthy.

The strategy identifies that delivery of these priorities will focus on priority places and population groups.



It is recognised by the partnership that there is much to do to support residents to be happy and healthy, with rising costs of living and increased levels of mental ill health. The partnership has made a commitment to ensure that the work in the coming year will reflect these societal changes.

The Ashfield Health and Wellbeing Partnership encourages you to:

- Align your strategies, plans and policies to the priorities within the strategy.
- Advocate the importance of reducing health inequalities.
- Strengthen your understanding of the issues that need to be addressed and consider the role you play within it.
- Work collaboratively and be part of the system.
- Share insight, ideas, solutions, and challenges.
- Make positive choices about your own behaviours.

Report To:	CABINET
Date:	31ST JULY 2023
Heading:	DRAFT FINANCIAL OUTTURN 2022/23 FOR GENERAL FUND, HOUSING REVENUE ACCOUNT (HRA) AND CAPITAL PROGRAMME
Executive Lead Member:	EXECUTIVE LEAD MEMBER FOR FINANCE, REVENUES AND BENEFITS – CLLR RACHEL MADDEN
Ward/s:	ALL
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

This report sets out the details of income and expenditure incurred in 2022/23 in respect of the General Fund, the Housing Revenue Account (HRA) and the Capital Programme, how this compares to the revised budgets and provides explanations for significant variances.

This is the unaudited position and is therefore potentially subject to change. The audited Statement of Accounts will be presented to the Audit Committee on 23 November 2023.

In summary the 2022/23 unaudited Outturn position was:

- General Fund – a surplus of £0.231m (and an underspend of £1.583m compared to the revised budget);
- HRA – a surplus of £0.374m (and an underspend of £3.051m compared to revised budget);
- Capital Programme – a £21.419m underspend in 2022/23.

Recommendation(s)

Cabinet is requested to note:

- (1) The 2022/23 unaudited draft Outturn for the General Fund, the Housing Revenue Account and the Capital Programme.
- (2) The in-year movements to and from reserves (Appendix 2).

Cabinet is requested to recommend to Council:

- (1) Approval to carry forward the £21.419m underspend on the Capital Programme to 2023/24 due to slippage (delays to schemes) included in the approved Programme (Section 4)

Reasons for Recommendation(s)

To report to those charged with governance, the Council's unaudited draft financial outturn for 2022/23 and comply with the Council's Financial Regulations.

Alternative Options Considered

The financial outturn position is as reported within the 2022/23 draft Statement of Accounts. Therefore, there are no other options to consider. The transfers to and from earmarked reserves will provide funding to facilitate the delivery of specific projects for which allocations were already given.

Detailed Information

1. General Fund Outturn 2022/23

- 1.1 The General fund supports the day to day running of the Council's services, excluding the provision of Council Housing. Table 1 shows the draft General Fund Revenue Outturn by Directorate compared to the revised budget for 2022/23.

Table 1 – Draft General Fund Outturn 2022/23 by Directorate

	Revised Budget	Draft Outturn	Variance
	£'000	£'000	£'000
By Directorate			
Chief Executive Officer	670	645	(25)
Legal and Governance	1,973	2,066	93
Resources and Business Transformation	(392)	291	683
Place and Communities	9,791	8,394	(1,397)
Housing and Assets	2,426	2,226	(200)
Divisional Expenditure	14,468	13,622	(846)
Corporate Cost – Provision for Credit Loss	0	400	400
Recharges	(2,927)	(3,290)	(363)
Financing and Investment Income and Expenditure			
Net Interest Payable /(Receivable)	20	67	47
Minimum Revenue Payment	2,844	2,327	(517)
Capital Expenditure Financed from Revenue	0	88	(88)
Net Revenue Expenditure	14,405	13,214	(1,191)
Funding			
Government Grants	(1,135)	(1,153)	(18)
Business Rates	(7,443)	(7,252)	191
Council Tax	(6,695)	(6,695)	0
Total Funding	(15,273)	(15,100)	173
Net General Fund Deficit/(Surplus) for the year before transfers to/(from) Earmarked Reserves	(868)	(1,886)	(1,018)
Net Contribution to/(from) Earmarked Reserves	2,220	1,655	(565)
Net General Fund Deficit/Surplus for the year after transfer to/(from) Earmarked Reserves	1,352	(231)	(1,583)

- 1.2 Appendix 1 provides details of the variances for each Directorate, Corporate Costs (Financing and Investment Income and Expenditure) and Funding.
- 1.3 Appendix 2 provides details of the final earmarked reserves movements for 2022/23 and the impact on earmarked reserve balances.
- 1.4 The final position including the reserve transactions is a surplus of £231k.

1.5 The surplus of £231k is transferred to the General Reserve, increasing the General Reserve balance to £9.234m as at 31st March 2023.

2. General Fund Budget Adjustments 2022/23

2.1 As reported to Cabinet on 21st February 2023, there have been no further budget adjustments in 2022/23, since those reported to Cabinet on 13th December 2022.

3. Housing Revenue Account (HRA) Outturn 2022/23

3.1 The HRA is a ring-fenced landlord's account for the management and maintenance of the Council's housing stock. This account funds both day to day revenue costs as well as funding borrowing costs for capital work to maintain and improve Council properties.

3.2 Table 2 shows the draft Outturn compared to revised budget for the HRA. The Outturn HRA shows an in year surplus of £0.131m before movement in reserves, bringing the total HRA balance at 31st March 2023 to £43.344m.

Table 2 – HRA Outturn 2022/23

	Revised Budget £'000	Actual Outturn £'000	Variance £'000	Note
<u>Income</u>				
Rents, Charges & Contributions	(25,838)	(26,214)	(376)	1
Interest & Investment Income	(10)	(867)	(857)	2
Total Income	(25,848)	(27,081)	(1,233)	
<u>Expenditure</u>				
Repairs and Maintenance	8,062	8,320	258	3
Supervision and Management	4,386	4,987	601	4
Interest payable and similar charges	3,548	3,547	(1)	
Rents, Rates, Taxes and other charges	149	131	(18)	
Depreciation and impairments of fixed assets	3,947	4,053	106	
Debt Management Costs	44	43	(1)	
Contribution to the Bad Debt Provision	200	177	(23)	5
Transfer to Major Repairs Reserve	0	0	0	
Capital expenditure funded by the HRA	8,333	5,692	(2,641)	6
Total Expenditure	28,669	26,950	(1,719)	
Surplus for the year	2,821	(131)	(2,952)	
Net contribution to / (from) Earmarked Reserves	(144)	(243)	(99)	7
Net HRA Deficit/(Surplus) for the year AFTER transfers to/from Earmarked Reserves	2,677	(374)	(3,051)	

Income

- (1) Rents, Charges & Contributions higher than budget from additional income from the service charges that were introduced in this financial year, partly offset with the additional costs reported below in Supervision and Management. Increases to the communal heating charges to recover the costs from the energy price increase from October 2022, again additional costs reported in Supervision and Management.
- (2) Increased Interest rates in the banking sector increased the average annual interest rate on the HRA balances.

Expenditure

- (3) Repairs and maintenance budgets are overspent by £258k mainly due to:
 - Increased salary costs from the higher-than-expected pay award £124k.
 - Increased costs incurred from building usage and support services from inflationary rises £44k.
 - Increased use and inflation costs of material expenditure in the day-to-day repairs £65k.
 - Waste transfer, equipment maintenance and purchase £5k.
 - Increased fuel costs in 2022/23 £20k.
- (4) Supervision and Management costs are £601k higher than budget mainly due to:
 - Increased salary costs from the higher-than-expected pay award £75k.
 - Increased repairs and maintenance costs of the Housing Court Schemes £75k.
 - Increase in Utility prices led to costs over budget of £313k.
 - Extra costs incurred in managing tenancy services income recovery after Covid. Funded from Welfare reform reserve (see note 7) £30k.
 - Extra costs incurred in delivering digital transformation. Funded from the Corporate Change Reserve (see note 7) £192k.
 - IT maintenance and development costs underutilised (£29k).
 - Reduced costs of operating and managing Community Centres (£21k).
 - Reduced equipment purchase & maintenance and waste skip requirement (£27k).
 - Other minor variances (-£7k).
- (5) Contribution to the Bad Debt Provision top up calculations show less contributions required.
- (6) Reduced capital expenditure funded by the HRA largely due to the delay on some housing capital schemes and replacement vehicles, these capital funds will carry forward into the next financial year.
- (7) The transfer from earmarked reserves represents the use of (£20k) of the HRA Insurance reserve, (£20k) from the Eco Funding Reserve, (£30k) from the Welfare Reform reserve and (£192k) from the Corporate Change Reserve. There was also an addition of £20k to the Revenue Grant Reserve.

4. Capital Programme 2022/23

- 4.1 Details of the main 2022/23 Capital Schemes and how they were funded are shown in Table 3. The notes below the table provide explanations for key variances compared to the revised budgets.

Table 3 – Capital Programme 2022/23

Scheme	Revised Budget £'000	Outturn £'000	Variance £'000	Note
Housing Revenue Account				
Management Fee	591	579	(12)	
Catch Up and Future Major Works	4,443	5,078	635	1
BEIS Social Housing Decarbonisation Fund	1,203	1,203	0	2
Service Improvements	1,503	1,232	(271)	2
Contingent Major Repairs	183	147	(36)	
Exceptional Extensive Works	5	63	58	
Disabled adaptations - Major adaptations	300	107	(193)	3
Disabled adaptations - Minor adaptations	350	355	5	
Affordable Housing Developments Sutton In Ashfield	257	265	8	
Davies Avenue Housing Project	1,980	1,936	(44)	
Development of Unviable Garage Sites Kirkby-in-Ashfield	856	1,097	241	4
Investment in New or Existing Dwellings	1,000	899	(101)	5
Green Homes Grant (HRA)	50	7	(43)	
Green Homes Grant (HRA) (2)	421	407	(14)	
Hucknall Infill Sites	250	251	1	
Housing Vehicles	389	0	(389)	6
Maun View Sutton-in-Ashfield	3,088	2,413	(675)	7
Warwick Close, Kirkby-in-Ashfield	3,000	1,281	(1,719)	8
Other Housing Revenue Account Schemes (less than £100k)	137	32	(105)	
Total	20,006	17,352	(2,654)	
General Fund				
Depot Roof Repairs	100	127	27	
Discovery Centre and Planetarium	250	50	(200)	9
Fox Street pop-up food court and car park	535	44	(491)	10
Green Homes Grant (GF) (2)	203	191	(12)	
Health and Safety works for Kirkby Offices	142	115	(27)	
Hucknall Leisure Centre - Fixtures, Fittings and Equipment	357	(132)	(489)	11
Hucknall Leisure Centre - New Pool	3,390	2,971	(419)	12
Improvement Grants 1996 Act Disabled Facility Grant	1,108	951	(157)	13
In District Regeneration	3,000	0	(3,000)	14
Kings Mill Reservoir (The King and Miller to Kingfisher)	168	48	(120)	15
Kirkby Leisure Centre	5,914	4,594	(1,320)	16

Lammas Leisure Centre - Fixtures, Fittings and Equipment	716	1,052	336	17
Low Street vacant units	3,177	1,081	(2,096)	18
New Kirkby LC - Fixtures, Fittings and Equipment	440	91	(349)	19
Public Space Protection Order	337	8	(329)	20
Purchase of Vehicles	3,681	1,562	(2,119)	21
Rurals and Open Space	140	20	(120)	22
Sutton Academy Community Theatre/Cinema	398	143	(255)	23
Sutton Maker Space and Business Hub	1,117	149	(968)	24
Towns Fund Projects	8,073	2,027	(6,046)	25
Other General Fund Schemes (less than £100k)	885	274	(611)	26
Total	34,131	15,366	(18,765)	
Grand Total	54,137	32,718	(21,419)	
Funding				
Major Repairs Reserve	4,735	5,253	518	
Borrowing	22,176	1,991	(20,185)	
Government Grants and Other Contributions	14,643	17,048	2,405	1
Revenue Contributions	8,403	5,692	(2,711)	
Reserve Contributions	640	104	(536)	
Capital Receipts	3,540	2,630	(910)	
Total Funding	54,137	32,718	(21,419)	

- (1) Budget included BEIS Social Housing and Decarbonisation Fund grants income. Outturn shows gross spending with grants income included in funding.
- (2) Planned spending included with BEIS Social Housing and Decarbonisation Fund budget.
- (3) The underspend is due to a delay in the completion of a number of extension projects which was exacerbated by some contractual difficulties.
- (4) Project started earlier than anticipated and kitchen items purchased in advance of need and subsequently held in storage to mitigate against price increases.
- (5) Lack of suitable properties available for purchase.
- (6) Delivery issues and excessive lead times due to production issues.
- (7) Planning delays and delays caused by weather conditions.
- (8) Planning delays and delays caused by weather conditions.
- (9) The project commenced later in the year due to delays in DLUHC sign off and funds not being received until March 2023.
- (10) Very low contractor availability and inflation risk requiring further value engineering has delayed the project.
- (11) The deliverables of this budget have been delivered in a cost effective way by the operator which has identified the overall underspend against this specific budget line. There remains a single investment commitment that will be completed in the 2023/24 financial year which is the installation of the pool view system.
- (12) Works delayed; completion expected in June 2023.
- (13) During the year there was a high number of large-scale projects, property extensions, etc. These projects take a significant amount of time from commencement to completion and a number started in 2022/3 but will be finished and fully paid in 2023/24.

- (14) No appropriate properties available to purchase have been identified during the year.
- (15) Cost inflation has made the project unaffordable. New options are being explored delaying the delivery of the project.
- (16) The underspend is partly due to the phase 2 works (demolition & car park construction) stretching into the 2023/24 financial year along with the prudent financial management of the project which sees it remain within the overall budget envelope.
- (17) The overspend is directly related to increased costs incurred by the operator in completing these works.
- (18) Very low contractor availability and inflation risk requiring further value engineering has delayed the project.
- (19) Works delayed; completion expected in June 2023.
- (20) Delayed start to this project.
- (21) Budget includes electric vehicles due to limitations with the depot's charging infrastructure; purchases of these vehicles has been delayed.
- (22) Changes to the Council procurement process have delayed the project.
- (23) Project constraints have delayed the project whilst solutions are developed.
- (24) Very low contractor availability and inflation risk requiring further value engineering has delayed the project.
- (25) Projects have commenced later in the year due to delays in DLUHC sign off and rolling projects being delivered over multiple years.
- (26) Changes in the council's procurement process / site adoptions and rolling projects being delivered over multiple years.

5. Earmarked Reserves

5.1 Movements in earmarked reserves are shown in Appendix 2. Table 4 shows a summary of the movements and balances as at 31st March 2023.

Table 4 – Earmarked Reserve Movements Summary 2022/23

	Balance 1st April 2022 £'000	Contributions £'000	Withdrawals £'000	Balance 31st March 2023 £'000
General Fund				
Earmarked Reserves	(17,166)	(7,950)	6,200	(18,916)
Housing Revenue				
Reserves	(821)	(59)	302	(578)

Implications

Corporate Plan:

The Revenue and Capital Budgets and Outturn position reflect delivery of the priorities in the Corporate Plan.

Legal:

This report ensures compliance with the Council's approved Financial Regulations. [RLD 28/06/2023]

Finance: [PH 28/06/2023].

Budget Area	Implication
General Fund – Revenue Budget	As set out in the detailed information section of the report.
General Fund – Capital Programme	As set out in the detailed information section of the report.
Housing Revenue Account – Revenue Budget	As set out in the detailed information section of the report.
Housing Revenue Account – Capital Programme	As set out in the detailed information section of the report.

Risk:

Risk	Mitigation
Failure to spend within approved budgets could impact the financial sustainability of the Council.	Regular financial monitoring reports to SLT and Cabinet. Financial Regulations. Finance training for Budget Managers and Budget Holders

Human Resources:

No implications

Environmental/Sustainability

Environmental implications are considered when capital schemes are developed and included on the Capital Programme.

Equalities:

No implications

Background Papers

Annual Budget and Council Tax 2022/23 and Medium-Term Financial Strategy Update to Council 3rd March 2022

Draft Outturn Report 2021/22 to Cabinet 19 July 2022

2022/23 Forecast outturn for General Fund, Housing Revenue Account (HRA) and Capital Programme as at July 2022 to Cabinet 27 September 2022.

2022/23 Forecast outturn for General Fund, Housing Revenue Account (HRA) and Capital Programme as at September 2022 to Cabinet 13 December 2022.

2022/23 Forecast outturn for General Fund, Housing Revenue Account (HRA) and Capital Programme as at December 2022 to Cabinet 21 February 2023.

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General Fund

Directorate:	Chief Executive's Department		
Outturn as at	31/03/2023		
	Underspend OR Income over- recovery (-)	Overspend OR Income under- recovery (+)	Key reasons for forecast variance
Service Area	£'000	£'000	
CEO	-19		CEO Section had a vacancy
	-4		Membership and Subscriptions - East Midlands Chamber, no longer used
	-2		Net of small underspends
Superannuation Backfunding	-15		Actual Cost less than budget for the NCC Pension Recharge
			2 Costs of Civic Events
Public Accountability		13	External Audit Fees increase
Total	-40	15	
Net Under/Overspend	-25		

Directorate:	Legal & Governance		
Outturn as at	31/03/2023		
	Underspend OR Income over-recovery (-)	Overspend OR Income under-recovery (+)	Key reasons for forecast variance
Service Area	£'000	£'000	
Legal Services		31	End of Shared Service with MDC. Payment to agency to recruit ex locum. Other costs not reduced pro-rata.
Risk & Emergency Planning - Corporate Safety	-23		Vacant post
Democratic & Scrutiny Services		33	Vacancy factor not achieved, extra cost of temp arrangements to cover Elections
Electoral Services		50	District Election funded from reserves £40k. Ward by election funded from reserves £11k
		2	Governance Admin net small variance from customer services review budget change
Total	-23	116	
Net Under/Overspend	93		

Directorate:	Resources & Business Transformation		
Outturn as at	31/03/2023		
	Underspend OR Income over- recovery (-)	Overspend OR Income under- recovery (+)	Key reasons for forecast variance
Service Area	£'000	£'000	
Director	-41	2	Vacancy factor not achieved. Mansfield Crematorium increase in surplus
HR & Payroll		6	Occupational Health Costs
		100	HR & Payroll Shared Service - Budgets were set prior to inflation and pay award increases
		10	Training
ICT		20	Vacancy factor not achieved.
	-1	13	Equipment Purchase
	-5		Materials - Toners required less frequently
			Licences - Microsoft Help Desk no longer required
		8	Telephones - an error was made when setting the budget and historical issues with the supplier resulted in higher costs than the estimate
	-4		Net underspend between Maintenance and System Software
Printing	-16		Underspend due to new contract, the budget was set under the old contract figures
DLUHC Local Cyber Fund	-124		Grant underspend - Moved to Revenue Grant Reserve
Performance Planning & Improvement		202	Vacancy Factor and Agency costs - £98K funded from New Burdens, £110K funded from Corporate Transformation Reserve
	-1		Procurement Shared Service invoiced less than budget
		2	APSE Energy - Charge not budgeted for

