



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Council

Date: **Wednesday 18 September 2024**

Time: **6.00 pm**

Place: **Council Chamber**

For any further information please contact:

Democratic Services

committees@gedling.gov.uk

0115 901 3844

Council

Membership

Mayor Councillor Ron McCrossen

Deputy Mayor Councillor Kyle Robinson-Payne

Councillor Michael Adams
Councillor Roy Allan
Councillor Sandra Barnes
Councillor Stuart Bestwick
Councillor David Brocklebank
Councillor Lorraine Brown
Councillor John Clarke
Councillor Jim Creamer
Councillor Andrew Dunkin
Councillor Boyd Elliott
Councillor David Ellis
Councillor Rachael Ellis
Councillor Roxanne Ellis
Councillor Andrew Ellwood
Councillor Paul Feeney
Councillor Kathryn Fox
Councillor Helen Greensmith
Councillor Jenny Hollingsworth
Councillor Paul Hughes

Councillor Alison Hunt
Councillor Viv McCrossen
Councillor Julie Najuk
Councillor Marje Paling
Councillor Michael Payne
Councillor Lynda Pearson
Councillor Sue Pickering
Councillor Catherine Pope
Councillor Grahame Pope
Councillor Alex Scroggie
Councillor Martin Smith
Councillor Sam Smith
Councillor Ruth Strong
Councillor Clive Towsey-Hinton
Councillor Jane Walker
Councillor Michelle Welsh
Councillor Henry Wheeler
Councillor Russell Whiting
Councillor Paul Wilkinson

WEBCASTING NOTICE

Please note that this meeting will be live streamed on the Council's YouTube channel and via the website (www.gedling.gov.uk). At the start of the meeting the Chair will confirm if all or part of the meeting is being broadcast.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

For more information about how your personal data is collected and used please view our privacy notice <https://www.gedling.gov.uk/elections-privacy/>

SUMMONS

A meeting of the Borough Council will be held on Wednesday 18 September 2024 at 6.00 pm to transact the business as set out below.



Mike Hill
Chief Executive

AGENDA

Page

- 1 Thought for the day
- 2 Apologies for absence
- 3 Mayor's announcements
- 4 To approve, as a correct record, the minutes of the meeting held on 26 July 2024 5 - 15
- 5 Declaration of interests
- 6 To deal with any petitions received under procedural rule 7.8
- 7 To answer questions asked by the public under procedural rule 7.7

Question 1 – received by Matthew Francis

“To remain compliant with legislation and operate lawfully, Gedling Borough Council must appoint three statutory officers: a Head of Paid Service, a Chief Financial Officer and a Monitoring Officer, the uninterrupted continuation of these three roles within local government, is essential. In accordance with Section 5 (1) (b) and (1A) of the Local Government and Housing Act 1989 the Monitoring Officer cannot be appointed to the position of and/or act as either the Chief Financial Officer and/or the Head of Paid Service. In line with Section 9P (1) (c) of the Local Government Act 2000 when read with Direction 3 of The Local Government Act 2000 (Constitutions) (England) Directions 2000, Gedling Borough Council must have all delegations to officers, statutory or otherwise, written within the Gedling Borough Council Constitution. Within your constitution you have mechanisms in place so that individuals can act as the Monitoring Officer or Chief Financial Officer if they are on

annual leave, off sick or absent for other reasons, however there is no mechanism of any form, in place for someone to act as the Head of Paid Service, if they are absent for any reason. It is essential to note that the designations of Chief Executive and Head of Paid Service are two separate and distinct roles, within both the Gedling Borough Council Constitution and legislation, as stated by case law, however they can be assigned to one individual.

I have been in communications with your Deputy Chief Executive and Monitoring Officer for some time regarding this, but we haven't made any progress. The responsibilities of the Head of Paid Service are very serious, such as reports to the council, health and safety matters, and decisions regarding how the discharge of various functions at Gedling Borough Council are coordinated. Any decisions taken by any officer at the council, other than the Head of Paid Service, in relation to the aforementioned responsibilities, would currently be unlawful, as they would be acting without authority.

Your current Deputy Chief Executive is also the Monitoring Officer, and is therefore prohibited by law from acting as the Head of Paid Service in any way and at any time, will you therefore write into the constitution, as a matter of urgency, so it complies with the law, and make known now to the public, who currently acts and can act moving forward, as the Head of Paid Service, when the Head of Paid Service is absent?"

8 To answer questions asked by Members of the Council under procedural rule 7.9

Question 1 – from Cllr Whiting to Portfolio Holder for Corporate Resources and Performance

"What support, if any, is Gedling Borough Council able to provide those pensioners who will lose their Winter Fuel Allowance as a result of the introduction of means testing?"

Question 2 – from Cllr Bestwick to Portfolio Holder for Sustainable Growth and Economy

"Will the Council be following the new Labour Government's directive to drop the local connection test for social housing? If so how many non UK nationals are likely to be added to the list in Gedling and what will that mean to the local residents already on the waiting list?"

Question 3 – from Cllr S Smith to Portfolio Holder for Sustainable Growth and Economy

"Following the Labour Government's announcement of the reintroduction of housing targets and the increase of 45% in Gedling. Can you inform the Council of what additional sites you have highlighted for future housing development across our borough?"

9	Reports and recommendations of the Executive or a Committee (procedural rule 7.10)	
10	Approval of the new Contract and Procurement Rules	17 - 41
	Report of the Assistant Director - Governance and Democracy	
11	Changes to committee membership	43 - 44
	Report of the Democratic Services Manager	
12	To consider comments, of which due notice has been given, under procedural rule 7.11	
a	Minutes of meeting Monday 22 April 2024 of Overview and Scrutiny Committee	45 - 50
b	Minutes of meeting Wednesday 17 July 2024 of Cabinet	51 - 56
c	Minutes of meeting Thursday 18 July 2024 of Standards Committee	57 - 58
d	Minutes of meeting Tuesday 23 July 2024 of Audit Committee	59 - 61
e	Minutes of meeting Wednesday 24 July 2024 of Planning Committee	63 - 81
f	Minutes of meeting Monday 29 July 2024 of Overview and Scrutiny Committee	83 - 86
g	Minutes of meeting Tuesday 6 August 2024 of Environment and Licensing Committee	87 - 88
h	Minutes of meeting Tuesday 27 August 2024 of Joint Consultative and Safety Committee	89 - 91
i	Minutes of meeting Tuesday 3 September 2024 of Environment and Licensing Committee	93 - 95
j	Minutes of meeting Tuesday 3 September 2024 of Licensing Act Committee	97 - 98

13 To consider motions under procedural rule 7.12

Gedling Borough notes:

- The Labour Government's recent decision to restrict the Winter Fuel Payment to only pensioners in receipt of means-tested benefits like Pension Credit, as announced by Chancellor Rachel Reeves.
- The estimated impact of this decision, which Age UK says will mean 2 million pensioners who badly need the money to stay warm this winter will not receive it.
- The significant role that Winter Fuel Payments play in helping older residents across Gedling Borough and the UK afford heating during the coldest months, thereby preventing 'heat or eat' dilemmas and safeguarding health.
- The additional strain this decision will place on vulnerable pensioners, many of whom do not claim Pension Credit despite being eligible, further exacerbating their financial hardship.

Gedling Borough Council believes:

- That the Winter Fuel Payment has been a lifeline for many older people across the Borough and that restricting its availability solely to those on Pension Credit risks leaving many pensioners in financial hardship.
- While some pensioners currently in receipt of the Winter Fuel Payment may not require it, other pensioners within Gedling Borough sit just above the cut-off for Pension Credit and will now lose their entitlement to the Winter Fuel Payment.

Therefore, Gedling Borough Council resolves to:

- 1) Launch a Council-led local awareness campaign in a future Contacts Magazine to alert and encourage those eligible for Pension Credit to apply for it because doing so will trigger access to Winter Fuel Payments.
- 2) Send a letter from the Council Leader to the Chancellor of the Exchequer, urging a review of the decision to means-test the Winter Fuel Payment and asking the Government to ensure that vulnerable pensioners, particularly those who do not claim Pension Credit, are protected from fuel poverty.
- 3) Commit the Council to signing the 'Save the Winter Fuel Payment for Struggling Pensioners' petition being run by Age UK and write to all members offering them the opportunity to sign the petition themselves.
- 4) Encourage local efforts to promote Pension Credit uptake through council services and partnerships with local charities and community organisations to ensure that all eligible pensioners in Gedling Borough are supported in claiming their entitlement.

Proposer: Cllr Mike Adams

Seconder: Cllr Boyd Elliott

This page is intentionally left blank

MINUTES COUNCIL

Friday 26 July 2024

Councillor Ron McCrossen (Mayor)

Present: Councillor Roy Allan
Councillor Sandra Barnes
Councillor David Brocklebank
Councillor John Clarke
Councillor Jim Creamer
Councillor Andrew Dunkin
Councillor David Ellis
Councillor Rachael Ellis
Councillor Roxanne Ellis
Councillor Andrew Ellwood
Councillor Jenny Hollingsworth
Councillor Paul Hughes
Councillor Alison Hunt

Councillor Viv McCrossen
Councillor Julie Najuk
Councillor Marje Paling
Councillor Lynda Pearson
Councillor Catherine Pope
Councillor Grahame Pope
Councillor Ruth Strong
Councillor Clive Towsey-Hinton
Councillor Michelle Welsh
Councillor Henry Wheeler
Councillor Russell Whiting
Councillor Paul Wilkinson

Absent: Councillor Kyle Robinson-Payne, Councillor Michael Adams, Councillor Stuart Bestwick, Councillor Lorraine Brown, Councillor Boyd Elliott, Councillor Paul Feeney, Councillor Kathryn Fox, Des Gibbons, Councillor Helen Greensmith, Councillor Michael Payne, Councillor Sue Pickering, Councillor Alex Scroggie, Councillor Martin Smith, Councillor Sam Smith and Councillor Jane Walker

1 **THOUGHT FOR THE DAY**

A minute's silence was held in remembrance of ex councillor Bob Tate who had recently passed away.

The Mayor's Chaplain, Father Philipp Ziomek, addressed council and gave a reading.

2 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Adams, Bestwick, Brown, Elliott, Feeney, Fox, Greensmith, Payne, Pickering, Robinson-Payne, Scroggie, M Smith, S Smith and Walker.

3 **MAYOR'S ANNOUNCEMENTS**

The Mayor noted he had attended several community events over the last few months, the first being the Foxhill Community Centre tea and cake afternoon, which had raised £500 for his charity, Parkinsons UK.

He thanked the Good Shepperd Church for hosting his civic service where he also raised £500 for his charity.

4 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETINGS HELD ON 17 APRIL AND 22 MAY 2024

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

5 DECLARATION OF INTERESTS

None.

6 TO DEAL WITH ANY PETITIONS RECEIVED UNDER PROCEDURAL RULE 7.8

None.

7 TO ANSWER QUESTIONS ASKED BY THE PUBLIC UNDER PROCEDURAL RULE 7.7

Two questions were received, and one questioner was in attendance to ask their question. The questions and answers are as follows:

Question 1 – Asked by Matthew Francis

At the budget meeting of full council on 6 March 2024, the deputy leader of the council, Councillor Micheal Payne, stated clearly that the administration at Nottinghamshire County Council had increased council tax by the maximum level permitted every year, since 2017. He was given the opportunity to provide clarification and/or correction, numerous times by Councillor Adams and also on one occasion by Councillor Sam Smith, but it would appear he failed to do so. Contrary to Councillor Payne's assertions, it has subsequently been ascertained by myself, through an information request to Nottinghamshire County Council and a full review of the budget reports, which are all a matter of public record, that the conservative leadership at Nottinghamshire County Council have for almost every financial year since 2017/2018, increased the main council tax precept levy by less than the maximum permitted amount, saving the residents of Nottinghamshire in that period, millions of pounds in council tax charges. When challenged on his assertion, Councillor Payne stated in writing that, and I quote: 'There is an element of subjectivity to the word maximum.'

Based on this information, and in the interests of honesty, integrity and accountability, does the Deputy Leader of the Council and the Member of Parliament for Gedling, wish to correct the record so that the residents of Gedling Borough, are in full possession of the facts?

Answer 1 – Given by the Mayor, Councillor Ron McCrossen

Councillor Payne has considered the question and has decided there is nothing further to add from what he said at the meeting.

Question 2 – Read by the Chief Executive on behalf of the questioner

Does the Council think the symbolism of spending large sums of money at Gedling Country Park while letting parks in Carlton and the Carlton Valley decay show that this council prioritises what looks good in political leaflets and in their connect magazine rather than providing some of our most deprived communities with the services and respect they deserve?

Answer 2 – Given by Councillor Clarke

Gedling Country Park was developed on the former Gedling colliery site. It is our flagship visitor attraction and a significant “green lung” in the borough of Gedling.

The topography of the park offers considerable views over Nottinghamshire, and has established itself as a wildlife haven, having been granted Local Nature Reserve status in 2018.

In terms of the park’s development, we have a children’s playground, café 1899, and two viewing platforms, some of which were funded through external grants. For anyone listening who hasn’t been to the site, I would certainly recommend a visit.

In terms of Carlton, you will be aware of our two most recent announcements.

Firstly, our proposal for a multi-million pound investment into a new Carlton Leisure and Community Wellbeing Centre with state-of-the-art facilities. This will benefit all residents of the borough, and particularly those residing in Carlton and the Carlton Valley area, and

Secondly, we have launched a consultation on how to spend the £20 million awarded through the Long Term Plan For Towns government funding for the Greater Carlton area. I do hope you and others will respond to this consultation, as it provides a real opportunity to directly influence investment in assets such as parks and open spaces in the Carlton and Carlton Valley area.

Thank you.

8 TO ANSWER QUESTIONS ASKED BY MEMBERS OF THE COUNCIL UNDER PROCEDURAL RULE 7.9

A question was asked of the Portfolio Holder for Sustainable Growth and Economy by Councillor Whiting as follows:

“Will Gedling Borough Council consider allowing the generation of electricity through onshore wind on land owned by the Council, in light of the lifting of the de facto ban by the government?”

Response from Councillor Hollingworth:

Thank you, Mr Mayor, and thank you Councillor Whiting for the question.

I am sure like me you will welcome the new Labour governments launch of “Great British Energy” this week which puts renewable energy, carbon reduction and energy security at the heart of government. Gedling Borough Council is committed to finding opportunities for renewable energy including wind and utilizing our assets. We have an excellent track record for doing so and in the first term of this labour administration solar panels were installed at the civic centre and other council buildings. The solar panel installation at our green flag award winning county park, which produces energy for around 1500 homes is another key example.

Future projects would align with our carbon management strategy and the emerging Greater Nottingham strategic plan which will promote and encourage low energy. Proposals for onshore wind and other forms of renewable energy generation will still be subject to planning permission to carefully consider the impacts unless they are small scale and benefit from permitted development.

Finally, Mr Mayor, I would direct Councillor Whiting to the council’s carbon management strategy and in particular section 4.3 which looks at expanding local low carbon energy generation in the borough including the investigation of wind generated energy.

A question was asked of the Portfolio Holder for Public Protection by Councillor Whiting as follows:

“There have been a number of reports of anti-social on and around Colwick Rec over a long period of time, including suspected drug dealing, anti-social car cruising amongst other activities. Can we please have CCTV installed to cover the car park of the Rec and deter such behaviour?”

Response by Councillor David Ellis:

Thank you, Mr Mayor.