GIS		3	Vacancy factor not achieved.
	-13		Street Naming & Numbering - one off fee Barratt Homes
Digital Services	-24		Vacancy
		2	Purchase of Equipment
		3	Application Software
Innovations & Solutions		9	Vacancy factor not achieved and agency costs - £9400 funded from Corporate Transformation Reserve
		126	Application Software - £139500 funded from Corporate Transformation Reserve
Publicity		6	Overspend on publication of Ashfield Matters (One additional version produced in 2022/23 in relation to informing residents on support available for the cost of living crisis). Three instead of four editions to be published in 2023/24.
Communications General		5	Agency
	-5		Publicity Underspend
Revenues & Benefits	-28		Increase in IBS Sundry Debtors income
		367	HB & DHP variances actual to budgets - this is out of our control
		25	Annual Increase in Giro Fees
	-3		NNDR Government Grants
	-1		Increase in NNDR Contributions
	-2		Decrease in Court Costs
		5	Reduction in Admin Grant - Budget based on previous year as the notification received after the budgeting process
		20	Reduction in Income for Council Tax Court Reimbursements
		12	Increase in Housing Benefit Audit Fee
	-55		Vacancies within the Section
	-300		Net New Burdens monies moved to Revenue Grant Reserve
Customer Services		22	Agency work funded from New Burdens Funding through movement in Reserves at year end

Finance		40	Agency cover for Chief Accountant role - £28k funded from Corporate Transformation Reserve
		3	Legal Expenses
	-1		Unbudgeted commission received
	-1		Membership & Subscriptions
		1	Audit Fees
		22	Increase in Insurance Costs
	-8		Government Grant - Moved to Revenue Grant Reserve
	-155		Restructuring Costs - Budget not utilised
Insurance		132	Funded from Insurance Reserve
Investment Properties		131	Reduction in Hotel income, agreed to continue with 10% of turnover until 31-03-2023. To be funded from Covid Reserve.
		23	Net reduction in rental income
		11	Increased Payments to Contractors - Jones Realty
	-29		Professional & Consultancy Service budget not used
	-6		Reduction in Rail Fares & Car Mileage
Commercial Properties	-1		Reduced pay costs
		62	Agency Costs - Funded from Corporate Transformation Reserve
		102	NNDR Costs - Funded from Economic Reserve
		79	Increased costs over all Commercial Properties. The main increased costs were on Towns Fund Properties for utilities of £44k, one off repairs to Bentinck Workshops of £23k. Other variance were small amounts over numerous commercial properties.
	-67		Unbudgeted/increase in rental income. The main increase was in Kirkby Town Centre Redevelopment and Watnall Road Offices
Total	-891	1574	
Net Under/Overspend	683		

Directorate:	Place & Communities		
Outturn as at	31/03/2023		
	Underspend OR Income over- recovery (-)	Overspend OR Income under- recovery (+)	Key reasons for forecast variance
Service Area	£'000	£'000	
Service Director	-2	7	Increased employee costs (Interim covering substantive post) Other savings
Community Safety	-13	39	Net saving from staff costs as a result of vacancies Safer Streets Kirkby employee costs (Grant funded)
	-8	8	Reduced car mileage and car allowances Net overspend on supplies & services - Community Protection Officers (various cost headings)
	-15		Underspend on Safe Accomodation Coordinator (Grant funded)
	-16	8	Underspend on Supplies & Services in respect of Community Safety Partnership (Grant funded) Other Supplies & Services
	-51		Income - higher than budgeted grant for Safer Streets Kirkby
	-10		Other net income
Neighbourhood Services	-17	5	Higher Water charges - Allotments Reduced spending on Asset Maintenance
	-50	30	Higher Utility costs in respect of changing rooms and pavilions Lower fuel costs - budgets were increased in response to higher prices, but prices subsequently fell back during the year
	-19		Lower Vehicle Maintenance costs
	-7		Savings on Car mileage and Car Allowances
	-16		Reduced Public Health funerals
	-23		Spring Clean costs - expenditure was incurred on Employee costs in Waste & Environment
	-47		Higher income from Cemeteries than budget
	-174		Increased Developer contributions towards maintenance of open spaces, due to receipt of new contributions, and adjustment to previous years. The adjustment relates to Papplewick, where the contribution was initially being drawn down over thirty years (in the absence of the agreement). However, the agreement was subsequently obtained, and the contribution is to be spent over a fifteen year period.
	-12		Higher income from Pest Control than anticipated
	-5		Increased income from Allotments & Grazing

Waste Services	-66		Higher income from Trade Waste than budget.
	-39		Higher income from Glass recycling than budget
		22	Lower income from Bulky waste collections than anticipated
		41	Increased Waste disposal costs
		128	Increased employee costs largely due to vacancy factor not achieved
		11	Increased material costs
	-80		Lower fuel costs - budgets were increased in response to higher prices, but prices subsequently fell back during the year
		36	Higher vehicle maintenance costs
		20	Purchase of Bins
		7	Other costs
Transport			Engaged Agency staff to cover vacancies, and payment of market supplement as a result of inability to recruit to Vehicle Technician posts
		38	
		15	Premises Expenses - higher Gas & Electricity (21), partly offset by lower Water and Other (-6)
		42	Higher Parts & Tyres costs
	-10		Lower fuel costs
			Increased Supplies & Services costs, including Diagnostic equipment, Standpipe for Electric
		33	Sweepers, repairs to vehicle wash
	-49		Higher income, due to sale of vehicles under £10k
Place & Wellbeing	-65		Net saving from employee costs as a result of vacancies
	-13		Premises Expenses - NNDR credit at Edgewood (-8), other savings (-5)
	-100		Reduced spend on Towns Fund revenue (100), grant funded
		397	Towns Fund grants paid (Enterprise Ashfield)
	-69		Lower Liquidated damages paid to Everyone Active due to delays in opening Kirkby Leisure Centre and Hucknall Pool
		156	Spend on UKSPF revenue projects (grant funded)
		17	Other costs (grant funded)
	-642		Towns Fund grants (Enterprise Ashfield)
	-38		Towns Fund grants (Library Innovations Centres)
	-241		Contributions from SLM under Leisure transformation programme
	-330		UKSPF Revenue grants
	-2		Net other grants/contributions

Markets		108	Lower income from Indoor Markets than budget
	-7		Net increase in rents from Outdoor Markets
		10	Increased employee costs mainly due to vacancy factor not achieved
		12	Increased Premises Expenses, mainly due to costs associated with Idlewells Indoor Market
Licensing	-5		Reduced employee costs mainly due to vacancy
	-15		Supplies & Services costs - DBS checks no longer performed by ADC (-20), partly offset by Other costs (5)
	-196		Higher income from increased number of Licences issued - income is ring fenced for reinvestment in the Licensing service, or to cover future deficits
Regeneration		7	Increased employee costs due to vacancy factor not achieved
	-47		Supplies & Services - Economic Stimulus funding not spent (-34), lower refund of Covid grant (-6), reduced spending on Memberships, systems and other costs (-7)
Planning & Regulatory Services		53	Increased employee costs due to Agency staff engagement to cover vacancies and demand
	-166		Increased income from Planning applications
		75	Appeal costs
	-66		Lower costs of Local Plan
	-8		Higher income from Land Charges
	-11		Other income
	-1		Other savings
Environmental Protection		23	Increased employee costs due to Agency staff to cover vacancies
		6	Net reduced income, other costs
Total	-2,751	1,354	
Net Under/Overspend	-1,397		

Directorate:	Housing & Assets		
Outturn as at	31/03/2023		
	Underspend OR Income over- recovery (-)	Overspend OR Income under- recovery (+)	Key reasons for forecast variance
Service Area	£'000	£'000	
Private Sector Housing	-40		Licencing Income for Private Sector Housing of which £16k will move to reserves.
Assets & Investments	-82		Reduced employee costs due to vacancies.
		9	New contracts for Legionella monitoring software and best practice health equipment around the offices.
	-27		Asset Maintenance Repairs
		94	Decarbonisation Plan funded from Reserves.
		24	Increase in utility costs
	-9		Car Park Income
	-11		Rent of Buildings
Homelessness	-51		Additional Homeless Prevention Grant.
	-53		Home for Ukraine Grant moved to Grant Reserve for 2023/24.
	-18		Sanctuary Scheme Grant moved to Grant Reserve for 2023/24.
Strategic Housing	-12		Postholder reduced hours on return from maternity leave.
Supported Housing Service		12	Apprentice commenced mid year to assist in workload and future planning funded from additional income raised.
	-30		Increased income changing to digital sets and reduction in costs in promoting and running the service.
	-6		Other minor Variances
Total	-339	139	
Net Under/Overspend	-200		

Corporate Costs	Corporate Costs		
Outturn as at	31/03/2023		
	Underspend OR Income over-recovery (-)	Overspend OR Income under- recovery (+)	Key reasons for forecast variance
Service Area	£'000	£'000	
Loan Interest payable	-119		Interest saving due to managing borrowing need through internal borrowing not taking on external debt. This has been achieved due to the increase in reserve levels and working capital.
Minimum Revenue Provision (MRP)	-348		Slippage and switch funding on 2021/22 Capital Programme funded by borrowing reducing the MRP charges in 2022/23
Capital Expenditure Financed from Revenue		86	£34k External Health and Safety, £49k Windmill and £3k Shop fronts - All funded from reserves
Net investment income		70	Higher interest rates increasing the interest received on investments and the interest payable on borrowing. The balances held on behalf of others was greater than the cash balances due to internal borrowing, resulting in a net interest cost.
Increase in Provision for Credit Loss		401	Economic conditions have resulted in higher levels of debtors. An increase in provision has therefore been applied. This is impossible to accurately budget for.
	-467	557	
Net Under/Overspend	90		

Funding			
Outturn as at:	31/03/2023		
	Underspend OR Income over- recovery (-)	Overspend OR Income under- recovery (+)	Key reasons for forecast variance
Service Area	£'000	£'000	
Government Grants	-18		Additional Lower Tier Service Grant receipt
Business Rates		191	Higher levy payable than anticipated (£224k); Levy Account surplus received from Government (-£33k)
	-18	191	
Net Under/Overspend	173		

Movement in Reserves Summary
as at 31st March 2023

Appendix 2

General Fund

Service Earmarked Reserve	Opening Balance at 1st April 2022	Approved	Approved	Approved Balance as at 31 December 2022	Requiring Approval	Requiring Approval	Forecast Closing Balance as at 31 March 2023
		Contributions	Withdrawals		Contributions	Withdrawals	
	£	£	£	£			£
Earmarked Reserves							
Elections	(118,858)	(74,000)	0	(192,858)	(10,000)	51,000	(151,858)
Insurance Related Funds (Inc Risk Mngt)	(361,995)	(75,000)	0	(436,995)	(6,785)	104,248	(339,533)
Revenue Grant Reserve	(2,949,418)	0	543,000	(2,406,418)	(2,918,081)	2,160,704	(3,163,794)
District Planning Enquiry Fund	(232,773)	(39,000)	183,000	(88,773)	(112,367)	0	(201,140)
Asset Renewal	(646,776)	0	0	(646,776)	0	6,300	(640,476)
Leisure Maintenance Reserve (joint Use Pre 2021)	(388,678)	(753,000)	0	(1,141,678)	0	0	(1,141,678)
Local Authority Mortgage Scheme (LAMS) Reserve	(15,899)	0	0	(15,899)	0	15,899	0
NNDR Equalisation Reserve	(3,210,791)	(1,649,000)	0	(4,859,791)	(1,122,318)	0	(5,982,109)
Supported Housing Trading Fund	(53,377)	0	0	(53,377)	0	0	(53,377)
Corporate Change Reserve	(1,327,804)	0	15,000	(1,312,804)	(200,000)	465,015	(1,047,789)
Commercial Property Investment Reserve	(3,500,000)	(700,000)	0	(4,200,000)	0	0	(4,200,000)
Economic Development and Place Reserve	(383,759)	0	0	(383,759)	0	132,000	(251,759)
Joint Crematorium Reserve	(540,738)	0	0	(540,738)	(94,297)	0	(635,035)
Selective Licencing	(56,794)	0	0	(56,794)	(16,250)	0	(73,044)
Licensing Reserve	(214,621)	0	0	(214,621)	(134,418)	101,194	(247,845)
Brexit Reserve	0	0	0	0	0	0	0
Covid-19 Grant Reserve	(886,000)	0	374,000	(512,000)	0	130,763	(381,237)
Legal Reserve	(10,000)	(15,000)	0	(25,000)	0	0	(25,000)
Winter Maintenance Reserve	(10,000)	(5,000)	0	(15,000)	0	0	(15,000)
Commercial Property Dilapidations Reserve	(20,000)	(10,000)	0	(30,000)	0	0	(30,000)
NNDR/Ctax S31 & Compensation Reserve	(2,235,918)	0	1,683,111	(552,807)	0	232,334	(320,473)
	0	0	0	0	0	0	0
Harold Farr Bequest	(2,181)	(4)	2,184	(0)	0	0	(0)
IT Reserve	0	(15,000)	0	(15,000)	0	0	(15,000)
Total Earmarked Reserves	(17,166,380)	(3,335,004)	2,800,295	(17,686,088)	(4,614,516)	3,399,457	(18,916,147)
General Reserve	-9,004,256			-9,004,256	-230,614		-9,234,870

Housing Revenue Account

	Opening Balance 1 April 2022	Approved		Balance as at 31 March 2023	Requiring Approval 31-Mar-23		Closing Balance as 31 March 2023	Comments
		Contributions	Withdrawals		Contributions	Withdrawals		
HRA Revenue Grants Reserve	-25,130			-25,130	-19,642		-44,772	Grant received 31/3/2023 for 2023/24 Tenant Satisfaction Measures
HRA Eco Funding Reserve	-263,430		20,000	-243,430			-243,430	
HRA Insurance Reserve	-144,237	-30,000	50,000	-124,237			-124,237	Estimated amount of insurance claims to be funded for 23/24.
HRA Corporate Change Reserve	-192,450		111,000	-81,450		81,450	0	Reserve used for Digital Transformation project.
HRA Technology Investment	-25,566			-25,566			-25,566	
HRA Welfare Reform Reserve	-170,399		40,000	-130,399	-10,000		-140,399	Still awaiting full migration across to Universal Credit. Funding used towards work that had been suspended under the Covid restrictions.
Total Housing Revenue Account Reserves	-821,212	-30,000	221,000	-630,212	-29,642	81,450	-578,404	



Report To:	CABINET
Date:	31 JULY 2023
Heading:	COUNCIL'S INSURANCE ARRANGEMENTS 2022/23
Executive Lead Member:	EXECUTIVE LEAD MEMBER FOR FINANCE, REVENUES AND BENEFITS – CLLR RACHEL MADDEN
Ward/s:	ALL
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

This report is to provide Members with the latest position concerning insurance funds, and premiums paid during 2022/23.

Recommendation(s)

- 1) Members are requested to note the contents of the 2022/23 Annual Insurance Report.**

Reasons for Recommendation(s)

To meet the requirements of the Council's Financial Regulations (C.37).

Alternative Options Considered

None.

Detailed Information

COUNCIL'S INSURANCE REQUIREMENTS

As part of the Council's arrangement for managing the risks of such a diverse organisation, provision for unavoidable risks is made by two methods:

- Self-insurance funds;
- External insurance

This report provides Members with an assessment of both these arrangements for 2022/23.

1. Self-Insurance Funds (Insurance Reserves)

The Council insurance reserves have been set up to:

- Help smooth the payment of claims as the levels of claims can change substantially year to year. The Council use external insurers, however, if a claim is made against the Authority and is successful then the Council is still liable for the insurance excess (the amount of the claim that is paid by the insured not the insurer).
- Set aside money into the reserves in order to pay for any future self-insured claims as they become payable.
- Offset any delay in the reporting of claims. This is particularly the case with those involving some form of industrial injury which may not surface until some years after the incident occurred, or cases involving children which are allowed to be reported many years after the incident.

The transactions of the Insurance Reserves for 2022/23 are summarised below:

Table 1 - General Fund Insurance Reserves

	Liability Fund £000	Property Fund £000	Employee Tools £000	TOTAL £000
Balance at 1 st April 2022	(225)	(121)	(7)	(353)
Claims Paid	25	0	2	27
Change in Provision	77	0	0	77
General Fund Contribution	(75)	0	0	(75)
Interest	(4)	(3)	0	(7)
Balance at 31st March 2023	(202)	(124)	(5)	(331)

Table 2 - Housing Revenue Account (HRA) Insurance Reserve

	HRA Insurance Fund £000
Balance at 1 st April 2022	(144)
Credits received from insurance company	(18)
Claims Paid	54

Interest	(3)
Balance at 31st March 2023	(111)

1.1.1 Liability Fund (Reserve)

The liability fund was increased by £75k as agreed by Council on 3rd March 2022. During 2022/23 the liability fund was reduced to pay claims totalling £25k and further reduced by £77k for increases in the liability provision.

1.1.2 Liability Provision

Accounting regulations require the Council to make a provision for all existing claims based on the potential level of liability as estimated by the insurance company at the year end. It is calculated as the maximum liability amount likely to arise considering all known factors. This amount required in the provision could increase or decrease depending on how the cases develop. Any increases to the year end provision are funded by a debit to the liability fund and any decreases in the provision are credited back to the liability fund.

A more detailed analysis of the liability claims outstanding by year is given below:

Table 3 – Analysis of Liability Claims

<u>Year</u>	<u>Number of claims outstanding 31st March</u>	<u>Value</u>
		£'000
2022-23	12	67
2021-22	6	40
2020-21	2	50
2019-20	1	1
2018-19	2	3
MMI Provision (See Paragraph 3.2)		57
TOTAL	23	218

1.2.1 Property Fund (Reserve)

Other than interest on the reserve balance there have been no changes to the fund balance during 2022/23.

1.2.2 Property Provision

There has been no change in the £5k in the property provision during 2022/23.

1.3 Employee Tools Reserve

The Employee Tools Policy was agreed by Cabinet on 13th July 2017. Before the Employee Tools Policy was introduced if an employee had their work tools stolen, they would have to replace their own tools at their own expense.

The Employee Tools Policy allows for an employee to claim from the Authority for claims up to £1,000 less a £50 excess if conditions are met. In 2022/23 there were 2 claims made for Employee Tools.

1.4.1 Housing Revenue Fund (HRA)

There have been 2 property claims totalling £54k during the year 2022/23 that have been met by HRA insurance funds. There is one claim outstanding at the end of the year. The costs for this claim have not yet been finalised. During the year £18k has been received from the insurers as well as £3k interest receivable on the reserve balance.

1.4.2 Housing Revenue Provision (HRA)

No changes in year to HRA provision.

2. Renewal of External Insurance Policies

A full tender of insurance requirements was undertaken during 2021/22 to commence from 1st April 2022. The contract will run for the next three years with an option to extend on an annual basis for the following four years.

The new premiums under contract for 2023/24 and comparison to 2022/23 are shown below, the figures shown exclude the 12% Insurance Premium Tax (IPT).

Table 4 – Insurance Premiums

Type of Cover & Insurer	Insurer	2023/24 £000	Insurer	2022/23 £000
Property Package	Protector	119	Protector	95
Property terrorism Package	Lloyds	18	Lloyds	18
Combined Liability, including claims handling & Crime insurance	Travelers	155	Travelers	121
Crime insurance excess layer	RSA	13	RSA	22
Engineering Inspection	HSB via RMP	35	HSB via RMP	32
Motor Vehicle	Protector	87	Protector	74
TOTAL		<u>427</u>		<u>362</u>

The increase in the level of premiums is reflected in the Insurance budgets set for 2023/24.