Before I reply can I just say that I’m pleased that Cllr Whiting’s son has been discharged from hospital this week and is back to his normal self.

Turning to the question.

Members will recall that a Public Space Protection Order has been in place since June 2023 to address nuisance car cruising in Trent Valley. The area covered by the order includes Colwick Recreation Ground and the roads nearby. The PSPO prohibits a range of anti-social behaviours and includes penalties for breaches. Operation Triplefin is the police operation to enforce the PSPO and tackle anti-social behaviour. Since the order was introduced a variety of offences have been prosecuted and everything I have said suggests that it has been a successful initiative.

On CCTV. Last week Cabinet received the report on the annual review of CCTV and approved changes to the CCTV policy. The Council has to have regard to the Surveillance Camera Code of Practice published by the Surveillance Camera Commissioner. Recognising that overt surveillance systems can be intrusive to the privacy of individuals, our policy states that the use of CCTV “must be necessary, proportionate and adequate for the specified purpose they are there to address”. The Council has a robust system for considering the introduction of new CCTV cameras in the Borough to ensure good governance and solid justification for the introduction of new cameras. Any proposals need to be evidence-based and justified.

Until this question, Colwick Recreation Ground has not been identified as a possible site for CCTV. Officers in partnership with the neighbourhood policing team are reviewing the current picture on crime and ASB in Colwick Rec and surrounding areas. If the level of crime and ASB are sufficiently serious a problem-solving approach will be adopted. CCTV could be part of the response but is not necessarily the first action that would or should be taken.

The question refers to suspected drug dealing. The advice on this remains the same – anyone who has suspicions of drug dealing anywhere in the Borough should report this to the Police using 101 or online. I am told that the police take all such reports seriously and even if there is insufficient evidence in one report, it can contribute to the overall intelligence picture.

The Council has an extensive CCTV system which is invaluable for preventing and detecting crime and ASB. Our system is well managed and operated and meets the tests of proportionality and security of data. We intend to keep it this way.

Thank you.

(a) **FLEXIBLE USE OF CAPITAL RECEIPTS STRATEGY 2024/25**
RESOLVED that:

Council approves and adopts the flexible use of capital receipts strategy 2024/25

(b) **BUDGET OUTFURN AND BUDGET CARRY FORWARDS 2023/24**

Councillor Clarke confirmed there was an amendment on page 57 at paragraph 2.5.1, as follows:

The wording currently states:

The Council also made provision to alleviate the impact of some of the pressures for the most financially vulnerable residents and delivered £107,400 of Hardship relief to council taxpayers who are in receipt of Council Tax Reduction Scheme (CTRS) support and an additional £214,700 to care leavers.

The wording should state

The Council also made provision to alleviate the impact of some of the pressures for the most financially vulnerable residents and delivered support of £107,400 to care leavers, and £214,700 of Hardship relief to council taxpayers who are in receipt of Council Tax Reduction Scheme (CTRS).

RESOLVED that:

Council approves the method of financing the 2023/24 capital expenditure which includes making the determinations required for the minimum revenue provision

(c) **ANNUAL TREASURY ACTIVITY REPORT 2023/24**
RESOLVED that:

Council approves the annual treasury activity report for 2023/24

(d) **COUNCIL PRODUCTIVITY PLAN**
RESOLVED that:

Council notes the Council's productivity plan

(e) **APPOINTMENT OF A CO-OPTED MEMBER OF THE AUDIT COMMITTEE**

RESOLVED that Council:

- 1) Agrees that Jonathan Causton be co-opted onto the Audit Committee as an Independent Member; and
- 2) Authorises the Monitoring Officer to make the relevant changes to the constitution to reflect the co-option

(f) RECRUITMENT OF INDEPENDENT PERSON AND RESERVE INDEPENDENT PERSON

RESOLVED that Council:

- 1) Agrees that David Walsh be appointed as Independent Person under the Localism Act 2011 for two years; and
- 2) Agrees that John Baggaley be appointed as reserve Independent Person under the Localism Act 2011 for two years

10 APPOINTMENT OF AN INDEPENDENT REMUNERATION PANEL MEMBER

Consideration was given to a report of the Democratic Services Manager which sought approval of the appointment of Mark Chowdhury as a member of the Independent Remuneration Panel.

RESOLVED that:

Council approves the appointment of Mark Chowdhury as a member of the Independent Remuneration Panel.

11 CHANGES TO THE CONSTITUTION FOLLOWING MANAGEMENT RESTRUCTURE

Consideration was given to a report of the Deputy Monitoring Officer which sought approval to amend the constitution to reflect the new management arrangements following the senior management restructure.

RESOLVED that:

- 1) Council approves the amendments to the Constitution and any policy or procedure approved by Council as set out in this report to reflect new management arrangements following the restructure; and

- 2) Council authorises the Monitoring Officer to amend any policy or procedures approved by Council to reflect changes brought about by the restructure

12 TO CONSIDER COMMENTS, OF WHICH DUE NOTICE HAS BEEN GIVEN, UNDER PROCEDURAL RULE 7.11

No comments were made.

13 TO CONSIDER MOTIONS UNDER PROCEDURAL RULE 7.12

Councillor Whiting, seconded by Councillor Hughes, proposed a motion in the following terms:

That this Council notes:

- Since the conflict started more than 37,000 people have been killed – with more than 50% estimated to be women and children. With thousands more buried under the rubble.
- A letter in The Lancet Journal estimates that the true death toll may be as high as 186,000.
- The words of Foreign Secretary David Lammy MP on July 7 2024 when talking about Gaza: “We want to see a cease-fire. We want to see those hostages out”
- That then Foreign Secretary Lord Cameron on Thursday 11 January in describing the situation in Gaza as ‘heartbreaking’ ‘desperate’ and how ‘death and despair haunt’ the lives of Gaza’s children and his statement on March 25 that The UK has long been calling for an immediate humanitarian pause leading to a sustainable ceasefire without a return to destruction, fighting and loss of life, as the fastest way to get hostages out and aid in.
- That on 2 April Sir Ed Davey MP said “This violence has to stop. Now. We need an immediate bilateral ceasefire – a real ceasefire that finally sets us on the path to a lasting peace.
- In February 2024 the UK Parliament voted unanimously in favour of an immediate ceasefire in Gaza

Therefore, this Council resolves to:

- Record its deep concern for the severe reverberations of this crisis felt within Gedling borough and across the UK, with Jewish, Muslim, and Palestinian communities all fearing and grieving;
- Thank community leaders in this borough for the role they are playing in reducing tensions at this sensitive and difficult time;
- Thank members of the public throughout the Borough who have donated or provided assistance to the humanitarian response to the crisis in Gaza;
- Support any forthcoming Government proposals for resettlement support for Palestinians seeking sanctuary here in the UK, as with the war in Ukraine;

- Commit to identify ways in which the events can be remembered in the future, in this borough;
- Offer appropriate support and assistance to the diverse communities within Gedling who have been impacted by, or who face emerging issues as a result of this crisis.
- Request that the Chief executive write to the Secretary of State for Foreign, Commonwealth and Development Affairs affirming the support of Gedling Borough Council for any and all efforts to bring about a bilateral cessation of hostilities leading to a lasting peace arrangement

Proposer: Councillor Russell Whiting

Seconded: Councillor Paul Hughes

An amended motion was proposed by Councillor Roxanne Ellis and seconded by Councillor Wilkinson, in the following terms:

That this Council notes:

- The thousands of people killed and displaced since the Israel-Hamas conflict started on the 7th of October 2023
- The commitment of the new Labour government towards playing “its full diplomatic role in securing a ceasefire deal and creating the space for a credible and irreversible pathway towards a two-state solution. The world needs a safe and secure Israel alongside a viable and sovereign Palestinian state.”
- The words of Foreign Secretary David Lammy MP on July 7 2024 when talking about Gaza: “We want to see a cease-fire. We want to see those hostages out”
- Foreign Secretary David Lammy’s announcement on 19th July to restore UK funding to UNRWA and to provide 21 million pounds.
- In February 2024 the UK Parliament voted in favour of an immediate ceasefire in Gaza

Therefore, this Council resolves to:

- Record its deep concern for the severe reverberations of this crisis felt within Gedling borough and across the UK, with Jewish, Muslim, and Palestinian communities all fearing and grieving;
- Thank community leaders in this borough for the role they are playing in reducing tensions at this sensitive and difficult time;
- Thank members of the public throughout the Borough who have donated or provided assistance to the humanitarian response to the crisis in Gaza;
- Support any forthcoming Government proposals for resettlement support for Refugees from the conflict seeking sanctuary here in the UK.
- Consider ways in which the events can be remembered in the future

- Offer appropriate support and assistance to the diverse communities within Gedling who have been impacted by, or who face emerging issues as a result of this crisis.
- Forward this motion to the Foreign Secretary David Lammy, affirming this Council's support of the government's commitment to playing "its full diplomatic role in securing a ceasefire deal and creating the space for a credible and irreversible pathway towards a two-state solution."

Proposer: Roxanne Ellis
 Secunder: Paul Wilkinson

An adjournment was proposed, seconded, and agreed to allow members time to review the amendment. Upon return, the proposer and secunder of the original motion indicated their support and acceptance of the amendment. As such, it was deemed to be the substantive motion. Upon being put to a vote, the motion was carried unanimously.

RESOLVED:

That this Council notes:

- The thousands of people killed and displaced since the Israel-Hamas conflict started on the 7th of October 2023
- The commitment of the new Labour government towards playing "its full diplomatic role in securing a ceasefire deal and creating the space for a credible and irreversible pathway towards a two-state solution. The world needs a safe and secure Israel alongside a viable and sovereign Palestinian state."
- The words of Foreign Secretary David Lammy MP on July 7 2024 when talking about Gaza: "We want to see a cease-fire. We want to see those hostages out"
- Foreign Secretary David Lammy's announcement on 19th July to restore UK funding to UNRWA and to provide 21 million pounds.
- In February 2024 the UK Parliament voted in favour of an immediate ceasefire in Gaza

Therefore, this Council resolves to:

- Record its deep concern for the severe reverberations of this crisis felt within Gedling borough and across the UK, with Jewish, Muslim, and Palestinian communities all fearing and grieving;
- Thank community leaders in this borough for the role they are playing in reducing tensions at this sensitive and difficult time;
- Thank members of the public throughout the Borough who have donated or provided assistance to the humanitarian response to the crisis in Gaza;
- Support any forthcoming Government proposals for resettlement support for Refugees from the conflict seeking sanctuary here in the UK.

- Consider ways in which the events can be remembered in the future
- Offer appropriate support and assistance to the diverse communities within Gedling who have been impacted by, or who face emerging issues as a result of this crisis.
- Forward this motion to the Foreign Secretary David Lammy, affirming this Council's support of the government's commitment to playing "its full diplomatic role in securing a ceasefire deal and creating the space for a credible and irreversible pathway towards a two-state solution."

Proposer: Councillor Russell Whiting

Seconder: Councillor Paul Hughes

The meeting finished at 7.12 pm

Signed by Chair:

Date:

This page is intentionally left blank



Report to Council

Subject: Approval of the new Contract and Procurement Rules

Date: 18 September 2024

Author: Assistant Director - Governance and Democracy

Purpose

For Council to approve the newly re-written version of the Contract and Procurement Rules as contained at section 22 of the Gedling Borough Council Constitution.

Recommendation(s)

THAT:

- 1) **Council approves the new version of the Contract and Procurement Rules at Appendix 1 for implementation into the Constitution on 28th October 2024.**

1 Background

- 1.1 The Procurement Act 2023 (the "Act") received royal assent on 26th October 2023 and although some parts of the Act are in force now, the whole Act is due to come into force on 28th October 2023.
- 1.2 The Act introduces a number of changes to how public bodies are required to undertake procurement and provides a framework for compliant procurement of all goods, services and works by or on behalf of the Council.
- 1.3 The newly drafted Contract and Procurement Rules (the "Rules") have been drafted by the Monitoring Officer and Deputy Monitoring Officer in consultation with the Section 151 Officer.
- 1.4 The newly drafted Rules introduce a number of changes including requiring officers to consider Social Value in procurement as introduced by the Public Services (Social Value) Act 2012, contract management requirements including KPI and service delivery requirements for contractors. These changes will ensure contracts achieve the greatest benefit to the Council at the outset of contracting whilst ensuring continued benefit is delivered with effective contract management.

- 1.5 More flexibility has been drafted into the Rules by permitting different types of procurement, expanding on the usual open market procurement there is now an option for officers to develop their own method of procurement creating more flexibility and better procuring options. This will significantly benefit some of the more complex procurement the Council undertakes producing better outcomes and value for money.
- 1.6 There have been some minor changes made to the thresholds for contracting with the introduction of a Light Touch Request for Quotation (LTRFQ), which enables officers to engage more with small to medium sized enterprises within the borough, which is a strong theme of the new Procurement Act.
- 1.7 A more streamlined method of direct awarding a contract in exceptional circumstances has been introduced which hopefully will aid officers in applying an exception for awarding contracts.
- 1.8 Consultation has been carried out with Senior Leadership Team to establish whether the Rules enable efficient procurement of goods, services and works.

2 Proposal

- 2.1 It is proposed that Council approves the updated Contract and Procurement Rules at Appendix 1 to this report for implementation on 28th October 2024 to bring the rules in alignment with the Procurement Act 2023.
- 2.2 Following on from approval, it is proposed that training in relation to the new Rules is provided to officers.

3 Alternative Options

- 3.1 Members could determine not to approve the amended Contract and Procurement Rules; however the changes have been made as a consequence of a change of legislation with the introduction of the Procurement Act 2023.
- 3.2 The Contract and Procurement Rules have been amended as part of a working group involving the Monitoring Officer, the Deputy Monitoring Officer and the Section 151 Officer. The Rules have been consulted on by Senior Leadership Team before they were finalised.

4 Financial Implications

- 4.1 There are no direct financial implications associated with this report. The new Rules set out compliant means of managing contracts that are likely to have a positive impact on the Councils finances.

5 Legal Implications

- 5.1 The Procurement Act 2023 makes changes to the way public bodies undertake procurement of goods, services and works. These changes need to be reflected within Gedling Borough Council's arrangements for dealing with procurement. Section 135 of the Local Government Act 1972 requires the Council to have in place standing orders with respect to the making by them or on their behalf contracts for the supply of goods or materials or for the execution of works.
- 5.2 The Local Government Act 2000 requires a local authority to prepare and keep up to date its constitution. The changes to the Contract and Procurement Rules are primarily as a consequence of changes to the legalisation however, in other areas the changes have been made to streamline and allow more effective contract procurement and management.

6 Equalities Implications

- 6.1 The Contract and Procurement Rules form part of the constitution which is in a format compatible with the Web Content Accessibility Guidelines, an internationally recognised set of recommendations for improving web accessibility.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no direct implications as a result of this report. However, social value now forms part of the Contract and Procurement Rules as introduced by the Public Services (Social Value) Act 2012. Under these principles the environmental wellbeing of the area is a primary consideration and so will have indirect benefit in this area.

8 Appendices

- 8.1 Appendix 1: The new Contract and Procurement Rules.

9 Background Papers

- 9.1 None identified.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer

This page is intentionally left blank

Section 22 – Contracts and Procurement Rules

Contents

1	Purpose	3
2	Compliance.....	3
3	Relevant Contracts	4
4	Officer Responsibilities	5
5	Funding.....	6
6	Preliminary Market Engagement.....	6
7	Procurement Requirements	6
8	Quotations	9
9	Open Procedure	10
10	Competitive Flexible Procedure	11
11	Multi-Staged Procedure	11
12	Framework Agreements and Dynamic Market System (DMS).....	11
13	e-Auction	12
14	Specifications and Standards.....	12
15	Evaluation Criteria.....	12
16	Submission of Quotations and Tenders	13
17	Opening of Tender.....	13
18	Clarification of Bids	14
19	Evaluation and Acceptance.....	14
20	Nominated Sub-Contractors and Suppliers	15
21	Contracts to be in writing.....	15
22	Prevention of Bribery	16
23	Assignments and Novation	17
24	Payments.....	17
25	Liquidated damages.....	17
26	Performance Bonds or Parent Company Guarantees	17
27	Data Protection	17
28	Contract Clauses	18
29	Engagement of Consultants.....	18
30	Small and Medium sized enterprise (SMEs) participation and excluded suppliers ..	18
31	Publication contract award	19

Gedling Borough Council Constitution

32	Register of Contracts	19
33	Declaration of Interests and Avoidance of Corruption	19
34	Contract Extensions	19
35	Exceptions	20

Transitional arrangements

These Rules take effect from 28th October 2024. Procurement commenced before 28th October 2024 must be procured in accordance with the Contract and Procurement Rules approved by Full Council on 26th January 2022. A Procurement Process commences upon issue of a request for quotations, invitation to submit tenders or participate in a further competition under a Framework Agreement. Management of contracts awarded as a result of a Procurement Process which commenced prior to 28th October 2024 must be in accordance with these Rules.

1 Purpose

- 1.1 The purpose of these Contracts and Procurement Rules (**Rules**) are to:
- a) Deliver value for money by achieving the optimum combination of whole life costs and quality of outcome;
 - b) Maximising public benefit through our procurement approach;
 - c) Sharing information for the purpose of allowing suppliers and others to understand the Council's procurement activities;
 - d) ensure fairness, transparency and the highest standards of integrity in awarding public contracts;
 - e) comply with legal requirements;
 - f) ensure that non-commercial considerations do not influence any contracting decision; and
 - g) prevent fraud and corruption.
- 1.2 These Rules safeguard the interests of the Council, its members and employees and taxpayers and sets clear procedural rules to ensure a system of transparency, fairness, integrity and accountability.

2 Compliance

- 2.1 Every relevant contract made by or on behalf of the Council shall comply with:
- a) any relevant EU Treaties and Directives of the EU at the time in force in the United Kingdom or such replacement domestic legislation;
 - b) any relevant UK legislation; and
 - c) the Council's Constitution including, but not limited to, these Contracts and Procurement Rules, the Council's Financial Regulations and relevant Council policies.
- 2.2 A waiver from any of the following provisions of these Contracts and Procurement Rules may only be made by direction of the Council where it is satisfied that the exemption is justified in special circumstances. A waiver cannot be given where the contract value exceeds the statutory thresholds set out pursuant to the Procurement Act 2023 and replacement regulations. A record of such waiver shall be made in the minutes of the Council meeting.
- 2.3 Where the Council acts as agent for another organisation or authority then if that principal shall so require, the contractual and tendering procedures of the principal shall be used in substitution, in whole or in part, for these Rules.

3 Relevant Contracts

- 3.1 All relevant contracts must comply with these Rules.
- 3.2 A relevant contract is any arrangement by or on behalf of the Council to procure the carrying out of works or provision of supplies or services. This includes arrangements for:
- a) purchasing goods, supplies or materials;
 - b) the hiring, renting or leasing of goods or equipment;
 - c) executing works, including building or engineering works;
 - d) purchasing of any services, including consultancy services; and
 - e) concession contracts (e.g. operating commercial ventures at the Council's premises such as vending machines).
- 3.3 Relevant contracts do not include:
- a) contracts of employment with individual employees;
 - b) land and property transactions (sales, purchases, leases, licenses etc.). These are governed by the Rules for Dealings with Land and Buildings;
 - c) the payment of grants to third parties. However, contracts with voluntary organisations for supplies, services or works are covered by these Rules;
 - d) vertical arrangements involving contracts between the Council and a company solely or jointly controlled by the Council;
 - e) horizontal arrangements involving contracts between contracting authorities; and
 - f) Treasury management deals for borrowing or investment which will be dealt with in accordance with the approved Treasury Strategy.
- 3.4 Relevant contracts that must be referred to Legal regardless of the value of the contract:
- a) Contracts that involve a contractor/supplier handling, gathering, processing or using personal data for and on behalf of the Council.
 - b) Contracts that involve the transfer of Council data of any form between the supplier and the Council
 - c) Contracts that are for goods or services in relation to ICT hardware or software. These contracts must first be reviewed by the Council's Business and Technical Design Authority (BTDA).

4 Officer Responsibilities

- 4.1 Every Council officer responsible for procuring and managing relevant contracts on behalf of the Council must comply with these Rules, the Council's Financial Regulations, Officers' Code of Conduct, all relevant legal requirements or guidance and any relevant policies of the Council. It is the responsibility of officers to ensure that they are aware of and fully understand the requirements under these Rules. Any Council officer who fails to comply with these rules may be subject to disciplinary action.
- 4.2 Prior to commencing any procurement process the lead officer for the procurement (the **Contract Officer**) must:
- a) Conduct preliminary market engagement compliantly (see Rule 6)
 - b) ensure there is sufficient time to complete the procurement process, including contract completion and mobilisation, and establish a procurement timetable;
 - c) ensure there is a sufficient budget established or approval has been obtained from the Chief Financial Officer in accordance with Rule 5);
 - d) consider what procurement method in accordance with these Rules is most likely to achieve the purchasing objectives;
 - e) obtain Director approval for the procurement including the procurement method;
 - f) prepare a robust specification of requirements;
 - g) if the contract will be procured competitively, prepare a written evaluation criteria;
 - h) consider whether a written contract is required by these Rules and, if one is required, the form of contract that is appropriate for the particular procurement and seek appropriate advice from Legal Services prior to seeking quotations/tenders;
 - i) consider contract management arrangements including nomination of a suitable officer to manage the contract once it has been completed; and
 - j) for contracts for services which are valued in excess of the statutory threshold, consider how the procurement may improve the economic, social and environmental well-being of the borough in order to demonstrate compliance with the Public Services (Social Value) Act 2012.
 - k) Provide a minimum of three KPI's for the appropriate management of the contract with regular reviews.
- 4.3 The Contract Officer is responsible for ensuring that an appropriate audit trail, through written and/or electronic records, is made to evidence that the procurement process has been carried out in accordance with these Rules, including decisions relating to the method of procurement, evaluation of tenders and contract award.
- 4.4 All records must be retained by the Contract Officer in accordance with the [Council's Records Retention & Disposal Policy](#).
- 4.5 All completed contracts must be passed to Legal Services for retention in accordance with the Council's Records Retention & Disposal Policy.

5 Funding

In accordance with the Council's Financial Regulations, an order must not be placed or a formal process for letting a contract commenced unless expenditure has been included in approved capital or revenue budgets or the prior approval of the Chief Financial Officer has been obtained.

6 Preliminary Market Engagement

- 6.1 Potential suppliers may be consulted prior to the issue of a request for quotation or invitation to tender in general terms about the nature, level, standard and packaging of the supplies, services or works and other relevant matters so as to best ensure competition and value for money, provided that this does not distort competition or prejudice any potential supplier.
- 6.2 When carrying out preliminary market engagement, it must be made clear to potential suppliers that they will not receive preferential treatment in the quotation or tender process and that there is no guarantee that any procurement exercise will take place.
- 6.3 Preliminary market engagement does not negate the need to undertake a formal procurement process such as a request for quotations or tender.
- 6.4 Where the estimated contract value is equal to or exceeds the relevant statutory threshold (but is not a framework call-off) and preliminary market engagement has been carried out:
- a) a Preliminary Market Engagement Notice must be published on the Government's online central digital platform prior to the publication of a Tender Notice
 - b) an explanation must be given in the Tender Notice why a Preliminary Market Engagement Notice was not published. Reasons for not publishing should be limited (e.g. where there are extenuating circumstances such as a high risk of critical service failure if the procurement doesn't progress quickly).
- 6.5 Publication of the Preliminary Market Engagement Notice will be arranged by Procurement Services.

7 Procurement Requirements

- 7.1 If an Officer wishes to alert the market to an upcoming contract with a value equal to or exceeding the relevant statutory threshold prior to inviting tenders. Procurement Services will advise and publish a Planned Procurement Notice in accordance with the Procurement Act if considered appropriate.

Gedling Borough Council Constitution

- 7.2 Where the Council considers that it will pay more than £100 million under any contract for the supply of goods, services or works (other than exempt contracts) in the coming financial year, it must publish a pipeline notice within 56 days of the start of the new financial year. A pipeline notice sets out prescribed information about any contract with an estimated value of more than £2 million in respect of which the Council intends to publish a Tender Notice or Transparency Notice during the period of 18 months beginning with the first day of the new financial year.
- 7.3 The nature of the procurement process to be undertaken will depend on the estimated total value of the contract.
- 7.4 When establishing the total value of the contract, the whole life costs and any possible extension periods which may be awarded must be included along with VAT. Contracts must not be artificially under or over-estimated or divided into separate contracts to avoid the application of the Procurement Act or these rules.
- 7.5 Consideration should also be given to contracts held with the same supplier elsewhere within the Council and contracts that run consecutively with the same supplier when calculating the contract value. Rewarding a contract to the same supplier will require the contract value to be calculated on a cumulative basis, including both the contract due to expire and the proposed new contract in order to establish the whole contract value.
- 7.6 Where the estimated total value of the proposed contract is within the values in the second column of the table below, the procurement process in the third column and the requirements set out in the fourth column must be followed unless a waiver under [Rule 2](#) has been granted or an exception under [Rule 35](#) applies.
- 7.5 All procurements using the [Open Procedure](#), the [Competitive Flexible Procedure](#) or the [Multi-Staged Procedure](#) must seek to achieve wider financial and non-financial outcomes, including improving wellbeing of individuals and communities and the environment by making Social Value a decision-making criterion when awarding contracts as required by the Public Services (Social Value) Act 2012. Please see the Procurement Strategy for more detail on decision-making criterion to be used.

Gedling Borough Council Constitution

	Total aggregate contract value (whole life cost including extension periods)	Procurement Route LTRFQ - Light Touch Request For Quotation RFQ – Request for Quotation DMS – Dynamic Purchasing System	Other essential requirements
A	Up to £9,999.99 (inc VAT)	No specific procurement route	Must deliver value for money seeking to maximise public benefit. No written contract required unless ICT or involves the processing or sharing of personal data then move to row B.
B	£10,000 to £29,999.99 (inc VAT)	LTRFQ - three written quotations in accordance with Rule 8 (unless using framework or DMS in accordance with Rule 12)	<ul style="list-style-type: none"> ▪ Legal Services must be instructed ▪ Quotes must be confirmed in writing or email using the LTRFQ form. ▪ The contract must be concluded formally in writing before the works, supplies or services are delivered, see Rule 21.2 ▪ The price/quotation must meet the purpose of procurement as detailed at Rule 1.1. ▪ The contract must be signed by Director or officer authorised by the Director in writing. ▪ A formal RFQ as per row C can be used where there is a more specialist/unique service/product required (as per rule 3.4).
C	£30,000 to £74,999.99 (inc VAT)	RFQ - three written quotations - advertisement of the contract In accordance with Rule 8 (unless using framework or DMS in accordance with Rule 12)	<ul style="list-style-type: none"> ▪ Procurement & Legal Services must be instructed ▪ The Council's eTendering system must be used. ▪ The contract must be concluded formally in writing before the works, supplies or services are delivered, see Rule 21.2 ▪ The contract must be signed by Director or officer authorised by the Director in writing ▪ Unless a framework or DMS is used, the contract opportunity must be advertised on the Government's Contracts Finder website
D	£75,000 to below statutory threshold* (inc VAT)	Tender in accordance with Rules 9, 10 & 11 OR Framework or DMS in accordance with Rule 12 OR e-Auction in accordance with Rule 12	<ul style="list-style-type: none"> ▪ Procurement & Legal Services must be instructed ▪ The Council's eTendering system must be used. ▪ The contract must be concluded formally in writing before the works, supplies or services are delivered, see Rule 21.2 ▪ The contract opportunity must be advertised on the Government's Contracts Finder website, and an advertisement must be placed on SourceNottinghamshire and SourceDerbyshire websites (unless using framework or DMS in accordance with Rule 12). ▪ The contract must be executed under seal, see Rule 21.1
E	Greater than statutory threshold*	All statutory procurement rules must be followed, contact Procurement and Legal Services.	<ul style="list-style-type: none"> ▪ Procurement & Legal Services must be instructed ▪ All statutory procurement rules must be followed ▪ The Council's eTendering system must be used. ▪ The contract must be concluded formally in writing before the works, supplies or services are delivered, see Rule 21.2. The contract opportunity must be advertised on the Government's Contracts Finder website, and an advertisement must be placed on SourceNottinghamshire and SourceDerbyshire websites (unless using framework or DMS in accordance with Rule 12). ▪ The contract must be executed under seal, see Rule 21.1

*Statutory thresholds at 28th October 2024 (thresholds reviewed bi-annually and published by the Cabinet Office):
Supplies and services - £213,477 (inc VAT); Works - £5,336,937 (inc VAT); Concessions - £5,336,937 (inc VAT)

8 Quotations

- 8.1 When seeking quotations through the Light Touch Request for Quotation route (LTRFQ) Director must ensure that:
- a) A minimum of three written quotations should be obtained and the documentation retained by the client department.
 - b) The selection process used to determine which suppliers will be invited to quote is fair and equitable having consideration to the purpose of procurement contained at [paragraph 1](#);
 - c) The LTRFQ specifies the supplies, services or works to be procured;
 - d) The LTRFQ states that the Council is not bound to accept any quotation;
 - e) All suppliers invited to quote are issued with the same information and subject to the same conditions. Any supplementary information shall be given on the same basis;
 - f) All suppliers invited to quote are given an adequate period of time to prepare and submit a proper quotation;
 - g) All quotations must be considered at the same time; and
 - h) A written record of the reasons is made on file if the lowest price is not accepted.
- 8.2 When seeking quotations through the Request for Quotation route the Director must ensure that:
- a) The Councils e-tendering system must be used
 - b) The selection process used to determine which suppliers will be invited to quote is fair and equitable having consideration to the purpose of procurement contained at [paragraph 1.1](#);
 - c) The Request for Quotation specifies the supplies, services or works to be procured;
 - d) The Request for Quotation states that the Council is not bound to accept any quotation;
 - e) All suppliers invited to quote are issued with the same information at the same time and subject to the same conditions. Any supplementary information shall be given on the same basis;
 - f) All suppliers invited to quote are given an adequate period of time to prepare and submit a proper quotation;
 - g) All quotations are opened together after the specified return date; and
 - h) A written record of the reasons is made on file if the lowest price is not accepted.
- 8.3 If the Council has not tested the market by a competitive process or cannot evidence that the price paid does not exceed the market value, then officers must follow the Subsidy Control Process.