3. Previous Insurance Providers

3.1 Independent Insurance Company

Between 1992 and 1999 the Council's liability insurers were the Independent Insurance Company. In 2001 the company was declared insolvent. From that point onwards full financial liability for any claims above the excess fell to the Council. These will be limited to claims for industrial injury with a

long development period (e.g. industrial deafness) or claims involving children. The Council currently has one claim outstanding for Noise Induced Hearing Loss covering the period 05/12/1994 to 26/01/1997. Capita have been appointed to handle on behalf of the Financial Services Compensation Scheme (FSCS) claims made by FSCS protected policyholders of Independent Insurance Company Limited. Unfortunately the FSCS is not able to provide protection for Government Departments. It is currently not yet known when the claim is likely to be settled.

3.2 Municipal Mutual Insurance Liability

In September 1992, Municipal Mutual Insurance (MMI), the Council’s former insurers ceased accepting new business. MMI and its policyholders including local authorities established a “scheme of arrangement” for the orderly run down of the company. The Council has paid to date a levy during the scheme of arrangement of £143k.

The Council may be asked by the administrators of MMI to settle the Council’s full estimated remaining liability of £430k. It is unlikely that the whole remaining liability will be requested in one tranche. It is more likely that this will be requested in several instalments. Any amounts payable to the MMI administrators will be funded from the Liability Insurance Reserve. The level provided for in the reserve, in relation to full potential liability, is as advised by the insurance brokers. The adequacy of the reserve is reviewed annually, taking their advice into account.

4. Risk Management Fund

The Risk Management Fund was established to fund projects that will help reduce and identify risk for the Council and hence reduce the cost of insurance claims and premiums. Insurers are reluctant to underwrite those which do not operate pro-active Risk Management.

There have been no changes to the Risk Management Fund balance in 2022/23 other than a small interest contribution of £161. The balance of this fund is currently £8,196. This will be available to fund issues arising from the Health and Safety Committee recommendations.

Implications

Corporate Plan:

The reporting of the position with regard to insurance indirectly supports all of the Council’s main objectives through contributing to business efficiency and effectiveness.

Legal:

The report ensures compliance with Financial Regulation C.37.

Finance: No direct financial implications arising from this report. [PH 28/06/2023].

Budget Area	Implication
General Fund – Revenue Budget	None.
General Fund – Capital Programme	None.
Housing Revenue Account – Revenue Budget	None

Housing Revenue Account – Capital Programme	None.
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Risk:

Risk	Mitigation
Unexpected Insurance Claims	The Insurance Reserves allow the Authority to mitigate against the risk of unexpected insurance claims.

Human Resources:

No HR implications contained in the report [KB 28/06/23]

Environmental/Sustainability:

None.

Equalities:

None.

Other Implications:

None.

Reason(s) for Urgency

Not Applicable.

Reason(s) for Exemption

Not Applicable.

Background Papers

None.

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Report To:	CABINET
Date:	31ST JULY 2023
Heading:	HOUSING OMBUDSMAN SERVICE – COMPLAINT HANDLING CODE – REVISED SELF-ASSESSMENT
Executive Lead Member:	CLLR A MEAKIN, EXECUTIVE LEAD MEMBER FOR COUNCIL AND SOCIAL HOUSING
Ward/s:	ALL
Key Decision:	YES
Subject to Call-In:	YES

Purpose of Report

To provide Cabinet with an overview of the Housing Ombudsman’s Complaint Handling Code, the requirements for the Council to ensure full compliance and explain how the Council meets these. To seek approval from Cabinet to publish the revised Complaint Handling Code Self-Assessment to the Council’s website.

Recommendation(s)

Cabinet is requested to:-

- Acknowledge the requirements and obligations on the Council under the Housing Ombudsman Service’s Complaint Handling Code
- Approve the revised annual self-assessment and its publication on the Council’s website

Reasons for Recommendation(s)

Compliance with the Complaint Handling Code forms part of the statutory membership obligations set out in the Housing Ombudsman Scheme. Landlords must comply with the requirements of the Code or offer an explanation to the Ombudsman, as to why they do not. Once the Social Housing (Regulation) Bill receives Royal Assent, compliance with the Complaint Handling Code will also become a regulatory requirement for social housing landlords.

Compliance with the Code had to be demonstrated by 30th September 2022, by means of the publishing of a completed self-assessment on the Council's website, then by a minimum of an annual self-assessment thereafter.

Alternative Options Considered

There is no option to not adopt the mandatory expectations within the Housing Ombudsman's Complaint Handling Code. Failure to comply would result in the Housing Ombudsman issuing a complaint handling failure notice on the Council, due to a breach of their membership obligations.

Due to the close working relationship between the Housing Ombudsman Service and the Regulator of Social Housing, this could also result in concerns being raised with the Regulator regarding the Council's practices/potential systemic failures, which could result in the Regulator undertaking further investigations. The Regulator of Social Housing has the ability to apply sanctions and fines on landlords failing to adhere to their requirements.

Detailed Information

On the 9th March 2022 the Housing Ombudsman published a revised Complaint Handling Code. The Housing Ombudsman provided member landlords with a deadline of 1st October 2022 to demonstrate compliance with the Code by means of a published self-assessment. The Housing Ombudsman also stipulated that the self-assessment should be conducted annually or following any significant changes within the landlord e.g. following a re-structure.

The full Complaint Handling Code can be found at:

<https://www.housing-ombudsman.org.uk/wp-content/uploads/2022/03/Complaint-Handling-Code-Published-March-2022-1-1.pdf>

The Complaint Handling Code sets out the requirements for member landlords, to facilitate complaints being responded to effectively and fairly. The purpose of the Code is to enable landlords to resolve complaints raised by their tenants and leaseholders quickly and to use the data/learning gained from complaints to drive up service improvements/satisfaction. It is also intended to create a positive complaint handling culture amongst officers and residents.

Compliance with the Code forms part of the membership obligations set out by the Housing Ombudsman Service. Failure to comply with the Complaint Handling Code could result in action being taken against the Council. The Housing Ombudsman Service routinely publish details of their action against landlords.

The Code has essential guidance, which is indicated with the word 'must' and areas at the landlord's discretion that are considered best practice by the Ombudsman, which are indicated with the word 'should'.

The Housing Ombudsman operates a 'comply or explain' model for the Code. Non-compliance could result in the Housing Ombudsman issuing complaint handling failure orders against the landlord, as per the terms of membership.

The Code also acts as a guide to tenants and leaseholders, setting out what they should expect from their landlord, when they make a complaint, how to make a complaint and how to escalate a complaint through their landlord's complaint procedure.

The Code supports the regulatory approach to complaints ensuring that a landlord's approach to complaints is clear, simple, accessible and ensures that complaints are resolved promptly, politely and fairly. The Housing Ombudsman works in conjunction with the Regulator for Social Housing and can report concerns of non-compliance to the Regulator, which could trigger inspections/interactions with the landlord. The Regulator for Social Housing has the authority to apply sanctions on Social Housing Landlords and issue unlimited fines, which will present a potentially significant financial and reputational risk to the Council.

On 27 September 2022 Cabinet were presented with the first self-assessment against the current Complaint Handling Code and approved its publication to the Council's website by 30 September 2022. The self-assessment was added to the Council's website by the deadline and has been available to be viewed publicly since, in line with the Ombudsman's requirements.

2023 Annual Self-Assessment

On 29 March 2023 the Tenant Gateway group were asked to review the following documents and consider their own (and known associates) experiences of the complaints process, to obtain feedback on the current self-assessment and whether this is reflective of the Council's handling of housing complaints.

Documents reviewed by Tenants Gateway:

- Complaints and Compliments Policy
- Housing Complaints Procedure
- Housing Ombudsman Service Complaint Handling Code Self-Assessment

On 31 May 2023 the Tenant Gateway group were asked to provide feedback on any areas of the self-assessment, which they felt did not reflect the Council's handling of housing complaints. No comments or concerns were received from members of Tenant Gateway group.

Taking key tenant facing documents such as the complaints policy and procedure along with obtaining feedback from them pertaining to a self-assessment forms part of the housing regulatory standards and is an expectation of the Housing Regulator.

The Council's position against the Code

A review of the previous self-assessment has been undertaken and some minor amendments have been made, to strengthen the evidence/commentary information. No compliance decisions have been amended and the Council remains compliant with the Complaint Handling Code.

Implications

Corporate Plan:

Fully meets the Corporate Plan priority of leading a customer focussed service, which engages our tenants and adheres to all regulatory standards.

Legal:

Current best practice expectations and proposed legal requirements are set out in the body of the report. [RLD 04/07/2023]

Finance:

No direct financial implications arising from this report. [PH 07/07/2023].

Budget Area	Implication
General Fund – Revenue Budget	N/A
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Risk	Mitigation
<p>Significant reputational risk – A ‘complaints handling failure order’ could be served on the Council. This is an order to rectify within a given timescale and referral to The Regulator of Social Housing.</p> <p>An adverse inspection by the Regulator of Social Housing could result in the removal of the Council’s housing stock or the levy of an unlimited fine.</p> <p>Key policy/procedure/self-assessments related to Housing Services must be consulted and reviewed by tenants as part of regulation.</p>	<p>Full compliance with the Complaint Handling Code as set out by the Housing Ombudsman Service.</p> <p>Relevant documents reviewed and consulted with tenants Gateway March/May 2023.</p>

Human Resources:

There are no direct HR implications contained within the report. [KH – 10/07/2023]

Environmental/Sustainability:

N/A

Equalities:

This is strengthened by the continued requirement to publish the Council's Reasonable Adjustments Policy on the intranet.

Other Implications:

N/A

Background Papers

Appendix 1 – Self-Assessment - Complaint Handling Code – July 2023

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Self-Assessment Form – Housing Ombudsman’s Complaint Handling Code – 31 July 2023

This self-assessment form should be completed by the complaints officer and discussed at the landlord’s governing body annually. Evidence should be included to support all statements with additional commentary as necessary.

Explanations must also be provided where a mandatory ‘must’ requirement is not met to set out the rationale for the alternative approach adopted and why this delivers a better outcome.

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Section 1 – Definition of a complaint

Mandatory ‘must’ requirements:

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
1.2	A complaint must be defined as: ‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.	Yes	Definition is adopted in complaint documentation, including policy, procedure and tenant’s guide to.
1.3	The resident does not have to use the word ‘complaint’ for it to be treated as such. A complaint that is submitted via a third party or representative must still be handled in line with the landlord’s complaints policy.	Yes	Approach confirmed in procedural guidance to officers.
1.6	... if further enquiries are needed to resolve the matter, or if the resident requests it, the issue must be logged as a complaint.	Yes	Approach confirmed in procedural guidance to officers.
1.7	A landlord must accept a complaint unless there is a valid reason not to do so.	Yes	Approach confirmed in procedural guidance to officers.
1.8	A complaints policy must clearly set out the circumstances in which a matter will not be	Yes	Circumstances set out in complaint policy

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
	considered, and these circumstances should be fair and reasonable to residents.		
1.9	If a landlord decides not to accept a complaint, a detailed explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman.	Yes	Approach confirmed in procedural guidance to officers

Best practice ‘should be’ requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
1.4	Landlords should recognise the difference between a service request, where a resident may be unhappy with a situation that they wish to have rectified, and a complaint about the service they have/have not received.	Yes	Confirmed/defined in policy and procedure.
1.5	Survey feedback may not necessarily need to be treated as a complaint, though, where possible, the person completing the survey should be made aware of how they can pursue their dissatisfaction as a complaint if they wish to.	Yes	Approach confirmed in procedural guidance to officers.

Section 2 – Accessibility and awareness

Mandatory ‘must’ requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
2.1	Landlords must make it easy for residents to complain by providing different channels through which residents can make a complaint such as in person, over the telephone, in writing, by email and digitally. While the Ombudsman recognises that it may not be feasible for a landlord to use all of the potential channels, there must be more than one route of access into the complaints system.	Yes	Number of platforms detailed in the policy
2.3	Landlords must make their complaint policy available in a clear and accessible format for all residents. This will detail the number of stages involved, what will happen at each stage and the timeframes for responding.	Yes	Complaints policy is currently published on the authority’s website and can be provided to tenants upon request.
2.4	Landlord websites, if they exist, must include information on how to raise a complaint. The complaints policy and process must be easy to find on the website	Yes	Instructions included on Council’s website

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Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
2.5	<p>Landlords must comply with the Equality Act 2010 and may need to adapt normal policies, procedures, or processes to accommodate an individual’s needs.</p> <p>Landlords must satisfy themselves that their policy sets out how they will respond to reasonable adjustments requests in line with the Equality Act and that complaints handlers have had appropriate training to deal with such requests.</p>	Yes	<p>Details of how to seek assistance making a complaint contained within policy and link to equalities page, including reasonable adjustments page.</p> <p>Procedural guidance is available for officers in this area.</p> <p>Equality training is mandatory for all officers</p>
2.6	<p>Landlords must publicise the complaints policy and process, the Complaint Handling Code and the Housing Ombudsman Scheme in leaflets, posters, newsletters, online and as part of regular correspondence with residents.</p>	Yes	<p>Complaint handling code/complaints process advertised in tenant magazine (sent to all tenants) and on website. Housing Ombudsman Service details are included in all complaint related letter templates.</p> <p>Housing Ombudsman Service posters are displayed in public area of Council’s main office.</p>
2.7	<p>Landlords must provide residents with contact information for the Ombudsman as part of its regular correspondence with residents.</p>	Yes	<p>Ombudsman details contained within all complaint correspondence, procedural guidance and within annual report.</p>
2.8	<p>Landlords must provide early advice to residents regarding their right to access the Housing Ombudsman Service throughout their complaint, not only when the landlord’s complaints process is exhausted.</p>	Yes	<p>Procedure provides guidance to officers to include complainant’s right to access Housing Ombudsman at all stages of complaint, including wording to reflect in standard letter templates.</p>

Best practice ‘should’ requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
2.2	Where a landlord has set up channels to communicate with its residents via social media, then it should expect to receive complaints via those channels. Policies should contain details of the steps that will be taken when a complaint is received via social media and how confidentiality and privacy will be maintained.	Yes	Social media channels are monitored for complaints. Where identified, these are forwarded to the relevant team and handled in line with complaints policy/procedure.

Section 3 – Complaint handling personnel

Mandatory ‘must’ requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
3.1	Landlords must have a person or team assigned to take responsibility for complaint handling to ensure complaints receive the necessary attention, and that these are reported to the governing body. This Code will refer to that person or team as the “complaints officer”.	Yes	Consumer Standards Lead Officer is lead officer for Housing Complaints. Complaint levels are reported on a monthly basis and quarterly breakdown/performance reports produced providing detailed complaint information.
3.2	...the complaint handler appointed must have appropriate complaint handling skills and no conflicts of interest.	Yes	Complaint handlers are trained and experienced officers. Where a potential conflict is identified complaints are passed to an independent complaint handler to investigate and respond.

Best practice ‘should’ requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
3.3	Complaint handlers should: <ul style="list-style-type: none"> • be able to act sensitively and fairly • be trained to handle complaints and deal with distressed and upset residents • have access to staff at all levels to facilitate quick resolution of complaints • have the authority and autonomy to act to resolve disputes quickly and fairly. 	Yes	Complaint handlers are experienced and skilled officers. Expectations for approach are detailed in procedural guidance.

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Section 4 – Complaint handling principles

Mandatory ‘must’ requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
4.1	Any decision to try and resolve a concern must be taken in agreement with the resident and a landlord’s audit trail/records should be able to demonstrate this. Landlords must ensure that efforts to resolve a resident’s concerns do not obstruct access to the complaints procedure or result in any unreasonable delay. It is not appropriate to have extra named stages (such as ‘stage 0’ or ‘pre-complaint stage’) as this causes unnecessary confusion for residents. When a complaint is made, it must be acknowledged and logged at stage one of the complaints procedure within five days of receipt.	Yes	<p>Informal discussions are only taken in agreement with the resident and are documented.</p> <p>Initial contact date is regarded as complaint receipt date where informal resolution cannot be agreed.</p> <p>There is no pre-complaint stage within the complaints policy or procedure. Requirements for logging and acknowledging complaints in line with code are set out in the complaint policy and procedural guidance.</p>
4.2	Within the complaint acknowledgement, landlords must set out their understanding of the complaint and the outcomes the resident is seeking. If any aspect of the complaint is unclear, the resident must be asked for clarification and the full definition agreed between both parties.	Yes	Approach confirmed in procedural guidance to officers.
4.6	A complaint investigation must be conducted in an impartial manner.	Yes	Approach confirmed in procedural guidance to officers.

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
4.7	<p>The complaint handler must:</p> <ul style="list-style-type: none"> • deal with complaints on their merits • act independently and have an open mind • take measures to address any actual or perceived conflict of interest • consider all information and evidence carefully • keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter. 	Yes	Approach confirmed in procedural guidance to officers.
4.11	Landlords must adhere to any reasonable arrangements agreed with residents in terms of frequency and method of communication	Yes	Approach confirmed in procedural guidance to officers.
4.12	<p>The resident, and if applicable any staff member who is the subject of the complaint, must also be given a fair chance to:</p> <ul style="list-style-type: none"> • set out their position • comment on any adverse findings before a final decision is made. 	Yes	Approach confirmed in procedural guidance to officers.

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
4.13	A landlord must include in its complaints policy its timescales for a resident to request escalation of a complaint	Yes	Reflected in policy
4.14	A landlord must not unreasonably refuse to escalate a complaint through all stages of the complaints procedure and must have clear and valid reasons for taking that course of action. Reasons for declining to escalate a complaint must be clearly set out in a landlord’s complaints policy and must be the same as the reasons for not accepting a complaint.	Yes	Reflected in policy
4.15	A full record must be kept of the complaint, any review and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties and any reports or surveys prepared.	Yes	Full records are kept of all complaints.
4.18	Landlords must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives when pursuing a complaint	Yes	Unreasonable or unreasonably persistent complaints policy in place and available on website/hard copy upon request.

Best practice ‘should’ requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
4.3	Landlords should manage residents’ expectations from the outset, being clear where a desired outcome is unreasonable or unrealistic	Yes	Approach confirmed in procedural guidance to officers.
4.4	A complaint should be resolved at the earliest possible opportunity, having assessed what evidence is needed to fully consider the issues, what outcome would resolve the matter for the resident and whether there are any urgent actions required.	Yes	Approach confirmed in procedural guidance to officers.
4.5	Landlords should give residents the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the landlord where this is reasonable	Yes	Included within the policy and procedure
4.8	Where a key issue of a complaint relates to the parties’ legal obligations landlords should clearly set out their understanding of the obligations of both parties.	Yes	Approach confirmed in procedural guidance to officers.
4.9	Communication with the resident should not generally identify individual members of staff or contractors.	Yes	Approach confirmed in procedural guidance to officers.

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Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
4.10	Landlords should keep residents regularly updated about the progress of the investigation.	Yes	Policy provides response times and further contact if extension required. Approach for regular contacts confirmed in procedural guidance to officers.
4.16	Landlords should seek feedback from residents in relation to the landlord’s complaint handling as part of the drive to encourage a positive complaint and learning culture.	Yes	Satisfaction survey sent to all stage one complainants, within response letter.
4.17	Landlords should recognise the impact that being complained about can have on future service delivery. Landlords should ensure that staff are supported and engaged in the complaints process, including the learning that can be gained	Yes	Approach confirmed in procedural guidance to officers.
4.19	Any restrictions placed on a resident’s contact due to unacceptable behaviour should be appropriate to their needs and should demonstrate regard for the provisions of the Equality Act 2010.	Yes	Detailed in the unreasonable or unreasonably persistent complaints policy

Section 5 – Complaint stages

Mandatory ‘must’ requirements

Stage 1

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.1	Landlords must respond to the complaint within 10 working days of the complaint being logged. Exceptionally, landlords may provide an explanation to the resident containing a clear timeframe for when the response will be received. This should not exceed a further 10 days without good reason.	Yes	Approach confirmed in procedural guidance to officers.
5.5	A complaint response must be sent to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue, are completed. Outstanding actions must still be tracked and actioned expeditiously with regular updates provided to the resident.	Yes	Approach confirmed in procedural guidance to officers.
5.6	Landlords must address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.	Yes	Approach confirmed in procedural guidance to officers.