Gedling Borough Council Constitution

- 8.4 For Contracts below the value of £30,000.00 where it is not possible to obtain three written quotations, due to lack of suitable firms prepared to quote or for some other valid reason, the quotation to be accepted can be approved by the Director, in consultation with the Chief Financial Officer and Monitoring Officer. Such approval is to be recorded in writing on a contract waiver form approved by the Chief Financial Officer and Monitoring Officer and must be kept on the file.
- 8.5 For contracts in excess of £30,000.00 but below threshold, where the market has not been tested through a competitive procurement exercise as detailed in the table at [Rule 7](#), a waiver form can be submitted provided one of the exemptions detailed at Rule 35.3 apply.
- 8.6 There is no requirement to consult Chief Financial Officer and Monitoring Officer and formally record the reasons under [Rule 8.4](#) above where:
- a) the quotation proposed to be accepted has been obtained through a framework or DMS (Dynamic Market System); or
 - b) the Request for Quotation was openly advertised in accordance with [Rule 8.2](#) and less than three suppliers submitted written quotations.
- 8.7 In cases where an LTRFQ or RFQ is the method adopted or procurement, the Open Procedure at [Rule 9](#) can be used for an in-depth procurement regardless of the value of the contract.

9 Open Procedure

- 9.1 The open procedure can be authorised by the Director. This is a one stage procedure where the contract is advertised openly and anyone interested can submit a tender.
- 9.2 The Council's eTendering system must be used. Notice of the contract opportunity shall be advertised in accordance with the Procurement Act on the Government's [Contracts Finder](#) website, on SourceNottinghamshire and SourceDerbyshire websites and, where the Director considers it appropriate to generate additional interest in the contract, in such newspaper, journal or website as they see fit.
- 9.3 The notice/advert shall:
- a) specify details of the contract into which the Council wishes to enter;
 - b) invite tenders for the contract;
 - c) state how the tenderers should respond;
 - d) state the date and time (being not less than 14 calendar days from the date of the publication of the notice or such longer period where required by the Procurement Act) when tenders must be received by the Council.

10 Competitive Flexible Procedure

- 10.1 This procedure can only be used when authorised by the Director with the approval of the Monitoring Officer where the nature of the contract is such that the Council wishes to design its own procurement procedure with one or more stages. This may include restricted forms of procurement, negotiated or competitive dialogue forms of procurement. This procedure may be appropriate for complex technical IT contracts, for example.
- 10.2 The procedure rules as set out in the Procurement Act must be complied with and advice from Procurement and Legal Services must be sought.

11 Multi-Staged Procedure

- 11.1 This procedure can only be used where authorised by the Director with the approval of the Monitoring Officer where the Council is unable to define the design, technical, financial or legal elements of the project. It is intended for complex procurement projects. The multi-staged procedure is a two-stage procedure where firstly the contract is advertised and anyone who expressed an interest must complete a pre-qualification questionnaire. These are then evaluated, and a number of potential suppliers are shortlisted and invited to enter into a dialogue with the Council.
- 11.2 The procedure rules as set out in the Procurement Act must be complied with and advice from Procurement and Legal Services must be sought.

12 Framework Agreements and Dynamic Market System (DMS)

- 12.1 A Framework Agreement is a general term for an agreement with appointed suppliers that sets out terms and conditions under which a contract can be awarded or specific purchases (call-offs) can be made throughout the term of the agreement without the need to enter into a separate full procurement process. A DMS is similar to an electronic framework however new suppliers can join at any time and the procedure must be run as a completely electronic process.
- 12.2 Framework agreements and DMSs procured by other local authorities, public bodies or purchasing consortiums may only be used where the Council is either a named participant or where the Council is considered a recognisable class of contracting authority under the terms of the framework agreement or DMS.

- 12.3 Contracts based on framework agreements and DMSs may only be awarded by either:
- a) applying the terms laid down in the framework agreement or DMS (where such terms are sufficiently precise to cover the particular call-off); or
 - b) where the terms laid down in the framework agreement or DMS are not sufficiently precise for the particular call off, by holding a Competitive Selection Process in accordance with the procedure set out in the framework agreement or DMS.

13 e-Auction

- 13.1 An e-Auction (an electronic auction) may be used where authorised by the Director with the approval of the Chief Financial Officer and Monitoring Officer. This is a procurement tool where potential suppliers can complete online in real time to give prices for supplies or services under auction.
- 13.2 Advice must be sought from Procurement and Legal Services.

14 Specifications and Standards

- 14.1 All tenders and LTRFQ and RFQ shall, except to the extent that the Council in a particular case or specified categories of contract otherwise decides, be based on a definite specification that describes the Council's requirements in sufficient detail to enable the submission of competitive bids and objective evaluation.
- 14.2 Where an appropriate British Standard Specification or British Standards Code of Practice is current at the date of the tender or LTRFQ and RFQ, every contract shall require that all goods and materials used or supplied, and all the workmanship shall be at least of the standard required by the appropriate British Standards Specification or Code of Practice.
- 14.3 Specifications should not include product names and can only reference trade names and marks where it is necessary to adequately specify the Council's requirements and equivalent products must be accepted.

15 Evaluation Criteria

- 15.1 The evaluation criteria must be defined and clearly set out in a request for quotation or invitation to tender. Such criteria must be that which is best suited to the procurement exercise and designed to secure value for money for the Council.

- 15.2 The following criteria are available:
- a) lowest price where payment is made by the Council;
 - b) highest price where payment is to be received by the Council (e.g. in respect of concession contracts); or
 - c) most advantageous tender (**MAT**) where considerations other than price apply.
- 15.3 The request for quotation or invitation to tender must clearly outline the criteria which will be used to evaluate tenders received and, in the case of MAT, the overall weightings to be attached to each element.
- 15.4 In the latter case, the Council will use criteria linked to the subject matter of the contract to determine that an offer is the most advantageous for the Council. Such criteria may include: price, service, quality, technical merit, aesthetic and functional characteristics, accessibility, environmental characteristics, running costs, cost effectiveness, safety, organisational qualification and experience of staff assigned to perform the contract, after- sales service, technical assistance, delivery process, delivery date, delivery period and period of completion.
- 15.5 Issues that are important to the Council in terms of meeting corporate objectives can be used to evaluate bids. The criteria can include for example: sustainability considerations and support for the local economy and social value. All criteria must relate to the subject matter of the contract and must be objectively quantifiable and non-discriminatory. The criteria must not include non-commercial considerations, matters which discriminate against suppliers or matters which are anti-competitive.

16 Submission of Quotations and Tenders

- 16.1 The entire RFQ and tender process for contracts over £30,000.00 shall be conducted electronically through an e-Tendering system approved by the Council for this purpose. Quotations and tenders must be submitted via the approved system and in accordance with instructions given in the request for quotation or invitation to tenders.
- 16.2 No quotation or tender received after the time and date specified in the invitation to tender shall be accepted or considered. Any late quotation or tender must be notified promptly to the bidder (if applicable).
- 16.3 Quotations and tenders shall not be opened until the time and date specified for their opening.

17 Opening of Tender

- 17.1 Tenders received shall be opened one at a time by a representative of the Monitoring Officer in the presence of a representative of the Director who invited the tenders.

- 17.2 The relevant Cabinet Member, Chair of the Overview and Scrutiny Committee, the Chief Financial Officer and the Monitoring Officer must be notified of the time and place appointed for the opening and be afforded the opportunity to attend the tender opening. Any Member of the Council who wishes may be present at the opening of tenders.
- 17.3 All tenders received shall be recorded by the representative of the Monitoring Officer and a record of the tender shall be signed by all persons present.

18 Clarification of Bids

- 18.1 Where examination of quotations or tenders reveals errors or discrepancies which would affect the price in an otherwise successful bid, the bidder is to be given details of such errors and discrepancies and accorded an opportunity of confirming or withdrawing their offer. The bidder cannot amend their quotation or tender. If the bidder withdraws, the Council may award the contract to the next quotation or tender in competitive order.
- 18.2 Seeking clarification of a quotation or tender during the evaluation period is permitted but must be conducted in a manner which does not distort competition. The bidder cannot amend or alter their bid.
- 18.3 Where clarification results in a fundamental change to the specification or contract terms, the contract must not be awarded and contract opportunity must be re-tendered.
- 18.4 Except when following a specific procedure under the Procurement Act, negotiation with bidders is not permitted. Discussions with bidders after submission of a quotation or tender and before the award of a contract with a view to obtaining adjustments in price, delivery or content, must not be carried out in a way which distorts competition, particularly with regard to price.

19 Evaluation and Acceptance

- 19.1 Quotations and tenders shall be promptly examined for adequacy, completeness and accuracy.
- 19.2 Quotations and tenders must be evaluated and contracts awarded in accordance with the evaluation criteria set out and published in the request for quotation or invitation to tender. Where the criteria is other than the lowest or highest price, a written record must be kept of the evaluation with scores given for each bidder on each of the stated evaluation criteria.
- 19.3 Where a quotation or tender is within the budgetary provision previously approved by the Council, the Director may accept the lowest quotation / tender if payment is to be made by the Council or the highest quotation / tender if payment is to be made to the Council or the most economically advantageous quotation / tender.

- 19.4 Quotations or tenders not within the budgetary provision shall be referred to Cabinet and Council (if necessary) for approval in accordance with the Financial Regulations.
- 19.5 Bidders shall be notified promptly of the result of the procurement exercise in accordance with relevant legislation.

20 Nominated Sub-Contractors and Suppliers

- 20.1 Where a sub-contractor or supplier is to be nominated to a main-contractor, the following provisions shall have effect:
- a) Where the estimated value of the sub-contract or the estimated value of the goods to be supplied by the nominated sub-contractor does not exceed £75,000 then, unless the appropriate Director is of the opinion in respect of any particular nomination that it is not reasonably practicable to obtain competitive tenders, quotations shall be invited for the nomination in accordance with [Rule 8](#).
 - b) Where the estimated value of the sub-contract or the estimated value of the goods to be supplied by the nominated sub-contractor exceeds £75,000 but is less than the statutory threshold then, unless the Director determines in respect of any particular nomination that it is not reasonably practicable to obtain competitive tenders, tenders shall be invited for the nomination in accordance with these Rules unless a framework or DMS is utilised.
 - c) Where the estimated value of the sub-contract or the estimated value of the goods to be supplied by the nominated sub-contractor exceeds the statutory threshold, tenders shall be invited for the nomination in accordance with these Rules unless a framework or DMS is utilised.
 - d) The provisions of Rules 15 to 20 shall apply to tenders received under this Rule.

21 Contracts to be in writing

- 21.1 Every contract that involves processing, sharing or the transfer of personal data must be in writing regardless of the value of that contract. A Data Protection Impact Assessment (DPIA) must be completed prior to entering into the contract.
- 21.2 Every contract for goods or services in relation to ICT hardware or software must be in writing regardless of the value of the contract.

- 21.3 Every contract which exceeds £10,000 in value or amount shall:
- a) be in writing;
 - b) be executed in accordance with Section 17 of the Constitution. For contracts valued £75,000 and over, the contract shall be executed under seal, and
 - c) specify the supplies or services to be provided or the work to be carried out; the price to be paid together with a statement as to the amount of any discount(s) or other deduction(s); the period(s) within which the contract is to be performed and such other conditions and terms as may be agreed between the parties.
- 21.4 All contracts exceeding £10,000 in value or amount must be concluded formally in writing before the supplies, services or works are delivered or commenced except in exceptional circumstances and then only with the written consent of the Monitoring Officer.
- 21.5 All contracts exceeding £10,000.00 in value or amount should have a minimum of 3 KPI's included and these should be regularly reviewed and managed by the relevant officer.

22 Prevention of Bribery

- 22.1 Except in exceptional circumstances and then only with the prior written consent of the Monitoring Officer, there shall be inserted in every written contract, a clause empowering the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation:
- a) if the contractor shall have offered, promised or given a financial or other advantage to another person; and either the contractor intends the advantage to induce a person to perform improperly, or reward a person for the improper performance of a relevant function or activity in relation to obtaining or execution of the contract or any other contract with the Council; or the contractor knows or believes that the acceptance of the advantage would itself constitute the improper performance of the relevant function or activity in relation to the obtaining or execution of the contract or any other contract with the Council; or
 - b) if the like acts shall have been done by any person associated with the contractor or acting on his/her behalf (whether with or without the knowledge of the contractor); or
 - c) if in relation to any contract with the Council the contractor or any person associated with him/her or acting on his/her behalf shall have committed any offence under the Bribery Act 2010, or shall have given any fee or reward the receipt of which is an offence under Section 117(2) of the Local Government Act 1972.

23 Assignments and Novation

- 23.1 Every contract which is estimated to exceed £10,000 in value or amount must contain a clause prohibiting the contractor from transferring, novating, assigning or sub-letting the contract without the written permission of the Council.
- 23.2 A contract shall only be transferred, novated, assigned or sub-let with the prior written permission of the Director.

24 Payments

- 24.1 Every contract which is estimated to exceed £30,000 in value or amount must contain a clause requiring payment of undisputed invoices within 30 days.

25 Liquidated damages

- 25.1 Every works contract which is estimated to exceed £50,000 in value or amount and provides for completion by a particular date or series of dates shall provide for liquidated damages of an amount to be determined in each case by the Director where he is able to arrive at a realistic estimate of the loss likely to be incurred in the event of the non-performance of the contract in the time specified.

26 Performance Bonds or Parent Company Guarantees

- 26.1 Where a contract is estimated to exceed £100,000 in value or amount and is for the execution of works or for the provision of supplies or services, the Director concerned shall consider whether the Council should require security for its due performance of the contract and shall in consultation with the Monitoring Officer and the Chief Financial Officer either specify in the invitation to tender the nature and amount of the security to be given or certify that no such security is necessary. In the former event, the Council shall require and take a bond, parent company guarantee or other sufficient security for the due performance of the contract. As a minimum this should usually be for at least 10% of the total value of the contract.
- 26.2 The form of the bond, guarantee or security shall be in a form approved by the Chief Financial Officer.

27 Data Protection

- 27.1 Where a contract requires the processing or sharing of personal data, any requirements under the data protection legislation relevant to the handling of personal data, its use, storage and destruction under the contract, including data processing clauses, must be included in the written contract.

28 Contract Clauses

28.1 Where relevant, all written contracts should also include the following additional contract requirements:

- a) any insurance requirements;
- b) health and safety requirements;
- c) audit requirements;
- d) FOI requirements;
- e) safeguarding requirements;
- f) IR35;
- g) tax;
- h) outsourcing and transferring services (TUPE);
- i) any carbon reduction requirements;
- j) compliance with equality and diversity legislation;
- k) compliance with Modern Slavery legislation;
- l) business continuity arrangements; and
- m) contract management and KPIs.

29 Engagement of Consultants

29.1 It shall be a condition of the engagement of the services of any architect or of any engineer, surveyor or other professional consultant (not being an officer of the Council) who is to be responsible to the Council for the supervision of a contract on its behalf, that in relation to the contract they shall:

- a) comply with these Rules as though they were a Director subject to the modification that the procedure to be followed in inviting and opening tenders shall be approved in advance by the appropriate Director;
- b) at any time during the carrying out of the contract, produce to the appropriate Director or their representative on request all the records maintained by them in relation to the contract; and
- c) on completion of the contract, transmit all such records to the appropriate Director.

30 Small and Medium sized enterprise (SMEs) participation and excluded suppliers

30.1 To facilitate SME participation in awards of contracts, consideration should be given to dividing contracts into smaller lots where appropriate. Where a decision is taken not to divide a contract into lots then the responsible officer must maintain a written summary of the reasoning underlying that decision.