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Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.8	<p>Landlords must confirm the following in writing to the resident at the completion of stage one in clear, plain language:</p> <ul style="list-style-type: none"> • the complaint stage • the decision on the complaint • the reasons for any decisions made • the details of any remedy offered to put things right • details of any outstanding actions • details of how to escalate the matter to stage two if the resident is not satisfied with the answer 	Yes	Approach confirmed in procedural guidance to officers, including sample letter templates.

Stage 2

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.9	If all or part of the complaint is not resolved to the resident’s satisfaction at stage one it must be progressed to stage two of the landlord’s procedure, unless an exclusion ground now applies. In instances where a landlord declines to escalate a complaint it must clearly communicate in writing its reasons for not escalating as well as the resident’s right to approach the Ombudsman about its decision.	Yes	Approach confirmed in procedural guidance to officers, including sample letter template.
5.10	On receipt of the escalation request, landlords must set out their understanding of issues outstanding and the outcomes the resident is seeking. If any aspect of the complaint is unclear, the resident must be asked for clarification and the full definition agreed between both parties.	Yes	Approach confirmed in procedural guidance to officers, including sample letter template.
5.11	Landlords must only escalate a complaint to stage two once it has completed stage one and at the request of the resident.	Yes	In line with policy
5.12	The person considering the complaint at stage two, must not be the same person that considered the complaint at stage one.	Yes	Policy and procedure confirms

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Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.13	Landlords must respond to the stage two complaint within 20 working days of the complaint being escalated. Exceptionally, landlords may provide an explanation to the resident containing a clear timeframe for when the response will be received. This should not exceed a further 10 days without good reason.	Yes	Approach confirmed in procedural guidance to officers.
5.16	<p>Landlords must confirm the following in writing to the resident at</p> <p>the completion of stage two in clear, plain language:</p> <ul style="list-style-type: none"> • the complaint stage • the complaint definition • the decision on the complaint • the reasons for any decisions made • the details of any remedy offered to put things right • details of any outstanding actions and • if the landlord has a third stage, details of how to escalate the matter to stage three • if this was the final stage, details of how to escalate the matter to the Housing 	Yes	Approach confirmed in procedural guidance to officers, including sample letter template.

Self-Assessment Form – Housing Ombudsman’s Complaint Handling Code

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
	Ombudsman Service if the resident remains dissatisfied.		

Stage 3

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.17	<p>Two stage landlord complaint procedures are ideal. This ensures that the complaint process is not unduly long. If landlords strongly believe a third stage is necessary, they must set out their reasons for this as part of their self-assessment. A process with more than three stages is not acceptable under any circumstances.</p>	N/A	Two stage process adopted by Council.
5.20	<p>Landlords must confirm the following in writing to the resident at the completion of stage three in clear, plain language:</p> <ul style="list-style-type: none"> • the complaint stage • the complaint definition • the decision on the complaint • the reasons for any decisions made • the details of any remedy offered to put things right • details of any outstanding actions 	N/A	Two stage process adopted by Council.

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	<ul style="list-style-type: none">• details of how to escalate the matter to the Housing Ombudsman Service if the resident remains dissatisfied		
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Best practice ‘should’ requirements**Stage 1**

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.2	If an extension beyond 20 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties.	Yes	Approach confirmed in procedural guidance to officers.
5.3	Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman’s contact details so the resident can challenge the landlord’s plan for responding and/or the proposed timeliness of a landlord’s response.	Yes	Approach confirmed in procedural guidance to officers, including sample letter template.
5.4	Where the problem is a recurring issue, the landlord should consider any older reports as part of the background to the complaint if this will help to resolve the issue for the resident.	Yes	Approach confirmed in procedural guidance to officers.
5.7	Where residents raise additional complaints during the investigation, these should be incorporated into the stage one response if they are relevant and the stage one response has not been issued. Where the stage one response has been issued, or it would unreasonably delay the response, the complaint should be logged as a new complaint.	Yes	Approach confirmed in procedural guidance to officers.

Stage 2

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.14	If an extension beyond 10 working days is required to enable the landlord to respond to the complaint fully, this should be agreed by both parties.	Yes	Approach confirmed in procedural guidance to officers.
5.15	Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman’s contact details so the resident can challenge the landlord’s plan for responding and/or the proposed timeliness of a landlord’s response	Yes	Approach confirmed in procedural guidance to officers, including sample letter template.

Stage 3

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
5.18	Complaints should only go to a third stage if the resident has actively requested a third stage review of their complaint. Where a third stage is in place and has been requested, landlords must respond to the stage three complaint within 20 working days of the complaint being escalated. Additional time will only be justified if related to convening a panel. An explanation and a date for when the stage three response will be received should be provided to the resident.	N/A	Two stage process adopted by Council.
5.19	Where agreement over an extension period cannot be reached, landlords should provide the Housing Ombudsman’s contact details so the resident can challenge the landlord’s plan for responding and/or the proposed timeliness of a landlord’s response.	N/A	Two stage process adopted by Council.

Section 6 – Putting things right

Mandatory ‘must’ requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
6.1	Effective dispute resolution requires a process designed to resolve complaints. Where something has gone wrong a landlord must acknowledge this and set out the actions it has already taken, or intends to take, to put things right.	Yes	Approach confirmed in procedural guidance to officers.
6.2	Any remedy offered must reflect the extent of any service failures and the level of detriment caused to the resident as a result. A landlord must carefully manage the expectations of residents and not promise anything that cannot be delivered or would cause unfairness to other residents.	Yes	Approach confirmed in procedural guidance to officers.
6.5	The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.	Yes	Approach confirmed in procedural guidance to officers.
6.6	In awarding compensation, a landlord must consider whether any statutory payments are due, if any quantifiable losses have been incurred, the time and	Yes	Approach confirmed in procedural guidance to officers.

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	trouble a resident has been put to as well as any distress and inconvenience caused.		
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Best practice ‘should’ requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
6.3	Landlords should look beyond the circumstances of the individual complaint and consider whether anything needs to be ‘put right’ in terms of process or systems to the benefit of all residents.	Yes	Approach confirmed in procedural guidance to officers.
6.7	In some cases, a resident may have a legal entitlement to redress. The landlord should still offer a resolution where possible, obtaining legal advice as to how any offer of resolution should be worded.	Yes	Approach confirmed in procedural guidance to officers.

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Section 7 – Continuous learning and improvements

Mandatory ‘must’ requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
7.2	Accountability and transparency are integral to a positive complaint handling culture. Landlords must report back on wider learning and improvements from complaints in their annual report and more frequently to their residents, staff and scrutiny panels.	Yes	<p>Learning is shared with relevant teams in timely manner. Within quarterly reporting to senior managers and Tenant’s Gateway.</p> <p>Learning Outcomes are reported annually to Cabinet Members.</p> <p>Learning outcomes are also reported to tenants within the annual report.</p>

Best practice ‘should’ requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
7.3	<p>A member of the governing body should be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This role will be responsible for ensuring the governing body receives regular information on complaints that provides insight to the governing body on the landlord’s complaint handling performance.</p>	Yes	<p>Executive Lead Member for Customer Services and Communications oversees team who have corporate responsibility for complaints.</p>
7.4	<p>As a minimum, governing bodies should receive:</p> <ul style="list-style-type: none"> • Regular updates on the volume, categories and outcome of complaints, alongside complaint handling performance • including compliance with the Ombudsman’s orders • Regular reviews of issues and trends arising from complaint handling, • The annual performance report produced by the Ombudsman, where applicable • Individual complaint outcomes where necessary, including where the Ombudsman made findings of severe maladministration or referrals to regulatory bodies. The 	Yes	<p>Quarterly and annual reporting to Senior Housing Managers and to Senior Leadership Team.</p> <p>Annual reporting to Cabinet.</p> <p>Complaint Handling Code self-assessment to be reported to Cabinet prior to publishing.</p>

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Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
	<p>implementation of management responses should be tracked to ensure they are delivered to agreed timescales.</p> <p>The annual self-assessment against the Complaint Handling</p> <p>Code for scrutiny and challenge.</p>		
7.5	<p>Any themes or trends should be assessed by senior management to identify potential systemic issues, serious risks or policies and procedures that require revision. They should also be used to inform staff and contractor training.</p>	Yes	<p>Themes and trends reporting to Senior Housing Managers, Senior Leadership Team and Tenants Gateway group on quarterly basis, which are reviewed in management meetings.</p> <p>Executive Director Operations shares pertinent information with Senior Leadership Team/Executive Lead Member and Leader of Council.</p> <p>Learning outcomes monitored/implemented by Assistant Directors, along with reviewing with officers.</p>
7.6	<p>Landlords should have a standard objective in relation to complaint handling for all employees that reflects the need to:</p> <ul style="list-style-type: none"> • have a collaborative and co-operative approach towards resolving complaints, 		<p>Approach confirmed in procedural guidance to officers.</p>

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
	<p>working with colleagues across teams and departments</p> <ul style="list-style-type: none"> • take collective responsibility for any shortfalls identified through complaints rather than blaming others • act within the Professional Standards for engaging with complaints as set by the Chartered Institute of Housing. 		

Section 8 – Self assessment and compliance

Mandatory ‘must’ requirements

Code section	Code requirement	Comply: Yes/No	Evidence, commentary and any explanations
8.1	Landlords must carry out an annual self-assessment against the Code to ensure their complaint handling remains in line with its requirements.	Yes	Annual self-assessment undertaken.
8.2	Landlords must also carry out a self-assessment following a significant restructure and/or change in procedures.	Yes	Approach confirmed in procedural guidance to officers.
8.3	<p>Following each self-assessment, a landlord must:</p> <ul style="list-style-type: none"> • report the outcome of their self-assessment to their governing body. In the case of local authorities, self- assessment outcomes should be reported to elected members • publish the outcome of their assessment on their website if they have one, or otherwise make accessible to residents • include the self-assessment in their annual report section on complaints handling performance 	Yes	<p>Self-assessments to be approved by Cabinet prior to publishing on website.</p> <p>Self-assessment available on Council website.</p>

Report to:	CABINET
Date:	31ST JULY 2023
Heading:	CIVIL PENALTY POLICY - UPDATE
Executive lead member:	CLLR T HOLLIS – EXECUTIVE LEAD FOR STRATEGIC HOUSING AND CLIMATE CHANGE
Ward/s:	All
Key decision:	Yes
Subject to call-in:	Yes

Purpose of report

To advise Cabinet about the need to review the Council’s Civil Penalty Policy relating to housing enforcement in response to rulings made by the First Tier Property Tribunal Service and good practice.

To seek approval of the revised Policy, attached at Appendix A.

Approval of the updated policy will ensure that there is a robust, transparent and consistent charging schedule, with the expectation that this will result in more penalties being successfully upheld.

Recommendation(s)

- 1. To note the reasons why the Council’s Civil Penalty Policy relating to housing enforcement requires updating and to consider the proposed changes.**
- 2. To approve the revised Civil Penalty Policy as attached at Appendix A.**
- 3. To grant delegated approval to the Executive Director of Place to make minor changes to the Policy in future in response to Tribunal rulings, good practice and regulatory change.**

Reasons for recommendation(s)

The issuing of Civil Penalty Notices and Civil Penalty Fines is an established and important tool for dealing with rogue landlords. It is used for serious offences, as an alternative to prosecution through the courts.

The Council must ensure its Civil Penalty Policy is accurate and up to date, reflecting tribunal rulings, any changes to the regulations and good practice. As the concept of Civil Penalties is relatively new (nationally), it is a policy that needs to be reviewed on a regular basis.

The revised Civil Penalty Policy (Appendix A), reflects the latest practice and will ensure the Council is as compliant as possible, thus protecting it from challenge.

Alternative options considered.

The only alternative is to retain the existing Civil Penalty Policy, this option was not considered as it is important the Council's Policy reflects the latest Tribunal rulings and good practice.

Detailed information

The Council has a forward thinking, ambitious Environmental Health (Residential) Team who are keen to improve housing conditions in the District. The Team works in partnership with landlords and tenants to deal with issues of disrepair, poor management practices, etc. On most occasions a satisfactory outcome can be achieved through good communication and negotiation.

In exceptional cases, where landlords and property owners fail to engage and respond to reasonable requests, further action is needed. The Team has a range of tools at their disposal for this purpose, one of which is issuing a Civil Penalty Notice and fine.

The Housing and Planning Act 2016, enacted on 6th April 2017, introduced Civil Penalties as an alternative to prosecution for certain offences under the Housing Act 2004. The Council introduced a Policy in 2018 and since then has issued seven successful Civil Penalty Notices and fines.

One of the benefits of issuing a Civil Penalty as opposed to prosecuting a landlord through the court is that the fine comes back into the Council and can be reinvested in the service and into improving housing conditions in the District.

The housing offences for which a Civil Penalty may be imposed as an alternative to prosecution are:

- Failure to comply with an improvement notice (section 30 of the Housing Act 2004);
- Offences in relation to licensing of houses in multiple occupation (section 72 of the Housing Act 2004);
- Offences in relation to licensing of houses under part 3 of the Act (section 95 of the Housing Act 2004);
- Offences of contravention of an overcrowding notice (section 139(7) of the Housing Act 2004); and
- Failure to comply with management regulations in respect of houses in multiple occupation (section 234 of the Housing Act 2004)

- Breach of regulation 11 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 where the Council is satisfied beyond reasonable doubt that a landlord has breached a duty under regulation 3.

A criminal standard of proof, “beyond reasonable doubt”, is required for a Civil Penalty to be issued. This requires the authority to satisfy itself that if the case were to be prosecuted in the magistrates’ court, there would be a conviction.

The Council has not been challenged at tribunal level in respect of Civil Penalty Notices and fines it has issued but other local authorities have, these cases being heard in the First Tier Property Tribunal.

The challenges relate primarily to the way in which fines have been determined and the level of fines imposed. In respect of how fines are determined, issues have related to a lack of clarity and explanation. With regards to the level of the fine, there has been a question of proportionality, that is to say, is the fine in keeping with the offence? As a rule, the Tribunal have reduced the fines issued by local authorities.

In addition to taking note of Tribunal decisions, the Council is obliged to follow the ‘Civil Penalties under the Housing and Planning Act 2016, Guidance for Local Authorities’ published by the Ministry of Housing, Communities and Local Government (MHCLG) in respect of Civil Penalties and keep our processes under review to ensure fines are reasonable and proportionate to the offence.

In response to the above, and to wider good practice, officers have reviewed the Council’s Civil Penalty Policy.

Changes have been made, primarily to the section that sets out how a fine is determined and the level of the fine. The existing Policy requires more detail and depth of explanation, it states that culpability and harm are the key factors to take account of, but it doesn’t go into detail about how each of these is determined, what is taken into account, what is excluded, how we take account of mitigating factors, etc.

The updated policy provides the clarity expected. It explains what culpability and harm are, how they are assessed and how this is then used to determine the level of fine. Similarly, the levels of fine have been adjusted to ensure they are in keeping with Tribunal judgements. As a result, we do expect to see a small fall in some of the levels of fine for an offence. It is however expected that the more robust policy will result in penalties being successfully upheld, thus ensuring the most unscrupulous landlords are held accountable with fines proportionate to the offence committed.

The Council’s Legal Team has reviewed the revised Civil Penalty Policy.

Implications

Corporate plan: the Council is committed through its Corporate Plan to ensuring there is sufficient decent and safe accommodation for its residents.

Legal: The relevant legislation is set out in the body of the report [LE 13.07.23]

Finance: No direct financial implications arising from the update to this Policy. [PH 07/07/2023].

Budget Area	Implication
General Fund – Revenue Budget	N/A
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Risk	Mitigation
Not updating the Policy – risk of challenge in the First Tier Property Tribunal	Revised Policy will ensure the Council is protected against challenge.

Human Resources:

There are no implications

Environmental/Sustainability:

There are no implications

Equalities:

Private rented accommodation is disproportionately occupied by low-income households, those who are benefit dependent often due to physical and mental health needs. Ensuring conditions in the sector are effectively tackled will assist in addressing inequalities.

Other Implications:

Reason(s) for Urgency

n/a

Reason(s) for Exemption

n/a

Background Papers

none

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Civil Penalties Policy

**Civil Penalties as an Alternative to Prosecution
under the Housing Act 2004 and the Housing
and Planning Act 2016**

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DRAFT

1: Introduction

1.1 Overview

The Housing and Planning Act 2016 introduced Civil Penalties of up to £30,000, as an alternative to prosecution for certain offences under the Housing Act 2004.

The power to impose a Civil Penalty as an alternative to prosecution for these offences was introduced by Section 126 and Schedule 9 of the Housing and Planning Act 2016.

In determining the Civil Penalty amount, the Local Housing Authority will have regard to the statutory guidance issued under schedule 9 of the Housing and Planning Act 2016 and to the Ministry of Housing, Communities and Local Government (MHCLG) Guidance for Local Housing Authorities.(April 2018)

1.2 Purpose of this Policy

Ashfield District Council is committed to ensuring good quality private housing stock in our District.

The Environmental Health Residential Team work with many good landlords who provide decent, well-maintained homes and we assist those who need advice and support to become compliant.

Where landlords put tenants at risk and are not compliant with their legal requirements, the Council is committed to the appropriate use of Civil Penalties powers available under the Housing Act 2004 and the Housing and Planning Act 2016.

The Council considers the need for transparency and consistency in the discharge of its functions under the Housing Act 2004 to be of primary importance. The general objective of this policy is, therefore, to promote both transparency and consistency in the imposition of financial penalties so that those managing and having control of properties in the District:

- know how the Council will penalise relevant offences;
- are assured that like cases will be penalised similarly, and different cases penalised differently; and
- are reassured that action taken is for the protection of public health and to ensure compliance with the legislation.

2: Legislation

2.1 Relevant Housing Offences

The Housing and Planning Act 2016 came into force on 6th April 2017 and introduced Civil Penalties of up to £30,000 as an alternative to prosecution for specified housing offences listed below:

- i. Failure to comply with Improvement Notice (Housing Act 2004 Section 30).
- ii. Failure to Licence an HMO under Housing Act 2004 Part 2 (Housing Act 2004 Section 72) (Mandatory Licensing).
- iii. Breach of HMO Licence Conditions under Housing Act 2004 Parts 2 & 3 (Housing Act 2004 Section 72 & 95) (Mandatory and Selective Licensing).
- iv. Failure to Licence houses under Housing Act 2004 Part 3, (Housing Act 2004 Section 95) (Selective Licensing).
- v. Failure to comply with an Overcrowding Notice, (Housing Act 2004 Section 139(7)).
- vi. Breach of Management Regulations in respect of HMOs. (Housing Act 2004 Section 234).
- vii. Breach of regulation 11 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 where the Council is satisfied beyond reasonable doubt that a landlord has breached a duty under regulation 3.

2.2 Authority

The power given to local authorities to impose a Civil Penalty as an alternative to Prosecution for certain specified housing offences was introduced by Section 126 and Schedule 9 of the Housing and Planning Act 2016.