Gedling Borough Council Constitution

- 30.2 The Council will not enter into a contract with an Excluded Supplier. An excluded supplier is a supplier or associated person who the contracting authority considers is subject to:
- a) a discretionary exclusion ground (listed in Schedule 7 of the Act) which is ongoing or likely to occur again. For example, certain labour market or environmental misconduct findings, bankruptcy or insolvency proceedings, professional misconduct findings, competition infringements and poor performance amongst others (listed in the Act).
 - b) A mandatory exclusion ground (listed in Schedule 6 of the Act) which is ongoing or likely to occur again; and/or is on the Debarment List for a mandatory exclusion ground.

31 Publication contract award

- 31.1 Where a contract which exceeds £30,000 in value or amount is awarded, information about the contract must be published in accordance with the Procurement Act 2023.

32 Register of Contracts

- 32.1 A register of all contracts exceeding £10,000 shall be kept and maintained by the Chief Financial Officer. Such register shall for each contract specify the name of the supplier, the works to be executed or the supplies or services to be provided and the contract value. The register shall be open to inspection by any member of the public and published on the Council's website.

33 Declaration of Interests and Avoidance of Corruption

- 33.1 Any officer who has a conflict of interest or any material interest, financial or otherwise which may affect the procurement process must declare that interest to the Director in writing and shall take no further part in the procurement process unless the Monitoring Officer gives written approval to that officer's continued involvement.
- 33.2 No officer shall accept any gift, fee, hospitality or reward in return for favourable treatment in a procurement exercise.

34 Contract Extensions

- 34.1 Where a contract includes an option to extend the term of a contract, the option to extend may, subject to budget approval, only be exercised by a Director in writing.
- 34.2 The term of a contract may not be extended unless the original contract contains provisions which permits the contract to be extended.

- 34.3 An over threshold contract can only be extended where it complies with the provisions of the Procurement Act and advice should be sought from Legal Services and Procurement teams.

35 Exceptions

- 35.1 Where a proposed contract exceeds the statutory thresholds, the procedures set out in the Procurement Act 2023 apply and none of the following exceptions can be relied upon. Legal advice should be sought in relation to such contracts.
- 35.2 Reliance on an exception set out at Rule 35.3 can only be approved by the Director, in consultation with the Chief Financial Officer and Monitoring Officer using a contract waiver form submitted to the relevant Director. The use of a waiver form may trigger a requirement for a Subsidy Assessment under the Subsidy Control Act 2022, this assessment should be provided at the same time as the waiver. Legal advice must be sought on the application of a waiver and on a subsidy assessment.
- 35.3 Nothing in these Contracts and Procurement Rules shall require a request for quotation or tenders to be invited if:
- a) in the case of contracts for supplies:
 - i. the goods or materials are patented, of such special character or are sold only at a fixed price and no reasonably satisfactory alternative is available;
 - ii. the prices of the goods or materials are wholly controlled by trade organisations or Government procedures and no reasonably satisfactory alternative is available;
 - iii. for other reasons, there would be no genuine competition;
 - b) the contract is for the execution of works or the provision of supplies or services where a related contract award was procured via a competitive tender exercise in the last 5 years and the extension does not exceed a maximum of 50% of the value of the original contract, subject to it not exceeding the statutory procurement thresholds. Where a supplier will not maintain the original tender price in respect of such extension, any variation in such price shall only be agreed with the prior approval of the Chief Financial Officer. "Related" shall be defined as having a direct relationship to the original project in the case of works, or, for additional quantities of the services or supplies (or associated components) previously delivered in the case of services and supplies. If the cumulative value of the existing contract including the extension period of a contract exceeds the statutory thresholds this exception cannot be applied.

Gedling Borough Council Constitution

- c) the contract is for works, supplies or services that are strictly necessary for reasons of extreme and unavoidable urgency that is not attributable to any act or omission of the Council that could not have been foreseen by the Council;
- d) the contract is funded by time limited grant funding from an external body and the time limitations will not allow a full tender process to be completed;
- e) the contract relates to repairs to or the supply of parts for existing proprietary machinery or plant;
- f) the contract is for a works order placed with a utility company where only one provider can be used (e.g. for the rerouting of cables or pipework);
- g) the supplies are purchased at a public auction;
- h) the execution of works or provision of supplies or services involves specialist or unique knowledge or skills or are only available from one organisation;
- i) the works, supplies or services can be supplied only by a particular supplier because:
 - i. the aim is the creation or acquisition of a unique work of art or artistic performance;
 - ii. there would be no competition for technical reasons; or
 - iii. the supplier has exclusive rights, including intellectual property rights

but only in the case of paragraphs (ii) and (iii) where no reasonable alternative or substitute exists, and the absence of genuine competition is not as a result of an artificial narrowing down of the parameters of the procurement;
- j) tenders or quotations have been invited on behalf of any consortium, collaboration or similar body of which the Council is a member, provided that such tenders or quotations shall have been invited in accordance with the provisions of the Contracts and Procurement Rules of the said body or lead authority;
- k) the contract is to be awarded to an entity controlled by the Council; or
- l) the contract to be awarded is for legal counsel and other legal and financial advisors (excluding consultants). Financial advisors are those engaged in the business of lending money or an investment activity.
- m) The contract for the supply of goods to be awarded is to a supplier undergoing insolvency proceedings and the terms are particularly advantageous to the Council.

This page is intentionally left blank



Report to Council

Subject: Changes to committee membership

Date: 18 September 2024

Author: Democratic Services Manager

Purpose

Following formal notification from the Labour party, the allocation of seats to committees must be updated and this report proposes to make the necessary changes.

Recommendation(s)

To approve the following changes to representation on committees:

- 1) Remove Councillor Welsh as Chair of the Joint Consultative and Safety and Committee; and
- 2) Add Councillor Creamer as Chair of the Joint Consultative and Safety and Committee; and
- 3) Add Councillor Roxanne Ellis as Vice-Chair of the Joint Consultative and Safety Committee

1 Background

In determining the membership of committees, account must be taken of the requirements of the Local Government (Committees and Political Groups) Regulations 1990 and 1991 made under sections 15 and 16 of the Local Government and Housing Act 1989. These regulations require that seats on committees and sub-committees are allocated to the political groups in a way which reflects the overall political balance of the Council. A political group is defined as a group consisting of two or more members.

There is no change to the political make-up of the Council, which is as follows:

Labour Group	26 (-)
Conservative Group	9 (-)
Liberal Democrat Group	4 (-)
Independent members	1 (-)
Vacant seats	1 (+1)

2 Proposal

It is proposed to make the following changes to committee memberships:

- Remove Councillor Welsh as Chair of the Joint Consultative and Safety and Committee; and
- Add Councillor Creamer as Chair of the Joint Consultative and Safety and Committee; and
- Add Councillor Roxanne Ellis as Vice-Chair of the Joint Consultative and Safety Committee

3 Alternative Options

Council may decide not to approve the recommendations as proposed. However, these proposals have been put forward by the Labour Group to ensure that membership of Committees reflects requirements in the constitution in terms of Committee make up and membership.

4 Financial Implications

There are no financial implications arising from this report.

5 Legal Implications

The legal implications are as detailed in this report.

6 Equalities Implications

There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

There are no environmental sustainability implications arising from this report.

8 Appendices

None.

9 Background Papers

None.

MINUTES OVERVIEW AND SCRUTINY COMMITTEE

Monday 22 April 2024

Councillor Catherine Pope (Chair)

Councillor David Brocklebank	Councillor Rachael Ellis
Councillor Roy Allan	Councillor Grahame Pope
Councillor Lorraine Brown	Councillor Kyle Robinson-Payne
Councillor Andrew Dunkin	Councillor Russell Whiting

Apologies for absence: Councillor Roxanne Ellis, Councillor Martin Smith and Councillor Sam Smith

Officers in Attendance: T Adams, M Cryer, B Hopewell and L Juby

45 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies for absence were received from Councillors Roxanne Ellis, Martin Smith and Sam Smith.

46 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 11 MARCH 2024

Councillor Whiting joined the meeting.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

47 DECLARATION OF INTERESTS

None.

48 PROGRAMME OF PORTFOLIO HOLDER ATTENDANCE

Members welcomed Councillor Henry Wheeler, Portfolio Holder for Lifestyles, Health and Wellbeing to the meeting to examine his portfolio. Councillor Wheeler gave an update to members on some key happenings within his portfolio.

Councillor Wheeler delivered a presentation, answering questions received in advance of the meeting and updating Members on the various areas of responsibility within his portfolio. He gave the following updates:

Attendance across Gedling leisure centres had grown steady over the last few years and targets for 2023-2024 were surpassed by 93,000. It was noted that Annual attendance had been higher than the pre-Covid levels by 21,200. DNA and Swim School memberships had also surpassed pre-Covid levels.

The falls prevention programme delivered by qualified instructors in Gedling had been shortlisted in the Prevention category of the Nottingham and Nottinghamshire Integrated Care System Health and Care Awards 2023. It was noted that the programme had been running for over 12 months with participants noticing improvements in their strength, balance and social confidence.

Food clubs and pantries had been set up across the Borough to improve resident's access to affordable nutritious food, whilst reducing food waste. Individuals and families could become a member of their local food club for £1 a year. The clubs and pantries operate at the following sites across the borough:

- Calverton CORE Centre Food Pantry Club
- Carlton Community Hub Food Club
- Newstead Village Food Pantry
- Netherfield Food Club
- Arnold Methodist Church

In 2022, Killisick had been selected as one of four areas across Nottingham and Nottinghamshire to deliver an NHSEi pilot project which aimed to promote healthy and happy communities. It was noted that engagement had led to co-produced interventions based on community feedback which included a breakfast club during school holidays, a friendship group reducing loneliness and social isolation and afterschool clubs which were sustained by the local community.

Councillor Wheeler reported that attendance at The Bonnington Theatre had exceeded the target set for 2023/24 with 47,500 attendances compared with 40,200 in 2022/23.

The Chair gave members the opportunity to ask questions of Councillor Wheeler's portfolio.

Members asked whether the council recorded data on how often those with memberships had attended the leisure centres.

The Head of Leisure and Communities explained that although the Council did not record attendance data, it did record and monitor membership retention rates which provided an indication of how many active members there were for a given period of time.

Members queried the ways in which leisure centre attendees could provide feedback and asked whether the Gedling leisure app offered such a feature.

The Head of Leisure and Communities explained that although regular surveys are conducted to seek feedback, the app does not currently offer a feedback feature. It was noted however that the app received regular development and that such a feature could be considered.

Members queried the ways in which Gedling Borough Council (GBC) currently engaged in social prescribing initiatives, and what non-clinical services the council provided or supported that were accessible through those schemes.

Councillor Wheeler explained that social prescribing is largely the work of the Communities and Leisure Service Area. It was noted that there were a range of physical activity options both within Leisure Centres and within the community that offer non-clinical support for people with health conditions. Leisure centres work with health professionals to raise awareness of activities which patients could be signposted to. The communities team facilitates and supports activities from falls prevention classes and green social prescribing, to walking groups across the Borough to which vulnerable people could access and be signposted to.

Members asked how GBC collaborates with the NHS and the voluntary sector, ensuring joint ownership and involvement in social prescribing programs. Councillor Wheeler was also asked to elaborate on the strategies GBC employs, ensuring that the voluntary sector had been adequately prepared to handle the anticipated increase in referrals resulting from Social Prescribing initiatives.

Councillor Wheeler explained that NHS Social Prescribing is commissioned by the local Primary Care Networks which form a part of the Integrated Care System (ICS) with strategic oversight being undertaken by the South Nottinghamshire Placed Based Partnership (PBP). The Council played a key role within the PBP over a four-year period developing the voluntary sector and community development support for social prescribing. It was noted that additional funding had been allocated by both the ICS through its Health Innovation Fund and by Public Health through its PBP fund to support the community development programme.

Members asked how soon the delivery of the Heartbeat scheme would resume.

The Head of Leisure and Communities informed members that recruitment to the role was ongoing and noted that there had been some challenges to recruit to the post.

RESOLVED:

To thank Councillor Wheeler for the information provided.

49 PROGRESS REPORT ON CARBON MANAGEMENT STRATEGY

The Head of Environment introduced a report, which had been circulated in advance of the meeting, updating Members on the progress of the Carbon Management Strategy and Action Plan.

Members queried whether there were more actions that the Council could take to reduce the use of carbon emitting fuels by taxi vehicles within the borough.

The Head of Environment agreed that this was something the council could consider looking at and potentially make some recommendations to help reduce their carbon emissions. Members noted that increased infrastructure within the borough such as charging stations would also make such reductions more feasible.

Members commended the tree planting figures and asked whether the council had been successful in identifying land to plant more significant numbers of trees going forward.

The Head of Environment informed Members that the council would be appointing an ecology officer in due course to identify areas in which biodiversity could be improved and work alongside the planning department and private landowners to further improve biodiversity.

Members queried what the most difficult challenges were with regards to reaching its net zero targets.

The Head of Environment highlighted that decarbonising the Councils property portfolio would be the most difficult challenge to the council, explaining that a lot of the buildings were old and not energy efficient.

RESOLVED:

To note the report.

50 UPDATE ON BEE FRIENDLY POLICY

The Head of Environment introduced a report, which had been circulated in advance of the meeting, updating Members on the application of the Council's Bee Friendly Pollinator policy and the actions taken to stop the decline of bee and pollinating insect populations.

Members queried whether the Council could liaise with various local housing organisations such as Nottingham City Homes to potentially use some of their green spaces as wildflower meadows within local neighbourhoods.

The Head of Environment agreed that working with partner organisations with green spaces could be something that the council could incorporate into their Bee Friendly policy.

Members queried how well the Council monitors the effects of the Bee Friendly policy and whether an increase in pollinating insect populations had been noted. Members also asked whether the Council liaises with organisations such as the Wildlife Trust on insect populations.

The Head of Environment confirmed that the Council does work with various organisations and the Wildlife Trust had conducted insect monitoring exercises on Gedling Country Park and other locations across the borough.

Members queried whether the Council would liaise with Parish Councils to plant more wildflower meadows in their local neighbourhoods.

The Head of Environment said he would welcome a conversation with Parish Councils to plant wildflower meadows.

RESOVLED:

To note the report.

51 UPDATE REPORT ON THE QUIET FIREWORK POLICY

The Head of Environment introduced a report, which had been circulated in advance of the meeting, updating Members on the application of the Council's Quiet Fireworks policy in relation to firework displays held on Council owned land.

Members queried whether the Council had liaised with other neighbouring authorities noting that fireworks over their borders might still affect residents within the borough.

The Head of Environment confirmed that various neighbouring authorities had also adopted a similar quiet fireworks policy.

RESOLVED:

To note the report.

52 QUARTER 3 RISK SCORECARD

The Head of Finance and I.C.T introduced a report, which had been circulated in advance of the meeting, updating Members on the current level of assurance that could be provided against each corporate risk.

Members queried which teams within the council had been training their own staff to mitigate against the lack of applicants to recent vacancies.

The Head of Finance and I.C.T noted that this had been happening and highlighted some recently employed trainees within the Legal and Finance departments.

Members asked if the Council held data on whether roles offering hybrid positions received more applicants compared to roles which were less agile.

The Head of Finance and I.C.T explained that the majority of office-based roles were now hybrid positions but noted that employees did have the option to work in the office full time if desired. It was noted that the HR department could provide further data on this.

RESOLVED:

To note the report.

53 SCRUTINY WORK PROGRAMME

Consideration was given to a report of the Democratic Services Manager, which had been circulated in advance of the meeting, updating Members on the scrutiny work programme.