The Council will determine, on a case-by-case basis, whether to instigate prosecution proceedings or to serve a Civil Penalty in respect of any of the offences listed above.

Examples of situations in which a decision to prosecute would normally be taken include:

- Where the offence committed is judged to be particularly serious.
- Where the offender has committed similar offences in the past.

3: Applying a Civil Penalty

3.1 Considerations prior to a Civil Penalty being issued

A criminal standard of evidence is required to establish beyond reasonable doubt that an offence has been committed, and landlords do have a right of appeal to the Residential Property Tribunal (First Tier).

The Council must be sure that there is sufficient evidence for a conviction against the landlord and that the public interest will be properly served by imposing a Civil Penalty.

The following questions should be considered:

- Does the Council have sufficient evidence to prove beyond reasonable doubt that the offence was committed by the person in question?
- Is the public interest properly served by imposing a Civil Penalty in respect of the offence?
- Has the evidence been reviewed by the appropriate senior officer at the Council?
- Have the Council's legal services reviewed the evidence?
- Are there any reasons why a prosecution may be more appropriate than a Civil Penalty? i.e., the offence is particularly serious and the landlord has committed similar offences in the past and/or a banning order should be considered.

3.2 Process for Imposing Civil Penalties

The implementation of Civil Penalties would need to follow the general principles set out in the Regulators Code.

Where it has been determined that a Civil Penalty may be appropriate to impose as an alternative to prosecution, the Council will follow the process set out below:

A "Notice of Intent" shall be served on the person suspected of committing the offence. The Notice shall specify:

- The amount of any proposed Civil Penalty
- The reasons for proposing the Civil Penalty
- Information about the right to make representation to the Council.

The person to which the Notice relates will be given 28 days to make written representations to the Council about the proposal to impose a Civil Penalty. The representations may be via any legible written format, but to aid respondents, a form will be included with the Notice of Intent.

Following the 28-day period the Council will consider any representations made and decide:

- Whether to impose a Civil Penalty on the person
- The value of any such Penalty imposed.

If the Council decides to impose a Civil Penalty, a Final Notice shall be issued imposing that penalty.

The Final Notice will specify:

- The amount of the Financial Penalty
- The reasons for imposing the Penalty.
- Information about how to pay the Penalty.
- The period for payment of the Penalty
- Information about rights of appeal to the First Tier Tribunal
- The consequences of failure to comply with the Notice.

Civil Penalties are an alternative to criminal proceedings and as such if a Penalty is imposed, no criminal proceedings can be initiated for the same offence.

The Council may, at any time:

- Withdraw a Notice of Intent or Final Notice
- Reduce the amount specified in a Notice of Intent or Final Notice

Where the Council decides to take either action, it will write to the person to whom the Notice was given.

3.3 Right of Appeal

The person served with the Final Notice has the right to appeal to the First Tier Tribunal against:

- The decision to impose a penalty; or
- The amount of the penalty.

Payment of the Civil Penalty must be made within 28 days beginning with the day after that on which the notice was given, unless appealed. If a person appeals, the Final Notice is suspended until the appeal is determined or withdrawn.

3.4 Discount for Prompt Payment

To encourage the prompt payment of Civil Penalties, the Council will offer a 20 percent reduction to those who pay the Civil Penalty in full within 28 days of the Final Notice being issued.

3.5 Recovering an Unpaid Civil Penalty

If after any appeal has been finally determined or withdrawn, a person receiving a Civil Penalty does not pay all or part of the penalty charge, the Council will consider all legal options available for the collection of unpaid Civil Penalties and will commence proceedings to recover the debts owed.

The Council will endeavour to recover these debts through the County Court, usually in the form of a Court Order.

Some of the recovery orders available to the Council through the County Court are as follows:

- A Warrant of Control for amounts up to £5,000;
- A Charging Order;
- A Third-Party Debt Order; and
- Bankruptcy or Insolvency

When considering which properties to apply for a Charging Order against, the Council can consider all properties owned by the recipient and not just the property to which the offence relates.

After obtaining a Charging Order the Council may consider applying for an Order for Sale against the property or asset in question.

The recovery of the debts may be undertaken by third party Enforcement Agents (Bailiffs).

Where appropriate, the Council will also seek to recover the costs incurred in taking this action from the person to which the Civil Penalty relates. This could result in a money judgement which may affect the recipients credit rating.

3.6 Enforcement or other Consequences

Where a Civil Penalty has been imposed, this will form part of the Council's consideration when it reviews licence applications relating to properties in which that person has had some involvement.

Although the imposition of a Civil Penalty will not automatically prevent the Council from granting a licence where such persons are involved, the reasons for imposing the penalty and the extent of the person's involvement in the property will be considered when deciding whether or not to grant a licence.

Where a person has two Civil Penalties imposed on them within a period of 12 months and each relates to a Banning Order offence for the purposes of the Housing and Planning Act 2016 (Banning Order Offences) Regulations 2018, the Council will

seek to register the landlord's details on the Database of Rogue Landlords and Property Agents.

3.7 Income from Civil Penalties

Income received from a Civil Penalty is retained by the Council provided that it is used for statutory functions in relation to its private rented sector enforcement activities as specified in The Rent Repayment Orders and Financial Penalties (Amounts Recovered) (England) Regulations 2017. There is no time limit imposed by the Housing and Planning Act 2016 for the Council to use the income gained from a Civil Penalty.

4: Factors considered when implementing a Civil Penalty

4.1 Reprimand of the offender

A Civil Penalty should **not** be regarded as an easy or lesser option compared to Prosecution.

While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities.

Following the initial scoring calculation, consideration will be given to whether this element has been suitably met or not. If there is a decision to increase the fine level the reasoning behind the decision will be clearly set out in the Notice of Intent and any Final Notice.

4.2 Deter the offender from repeating the offence

The ultimate objective is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future.

The level of the penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.

Following the initial scoring calculation, consideration will be given to whether this element has been suitably met or not. If there is a decision to increase the fine level the reasoning behind the decision will be clearly set out in the Notice of Intent and any Final Notice.

4.3 Deter others from committing similar offences

An important part of deterrence is the realisation that:

- the local housing authority is pro-active in levying Civil Penalties where the need to do so exists; and
- that the level of Civil Penalty will be set at a high enough level to both punish the offender and deter repeat offending.

Following the initial scoring calculation, consideration will be given to whether this element has been suitably met or not. If there is a decision to increase the fine level the reasoning behind the decision will be clearly set out in the Notice of Intent and any Final Notice.

4.4 Remove any financial benefit the offender may have obtained as a result of committing the offence

The guiding principle here should be to ensure that the offender does not benefit as a result of committing an offence, i.e., it should not be cheaper to offend, than to ensure a property is well maintained and effectively managed.

4.5 Financial Hardship

The Council makes an assessment of assets and any income (not just rental income) received when determining an appropriate Penalty.

The perpetrator will have the opportunity to make representations following the service of the Notice of Intent and may decide to set out any financial hardship in those representations. It will be for the recipient to provide sufficient documented evidence of income when relying upon such representations.

The Council reserves the right to request further information to support any financial claim, and where this is incomplete, appears to be inaccurate or is not sufficiently evidenced may determine that the representation should not be considered. It should be noted that due to the average value of properties and the upper limit of £30,000 associated with any Civil Penalty action, it is unlikely that perpetrators with multiple properties will be able to demonstrate financial hardship.

4.6 Fairness and Proportionality

The final determination of any financial penalty should be considered alongside the general principle that a penalty should be fair and proportionate but, in all instances, act as a deterrent and remove any gain as a result of the breach.

5: Additional Considerations

When considering aggravating and mitigating factors the Civil Penalty imposed must remain proportionate to the offence.

Reference will be made to Magistrates Court Sentencing Council guidelines when considering relevant aggravating and mitigating factors and the issuing officer should provide justification for each mitigating or aggravating factor resulting in the fine imposed being increased or decreased.

5.1 Aggravating Factors

In addition to the charging tables, the penalty may be increased by £1000 for each aggravating factor up to a maximum of £30,000.

Aggravating factors include but are not limited to:

- Motivated by financial gain
- Obstructive to the investigation
- Deliberate concealment of the activity or evidence
- Whether landlord or agent's primary trade or income is connected with the private rented sector

5.2 Mitigating Factors

In addition to the charging tables, the penalty may be decreased by £1000 for each mitigating factor.

Mitigating factors include:

- Co-operation with the investigation
- Prompt rectification of matter e.g., applying for a licence at the earliest opportunity
- Evidence of health reasons preventing reasonable compliance (poor mental health, unforeseen health issues and/or emergency health concerns)
- Landlord or agent is a vulnerable individual, where vulnerability is linked to the breach being committed
- Good character / exemplary conduct

Penalty Charging Table

In determining the level of a Civil Penalty, officers will have regard to the charging tables set out below, which are to be read in conjunction with the associated notes.

The charging tables are intended to provide indicative 'tariffs' under the various offence categories, with the final level of the Civil Penalty adjusted in each case, and generally within the appropriate level to take into account aggravating and mitigating factors.

Charging Table for Determining the Value of Civil Penalties

Failure to comply with an Improvement Notice (Section 30) Failure to comply with an Improvement Notice :Maximum Court fine that can be levied for failure to comply with an Improvement Notice -	£ Unlimited
First offence *note1	5,000
Subsequent second offence by same person/company*note2	15,000
Further subsequent offences by same person/company*note7	25,000
Premiums (use all that apply)	
Acts or omissions demonstrating high culpability *note8	+2,500
Large housing portfolio (5+ units of accommodation) *note3	+2,500
Multiple Category 1 or High Category 2 Hazards*note4	+2,500
Vulnerable occupant and/or significant harm occurred as result of housing conditions*note5	+2,500
Perpetrator demonstrates their income to be less than £440 per week *note6	-25%

An Improvement Notice served under Part 1 Housing Act 2004 specifies repairs/improvements that the recipient should carry out in order to address one or more identified Category 1 and/or Category 2 hazards in a property.

Category 1 hazards are the most serious hazards, judged to have the highest risk of harm to the occupiers; the Council has a duty to take appropriate action where a dwelling is found to have one or more Category 1 hazards present.

In most cases, the service of an Improvement Notice will have followed an informal stage, where the landlord had been given the opportunity to carry out improvements without the need for formal action.

In such cases, an identified failure to comply with an Improvement Notice will represent a continued failure on the part of the landlord to deal appropriately with one or more significant hazards affecting the occupier[s] of the relevant dwelling.

Offences in relation to Licensing of HMOs under Part 2 of the Act (Section 72) Maximum Court fine that can be levied for failure to license an HMO or Part 3 House	£ Unlimited
Failure to obtain Property Licence (section 72(1)) *note1	5,000
Subsequent second offence by same person/company*note2	15,000
Further subsequent offences by same person/company*note7	25,000
Premiums (use all that apply)	
Acts or omissions demonstrating high culpability *note8	+2,500
Large housing portfolio (5+ units of accommodation) *note3	+2,500
Evidence that property has been unlicensed for over 6 months	+1,000
Evidence that property has been unlicensed for over 12 months	+2,500
Perpetrator demonstrates their income to be less than £440 per week *note6	-25%

Breach of licence conditions (Section 72(2) and (3)) - per licence breach*note9	£
First relevant offence *note1	1,500 /Breach
Subsequent second offence by same person/company*note2	3,000 /Breach
Nature of the breaches; likely to have significant impact *note9	+1,000
Nature of breaches less likely to have a significant impact *note9	-1,000
Perpetrator demonstrates their income to be less than £440 per week *note6	-25%

Under Part 2 Housing Act 2004, most higher risk HMOs occupied by 5 or more persons forming 2 or more households are required to hold a property licence issued by the local authority.

HMO licensing was introduced to allow local authorities to regulate standards and conditions in high risk, multiply occupied residential premises.

Through the property licence regime, local authorities ensure that the HMO has sufficient kitchens, baths/showers and WCs and place a limit on the number of persons permitted to occupy it and the licence holder is required to comply with a set of licence conditions.

The Council would view the offence of failing to license an HMO as a significant failing; Licensing was introduced by the Government in order to regulate management, conditions, standards, and safety in the properties considered to represent the highest risk to tenants as regards such matters as fire safety and overcrowding.

Offences in relation to licensing under Part 3 of the Act (Section 95) <i>Maximum Court fine that can be levied for failure to license an HMO or Part 3 House –</i>	£ Unlimited
Failure to Licence (Section 95(1)) *note1	5,000
Subsequent second offence by same person/company*note2	15,000
Further subsequent offences by same person/company* note7	25,000
Premiums (use all that apply)	
Acts or omissions demonstrating high culpability *note8	+2,500
Large housing portfolio (5+ units of accommodation) *note3	+2,500
Evidence that property has been unlicensed for over 6 months	+1,000
Evidence that property has been unlicensed for over 12 months	+2,500
Perpetrator demonstrates their income to be less than £440 per week*note6	-25%

Breach of Licence Conditions (Section 95(2)) - per Licence Breach *note9	£
First relevant offence *note1	1,500 /Breach
Subsequent second offence by same person/company*note2	3,000 /Breach
Nature of the breaches; likely to have significant impact *note9	+1,000
Nature of breaches less likely to have a significant impact*note9	-1,000

Ashfield District Council has exercised its powers under section 80 Housing Act 2004 and has designated areas of Sutton Central and Stanton Hill as Selective Licensing areas.

Under this scheme, which came into force on 25th July 2022 and expires on 24th July 2027, most privately rented homes in the designations, are required to have a property licence to operate in the District. Through the Selective Licensing scheme, which was introduced to combat anti-social behaviour and tackle poor conditions that exist in privately rented homes, the Council intends to improve the professionalism of private landlords and drive-up property standards.

The Council would view the offence of failing to ensure that a rented home was licensed under its Selective Licensing Scheme as a significant issue, meaning that the tenants and wider community are not protected by the additional regulatory controls afforded by licensing.

Offences of contravention of an overcrowding notice (section 139) <i>Maximum Court fine that can be levied for failure to comply with an Overcrowding Notice –</i>	£ <i>Unlimited</i>
First relevant offence *note1	5,000
Subsequent second offence by same person/company*note2	15,000
Further subsequent offences by same person/company* note7	25,000
Premiums (use all that apply)	
Acts or omissions demonstrating high culpability *note8	+2,500
Vulnerable occupant and/or significant harm occurred as result of overcrowding *note5	+2,500
Perpetrator demonstrates their income to be less than £440 per week*note6.	-25%

Section 139 Housing Act 2004 allows the Council to serve an Overcrowding Notice in respect of an HMO that is not required to be licensed under Part 2 Housing Act 2004.

The notice specifies, on a room-by-room basis, the maximum number of persons allowed to occupy each room as sleeping accommodation or that the room is not considered suitable for that purpose.

The Council would view the offence of failing to comply with the requirements of an Overcrowding Notice as a significant matter, exposing the tenant[s] of an HMO to unacceptably cramped living conditions.

Failure to comply with management regulations in respect of HMOs (Section 234) <i>Maximum Court fine that can be levied for failure to comply with each individual regulation -</i>	£ <i>unlimited</i>
First relevant offence*note1*note9	1,500
Subsequent second offence by same person/company for the same offence	3,000/ offence
Premiums (use all that apply)	
Acts or omissions demonstrating high culpability*note8	+2,500
Large housing portfolio (5+ units of accommodation) *note3	+2,500
Nature of the breaches; likely to have significant impact *note9	+1,000
Nature of breaches less likely to have a significant impact*note9	-1,000
Perpetrator demonstrates their income to be less than £440 per week*note6	-25%

The Management of Houses in Multiple Occupation (England) Regulations 2006 impose duties on the persons managing certain HMOs in respect of:

- Providing information to occupiers [Regulation 3]
- Taking safety measures, including fire safety measures [Regulation 4]
- Maintaining the water supply and drainage [Regulation 5]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [Regulation 6]
- Maintaining common parts [Regulation 7]
- Maintaining living accommodation [Regulation 8]
- Providing sufficient waste disposal facilities [Regulation 9]

Breach of any of the landlord duties prescribed under regulation 3 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020	£
First relevant offence*note1	1,500/ offence
Subsequent second offence by same person/company for the same offence	3,000/ offence
Premiums (use all that apply)	
Acts or omissions demonstrating high culpability*note8	+2,500
Large housing portfolio (5+ units of accommodation) *note3	+2,500
There are 2 or more relevant defects *note10	+2,500
Perpetrator demonstrates their income to be less than £440 per week*note6	-25%

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 require landlords to have the electrical installations in their properties inspected and tested by a person who is qualified and competent, at least every 5 years. Landlords must provide a copy of the electrical safety report to their tenants, and if requested to their local authority.

Note 1 – Offences that may be dealt with by way of imposing a Financial Penalty

- The starting point for a Civil Penalty is based on the number of previous convictions or imposition of a financial penalty for the same type of offence in the previous four years.
- After the starting point has been determined, relevant premiums are added to the starting amount to determine the full Civil Penalty to be imposed.
- No single Civil Penalty may be over £30,000. Where the addition of all relevant premiums would put the penalty above the maximum, it shall be capped at £30,000.

Note 2 - Subsequent second offence by same person/company

- The Council will take into account any such convictions or Financial Penalties irrespective of the locality to which the offence relates.

Note 3 - Housing Portfolio (5 + units of accommodation)

- The premium is applied where the perpetrator has control or manages 5 or more units of accommodation.
- For the purposes of this premium, the definition of a person having control and person managing are as defined by Housing Act 2004 Section 263.

Note 4 - Multiple Category 1 or High Category 2 Hazards

- This premium will apply where the failure to comply with the Improvement Notice relates to two or more Category 1 or two or more high scoring Category 2 hazards associated with different building deficiencies. For the avoidance of doubt this means that where two hazards are present but relate to the same property defect, they are counted as one hazard for purposes of this calculation.
- For the purpose of this premium, a high scoring Category 2 hazard is defined as one scored following the Housing Health and Safety Rating System as “D” or “E”.

Note 5 - Vulnerable occupant and/or significant harm occurred as result of housing conditions

- This premium will be applied once, if either the property is occupied by a vulnerable person or if significant harm has occurred as a result of the housing conditions.
- For the purposes of this premium a vulnerable person is defined as someone who forms part of a vulnerable group under Housing Health and Safety Rating System relating to hazards present in the property or an occupant or group of

occupants considered by the Council to be at particular risk of harm to which the perpetrator ought to have had regard (see table below).

- For the purposes of this premium, significant harm is defined as physical or mental illness or injury that corresponds to one of the four classes of harm under the Housing Health and Safety Rating System Operating Guidance.

Hazard	Vulnerable age group (age of occupant)
Damp and mould growth	14 and under
Excess cold	65 or over
Excess heat	65 or over
Carbon Monoxide	65 or over
Lead	under 3 years
Personal hygiene, sanitation and drainage	under 5 years
Falls associated with baths etc.	60 or over
Falling on level surfaces etc.	60 or over
Falling on stairs etc.	60 or over
Falling between levels	under 5 years
Electrical hazards	under 5 years
Fire	60 or over
Flames, hot surfaces etc.	under 5 years
Collision and entrapment	under 5 years
Collision and entrapment - low headroom	16 or over
Position and operability of amenities etc.	60 or over

Note 6 - Perpetrator demonstrates their income to be less than £440/week

- This premium will be applied after all other relevant premiums have been included and if applicable will reduce the overall Civil Penalty by 25%.
- To be applicable, the person served with the Notice of Intent must provide sufficient documented evidence of income.
- The figure of £440 per week is to be calculated after omission of income tax and national insurance.
- The Council reserves the right to request further information to support any financial claim, and where this is incomplete or not sufficiently evidenced may determine that the premium should not be applied.

Note 7 - Previous history of non-compliance with these provisions.

- This premium is applied where there has been more than one conviction or imposition of a Financial Penalty for the same type of offence in the previous four years.
- The Council will consider any such convictions or Financial Penalties irrespective of the locality to which the offence relates.

Note 8 – Acts or omissions demonstrating high culpability.

- This premium will be applied where, the person to which the Civil Penalty applies, acted in a reckless or deliberate manner in not complying with the Statutory Notice or previous relevant advice.

Note 9 – Licence conditions and management regulation breaches.

- The Council recognises that a failure to comply with certain regulations is likely to have a much bigger impact on the safety and comfort of residents than others. In determining the level of a Civil Penalty relating to licence conditions and management regulation, the Council will therefore initially consider.
 - a) The number and nature of the management regulation breaches; and
 - b) The nature and extent of deficiencies

Note 10 –Relevant defect Electrical Safety Standards

- A relevant defect for this purpose is a defect that would result in an “unsatisfactory” Grading on an Electrical Installation Condition Report (EICR), namely a defect given C1, C2, or F1 observation codes.



Report To:	CABINET
Date:	31ST JULY 2023
Heading:	PROPOSED DEMOLITION AND REDEVELOPMENT OF TWO COMMUNITY CENTRES FOR AFFORDABLE HOUSING
Executive Lead Member:	CLLR TOM HOLLIS, LEAD MEMBER FOR STRATEGIC HOUSING AND CLIMATE CHANGE
Ward/s:	HUTHWAITE AND BRIERLEY, CARSIK
Key Decision:	YES
Subject to Call-In:	YES

Purpose of Report

To advise Members about the opportunity to develop a small number of Council owned sites within Sutton in Ashfield for the purpose of affordable housing and to seek approval of the development proposals.

The sites in question are as follows;

1. Brierley House, Brierley Road, Sutton in Ashfield
2. Mill House, Mill Lane, Huthwaite

A plan of each site along with site photographs are included within the background papers.

Recommendation(s)

The following would be subject to Planning consent and confirmation of Homes England funding:

- 1) To approve the demolition of two community Centres, namely Mill House and Brierley House, for the purpose of redeveloping the land for much needed housing let on an affordable rent basis.
- 2) To recommend that the council approves the use of Housing Revenue Account reserves, and if needed commuted sums, to fund the site clearances and the development of 4 new Council homes.
- 3) To grant delegated authority to the Executive Director of Operations, in conjunction with the Corporate Resources Director and the Executive Director of Place, to negotiate and formalise fees, scheme costs, specification, delivery and any other aspect of the development.
- 4) To grant delegated authority to the Executive Director of Operations, in conjunction with the Executive Director of Place, to procure and appoint a contractor to develop the site.
- 5) To grant delegated authority to the Executive Director of Operations, in conjunction with the Executive Director of Place, to contract, on behalf of the Council, with Homes England, for the purposes of receiving subsidy to ensure that developments are viable and fall within a maximum payback period of 40 years.

Reasons for Recommendation(s)

To enable a project that will increase the Council's housing stock in order to meet significant levels of demand for affordable rented properties within the District

Alternative Options Considered

The alternative is to do nothing with the centres. This was rejected as the centres are expensive to run, require ongoing investment and demand for the facilities is very low.

Detailed Information

In 2021, as part of ADC's new affordable housing development programme, under-utilised community centres at the Beeches and Poplars, Sutton in Ashfield were closed and earmarked for affordable housing development. Two pairs of wheelchair adapted bungalows were subsequently built and in November 2021 they were let to applicants in housing need.

The remaining Housing Revenue Account (HRA) community centres have been kept under review as concerns remain about usage, costs and long-term investment needs.

A recent review conducted by the Assets Team has highlighted a further 2 centres that are assessed as being unsustainable in their current form and where consideration should be given to

closing the centres and finding an alternative use for the site. The sites in question are Brierley House, Sutton in Ashfield and Mill House, Huthwaite.

Community Centre usage

The table below shows usage levels for 2022/3.

Demand from local groups has failed to recover following the pandemic. In 2019/20, Brierley House had 568 hours of use (26% of time used) compared to 5 hours (0.2%) in 2022/3, Mill House has seen a similar decline, but now has zero use.

Centres	Free Use Hrs	Paid Use Hrs	Total Hrs	% Free Use	% Space Used*
Brierley House	0	5	5	0%	0.2%
Mill House	0	0	0	0%	0%

Community Centre costs and income

During 2022/23 neither community centre generated any income.

In respect of costs, each centre incurs day to day running costs, typically utilities, caretaking costs, cleaning and reactive repairs. In 2022/23 the annual maintenance and running cost for each court exceeded £8,000.

The above figures do not include long-term investment requirements. Both courts require investment over the next 5 years to ensure they remain fit for purpose, the investment requirement figure for Mill house is £36,000 and £37,000 for Brierley House. Costs to improve the facilities would be significantly higher.

Community Centre options

The community centre review has concluded that the 2 centres in question are not sustainable. Demand is limited, income negligible and costs are on the rise.

Investing in the centres, improving facilities, connectivity, etc so they are modern and attractive was not considered viable as there is little evidence to suggest usage levels and income will increase sufficiently to pay back the money invested. In view of this, both sites are recommended for closure and the sites to be repurposed for affordable housing.

Affordable housing development

A feasibility and viability assessment of both sites has been conducted. They are both considered to be potentially suitable for development and the development is financially viable.

Following the demolition of the current building, the intention would be to build a pair of 2 bedroom bungalows on the Brierley House site, with a pair of semi-detached homes being built at Mill House. The difference reflects the limitations of the Mill House site and the lack of space for bungalows.

The cost to demolish and build 4 new homes is estimated to be in the region of £743k. Homes England funding would be sought to help cover costs, assuming a minimum contribution of £48,000 per unit, the cost to the Council (HRA) would be circa £551k. Having put the figures through the cost model, payback would be in 35 years, within the Council's 40 years limit.

Implications

Corporate Plan:

The Corporate Plan identifies a need to ensure there is sufficient housing available in the District of the right size, type and quality, ensuring an adequate supply of affordable housing.

Legal: [RLD 10/07/2023]

Legal advice and support will be provided throughout the process.

Contract Procedure Rules allows procurement through Framework agreements.

Finance: [PH 10/07/2023].

Budget Area	Implication
General Fund – Revenue Budget	N/A
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	Rental income from the properties will ensure payback of the capital investment within the 40 year maximum.
Housing Revenue Account – Capital Programme	To be funded from the Housing Revenue Account with Homes England funding (subject to successful funding application)

Risk:

Risk	Mitigation
Homes England funding not secured	None. Scheme will not progress
Planning Permission not granted	None. Scheme will not progress
Land proves unsuitable without significant remediation	Topographical and ground surveys produced before contract commitment.
Unexpected costs	Risks to be minimised through robust contractual arrangements.
Material and/or building supply delays	Risk sits with contractor, offset through a longstop clause.

Human Resources:

Environmental/Sustainability:

As part of the Strategic goals we are looking to maximise the use of carbon reduction measures in new build Council housing developments.

Equalities:

No implications. No person or group is being displaced by the proposal or will be detrimentally impacted in any way.

Other Implications:

None

Reason(s) for Urgency

Not applicable

Reason(s) for Exemption

Not applicable

Background Papers

Not applicable

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Additional Information – Community Centres

Brierley House location:



The existing Community Centre:



Potential for Brierley House:



Mill House location:



The existing Community Centre:



Potential for Mill House:



Meeting of the Cabinet
31 July 2023
Schedule of Recommendations

<u>Meeting:</u>	<u>Minute No:</u>	<u>Subject:</u>	<u>Recommendation(s):</u>
Local Plan Development Committee 3 July 2023	LP.3	<u>LOCAL PLAN REGULATION 19, VISION, KEY ISSUES AND STRATEGIC OBJECTIVES</u>	Cabinet is recommended to amend the Vision, Key Issues and Strategic Objectives for the Regulation 19 Local Plan, as set out in the Report. (Report attached at Appendix A)
Local Plan Development Committee 3 July 2023	LP.4	<u>LOCAL PLAN REGULATION 19: REVISED PLAN PERIOD</u>	Cabinet is recommended to approve re-basing the Local Plan period from 2020-2038 to 2023-2040 for the Regulation 19 Local Plan, as set out in the Report. (Report attached at Appendix B)
Local Plan Development Committee 3 July 2023	LP.5	<u>LOCAL PLAN VIABILITY, AFFORDABLE HOUSING, AND INFRASTRUCTURE</u>	Cabinet is recommended to approve the conclusions of the Whole Plan Viability Assessment, March 2023, as outlined in the Report, to form the basis of the Local Plan policies for the provision of affordable housing and infrastructure contributions. (Report attached at Appendix C)
Local Plan Development Committee 3 July 2023	LP.6	<u>LOCAL PLAN SETTLEMENT BOUNDARY, LARCH CLOSE, UNDERWOOD AND MAIN URBAN AREA BOUNDARY, BECK LANE, SKEGBY</u>	Cabinet is recommended to adopt the changes to the Main Urban Area boundary and the New Settlement boundary in the Regulation 19 Local Plan, as detailed in the Report. (Report attached at Appendix D)

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Report To:	Local Plan Development Committee
Date:	3RD JULY 2023
Heading:	LOCAL PLAN REGULATION 19, VISION, KEY ISSUES AND STRATEGIC OBJECTIVES
Executive Lead Member:	NOT APPLICABLE
Ward/s:	ALL WARDS
Key Decision:	No
Subject to Call-In:	No

Purpose of Report

To consider changes to the Vision, Key Issues and Strategic Objectives of the Local Plan.

Recommendation(s)

Cabinet be recommended to amend the Vision, Key Issues and Strategic Objectives for the Regulation 19 Local Plan, as set out in the Report.

Reasons for Recommendation(s)

To consider the responses from the Regulation 18 Local Plan Consultation and the emphasis the Council places on tackling climate change.

Alternative Options Considered

To make no amendments to the Regulation 18 Draft Local Plan.

Detailed Information

The responses to the Regulation 18 Draft Local Plan consultation in relation to the Vision and Spatial Objectives are summarised in Table 1. The Regulation 18 Local Plan is available on the Council's website on the [Ashfield Draft Local Plan Consultation \(Regulation 18\)](#) page.

	Support	Objection	Comment	Petition signatures	Main Aspects	Response
Vision	5	2	3	N/A	Objections from planning agents, the vision does not comply with NPPF para 22. Plan with large scale development such as new settlements require the vision to look over at least 30 years.	The Vision may need to be amended dependent on the approach adopted by the Council in taking the Local Plan forward.
Strategic Objectives	26	2	15	N/A	<ul style="list-style-type: none"> • Majority support for the objectives in the Plan. • Objections relate to: <ul style="list-style-type: none"> ➢ 457 dwellings should be a minimum housing requirement. ➢ The Plan period should cover up to 2040. ➢ Bestwood Village should be included in the Hucknall Sub area. ➢ Questions about why some heritage assets are included on the key diagram but not others (i.e. Scheduled Ancient Monuments and Historic Parks and Gardens). ➢ Strategy for new settlements, should be sustainable urban extensions on the edge of existing settlements first and the new settlements are not viable or deliverable. 	Slight change in the wording of SO11 To meet the global challenge of Climate Change and SO13 Minimising our Impact on the Environment to identify nature based solutions.

Table 1: Summary Response to the Vision and Strategic Objectives Local Plan Regulation 18 Consultation.

Source: Ashfield District Council Local Plan Statement of Consultation August 2022, Regulation 18

Vision

The Vision in the Draft Local Plan sets out the following:

Vision: ‘Ashfield, a place to be proud of’

Ashfield is a District where people of all ages are proud to live, study, work, visit and aspire to stay.

High quality design and place making will shape the delivery of new development, responding to the infrastructure requirements of new and existing local communities and rising to the challenge of climate change.

New housing is responsive to local needs, enhancing the built environment and reflecting the distinctive characteristics of Ashfield’s towns and villages. The lifestyle of the community will be enhanced by accessible health, leisure, and education opportunities.

Building on our transport links, a more diverse and thriving economy will encourage higher educational attainment, business enterprise, quality jobs and provide opportunities for a skilled workforce.

Sutton in Ashfield, Hucknall and Kirkby-in-Ashfield will have thriving, vibrant town centres, providing a mix of retail, cultural, employment and local services, places where people want to visit and live.

The District’s rich heritage, scenic countryside and biodiversity are valued resources for local residents to discover, providing opportunities for tourism and recreation.

A significant number of the responses identified that the Vision did not accord with the National Planning Policy Framework in paragraph 22 which identifies that “Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.” Further to the Cabinet decision of 13th December 2022, the two proposed new settlements at Whyburn Farm and Cauldwell are no longer in the Plan. Consequently, this aspect of NPPF paragraph 22 is not considered to apply. However, changes are recommended to the Vision and other aspects of the Plan to reflect the emphasis the Council places on tackling climate change within the District.

The proposed amendments are set out through:

- a) Deletions to the existing text being crossed through, or
- b) Additional text being identified in blue font.

Vision: ‘Ashfield, a place to be proud of’

Ashfield is a District where people of all ages are proud to live, study, work, visit and aspire to stay.

High quality design and place making will shape the delivery of new development, responding to the infrastructure requirements of new and existing local communities ~~and rising to the challenge of climate change~~. New housing is responsive to local needs, enhancing the built environment and reflecting the distinctive characteristics of Ashfield’s towns and villages. The lifestyle of the community will be enhanced by accessible health, leisure, and education opportunities, **which will reduce health and income inequality in the district.**

Working in Partnership with other organisations and residents, Ashfield will have taken major steps towards becoming net- zero carbon by 2050. The design and layout of development will reflect the change to drier and hotter summers, including the utilisations of green roofs and green space with extensive tree planting. Green space will be utilised to minimising the increased risk of flooding from all sources. New houses and employment units will be energy efficient, utilising solar and other forms of low carbon energy, reflecting electricity generated from a low carbon grid, combined heat and power plants and local heat sources such as mine water. To minimise the impact of periods of drought, development will be designed to use water efficiently, which facilitate ecosystems with less water being taken out of rivers and aquifers. Vehicles will be substantially powered by electricity resulting in significant local air quality benefits. The emphasis on green infrastructure will facilitate cycling and walking to access local facilities and services, achieving a shift in travel behaviour reducing energy usage and improving the health of residents.

Building on our transport links, a more diverse and thriving economy will encourage higher educational attainment, business enterprise, quality jobs and provide opportunities for a skilled workforce. **Improved interchange between transport modes and the use of innovative solutions will help to manage the utilisation of the highway network for all users.**

Sutton in Ashfield, Hucknall and Kirkby-in-Ashfield will have thriving, vibrant town centres, **offering local products from local sources. They will** provide a mix of retail, cultural, employment and local services, **being** places where people want to visit and live.

The District’s rich heritage, scenic countryside and biodiversity are valued resources **which will be protected and enhanced** for local-residents to discover and providing opportunities for tourism and recreation.

Key Issues

It is recommended that the key issues identified in the Plan in Chapter 1 are amended to place a further emphasis on climate change with the addition of the following paragraph:

Climate Change

Climate change has substantial implications for future generations and action is needed by all to meet national and local targets to reduce carbon emissions and other gases, which make major contributions towards the rises in air and sea temperatures. Ashfield has committed to do everything possible to combat climate change and it is a main priority for the local plan. The challenge for us is to provide for new homes and jobs in a way that does not have a detrimental impact on our climate and environment.

The response from the Lead Local Flood Authority has recommended changes to reflect that there are a significant number of properties and infrastructure, which are potentially at risk from surface water. The Plan's policies ensure that this is an aspect that is taken fully into account when a planning application is submitted.

Flooding and Water

- ~~While the risk of flooding from watercourses is relatively low there is a risk from flooding in specific areas, in particular, Hucknall and Jacksdale. Further, additional water into the River Leen raises significant flood issues in Nottingham.~~
- ~~Ensuring that development contributes towards reducing flooding risk through improvements to the drainage infrastructure and the use of sustainable urban drainage systems.~~
- Ashfield is substantially located within Flood Zone 1, which is land at the lowest risk of flooding from watercourses. Nevertheless, there are areas at risk of flooding from watercourses including parts of Hucknall and Jacksdale. Further, additional water into the River Leen raises significant flood issues in Nottingham. The Nottinghamshire Local Flood Risk Management Strategy 2021-27 identifies that approximately 3,783 residential, and commercial properties together with critical infrastructure is at a high or medium risk of flooding. The Council's approach is to ensure that the risk of flooding is minimised and does not increase the risk of flooding to the surrounding area. It promotes the use of SUDS and blue / green infrastructure throughout development to ensure a sustainable approach to the management of water and flood risk.
- Reducing the level of water use given the constrained water supply for Greater Nottingham and Ashfield.

Strategic Objectives

A number of the responses to the strategic objectives related to wider aspects of the Plan rather than the specific wording and intention of the objectives. Amendments to Strategic Objectives SO11, "To meet the global challenge of climate change" and SO13, "Minimising our Impact on the Environment" are proposed to identify nature based solutions, as set out below.

SO11 To meet the global challenge of climate change.

To rise to the global challenge of climate change, which at a local level presents risks to people, property, infrastructure and natural resources by:

- c) Facilitating the integration of sustainable building design principles in new development, improve the resilience of buildings and places to cope with a changing climate, ensuring flood risk is managed by encouraging nature based solutions and potential problems of extreme weather are minimised;

SO13 Minimising our Impact on the Environment

Promote the efficient use of resources by embracing sustainable patterns of development including:

- c) ~~Minimising the impact of new development on natural resources.~~ Avoiding the impacts of new development on natural resources wherever possible and minimise, mitigate and compensate where it cannot be avoided.

It is proposed that Cabinet is recommended to amend the Vision, Key Issues and Strategic Objectives in the Regulation 19 Local Plan, as set out in the Report.

Implications

Corporate Plan: Planning, and the Local Plan has a cross cutting role to play in helping to meet and deliver the six priorities identified in the Corporate Plan. In particular, the Local Plan has a key responsibility in delivering the outcomes around the supply of appropriate and affordable homes, improving town centres, facilitating economic growth especially around transport hubs, improving parks and green spaces.

Legal: The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) sets out the legislative requirements in bringing a local plan forward. Under Section 20 of The Act, an authority must not submit a Local Plan unless they have complied with any relevant requirements contained in the regulations and the document is ready for independent examination. [RLD 15/06/2023]

Finance: There are no direct financial implications arising as a result of this report. [CWH 15/06/23].

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
No risks in relation to the report have been identified.	-

Human Resources: There are no direct HR implications contained within this report.

Environmental/Sustainability: Sustainability is at the heart of the planning system and the Plan has been prepared with the aim of delivering sustainable development in the District in accordance with the requirements of paragraphs 7 and 8 of the National Planning Policy Framework (NPPF), 2021. The Plan has been prepared in accordance with the Planning & Compulsory

Purchase Act 2004, as amended, which requires the Council to conduct an appraisal of the sustainability of the proposals in Local Plan and prepare a report of the findings of the appraisal.

Equalities: An Equality Impact Assessment will be undertaken as part of the consideration of the Local Plan Publication.

Other Implications: None

Reason(s) for Urgency: Not applicable

Reason(s) for Exemption: Not applicable

Background Papers

Draft Local Plan Regulation 18, which is available on the Council's website.