Members highlighted an increase in section 21 notices within their wards, asking whether a report could be brought before the committee, allowing the Council's Housing department to provide further insight on how their systems were coping with the rising evictions.

RESOLVED:

To note the report.

54 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT

None.

The meeting finished at 7.45 pm

Signed by Chair:

Date:

MINUTES CABINET

Wednesday 17 July 2024

Councillor John Clarke (Chair)

Councillor David Ellis
Councillor Kathryn Fox
Councillor Jenny Hollingsworth

Councillor Lynda Pearson
Councillor Henry Wheeler

Absent: Councillor Michael Payne, Councillor Viv McCrossen
and Councillor Marje Paling

Officers in Attendance: M Hill, C McCleary, F Whyley and T Adams

100 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors V McCrossen, Paling and Payne.

101 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 18 APRIL 2024

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

102 DECLARATION OF INTERESTS

Councillors Hollingsworth and Pearson declared non-pecuniary interests in item 12 due to the fact that the item relates to Gedling ward.

103 FORWARD PLAN

Consideration was given to a report of the Democratic Services Manager, which had been circulated prior to the meeting, detailing the Executive's draft Forward Plan for the next six month period.

RESOLVED:

To note the report.

104 FLEXIBLE USE OF CAPITAL RECEIPTS STRATEGY 2024/25

The Chief Finance Officer introduced a report, which had been circulated in advance of the meeting, seeking referral to Council for the approval and adoption of the flexible use of capital receipts strategy.

RESOLVED:

To recommend to Full Council the approval and adoption of the flexible use of capital receipts strategy 2024/25.

105 BUDGET OUTTURN AND BUDGET CARRY FORWARDS 2023/24

The Chief Finance Officer introduced a report, which had been circulated in advance of the meeting, informing members of the budget outturn and budget carry forwards for 2023/24.

The report also asked Cabinet to note the final outturn position for 2023/24 and:

- 1) Approve the movements on earmarked reserves and provisions;
- 2) Note the capital carry forward budgets approved by the Chief Finance Officer in accordance with financial regulations;
- 3) Approve the carry forward of non-committed capital budgets from 2023/24 as additions to the 2024/25 budget in accordance with financial regulations; and
- 4) Recommend that Council approve the method of financing the 2023/24 capital expenditures which includes making the determinations required for the minimum revenue provision.

RESOLVED to:

- 1) Note the budget outturn figures for 2023/24;
- 2) Approve the movements in earmarked reserves and provisions as detailed in paragraph 2.7 of the report;
- 3) Approve the reimbursement of £1,454,360 CIL funds into earmarked reserves as detailed in paragraph 2.10 of the report;
- 4) Note the capital carry forwards approved by the Chief Finance Officer included in appendix 6 to the report, being amounts not in excess of £50,000 and committed schemes above £50,000;
- 5) Approve the capital carry forwards of £1,883,400 included in appendix 6 to the report for non-committed schemes in excess of £50,000; and

6) Refer to full Council for approval:

- i. The overall method of financing of the 2023/24 capital expenditure as set out in paragraph 3.4; and
- ii. The determination of the minimum revenue provision for the repayment of debt as set out in paragraph 3.5.

106 ANNUAL TREASURY ACTIVITY REPORT 2023/24

The Chief Finance Officer introduced a report, which had been circulated in advance of the meeting, informing members of the outturn on the 2023/24 prudential code indicators and advising members of the outturn on treasury activity.

RESOLVED:

To approve the Annual Treasury Activity report for 2023/24 and refer it to Full Council for approval.

107 QUARTER 4 (YEAR END) PERFORMANCE INFORMATION

The Director of Transformation introduced a report, which had been circulated in advance of the meeting, informing members of the position against improvement actions and performance indicators in the 2023/24 Gedling Plan at the end of quarter 4 and year end.

RESOLVED:

To note the progress against improvement actions and performance indicators for quarter 4 and the full year of 2023/24 Gedling Plan.

108 GEDLING PLAN - ANNUAL REPORT 2023/24

The Director of Transformation introduced a report, which had been circulated in advance of the meeting, seeking members' agreement to the wide publication of the proposed Gedling Plan Annual Report for 2023/24.

RESOLVED:

To approve the Gedling Plan Annual Report for 2023/24 for wide publication internally and externally as described within the report.

109 COUNCIL PRODUCTIVITY PLAN

The Chief Executive introduced a report, which had been circulated in advance of the meeting, seeking approval of the Council's Productivity Plan.

RESOLVED:

- 1) To approve the Council's Productivity Plan for publication and submission to the Department of Levelling Up, Housing and Communities (DLUHC); and
- 2) To refer to Full Council for information and noting.

110

STRATEGIC REVIEW - COMMUNITY FACILITIES

The Head of Communities and Leisure introduced a report, which had been circulated in advance of the meeting, advising members on the findings and recommendations from the Strategic Outcomes Planning Model review and seeking approval for further feasibility work on the future development of a new Carlton Leisure and Community Wellbeing Centre, future consultation with stakeholders and approval of resources to fund the proposed pre-construction feasibility programme.

RESOLVED to:

- 1) Note the research, findings and recommendations from the Strategic Outcomes Planning Model Strategy Stages 2, 3 and 4 and its associated Indoor Built Facilities Strategy;
- 2) Approve a pre-construction feasibility programme in relation to the development of a new Carlton Leisure and Community Wellbeing Centre on the Richard Herrod Centre site up to RIBA Stage 2;
- 3) Approve the establishment of a project board and project team to lead on the development programme for a new Carlton Leisure and Community Wellbeing Centre;
- 4) Authorise consultation with stakeholders and residents regarding the facilities, activities and services to be included in a new Carlton Leisure and Community Wellbeing Centre; and
- 5) Note that a virement be approved by the Chief Finance Officer from the Leisure Strategy Earmarked Reserve (as set out in Financial Regulations) for £500,000 for the pre-construction feasibility programme for a new Carlton Leisure and Community Wellbeing Centre;

111

COMMUNITY INFRASTRUCTURE LEVY (CIL) NON- PARISH FUNDING – CONSULTATION RESPONSE AND FUNDING DECISION

The CIL and Section 106 Monitoring Officer introduced a report, which had been circulated in advance of the meeting, advising members of representations and comments received in relation to the CIL Non-Parish Neighbourhood Public Consultation, and seeking approval of the awarding of CIL Non-Parish Neighbourhood Funding and the retention of unsuccessful projects on the Local Infrastructure Schedule.

RESOLVED to:

- 1) Award CIL Non-Parish Neighbourhood Funding up to £62,678 to project LIS5 – 1st Gedling Scout Group HQ Refurbishment;
- 2) Retain LIS1 – Cinder Path Extension on Local Infrastructure Schedule for reconsideration as part of next year's CIL Non-Parish Neighbourhood Funding awards;
- 3) Retain LIS2 – Gedling Youth & Community Hub Regeneration Project on the Local Infrastructure Schedule for reconsideration as part of next year's CIL Non-Parish Neighbourhood Funding awards;
- 4) Retain LIS3 – Lambley Village Cricket Club on Local Infrastructure Schedule for reconsideration as part of next year's CIL Non-Parish Neighbourhood Funding awards; and
- 5) Retain LIS4 – Mapperley All Stars (MAS) Community Sports Development on Local Infrastructure Schedule for reconsideration as part of next year's CIL Non-Parish Neighbourhood Funding awards.

112

ANNUAL CCTV REPORT

The Principal Solicitor introduced a report, which had been circulated in advance of the meeting, updating members on work undertaken and planned, to ensure good governance and compliance with the law in respect of the Council's surveillance systems, seeking approval of amendments to the Council's Policy and Code of Practice for Surveillance Cameras and giving the Deputy Chief Executive authority to approve all new acquisitions of surveillance cameras.

RESOLVED to:

- 1) Note the work that has been undertaken and continues to be done to ensure lawful compliance and good governance and efficacy in the operation and use of the Council's surveillance systems;
- 2) Approve the amended Council Policy and Code of Practice for Surveillance Cameras at Appendix 1 to this report; and

- 3) Delegate authority to the Deputy Chief Executive, as Senior Responsible Officer, to approve any additional CCTV equipment acquired by the Council in consultation with the Portfolio Holder responsible for Crime and Prevention, including, where necessary, authority to submit an application for planning permission in respect of CCTV equipment.

113 ANY OTHER ITEMS THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 3.45 pm

Signed by Chair:
Date:

MINUTES STANDARDS COMMITTEE

Thursday 18 July 2024

Councillor Paul Feeney (Chair)

Councillor Stuart Bestwick
Councillor Rachael Ellis

Councillor Andrew Ellwood

Absent: Councillor Clive Towsey-Hinton

Officers in Attendance: F Whyley and E McGinlay

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Brocklebank and Towsey-Hinton. Councillor Rachael Ellis attended as a substitute for Councillor Brocklebank.

2 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 14 MARCH 2024

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

3 DECLARATION OF INTERESTS

Councillor Rachael Ellis disclosed a non-pecuniary interest in item 6, having been involved in one of the conduct investigations into a complaint for the committee to note.

4 ANNUAL REVIEW OF GIFTS AND HOSPITALITY

The Monitoring Officer introduced a report, circulated in advance of the meeting, informing members of gifts and hospitality received between 1 April 2023 and 31 March 2024.

RESOLVED:

To note the details of the annual review of gifts and hospitality

5 APPOINTMENT OF INDEPENDENT PERSON AND RESERVE INDEPENDENT PERSON

The Monitoring Officer introduced a report, circulated in advance of the meeting, which sought approval from the Standards committee to

recommend to Council that David Walsh should be appointed as Independent Person and John Baggaley be appointed as reserve Independent Person

RESOLVED:

That members

- 1) recommend to Council that David Walsh be appointed as Independent Person under the Localism Act 2011 for 2 years; and
- 2) recommend to Council that John Baggaley be appointed as reserve Independent person under the Localism Act 2011 for 2 years

6 CODE OF CONDUCT COMPLAINTS UPDATE

The Monitoring Officer introduced a report, circulated in advance of the meeting, informing members of the Standards Committee of complaints received between 15 March 2024 and 18 July 2024.

RESOLVED:

To note the report.

7 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT

None.

The meeting finished at 6.10 pm

Signed by Chair:

Date:

MINUTES AUDIT COMMITTEE

Tuesday 23 July 2024

Councillor Kyle Robinson-Payne (Chair)

Councillor Sandra Barnes	Councillor Paul Hughes
Councillor Jim Creamer	Councillor Alison Hunt
Councillor Helen Greensmith	Councillor Catherine Pope

Absent: Councillor Ruth Strong

Officers in Attendance: T Adams, C Goodall and F Whyley

Guests in Attendance: Max Armstrong – BDO Internal Auditor

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Strong. Councillor Catherine Pope attended as substitute.

2 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 19 MARCH 2024

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

3 DECLARATION OF INTERESTS

None.

4 APPOINTMENT OF CO-OPTED AUDIT COMMITTEE MEMBER

The Chair introduced a report of the Deputy Chief Executive, seeking approval to recommend to Council that Jonathan Causton be co-opted as an independent member on to Audit Committee.

RESOLVED to:

- 1) Recommend to Council that Jonathan Causton be co-opted on to the Audit Committee.
- 2) Recommend to Council that the Monitoring Officer be authorised to make the relevant changes to the Constitution to reflect the co-option.

5 CORPORATE RISK MANAGEMENT SCORECARD QUARTER 4 2023/24

The Chief Finance and Section 151 Officer introduced a report, updating members of the Audit Committee on the current level of assurance that could be provided against each corporate risk.

RESOLVED:

- 1) To note the progress of actions identified within the Corporate Risk Register.

6 INTERNAL AUDIT PROGRESS REPORT

The Internal Auditor introduced a report, summarising the outcome of internal audit activity completed by the BDO Internal Audit Team, for the period March to June 2024.

RESOLVED:

- 1) To note the progress of the delivery against the 2023/24 Internal Audit Plan, including the Executive Summary for the following audit reports: Main Financial Systems, Counter Fraud and Corruption Strategy, Budget Setting and Efficiency Savings, and GDPR Information and Governance.

7 INTERNAL AUDIT FOLLOW UP REPORT

The Internal Auditor introduced a report, summarising the progress of implementation of recommendations from internal audit reviews raised and previously reported to the Audit Committee. This included some recommendations raised by the Council's previous Internal Auditors.

RESOLVED:

- 1) To note the implementation of internal audit recommendations and the revised due date for incomplete recommendations.

8 INTERNAL AUDIT DRAFT ANNUAL REPORT 2023/24

The Internal Auditor introduced a report, providing the Head of Internal Audit Opinion based on the outcome of the internal audit activity completed by the BDO Internal Audit Team in accordance with the approved 2023/24 Internal Audit Plan.

RESOLVED:

- 1) To note the Internal Audit Annual Report and Head of Internal Audit Opinion for 2023/24.

9 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

10 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraphs 3 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

11 COUNTER FRAUD RISK ASSESSMENT

The Internal Auditor introduced the Counter Fraud Risk Assessment.

RESOLVED:

To note the information.

The meeting finished at 7.00 pm

Signed by Chair:

Date:

This page is intentionally left blank

MINUTES PLANNING COMMITTEE

Wednesday 24 July 2024

Councillor Roy Allan (Chair)

In Attendance:	Councillor Paul Wilkinson	Councillor Catherine Pope
	Councillor Sandra Barnes	Councillor Grahame Pope
	Councillor Stuart Bestwick	Councillor Martin Smith
	Councillor David Ellis	Councillor Sam Smith
	Councillor Andrew Ellwood	Councillor Ruth Strong
	Councillor Helen Greensmith	Councillor Henry Wheeler
	Councillor Julie Najuk	Councillor Russell Whiting
	Councillor Lynda Pearson	

Absent: Councillor Jane Walker

Officers in Attendance: C Goodall, M Avery, N Bryan, N Osei, H Stylianou and L Widdowson

13 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Walker. Councillor Martin Smith attended as substitute.

14 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 5 JUNE 2024

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

15 DECLARATION OF INTERESTS

The Chair declared a non-pecuniary interest in item 5 on the agenda, as he had a professional relationship with the developer. The Chair confirmed that he would withdraw from the meeting and asked Councillor Wilkinson as Vice Chair to assume the Chair for that item.

Councillor Martin Smith declared a non-pecuniary interest in item 5 on the agenda, as he was the Chair of Ravenshead Parish Council and the report stated that Section 106 monies could be transferred to the parish council in due course.

APPLICATION NO. 2024/0094 - TOTAL SITE, ROAD NO 3, COLWICK

The erection of industrial and warehouse units (Use Classes E(g)(iii), B2 and B8) together with access and servicing arrangements, parking, landscaping, boundary fencing and associated works.

George Dickens of Chancery Gate, the applicant, spoke in support of the application.

The Development Manager informed members of a proposed amendment to condition 7 of the report, in relation to the relocation of the bus stop and in terms of its timing, as follows:

“The proposed industrial units shall not be brought into use until an application has been submitted to Nottinghamshire County for bus-stop GEO336 to be re-located, as shown on drawing 21068-602 P05”.

He then went on to introduce the report.

Members resolved to add an additional condition in respect of security for the site when it was not in operation, through the submission and approval of a site management plan. Therefore, it was agreed that based on Members’ comments, the Development Manager would provide the wording for an additional condition 19 and the associated reason.

RESOLVED:

To GRANT PLANNING PERMISSION: subject to the following conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development hereby permitted shall be completed in accordance with the following drawings:
 - Unit 19 Site Access Junction Visibility - J32-5783-PS-103
 - Revision B;
 - Internal Vehicle Tracking 16.5M Max Legal - J32-5783-PS-113;
 - Road No.1 Site Access Junction Visibility - J32-5783-PS-101 - Revision B;
 - Planning Layout - North - 853.19.08 Revision A;
 - Planting Layout - South - 853.29.09 Revision A;
 - Proposed Site Plan - 21068-302 P-05;
 - Unit 19 - Proposed Elevations - 21068-0721 P-03;

- Units 1-6 - Proposed Elevations - 21068-0321 P-03;
- Units 7-11 - Proposed Elevations - 21068-0421 P-03;
- Units 12-15 - Proposed Elevations - 21068-0521 P-03;
- Units 16-18 - Proposed Elevations - 21068-0621 P-03;
- Units 1-6 - Proposed Floor Plans - 21068-0310 P-03;
- Proposed Cycle Storage - 21068-305 P-01;
- Unit 19 - Proposed Roof Plan - 21068-0711 P-03;
- Units 16-18 - Proposed Roof Plan - 21068-0611 P-03;
- Unit 19 - Proposed Sections - 21068-0731 P-03;
- Location Plan - 21068-0300 P-01;
- Units 7-11 - Proposed Floor Plans - 21068-0410 P-03;
- Units 12-15 - Proposed Floor Plans - 21068-0510 P-03;
- Units 16-18 - Proposed Floor Plans - 21068-0610 P-03;
- Unit 19 - Proposed Floor Plan - 21068-0710 P-03;
- Units 1-6 - Proposed Roof Plan - 21068-0311 P-03;
- Units 7-11 - Proposed Roof Plan - 21068-0411 P-03;
- Units 12-15 - Proposed Roof Plan - 21068-0511 P-03;
- Units 1-6 - Proposed GA Sections - 21068-0331 P-03;
- Units 7-11 - Proposed GA Sections - 21068-0431 P-03;
- Units 12-15 - Proposed Sections - 21068-0531 P-03;
- Units 16-18 - Proposed Sections - 21068-0631 P-03; and
- Proposed Site Sections - 21068-900 P-00.

- 3 The proposed industrial units shall not be brought into use until the parking/turning/servicing areas as shown on drawing 21068-302 P05 have been provided. The parking/turning/servicing areas shall be maintained in accordance with the approved details and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.
- 4 The proposed industrial units shall not be brought into use until the vehicular access points as shown on drawing 21068-302 P05 have been provided to the satisfaction of the Highway Authority.
- 5 The proposed industrial units shall not be brought into use until the redundant vehicular crossing serving the site on Road No.1 has been permanently closed and reinstated to verge/footway to the satisfaction of the Highway Authority.
- 6 The proposed industrial units shall not be brought into use until the site access arrangements have been constructed with provision to prevent the discharge of surface water from the access points to the public highway. The provision to prevent the discharge of surface water from the access points shall be retained for the lifetime of the development.
- 7 The proposed industrial units shall not be brought into use until bus-stop GEO336 as shown on drawing 21068-602 P05 has been provided.

- 8 The development shall be carried out in accordance with the submitted flood risk assessment (ref 21-034-CHA Road No.3, Colwick, dated 21st December 2023) and the following mitigation measures it details:
- Finished floor levels shall be set no lower than 20.95 metres above Ordnance Datum (AOD)
 - The proposed units shall be made to be floodable
 - There shall be a safe refuge on site and a safe access route (as per drawing document SK010-Proposed Safe Refuge Routes)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

- 9 Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
- 10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.
- 11 Piling or any other foundation designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
- 12 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.
- 13 Prior to the occupation of building(s) hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority as to the position within the development of a minimum of twenty three (23) Electric Vehicle Recharging Points

(active); with infrastructure installed for Units 1-17 to benefit each from an extra point in future years (passive). The Electric Vehicle Recharging Points shall be in a prominent position on the site and shall be for the exclusive use of zero emission vehicles. The Electric Vehicle Recharging Points shall be installed prior to occupation of any part of the development and shall be thereafter maintained in the location as approved for the lifetime of the development. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of car park users.

- 14 The development hereby permitted shall be undertaken in strict accordance with the protection measures set out in the submitted Arboricultural Implications Report dated January 2024.
- 15 No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy 21-034- CHA Road No.3, Colwick, 21st December 2023, I and L Consulting Ltd., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.- No surcharge shown in a 1 in 1 year.- No flooding shown in a 1 in 30 year.- For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.- Evidence of approval for drainage infrastructure crossing third party land where applicable.- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no

increase in flood risk off site.- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

- 16 The development shall be carried out in accordance with the Local Labour Agreement dated January 2024; received by the Local Planning Authority on 9 February 2024.
- 17 The landscaping scheme as approved (including the trees to be planted on the public highway) shall be carried out in the first planting season following completion of the development. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species.
- 18 The development hereby approved shall be carried out using materials as set out in the submitted materials schedule.
19. Prior to the occupation of buildings hereby permitted a 'site management plan' identifying means of security for the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved site management plan shall be adhered to.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 In the interest of highway safety in accordance with Policy LPD 61 of the Gedling Local Planning Document 2018.
- 4 In the interest of highway safety in accordance with Policy LPD 61 of the Gedling Local Planning Document 2018.
- 5 In the interest of highway safety in accordance with Policy LPD 61 of the Gedling Local Planning Document 2018.
- 6 In the interest of highway safety in accordance with Policy LPD 61 of the Gedling Local Planning Document 2018.
- 7 To promote sustainable travel.

- 8 To reduce the risk of flooding to the proposed development and future occupants.
- 9 To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 180 of the NPPF.
- 10 To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 180 of the NPPF.
- 11 Piling can result in risks to water resources from, for example, mobilising contamination, drilling through different aquifers, and creating preferential pathways. Thus it should be demonstrated that any of these activities will not harm water resources in line with paragraph 180 of the NPPF. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".
- 12 To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 180 of the NPPF.
- 13 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Council's Local Plan.
- 14 To ensure that there is no unacceptable adverse impact on trees as a result of the development hereby permitted.
- 15 A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
- 16 To enable local people to benefit from the development in accordance with LPD 48 of the Gedling Part 2 Local Plan (2018).

- 17 To ensure that the character of the area is respected and to comply with policies LPD18 and LPD19.
- 18 In the interests of visual amenity and in accordance with Policy 10 of the Aligned Core Strategy and Policy 43 of the Gedling Local Planning Document 2018.
- 19 To ensure the site is secure and does not encourage anti-social behaviour and to comply with guidance within the NPPF.

Reasons for Decision

The application site is within an established industrial estate and will enhance employment use on offer. The built form would respect the character of the area and amenity of adjacent users. Highway safety would be respected and parking provision is considered to be acceptable. Subject to conditions the development would be acceptable in respect of flood risk and contamination. The application is, therefore, deemed to comply with policies 1, 4 and 10 of the Aligned Core Strategy; policies LPD 3, LPD 4, LPD 7, LPD 11, LPD 32, LPD 44, LPD 48, LPD 57 and LPD 61 of the Local Planning Document and guidance within the NPPF.

Notes to Applicant

The development makes it necessary to construct/reinstate a vehicular crossing over a verge/footway of the public highway and provide public transport infrastructure. These works will take place on land that is subject to the provisions of the Highways Act 1980 (as amended) and is therefore land over which you have no control. Please contact licences@viaem.co.uk to ensure the necessary licences are in place and that payment has been made to compensate for the loss of the Highway Trees prior to works commencing.

We recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Adequacy of rescue or evacuation arrangements
- Details and adequacy of an emergency plan.
- Provision of and adequacy of a temporary refuge.
- Details and adequacy of flood proofing and other building level resistance and resilience measures. We strongly recommend that the LPA ensures that the resilience measures proposed are adequate in protecting the units to at least 300mm above the breach height of 22.28mAOD.
- Details and calculations relating to the structural stability of buildings during a flood
- Whether insurance can be gained or not
- Provision of an adequate means of surface water disposal such that flood risk on and off-site isn't increased

In making our response, we have considered the risks posed to controlled waters.

The Local Authority's Environmental Health Officer must be contacted with regards to other risks, such as those posed to human health. This is particularly relevant given that the risk assessment reports were written with different planning proposals in mind.

The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application regular discussions took place with the applicant to address any issues that occurred.

17 APPLICATION NO. 2014/0273 - LAND AT CORNER OF LONGDALE LANE AND KIGHILL LANE, RAVENSHEAD

Councillor Allan left the meeting.

Councillor Wilkinson assumed the Chair.

Outline Planning Permission for up to 31 No. dwellings with all matters reserved.

The Community Infrastructure Levy Officer introduced the report.

Members resolved to amend condition 14 to include specific reference to tree protection fencing along the southern boundary of the site. Therefore, it was agreed that based on Members' comments, the Community Infrastructure Levy Officer would amend the condition to include that protective fencing should be erected along the southeast, southwest and northwest boundaries of the application site.

RESOLVED:

That the Borough Council GRANTS OUTLINE PLANNING PERMISSION, subject to the applicant entering into planning obligations with the Borough Council as local planning authority and with the County Council as local highway and education authority for the provision of, or financial contributions towards, Affordable Housing, Transport Infrastructure Improvements, Open Space, Healthcare Facilities, Management Company, Local Labour Agreement and Educational Facilities; and subject to the following conditions:

Conditions

- 1 Approval of the details of Access, Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any phase of the development.
- 2 Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
- 3 No phase of development shall commence until a Phasing Schedule has been submitted and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in phases in accordance with the approved Phasing Schedule
- 4 The detailed plans and particulars to be submitted as reserved matters in relation to scale shall include details of existing and proposed site levels in relation to adjacent properties. The development shall be implemented strictly in accordance with the approved details.

- 5 No development shall commence within any phase unless or until a detailed design of the access to serve that phase has been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with details approved.
- 6 No part of the development hereby permitted, within a phase, shall be brought into use until the visibility splays of 2.4m x 47m, serving that phase, are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6metres in height.
- 7 No part of the development hereby permitted, within a phase of development, shall be brought into use until a 2.00m wide footway has been provided across the site frontage, within that phase of development, on Longdale Lane, in accordance with details to be first submitted and approved in writing by the Local Planning Authority.
- 8 The formal written approval of the Local Planning Authority is required prior to commencement of any development, within a phase of development, in the site curtilage with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage (hereinafter referred to as reserved matters.) The development shall be undertaken in accordance with the approved details.
- 9 Details of measures to prevent the deposit of debris upon the adjacent public highway shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing within a phase of development on site. The approved measures shall be implemented prior to any other works commencing on the phase of development.
- 10 No part of the development hereby permitted, within a phase of development, shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented strictly in accordance with the timetable set out in that plan.
- 11 A plan showing satisfactory arrangements for refuse collection shall be submitted with the 'layout' reserved matter.

- 12 No development shall take place, within a phase of development, until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from construction works.
- 13 Before development is commenced, within a phase of development, there shall be submitted to and approved in writing by the Local Planning Authority details of a surface water drainage scheme for that phase based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development. The scheme to be submitted shall demonstrate: (1) The utilisation of holding sustainable drainage techniques which incorporate at least two differing forms of SuDS treatment in accordance with Table 3.3 of CIRIA C697 'The SuDS Manual' prior to discharging from the site; (2) The limitation of surface water run-off to the equivalent Greenfield runoff rate; (3) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and (4) Responsibility for the future maintenance of drainage features.
- 14 Before development is commenced, within a phase of development, there shall be submitted into and approved in writing by the Local Planning Authority an Arboricultural Impact Assessment and Mitigation Strategy. The mitigation strategy shall include (1) A tree protection plan to graphically show the locations of any tree and details of root protection barriers, and protective fencing to be erected along the southeast, southwest and northwest boundaries of the application site; (2) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (3) Arboricultural Method Statement to give guidance on aspects of proposed works which were identified within the Arboricultural impact assessment which provides guidance as to how works might be mitigated or compensated for; (4) Details of any special engineering works and surfacing required near trees. The approved measures of protection shall

be implemented strictly in accordance with the approved details for the duration of the construction period.

- 15 No external artificial lighting shall be provided, within a phase of development, until there has been submitted to and approved in writing by the Borough Council details of a 'bat friendly' lighting scheme to ensure that artificial lighting (including any construction site lighting and compound lighting), avoids illuminating boundary features such as hedgerows and other areas of retained or created habitat. The scheme shall be implemented strictly in accordance with the approved details.
- 16 The detailed plans and particulars to be submitted as reserved matters in relation to ecology shall include a Phase 1: Habitat Survey and Ecological Assessment in relation to each phase of development. Detail shall include a survey for reptiles on field margins. In particular the assessment shall include precise details of any mitigation measures required and measures of how any reptiles would be cleared sensitively prior to development. The mitigation measures shall be implemented strictly in accordance with the approved details before the development is first commenced.
- 17 The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings. The development shall be carried out strictly in accordance with the approved details, which shall be retained for the lifetime of the development.
- 18 The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted, which shall consist of native species, ideally of local provenance, where possible; (b) details of any mitigation measures, compensatory habitat, or wildlife corridors; (c) details of the boundary treatments, including those to individual plot boundaries; (d) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties such as driveways and footpaths to front doors and (e) a programme of implementation. The development shall be implemented in accordance with the approved details.
- 19 If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Borough Council seriously damaged or defective, another tree or shrub of

the same species and size as that originally planted shall be planted at the same place.

- 20 Development must not commence, within a phase of development, until the following has been complied with: Site Characterisation: An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; and assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Submission of Remediation Scheme: Where required, a detailed remediation scheme (to bring the condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.
- 21 In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (That demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.
- 22 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An Assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
- 23 From the date of first occupation every property built on the site with one or more dedicated vehicle parking spaces and/ or a garage shall be provided with access to an electric vehicle (EV) charge point. Charge points must have a minimum power rating output of 7kW on a dedicated circuit, capable of providing a safe overnight charge to an electric vehicle.

All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.

Reasons

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
3. To enable the site to be developed in a phased manner
- 4 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014
- 5 In the interest of highway safety and in accordance with Policy LPD61.
- 6 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 7 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 8 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 9 In the interest of Highway Safety and in accordance with Policy LPD61.
- 10 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 11 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 12 To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).

- 13 To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure the future maintenance of the sustainable drainage structures; and to protect the water environment from pollution, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy Submission Documents.
- 14 To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014), and LPD18.
- 15 To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling (September 2014).
- 16 To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling (September 2014), and LPD18.
- 17 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 18 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014)
- 19 To ensure a satisfactory development, in accordance with Policy 10 of the Aligned Core Strategy for Gedling Borough
- 20 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 21 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 22 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 23 In the interest of sustainable travel

Notes to Applicant

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. All correspondence with the Highway Authority should be addressed to: TBH - NCC (Highways Development Control) (Floor 8), Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford, Nottingham, NG2 7QP.

The Environment Agency advises that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site, as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2021). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts,

thereby resulting in a more acceptable scheme and a favourable recommendation.

No removal of hedgerows, trees or shrubs which have the potential to support nesting birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

Advice regarding travel plans can be obtained from the Travel Plans Officer at Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford, Nottingham.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Informative: The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles.

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

Reasons for Decision

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) The Local Planning Document Part 2 where appropriate. In the opinion of the Borough Council, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

18 APPEAL REF: APP/N3020/W/24/3338360 - 313 MAPPERLEY PLAINS, ARNOLD

Councillor Allan re-joined the meeting and re-took the Chair.

Proposed redevelopment comprising 4 dwellings.