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Report To:	LOCAL PLAN DEVELOPMENT COMMITTEE
Date:	3RD JULY 2023
Heading:	LOCAL PLAN REGULATION 19: REVISED PLAN PERIOD
Executive Lead Member:	NOT APPLICABLE
Ward/s:	ALL WARDS
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

To consider changes to the Local Plan period and base date.

Recommendation(s)

Cabinet be recommended to approve re-basing the Local Plan period from 2020-2038 to 2023-2040 for the Regulation 19 Local Plan, as set out in the Report.

Reasons for Recommendation(s)

Extending the end date for the Regulation 19 Local Plan from 2038 to 2040 will enable a 15 year plan period post-adoption (anticipated to be 2025). Re-basing the start date from 2020 to 2023 will mean the most up to date Local Housing Need figure can be used throughout the whole Plan Period at this stage.

Alternative Options Considered

To make no amendments to the Regulation 18 Draft Local Plan.

Detailed Information

Paragraph 22 of the National Planning Policy Framework (NPPF) is clear that strategic policies should be prepared over a minimum 15 year period from adoption of a local plan, and that a local planning authority should be planning for the full plan period. (More details set out in Planning Practice Guidance Plan Making Paragraph: 064 Reference ID: 61-064-20190315).

The Regulation 18 draft Local Plan which was the subject of public consultation in October/November 2021 set out policies for the period 2020 to 2038. At that time, this was consistent with the anticipated timeframe for adoption of the plan to enable conformity with the NPPF requirement to plan ahead for 15 years.

The timeframe for the progression of the Local Plan has now been revised and final adoption is expected in early 2025. As a consequence, it is proposed to extend the end date of the Plan to 2040 in accordance with government policy. This will need to be reflected in all relevant policies and, in particular, will require updates to the level of housing need.

In addition, it is recommended that the start date for the Local Plan is re-based to 2023 from 2020. In respect of housing requirements, the Council base the level of need on a standard methodology set out in government guidance. The Local Housing Need (LHN) generated using the standard method changes year on year as the inputs are variable, being based on a rolling 10-year household growth projection alongside affordability ratios which are updated annually. The current LHN for Ashfield (April 2023) is calculated to be 446 dwellings per annum. The LHN for years 2020 to 2023 are: 2020/21 – 482 dpa; 2021/22 – 457 dpa; 2022/23 – 467 dpa.

Re-basing the start date for the Local Plan will enable the most up to date assessment of housing need to be applied consistently throughout the whole Plan period, without having to rely on stepped levels of need in the early years. Taking this approach will also slightly reduce the District's undersupply of housing land to meet the need. Government guidance sets out that local housing need calculated using the standard method may be relied upon for a period of 2 years from the time that a plan is submitted to the Planning Inspectorate for examination (Paragraph: 008 Reference ID: 2a-008-20190220). In this respect, the LHN may not need to change before the final Local Plan is adopted - however this will be dependent on timescales and any future changes in the Government's approach to assessing housing need.

Another implication of the rebasing of the Local Plan is that employment land requirements will be extended for an additional period of two years. There is no specific methodology at a national level to arrive at employment land requirements. Planning Practice Guidance Housing and economic needs assessment, identifies that councils will need to develop an idea of future needs based on a range of data which is current and robust, such as:

- sectoral and employment forecasts and projections which take account of likely changes in skills needed (labour demand);
- demographically derived assessments of current and future local labour supply (labour supply techniques);
- analysis based on the past take-up of employment land and property and/or future property market requirements;
- consultation with relevant organisations, studies of business trends, an understanding of innovative and changing business models, particularly those which make use of online platforms to respond to consumer demand and monitoring of business, economic and employment statistics.

This is reflected in the Local Plan evidence base Employment Land Needs Study (Lichfields) which covers the period 2018 to 2038, Background Paper No 3 Economy and Employment Land August 2021 and the Logistics Study. It is anticipated that the existing evidence would need to be projected forward for a two year period to reflect the potential demand to 2040 and an appropriate level of supply of employment land identified to meet any additional demand.

Advice has been sought from the Planning Advisory Service (PAS) who were supportive of the approach to re-basing the Plan period at this time.

Implications

Corporate Plan: Planning, and the Local Plan has a cross cutting role to play in helping to meet and deliver the six priorities identified in the Corporate Plan. In particular, the Local Plan has a key responsibility in delivering the outcomes around the supply of appropriate and affordable homes, improving town centres, facilitating economic growth especially around transport hubs, improving parks and green spaces.

Legal: The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) sets out the legislative requirements in bringing a local plan forward. Under Section 20 of The Act, an authority must not submit a Local Plan unless they have complied with any relevant requirements contained in the Regulations and the document is ready for independent examination. Under the Act a local plan is subject to an examination in public by a planning inspector. The National Planning Policy Framework, paragraph 35, requires the inspector to consider whether a plan is ‘sound’. Soundness includes that strategic policies in a local plan are *“Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.”* [RLD 15/06/2023]

Finance: There are no direct financial implications arising as a result of this report. [CWH 15/06/23].

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	none

Risk:

Risk	Mitigation

If amendments are not made to the plan period the Regulation 19 Local Plan will not comply with National Planning Policy on the timescale for strategic policies in a local plan.	To amend the plan period as set out in the report.
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Human Resources: There are no direct HR implications contained within this report.

Environmental/Sustainability: Sustainability is at the heart of the planning system and the Plan has been prepared with the aim of delivering sustainable development in the District in accordance with the requirements of paragraphs 7 and 8 of the National Planning Policy Framework (NPPF), 2021. The Plan has been prepared in accordance with the Planning & Compulsory Purchase Act 2004, as amended, which requires the Council to conduct an appraisal of the sustainability of the proposals in Local Plan and prepare a report of the findings of the appraisal.

Equalities: An Equality Impact Assessment will be undertaken as part of the consideration of the Local Plan Publication.

Other Implications: None

Reason(s) for Urgency: Not applicable

Reason(s) for Exemption: Not applicable

Background Papers

Draft Local Plan Regulation 18, which is available on the Council's website.

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Report To:	Local Plan Development Committee
Date:	3RD JULY 2023
Heading:	LOCAL PLAN VIABILITY, AFFORDABLE HOUSING, AND INFRASTRUCTURE
Executive Lead Member:	NOT APPLICABLE
Ward/s:	ALL WARDS
Key Decision:	No
Subject to Call-In:	No

Purpose of Report

To consider the basis of the Affordable Housing Policy and the contributions towards infrastructure in the emerging Local Plan arising from the conclusions of the Whole Plan Viability Study.

Recommendation(s)

Cabinet be recommended to approve the conclusions of the Whole Plan Viability Assessment, March 2023, set out in the Report, to form the basis of the Local Plan policies for the provision of affordable housing and infrastructure contributions.

Reasons for Recommendation(s)

National planning policy and guidance identifies that planning contributions should be set out in policies in the local plan and should be informed by evidence of infrastructure and affordable housing need and a proportionate assessment of viability.

Alternative Options Considered

To take alternative combinations of affordable housing and infrastructure contributions forward as the basis of the Local Plan policies rather than those identified in the conclusions of the Whole Plan Viability Assessment, March 2023. This would require additional consideration of the viability implication of the revised options.

Detailed Information

Through Section 106 Agreements, the Council currently requires the provision of affordable housing and contributions towards infrastructure. Planning obligations assist in mitigating the impact of development to make it acceptable in planning terms by contributing towards infrastructure. However, planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms.

Planning Practice Guidance on Viability sets out that policies for planning obligations should be set out in the Local Plans and will be subject to examination by the Inspector. Policies should be informed by evidence of infrastructure and affordable housing need and a proportionate assessment of viability.

Affordable Housing

For major development (10 or more dwellings or a site which has an area of 0.5 ha or more) affordable housing requirements in Ashfield are based on the provision of the Ashfield Local Plan Review 2002 (ALPR) and National Planning Practice Framework (NPPF). ALPR, Policy HG4 requires that 18.5% of dwellings in Hucknall on sites of 25 dwellings or more are affordable housing, with a figure of 6% of dwellings in the rest of the District. However, on the basis of the provisions in the NPPF, the Council identifies a requirement for affordable housing on any major housing development and a minimum requirement for the District, other than Hucknall, of 10% affordable housing.

The evidence base for the emerging Local Plan includes the Greater Nottingham and Ashfield Housing Needs Assessment, 2020, undertaken to support the preparation of local plans looking ahead to 2038 and to provide evidence to support housing market interventions and prospective future funding bids. It includes an assessment of affordable housing need, which responds to the widened definition of affordable housing set out in the NPPF 2019. This includes households who might be able to rent a home in the private sector without financial support but aspire to own a home and require support to do so. In summary, it identifies the following:

- A net need for rented affordable housing in Ashfield of 237 per annum.
- There was not a requirement for affordable home ownership (low-cost homes for sale).

The data indicates that there are many households across Greater Nottingham and Ashfield who are being excluded from the owner-occupied sector. The analysis identifies that a key issue in the study area is about access to capital (e.g. for deposits, stamp duty, legal costs) as well as potentially mortgage restrictions (e.g. where employment is temporary) rather than simply the purchase price of mortgage repayments. The Study concludes that if the Council were to seek to provide housing as affordable home ownership, shared ownership would be the most appropriate option as it can provide a valuable first step into home ownership.

Affordable Housing is assessed within the context of the NPPF, paragraph 65, which identifies that planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership (subject to exemptions). Planning Practice Guidance First Homes identifies that First Homes are the government's preferred form of affordable home ownership. They are a specific kind of discounted market sale housing which:

- a. must be discounted by a minimum of 30% against the market value;
- b. are sold to a person or persons meeting the First Homes eligibility criteria;

- c. on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
- d. after the discount has been applied, the first sale must be at a price no higher than £250,000 (or £420,000 in Greater London).

The PPG identifies that First Homes “*should account for at least 25% of all affordable housing units delivered by developers through planning obligations.*” Therefore, if the Council adopts shared ownership rather than First Homes this would have to be justified to the Inspector at the Examination in Public of the Local Plan.

It should be noted that the Housing Need Study dates from 2020 and utilises data from the Census 2011. As information is increasingly available from the 2021 Census, the Study may be considered out of date by the Inspector on examination of the Plan. Consequently, in combination with the Greater Nottingham Authorities (excluding Erewash Borough Council) an update of the Study is being sought to determine that circumstances have not changed based on the latest data available.

Infrastructure

Infrastructure comprises physical infrastructure, social infrastructure, and green infrastructure, which includes education, health, transport, flood and water management, green space, and digital infrastructure. In relation to infrastructure, it should be noted that:

- Biodiversity Net Gain (BNG) will be a requirement in the future set out at a national level with the emerging Local Plan policy anticipating a minimum of a 10% BNG. There is a cost associated with the provision of BNG.
- The NPPF in paragraph 95, requires that local planning authorities should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on planning applications.

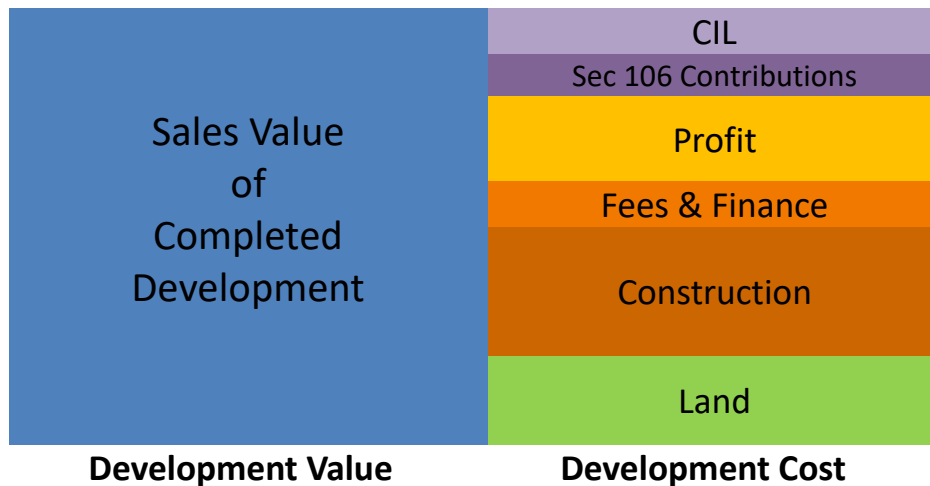
A significant amount of infrastructure is derived through Nottinghamshire County Council who have set out a [Developer Contributions Strategy](#), December 2021. The Strategy identifies the basis of potential contributions towards, education, transport, libraries, waste management, green space and minerals and waste development. A number of strategic transport projects, such as the Maid Marion Line are likely to require some funding contributions at a local level. Projects brought forward through the Towns Fund will require contributions from S106.

Whole Plan Viability

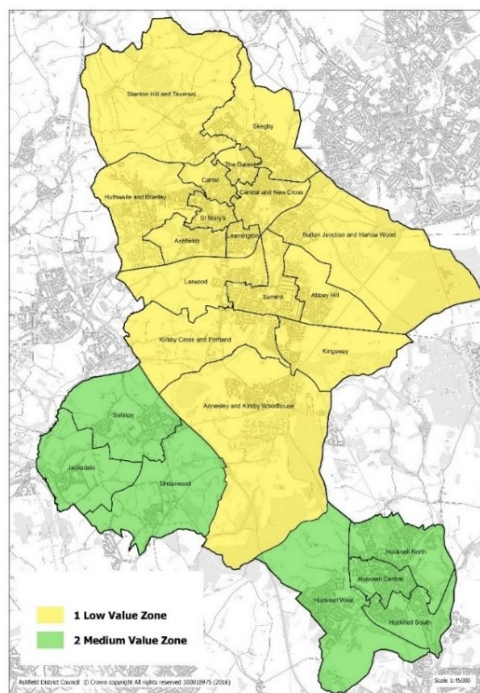
The Local Plan is required to set out the contributions expected from development. This includes setting out the levels and types of affordable housing provision required, along with other infrastructure. However, policy requirements in the Local Plan must be informed by evidence as to whether the affordable housing and infrastructure requirements are practical. Under the provisions of the NPPF and Planning Practice Guidance Viability, a viability assessment is undertaken to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the proposed development in the Plan.

A Whole Plan Viability Assessment 2023 has been undertaken based on a Valuation Report undertaken by HEB Surveyors, and a Construct Cost Study undertaken by Gleeds. The Assessment is available on the Council’s Website - [Whole Plan Viability Assessment 2023](#).

Viability is assessed using an industry standard Residual Model approach. The model subtracts the land value and the development costs from the development value to determine the viability or otherwise of the development (see the diagram below). A number of the inputs are set out in national planning practice guidance. This includes that a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. The premium should reflect what a reasonable landowner would be willing to sell their land for development. A consequence is that there is a difference between existing use values on greenfield sites based on agricultural land values and brownfield sites based on industrial land values.



The HEB valuation study considered evidence of residential land and property values across Ashfield and concluded that there are two sub-market areas for residential development. The lower value areas are around Sutton in Ashfield and Kirkby-in-Ashfield with a higher value sub-market around Hucknall and the rural areas. (See plan below).



The Assessment considered a range of different types of housing sites reflected in the proposed site allocations in the draft Local Plan, see table below.

Urban Edge Large Scale (2, 3, 4 & 5 Bed Housing)	250 units
Urban Edge Medium Scale (2, 3, 4 & 5 Bed Housing)	150 Units
Suburban/Rural Large Scale (2, 3 & 4 Bed Housing)	50 Units
Suburban/Rural Medium Scale (2, 3 & 4 Bed Housing)	20 Units
Infill Housing (3 & 4 Bed Housing)	9 Units

The affordable housing tenure mix also impacts on viability and the Assessment identifies the following values for the different forms of tenure.

Low-Cost Ownership	70% of open market value
Affordable Rents	50% of open market value
Social Rents	40% of open market value

Officers from Forward Planning and Housing Strategy have worked with the consultant in considering affordable housing and infrastructure requirements. Based on information from infrastructure providers, it is anticipated that for a substantial part of the District contributions will be required towards primary school places or secondary school places. Health contributions will be required for expanding facilities, there will be a requirement for biodiversity net gain and contributions towards the bus infrastructure and strategic transport.

Effectively, there is a balance between what sums can be put forward for affordable housing and what can be contributed towards infrastructure. The greater the affordable housing requirements the more limited the sums that can be put towards infrastructure. The greater the infrastructure contributions, the lower the affordable housing percentage that can be required.

A series of policy combination tests were undertaken in the Assessment reflecting:

- a) Differing Affordable Housing delivery levels of 10%-30%.
- b) Alternative levels of S106 contribution from £6,000 - £10,000 per dwelling.

This entailed undertaking more than 480 appraisals considering the various scenarios. A positive figure identifies that the proposal is viable and a negative figure that they are unviable. The results are set out in Section 5 of the Whole Plan Viability Assessment March 2023, which identified the viability margins for the different residential typologies for greenfield and brownfield development based on differing Affordable Housing delivery targets and Section 106 Infrastructure/Net Biodiversity Gain Allowances. Appendix 1 sets out an example of the residual appraisal and illustrates the margins for each combination of Affordable Housing and S106 Infrastructure contribution.

From these results an optimum combination of policy-based contributions was recommended by the Assessment for the whole district as follows:

- Affordable housing, 10% on brownfield land and 25% on greenfield land based on a tenure breakdown of 25% Low-Cost Home Ownership, 25% Social Rent and 50% Affordable Rents.
- S106 contributions of £8,000 per dwelling.

Sensitivity analysis has been undertaken. The Assessment identifies that a 5% reduction in housing values would not prevent housing delivery based on the recommended policy targets in the higher

value Hucknall/Rural sub-market area. In the lower value Sutton/Kirkby sub-market area a reduction in housing values would make viability more marginal but not to such a negative level that delivery would not be possible.

Sheltered Housing was evaluated based on a reduced S106 contribution of £4,000 per dwelling (based on an assumption that education contributions would be unlikely). The results illustrate that Sheltered Apartments may not be capable of making affordable housing contributions but that mixed housing and apartment schemes may be able to make viable contributions on greenfield sites. It should be noted however that the build cost rate evidence for sheltered apartments was limited, and further scheme specific assessment may be required.

For employment development, the Assessment does identify that there is potential for contributions of £15.00 per square metre for distribution units on greenfield sites based on a unit of 6,000 sq. metres.

It is proposed that it is recommended to Cabinet to approve the conclusions of the Whole Plan Viability Assessment, March 2023, as set out in the Report, to form the basis of the Local Plan policies for the provision of affordable housing and infrastructure contributions.

Implications

Corporate Plan: Planning, and the Local Plan has a cross cutting role to play in helping to meet and deliver the six priorities identified in the Corporate Plan. In particular, the Local Plan has a key responsibility in delivering the outcomes around the supply of appropriate and affordable homes, improving town centres, facilitating economic growth especially around transport hubs, improving parks and green spaces.

Legal: The Community Infrastructure Levy Regulations 2010, as amended, Regulation 122 sets out that “A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

From a policy aspect, the NPPF in paragraph 34 set out that “Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.” [RLD 15/06/2023]

Finance: There are no direct financial implications arising as a result of this report. However, the report forms the basis on which S106 planning obligations can be identified through the Local Plan in relation to future provision of affordable housing and infrastructure contributions. [CWH 15/06/23].

Budget Area	Implication
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General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
Viability can change relatively quickly over time.	Sensitivity analysis has been included within the assessment to consider the implications of a fall in residential values.

Human Resources: There are no direct HR implications contained within this report.