RESOLVED:

To note the information.

19 APPEAL REF: APP/N3020/W/23/333618289 - SHEEPWALK LANE, RAVENSHEAD

Development of one detached dwelling.

RESOLVED:

To note the information.

20 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

21 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

22 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT

None.

The meeting finished at 6.40 pm

Signed by Chair:
Date:

This page is intentionally left blank

MINUTES OVERVIEW AND SCRUTINY COMMITTEE

Monday 29 July 2024

Councillor Catherine Pope (Chair)

Councillor Roy Allan	Councillor Grahame Pope
Councillor Lorraine Brown	Councillor Kyle Robinson-Payne
Councillor Andrew Dunkin	Councillor Martin Smith
Councillor Rachael Ellis	Councillor Sam Smith
Councillor Roxanne Ellis	Councillor Russell Whiting
Councillor Paul Feeney	

Apologies for absence: Councillor David Brocklebank and Councillor Michelle Welsh

Officers in Attendance: M Hill, E McGinlay, K Nealon and S Palmer

Guests in Attendance: Councillor David Ellis

55 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Brocklebank and Welsh. Councillor Feeney attended as substitute.

56 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 22 APRIL 2024.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

57 DECLARATION OF INTERESTS.

Councillors Rachael Ellis and Roxanne Ellis declared an interest in item 4, having a personal connection to the Portfolio Holder for Public Protection.

58 PROGRAMME OF PORTFOLIO HOLDER ATTENDANCE.

Councillor Brown joined the meeting.

Members welcomed Councillor David Ellis, Portfolio Holder for Public Protection to the meeting to examine his portfolio. Councillor Ellis

gave an update to members on some key happenings within his portfolio.

No questions were received from Members in advance of the meeting, so Councillor Ellis delivered an update on the various areas of responsibility within his portfolio. He gave the following updates:

It was noted that there were 23,000 fewer police officers and staff nationally than there were in 2010 with the number of police community support officers (PCSOs) having dropped by more than half. Members noted that the number of police officers had increased by 20,000 between 2019 and 2022.

Members noted the three Local policing priorities in Gedling:

- Operation Silverbirch - tackling Anti-Social Behaviour and knife crime in Arnold
- Operation Spearshaft - tackling Drug supply and Child Criminal Exploitation in Calverton
- Operation Battlescar - tackling Serious Acquisitive Crime in Daybrook.

It was noted that the Police and Crime Commissioner was looking for views on the upcoming Police and Crime Plan, which aimed to improve outcomes for minority communities, young people and improve police responses and investigations. The consultation runs until 2 September 2024 and Members were asked to respond.

Members noted that there were 689 food businesses within the borough and 96% were either 4 or 5 stars (good or very good). Roughly 4% were generally satisfactory at 3 stars and members noted that there were no properties within the borough with less than 3 stars.

Members were informed of the variety of health and safety investigations which had taken place across various licensed practices and businesses within the borough such as beauty salons, animal welfare centres and funeral director visits. Proactive initiatives had also taken place such as coffee machine or gas safety checks in catering kitchens and cellar door inspections within pubs.

Members noted the work of the Private Housing team which includes:

- Selective Licensing – ensuring landlords kept their properties to a fit and proper standard for residents.
- Disabled Facilities Grants – ensuring residents with reduced mobility and other health concerns could access funding to refit properties with safety rails, washrooms and other provisions.
- Damp and mould action plan – developing and publishing an enforcement policy, mitigating the harmful effects of damp and mould.

- Retrofitting homes – Improving energy efficiency across the borough with the goal of meeting net zero ambitions and driving down fuel bills.

The Chair then gave Members the opportunity to ask questions of the portfolio holder.

Members noted that many sole traders advertised availability for various beauty treatments on social media platforms and queried whether the council proactively sought them out or whether the council relied on local reporting to conduct health and safety checks.

The Food Health and Housing Manager confirmed that the council had relied on local reporting and complaints as well as other businesses bringing them to the council's attention.

Members queried what could be done with landlords passing on the cost of selective licensing to their tenants.

Councillor Ellis explained that although the council had limited control over landlords passing on the costs, it had been noted that the selective licensing scheme had been effective in reducing the number of properties in disrepair and would be extended.

RESOLVED:

To thank Councillor Ellis for the information provided.

59 CORPORATE RISK MANAGEMENT SCORECARD QUARTER 4 2023/24.

Councillor Robinson-Payne left the meeting.

The Chief Executive introduced a report, which had been circulated in advance of the meeting, updating members of the progress of actions identified within the Corporate Risk Register.

Members queried the council's vulnerability with regards to cyber-attacks.

The Chief Executive confirmed that the council had conducted a cyber risk assessment which had been reported to the Audit Committee and confirmed that the council had been looking into cyber insurance.

RESOLVED:

To note the report.

60 Q4 (YEAR-END) PERFORMANCE.

The Chief Executive introduced a report, which had been circulated in advance of the meeting, informing Members in summary of the position against improvement actions and performance indicators in the 2023/24 Gedling Plan at the end of quarter 4 and the year end.

Members queried whether the actions taken following receipt of a complaint were recorded and publicised.

The Chief Executive confirmed that actions taken were recorded for internal audit but had not been made public.

Members queried whether the Council would set higher targets for the following year for those which met their targets in Quarter 4 for the 2023/24 year.

The Chief Executive explained that service managers were asked to suggest amended targets whilst ensuring they were not out of reach.

RESOLVED:

To note the report.

61 SCRUTINY WORK PROGRAMME

The Democratic Services Manager introduced a report, which had been circulated in advance of the meeting, providing an update on the scrutiny work programme.

RESOLVED:

To note the report.

62 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 6.55 pm

Signed by Chair:
Date:

MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 6 August 2024

Councillor Alison Hunt (Chair)

Present: Councillor Marje Paling Councillor Sue Pickering
Councillor Boyd Elliott Councillor Alex Scroggie
Councillor Rachael Ellis Councillor Sam Smith
Councillor Roxanne Ellis Councillor Clive Towsey-Hinton
Councillor Julie Najuk Councillor Paul Wilkinson

Absent: Councillor Martin Smith

Officers in Attendance: L Chaplin, B Hopewell, A Hutchinson and R Towlson

15 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Martin Smith, Councillor Sam Smith attended as substitute.

16 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 16 JULY 2024

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

17 DECLARATION OF INTERESTS

None.

18 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT

None.

19 EXCLUSION OF THE PRESS AND PUBLIC.

RESOLVED:

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely

disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

20 CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE NO 3595 - WA

Consideration was given to a report of the Head of Environment, which had been circulated in advance of the meeting, regarding a change of circumstances following information received about the holder of a Joint Hackney Carriage/ Private Hire Driver's Licence.

WA was unable to attend the meeting and had requested that the decision be deferred to the next available committee to allow WA to attend the meeting.

RESOLVED:

To defer the decision to the next available committee.

21 CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE NO 4078. - HR

Consideration was given to a report of the Head of Environment, which had been circulated in advance of the meeting, regarding a change of circumstances following information received about the holder of a Joint Hackney Carriage/ Private Hire Driver's Licence.

HR attended the meeting along with a family member and they both addressed the Committee.

In making its decision, the Committee found that there were exceptional mitigating circumstances surrounding the offences which allowed for departure from the Council's approved Policy and Guidelines.

RESOLVED:

Issue a warning to HR to read and comply with his Joint Hackney Carriage/ Private Hire Driver's Licence conditions and policy, noting that further such incidents would result in another appearance before the Committee.

The meeting finished at 4.55 pm

Signed by Chair:
Date:

MINUTES JOINT CONSULTATIVE AND SAFETY COMMITTEE

Tuesday 27 August 2024

Present: Councillor Jim Creamer Councillor Alex Scroggie
 Councillor Paul Hughes Councillor Jane Walker
 Councillor Catherine Pope

Unison: Susan Buchanan Alison Hunt

Absent: Councillor Michelle Welsh and Councillor Ron McCrossen

Officers in Attendance: D Archer and B Hopewell

41 **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

None.

42 **TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 9 APRIL 2024.**

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

43 **DECLARATION OF INTERESTS.**

None.

44 **MINOR STAFFING CHANGES AGREED OUTSIDE JCSC**

The Director of Transformation introduced a report, which had been circulated in advance of the meeting, highlighting any minor changes to the establishment proposed by the Senior Leadership for implementation outside the formal full JCSC process but following consultation with trade unions.

RESOLVED:

To note the report.

45 **CURRENT STAFFING ISSUES**

The Director of Transformation introduced a report, which had been circulated in advance of the meeting, highlighting any issues of particular interest that related to the Council's workforce.

RESOLVED:

To note the report.

46 SICKNESS ABSENCE

The Director of Transformation introduced a report, which had been circulated in advance of the meeting, informing Members of the current levels of sickness absence in the organisation and to examine trends.

RESOLVED:

To note the report.

47 GENDER PAY GAP 2024

The Director of Transformation introduced a report, which had been circulated in advance of the meeting, asking Members to note the content of the Gender Pay Gap information that had been reported.

RESOLVED:

To note the report.

48 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

49 EXCLUSION OF THE PUBLIC AND PRESS.

RESOLVED:

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing report on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

50 CONSULTATION CLOSURE- MILEAGE RATES

The Director of Transformation introduced a report, which had been circulated in advance of the meeting, seeking approval to close formal consultation on the proposed additions to the current rates of mileage claim for business travel to include the use of electric vehicles. The

report also asked the Members for comments and recommendations to inform the Appointments and Conditions of Service Committee prior to its decision relating to implementation of the revised policy.

RESOLVED:

To close formal consultation on the proposed additions to the current rates of mileage claim for business travel to include the use of electric vehicles.

The meeting finished at 6.10 pm

Signed by Chair:
Date:

This page is intentionally left blank

MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 3 September 2024

Councillor Alison Hunt (Chair)

Present: Councillor Marje Paling
Councillor Boyd Elliott
Councillor Rachael Ellis
Councillor Roxanne Ellis
Councillor Julie Najuk
Councillor Alex Scroggie
Councillor Martin Smith
Councillor Clive Towsey-Hinton
Councillor Paul Wilkinson

Absent: Councillor Sue Pickering

Officers in Attendance: C Allcock, J Brough, B Hopewell, A Hutchinson, K Nealon, S Palmer and R Towlson

22 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor Pickering.

23 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 06 AUGUST 2024.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

24 DECLARATION OF INTERESTS.

None.

25 PROPOSED GENERAL LICENSING FEES FOR 2024/25

The Director of Place introduced a report, which had been circulated in advance of the meeting, detailing a revised set of fees and charges for the licensing service and sought approval for their introduction from 3rd September 2024.

RESOLVED to:

- 1) Approve the revised general licensing fees and charges attached at Appendix 1 for massage and special treatment, ear piercing, acupuncture, tattooing, electrolysis, animal licensing and mobile homes; and
- 2) Approve the price revisions to be introduced from 3 September 2024.

26 PAVEMENT LICENCES - THE LEVELLING UP AND REGENERATION ACT 2023 MAKING PERMANENT THE PROVISIONS SET OUT IN THE BUSINESS AND PLANNING ACT 2020

Councillor Roxanne Ellis joined the meeting.

The Director of Place introduced a report, which had been circulated in advance of the meeting, seeking approval for the policy and fee structure for pavement licensing.

RESOLVED to:

- 1) Approve the pavement licensing policy attached at Appendix 1; and
- 2) Approve the pavement licensing fee structure contained in the report.

27 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

28 EXCLUSION OF THE PRESS AND PUBLIC.

RESOLVED:

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

29 APPLICATION FOR A ONE YEAR JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - AK

Consideration was given to a report of the Director of Place, which had been circulated prior to the meeting, regarding an application for a one year joint Hackney Carriage/Private Hire Driver's Licence for AK.

AK attended the meeting and addressed the Committee.

In making the decision the Committee applied the Council's approved Policy and Guidelines.

RESOLVED:

To refuse AK's application for a Joint Hackney Carriage/Private Hire Driver's Licence.

AK was advised of the right of appeal against the decision of the Committee.

The meeting finished at 5.35 pm

Signed by Chair:

Date:

This page is intentionally left blank

MINUTES LICENSING ACT COMMITTEE

Tuesday 3 September 2024

Councillor Alison Hunt (Chair)

Councillor Marje Paling
Councillor Boyd Elliott
Councillor Julie Najuk
Councillor Alex Scroggie

Councillor Martin Smith
Councillor Clive Towsey-
Hinton
Councillor Paul Wilkinson

Absent: Councillor Sue Pickering

Officers in Attendance: C Allcock, B Hopewell, K Nealon and R Towson

6 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor Pickering.

7 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 29 AUGUST 2023.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

8 DECLARATION OF INTEREST.

None.

9 GEDLING GAMBLING STATEMENT OF POLICY

The Director of Place introduced a report, which had been circulated in advance of the meeting, informing Members of the requirements of the Gambling Act 2005 in relation to the review of the Authority's Gambling Statement of Policy and to seek approval to consult on proposed amendments to the existing policy.

RESOLVED to:

- 1) Note the proposed changes to the Council's Gambling Statement of Policy; and
- 2) Approve a public consultation for a period of 4 weeks in accordance with the Gambling Act and as detailed in this report.

10 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 3.57 pm

Signed by Chair:

Date:

Decisions made under delegated authority

Business (click to view decision)	Summary	Ref	Date	Portfolio	Was decision made under urgency provisions?
Letting of part of Civic Centre to Nottinghamshire Police and Crime Commissioner	Approval to enter into a lease with Nottinghamshire Police and Crime Commissioner for part of the Civic Centre, Arnot Hill Park	D1552	29/08/2024	Leader of the Council	Yes
National Non-Domestic Rates - Discretionary Relief Application - Jigsaw Homes Midlands	Approval for discretionary charitable relief under section 47 of the Local Government Finance Act 1988	D1540	28/08/2024	Portfolio Holder for Corporate Resources and Performance	No
National Non-Domestic Rates - Discretionary Relief Application –Rural Community Action Nottinghamshire	Approval for discretionary charitable relief under section 47 of the Local Government Finance Act 1988	D1520	28/08/2024	Portfolio Holder for Corporate Resources and Performance	No
National Non-Domestic Rates - Discretionary Relief Application – Netherfield Forum	Approval for discretionary charitable relief under section 47 of the Local Government Finance Act 1988	D1518	27/08/2024	Portfolio Holder for Corporate Resources and Performance	No
National Non-Domestic Rates - Discretionary Relief Application - The Carlton Band	Approval for discretionary charitable relief under section 47 of the Local Government Finance Act 1988	D1514	27/08/2024	Portfolio Holder for Corporate Resources and Performance	No
Public Protection Fees and Charges for 2024/25	Approval of introduction of revised fees and charges from 1 September 2024	D1548	23/08/2024	Portfolio Holder for Public Protection	No
National Non-Domestic Rates - Discretionary Relief Guidance	Approval to adopt the Council's updated Discretionary Rate Relief Guidance	D1538	19/08/2024	Leader of the Council	No

Damp and mould in rented accommodation progress report	To note the progress on tackling damp and mould and approval to publish the action plan	D1546	06/08/2024	Portfolio Holder for Public Protection	No
Release of Covenant - (Former) Beacon Church at Killisick Road, Arnold	Approval to agree and formalise a Deed of Release of a restrictive covenant with East Midland Baptist Trust for the site comprising the (Former) Beacon Baptist Church and associated Land at Killisick Road, Arnold	D1545	31/07/2024	Leader of the Council	No