Environmental/Sustainability: Sustainability is at the heart of the planning system and the Plan has been prepared with the aim of delivering sustainable development in the District in accordance with the requirements of paragraphs 7 and 8 of the National Planning Policy Framework (NPPF), 2021. The Plan has been prepared in accordance with the Planning & Compulsory Purchase Act 2004, as amended, which requires the Council to conduct an appraisal of the sustainability of the proposals in Local Plan and prepare a report of the findings of the appraisal.

Equalities: An Equality Impact Assessment will be undertaken as part of the consideration of the Local Plan Publication.

Other Implications: None

Reason(s) for Urgency: Not applicable

Reason(s) for Exemption: Not applicable

Background Papers

Ashfield Whole Plan Viability Assessment, March 2023, which is available on the Council’s website.

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Appendix 1 - Local Plan Viability, Affordable Housing and Infrastructure

An example of the residual appraisals undertaken, which built up to form the conclusions, is illustrated below.

		Residential Viability Appraisal			
DEVELOPMENT SCENARIO	Urban Edge Medium Scale			Apartments	0
BASE LAND VALUE SCENARIO	Greenfield			2 bed houses	45
DEVELOPMENT LOCATION (ZONE)	Hucknall & Rural Zone 10% Aff Hsg			3 Bed houses	68
DEVELOPMENT DETAILS	150 Total Units			4 bed houses	22
Affordable Proportion	10%	15 Affordable Units		5 bed house	15
Affordable Mix	25%	Low Cost Ow	25%	Social Rent	50%
Development Floorspace	12947	Sqm Market Housing	1,155	Affordable Rent	
				Sqm Affordable Housing	
Development Value					
Market Houses					
0	Apartments	65	sqm	2138	£ per sqm
41	2 bed houses	75	sqm	2850	£ per sqm
61	3 Bed houses	90	sqm	2755	£ per sqm
20	4 bed houses	120	sqm	2755	£ per sqm
14	5 bed house	150	sqm	2660	£ per sqm
					£0
					£8,656,875
					£15,174,540
					£6,545,880
					£5,386,500
Low Cost Own					
		70%	Open Market Value		
1	Apartments	65	sqm	1496.6	£ per sqm
2	2 Bed house	75	sqm	1995	£ per sqm
2	3 Bed House	90	sqm	1928.5	£ per sqm
					£72,959
					£224,438
					£260,348
Social Rent					
		40%	Open Market Value		
1	Apartments	65	sqm	855.2	£ per sqm
2	2 Bed house	75	sqm	1140	£ per sqm
1	3 Bed House	90	sqm	1102	£ per sqm
					£41,691
					£192,375
					£74,385
Affordable Rent					
		50%	Open Market Value		
2	Apartments	65	sqm	1069	£ per sqm
3	2 Bed house	75	sqm	1425	£ per sqm
2	3 Bed House	90	sqm	1377.5	£ per sqm
					£156,341
					£320,625
					£278,944
150	Total Units				
Development Value					£37,385,900
Development Costs					
Land					
	Apartments	0	Plots	10917	£ per plot
	2 Bed House	41	Plots	27293	£ per plot
	3 Bed House	61	Plots	31191	£ per plot
	4 Bed House	20	Plots	43668	£ per plot
	5 Bed House	14	Plots	54585	£ per plot
					Total Land £4,615,793
					£736,899
Stamp Duty Land Tax					£184,632
Construction					
	Apartments	2021.7	£ per sqm	Market Housing Construction Cost	
	2 bed houses	1198	£ per sqm		
	3 Bed houses	1198	£ per sqm	Affordable Housing Construction Cost	
	4 bed houses	1198	£ per sqm		
	5 bed house	1198	£ per sqm		
					£15,509,907
					£1,524,746
Additional Affordable Housing Land Cost					
					£365,525
Professional Fees				8.0%	Build Cost
Legal Fees				0.5%	GDV
Statutory Fees				1.1%	Build Cost
Sales/Marketing Costs				2.0%	Market Units Value
Contingencies				5.0%	Build Cost
Planning Obligations				8000	£ per Market Unit
Interest				6.0%	12 Month Build
Arrangement Fee				0.0%	Cost
Development Profit				Market Hsg 20.0%	of GDV
				Aff Hsg 6.0%	of Cost
					£1,480,480
					£0
					£7,244,244
Total Cost					£35,447,695
VIABILITY MARGIN					£1,938,205
POTENTIAL CIL RATE PER SQ METRE OF MARKET HOUSING (IF APPLICABLE)					£150

In order to evaluate the impact of Affordable Housing provision, residential viability tests were undertaken on the assumption that schemes would deliver 10-30% Affordable Housing and between £6,000 and £10,000 per dwelling towards infrastructure/biodiversity net gain. Each category of development produces a greenfield and brownfield result.

Any positive figures confirm that the category of development evaluated is economically viable in the context of Whole Plan viability and the impact of planning policies. A negative figure identifies that it is unviable.

The minimum margins for each combination of Affordable Housing and S106 Infrastructure contribution are summarised below.

Sutton & Kirkby Sub-Market Area

10% Affordable Housing Delivery

Residential Viability Margin (Sutton & Kirkby)		
	Greenfield	Brownfield
@£6000 per dwelling S106	£188sqm	£42sqm
@£8000 per dwelling S106	£162sqm	£16sqm
@£10000 per dwelling S106	£137sqm	-£9sqm

15% Affordable Housing Delivery

Residential Viability Margin (Sutton & Kirkby)		
	Greenfield	Brownfield
@£6000 per dwelling S106	£149sqm	-£3sqm
@£8000 per dwelling S106	£122sqm	-£30sqm
@£10000 per dwelling S106	£96sqm	-£57sqm

20% Affordable Housing Delivery

Residential Viability Margin (Sutton & Kirkby)		
	Greenfield	Brownfield
@£6000 per dwelling S106	£106sqm	-£53sqm
@£8000 per dwelling S106	£78sqm	-£82qm
@£10000 per dwelling S106	£49sqm	-£111sqm

25% Affordable Housing Delivery

Residential Viability Margin (Sutton & Kirkby)		
	Greenfield	Brownfield
@£6000 per dwelling S106	£57sqm	-£111sqm
@£8000 per dwelling S106	£27sqm	-£141sqm
@£10000 per dwelling S106	-£4sqm	-£172qm

Hucknall & Rural Sub-Market Area

10% Affordable Housing Delivery

Residential Viability Margin (Hucknall & Rural)		
	Greenfield	Brownfield
@£6000 per dwelling S106	£223sqm	£77sqm
@£8000 per dwelling S106	£198sqm	£52sqm
@£10000 per dwelling S106	£172sqm	£26sqm

20% Affordable Housing Delivery

Residential Viability Margin (Hucknall & Rural)		
	Greenfield	Brownfield
@£6000 per dwelling S106	£144sqm	-£16sqm
@£8000 per dwelling S106	£115sqm	-£44sqm
@£10000 per dwelling S106	£87sqm	-£73sqm

25% Affordable Housing Delivery

Residential Viability Margin (Hucknall & Rural)		
	Greenfield	Brownfield
@£6000 per dwelling S106	£96sqm	-£72sqm
@£8000 per dwelling S106	£66sqm	-£102sqm
@£10000 per dwelling S106	£35sqm	-£133sqm

30% Affordable Housing Delivery

Residential Viability Margin (Hucknall & Rural)		
	Greenfield	Brownfield
@£6000 per dwelling S106	£42sqm	-£135sqm
@£8000 per dwelling S106	£9sqm	-£168sqm
@£10000 per dwelling S106	-£23sqm	-£201sqm

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Report To:	Local Plan Development Committee
Date:	3RD JULY 2023
Heading:	LOCAL PLAN SETTLEMENT BOUNDARY, LARCH CLOSE UNDERWOOD AND MAIN URBAN AREA BOUNDARY, BECK LANE, SKEGBY
Executive Lead Member:	AT APPLICABLE
Ward/s:	ALL WARDS
Key Decision:	No
Subject to Call-In:	No

Purpose of Report

To consider proposed changes to the Draft Local Plan Named Settlement boundary at Larch Close, Underwood and the Main Urban Area Boundary at Beck Lane/Skegby Lane, Skegby.

Recommendation(s)

Cabinet be recommended to adopt the changes to the Main Urban Area boundary and the New Settlement boundary in the Regulation 19 Local Plan as set out in the Report.

Reasons for Recommendation(s)

The location of the boundary of the Main Urban Area at Beck Lane, Skegby and the Named Settlement boundary at Underwood were raised at the Local Plan Development Panel Meeting of 15th November 2022 in the Emerging Local Plan – Next Steps Report. The recommendation reflects the Panel's decision to consider an amended Main Urban Area boundary at Beck Lane/Skegby Lane, Skegby and to allocate an addition housing site at land to the north of Larch Close, Underwood.

Alternative Options Considered

To make no amendments to the Regulation 19 Local Plan in relation to the boundaries in question.

Detailed Information

Beck Lane/Skegby Lane, Skegby

The emerging Local Plan proposes allocations to the north of Ashland House in Policy H1Ss. In combination with proposed allocations H1Su, H1Saa and H1Sf, this will extend the built up area of Skegby to the north (Figure 1). This would leave a small enclave comprising Ashland House, Beck Lane and Dalestorth House, Skegby Lane/Beck Lane in the countryside – shown with a green edge in Figure 1. The land adjoins development along Skegby Lane to the east, which is located within Mansfield District. As and when the proposed housing allocations are built out, this would leave an isolated parcel of land designated as ‘Countryside’ which is surrounded on all boundaries by built development.

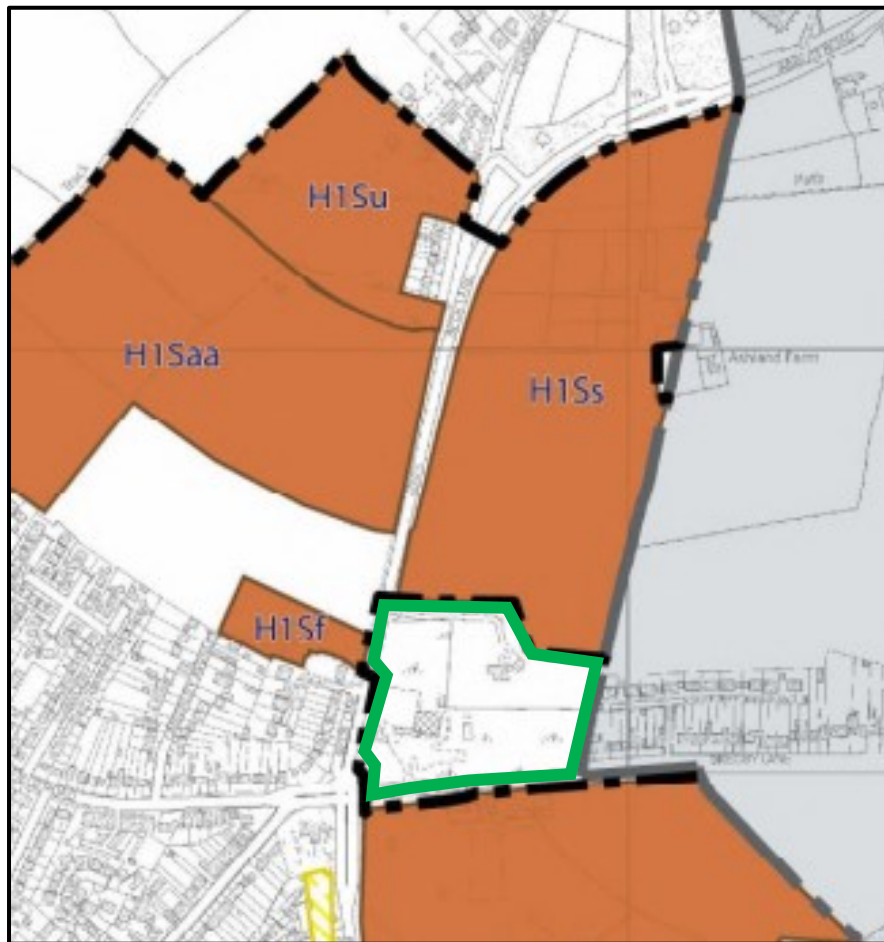


Figure 1: Draft Local Plan Regulation 18 - Main Urban Area Boundary Ashland House, Skegby (black hatched line). Green-edged parcel of land lies outside of the Main Urban Area in the Reg 18 Plan

Source: Draft Local Plan Policies Map – North Sheet

This aspect was raised as part of the consultation responses to the Regulation 18 Local Plan in late 2021, identifying the “anomaly”, and also proposing this area as a potential housing site. The Local Plan Development Panel (LPDP) considered this matter at its meeting of 15th November 2022. It recommended that “changes are made to the Main Urban Area boundary at Skegby subject to a masterplan/design brief being developed to protect the setting of the listed building at Dalestorth House.” The LPDP did not propose that Ashlands House should be allocated for housing.

The implications of removing the area from a 'Countryside' designation would change the policy emphasis in the emerging Local Plan from one of protection, to one where the principal development would be acceptable subject to suitability and detailed design.

As it is not proposed to allocate the land in question for housing and given the requirements set out in national planning policy in relation to designated heritage assets, it is not considered necessary to undertake a development brief. If a planning application is submitted, NPPF paragraph 194 requires that *"in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."* Paragraph 199 requires that *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."* However, it should be noted that a planning application for four self-build dwellings in the garden of Ashlands House was considered at appeal with a decision dated 11th December 2018. The application was refused on various grounds but, in relation to the proposed development of 4 self-build plots, it was identified that due to its distance from the site and level of screening around the proposed development, the proposal would not harm the setting of the Listed Building.

Given the context, it is proposed that the boundary of the Main Urban Area is amended so that it is located in the same position as to the District boundary with Mansfield District Council, as set out in Figure 2 and identified by the blue dashed line.

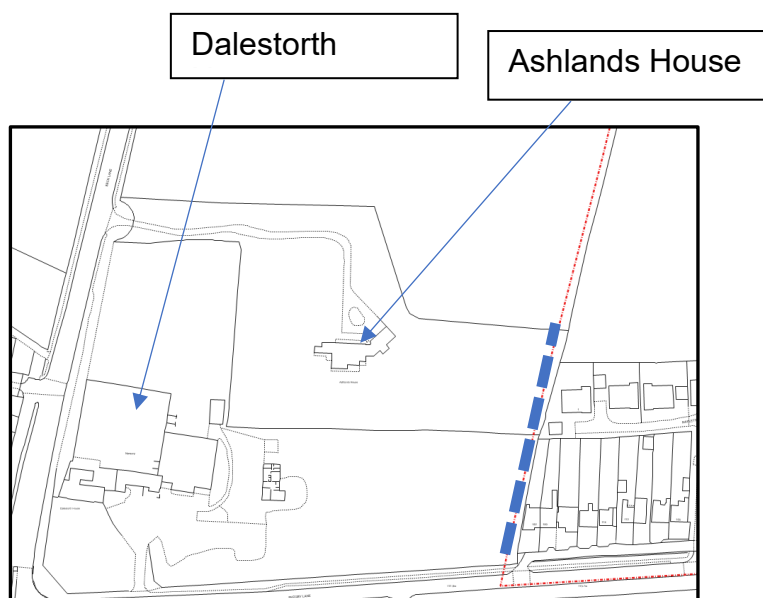


Figure 2: Ashland House, and Dalestorth

Source: Map That

Land North of Larch Close, Underwood

A site was submitted to the Strategic Housing and Economic Land Availability Assessment (SHELAA), reference SJU043, during the Draft Local Plan Regulation 18 consultation. The site is substantially in the Green Belt and is located adjacent to an existing proposed allocation at Underwood identified as site H1vg Land North of Larch Close (Policy H1). Information supplied by

Nottinghamshire County Council Highways Department indicates that this site potentially could be combined with the land adjacent to form a new link road between A608 and the B600. This is anticipated to reduce traffic 'rat running' along Sandhills Road. The matter was considered at the Local Plan Development Panel of 15th November 2022, which recommended that "SHELAA (SJU043) adjacent to an existing allocation at Underwood H1vg Land North of Larch Close, be included in the emerging Local Plan." The implication is that the Named Settlement boundary will be amended in the Regulation 19 Local Plan to the position identified on Figure 3 by the blue line.

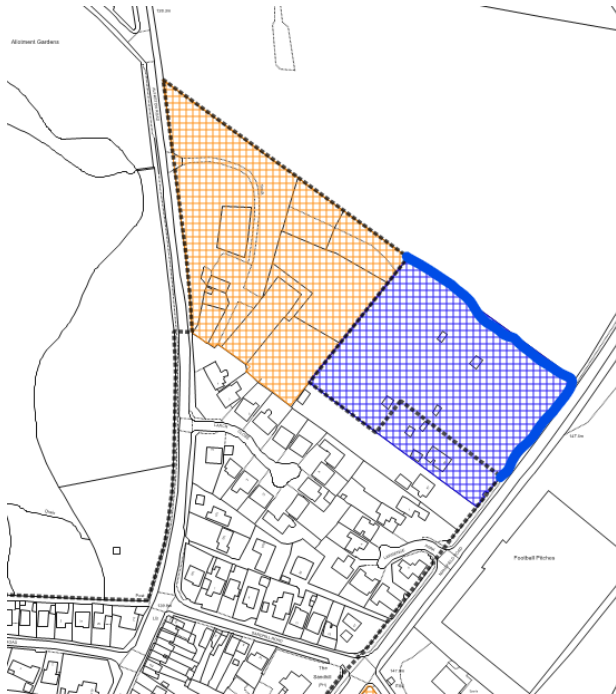


Figure 3: Larch Close Amended location of the of the Named Settlement boundary.

Source: Map That

It is proposed that Cabinet is recommended to adopt the changes to the Main Urban Area boundary and the New Settlement boundary in the Regulation 19 Local Plan, as set out in the Report.

Implications

Corporate Plan: Planning, and the Local Plan has a cross cutting role to play in helping to meet and deliver the six priorities identified in the Corporate Plan. In particular, the Local Plan has a key responsibility in delivering the outcomes around the supply of appropriate and affordable homes, improving town centres, facilitating economic growth especially around transport hubs, improving parks and green spaces.

Legal: The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) sets out the legislative requirements in bringing a local plan forward. Under Section 20 of The Act, an authority must not submit a Local Plan unless they have complied with any relevant requirements contained in the regulations and the document is ready for independent examination. [RLD 15/06/2023]

Finance: There are no direct financial implications arising as a result of this report. [CWH 15/06/23].

Budget Area	Implication
General Fund – Revenue Budget	None.
General Fund – Capital Programme	None.
Housing Revenue Account – Revenue Budget	None.
Housing Revenue Account – Capital Programme	None.

Risk:

Risk	Mitigation
As with all Green Belt sites, it will be necessary to demonstrate there are exceptional circumstances to justify changes to the Green Belt boundary.	

Human Resources: There are no direct HR implications contained within this report.

Environmental/Sustainability: Sustainability is at the heart of the planning system and the Plan has been prepared with the aim of delivering sustainable development in the District in accordance with the requirements of paragraphs 7 and 8 of the National Planning Policy Framework (NPPF), 2021. The Plan has been prepared in accordance with the Planning & Compulsory Purchase Act 2004, as amended, which requires the Council to conduct an appraisal of the sustainability of the proposals in Local Plan and prepare a report of the findings of the appraisal.

Equalities: An Equality Impact Assessment will be undertaken as part of the consideration of the Local Plan Publication.

Other Implications: None.

Reason(s) for Urgency: Not applicable.

Reason(s) for Exemption: Not applicable.

Background Papers:

Draft Local Plan Regulation 18, which is available on the Council's website.

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