



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

# Agenda

# Council

Date: **Wednesday 22 January 2025**

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Time: **6.00 pm**

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Place: **Council Chamber**

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For any further information please contact:

**Democratic Services**

[committees@gedling.gov.uk](mailto:committees@gedling.gov.uk)

0115 901 3844

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# Council

## Membership

**Mayor** Councillor Ron McCrossen

**Deputy Mayor** Councillor Kyle Robinson-Payne

Councillor Michael Adams	Councillor Darren Maltby
Councillor Roy Allan	Councillor Viv McCrossen
Councillor Sandra Barnes	Councillor Julie Najuk
Councillor Stuart Bestwick	Councillor Marje Paling
Councillor David Brocklebank	Councillor Michael Payne
Councillor Lorraine Brown	Councillor Lynda Pearson
Councillor John Clarke	Councillor Sue Pickering
Councillor Jim Creamer	Councillor Catherine Pope
Councillor Andrew Dunkin	Councillor Grahame Pope
Councillor Boyd Elliott	Councillor Alex Scroggie
Councillor David Ellis	Councillor Martin Smith
Councillor Rachael Ellis	Councillor Sam Smith
Councillor Roxanne Ellis	Councillor Ruth Strong
Councillor Andrew Ellwood	Councillor Clive Towsey-Hinton
Councillor Paul Feeney	Councillor Jane Walker
Councillor Kathryn Fox	Councillor Michelle Welsh
Councillor Helen Greensmith	Councillor Henry Wheeler
Councillor Jenny Hollingsworth	Councillor Russell Whiting
Councillor Paul Hughes	Councillor Paul Wilkinson
Councillor Alison Hunt	

### **WEBCASTING NOTICE**

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## SUMMONS

A meeting of the Borough Council will be held on Wednesday 22 January 2025 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 meetings held on 18 September 2024 and 13 November 2024 5 - 25
- 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

“Gedling Borough Council’s annual financial budget is approximately £12.6 million. In a cost of living crisis, where residents of Gedling Borough are being asked to pay more and more council tax every year, and you will also now be charging residents and other visitors to park at Gedling Country Park, the allocation of salaries of the Senior Leadership Team, which includes executives, directors and assistant directors, accounts for approximately £1 million of that financial budget.

Would the chairman of the Audit Committee please take the time to explain to residents, why such a state of affairs, exhibits a sense of fiduciary responsibility?”

Question 2

“Given the importance the GREATER CARLTON TOWN BOARD will have in bringing economic growth to the wider Carlton Area. And given the Chair of the Board (according the minutes from Tuesday 22 October 2024, 17.00) is reported to have "stressed the importance of Members' attendance at the meeting."

Will the Leader of Council write to the MP for Gedling noting the following:

Encouraging the MP to attend more of the meetings of this board and stress the importance of the board in delivering for Carlton residents.

Express the council's dissatisfaction the MP has only attended 1 of the 5 meetings, and the one he did attend he was late too. (this is correct as of the publicly available minutes as of 9/12/2024)”

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

Question 1 – From Cllr Ellwood to the Portfolio Holder for Sustainable Growth and Economy

“In view of the removal of hedgerows in March 2023 at the boundary of the Chase Farm Development on Arnold Lane opposite Stanhope Road (in contravention of Condition 4 of Planning Application 2021/ 1294); what actions have the Planning Department at the Borough Council taken to ensure that the removed hedgerows are replaced?”

Question 2 – From Cllr Hughes to the Leader of the Council

“The Government published its Devolution White Paper in December, proposing that a system of Unitary Authorities be established across the whole of England.

Can the Leader let us know what stance the Council will adopt in response to the possible abolition of Gedling Borough Council if the top-down local government reorganisation outlined in the white paper is enacted?”

**9 Reports and recommendations of the Executive or a Committee (procedural rule 7.10)**

- |          |   |          |
|----------|---|----------|
| <b>a</b> | <b>Pay Policy Statement 2025-26</b><br>Report of the Assistant Director of Workforce                          | 27 - 96  |
| <b>b</b> | <b>Budget Monitoring and Virement Report – August to November 2024</b><br>Report of the Chief Finance Officer | 97 - 121 |

	<b>c Prudential Code Indicator Monitoring 2024/25 and Treasury Activity Report for the period ended 30 November 2024</b>	123 - 137
	Report of the Chief Finance Officer	
<b>10</b>	<b>Approval of the new Contract and Procurement Rules</b>	139 - 163
	Report of the Assistant Director – Governance and Democracy	
<b>11</b>	<b>Council Tax Reduction Scheme</b>	165 - 177
	Report of the Assistant Director – Housing and resettlement	
<b>12</b>	<b>Parks Byelaws</b>	179 - 237
	Report of the Parks and Street Care Manager	
<b>13</b>	<b>Independent Remuneration Panel - Report and recommendations for 2025/26</b>	239 - 253
	Report of the Democratic Services Manager	
<b>14</b>	<b>Appointment to outside bodies</b>	255 - 258
	Report of the Democratic Services Manager	
<b>15</b>	<b>To consider comments, of which due notice has been given, under procedural rule 7.11</b>	
	<b>a Minutes of meeting Tuesday 5 November 2024 of Environment and Licensing Committee</b>	259 - 261
	<b>b Minutes of meeting Thursday 7 November 2024 of Cabinet</b>	263 - 264
	<b>c Minutes of meeting Monday 18 November 2024 of Overview and Scrutiny Committee</b>	265 - 270
	<b>d Minutes of meeting Tuesday 26 November 2024 of Appeals and Retirements Committee</b>	271 - 272
	<b>e Minutes of meeting Tuesday 26 November 2024 of Joint Consultative and Safety Committee</b>	273 - 276
	<b>f Minutes of meeting Wednesday 27 November 2024 of Planning Committee</b>	277 - 292

<b>g</b>	<b>Minutes of meeting Thursday 28 November 2024 of Standards Committee</b>	293 - 294
<b>h</b>	<b>Minutes of meeting Tuesday 3 December 2024 of Environment and Licensing Committee</b>	295 - 296
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<b>k</b>	<b>Decisions made under delegated authority</b>	305

**16 To consider motions under procedural rule 7.12**

We the Council recognise that the safety of staff, fellow councillors and residents alike currently is not completely represented within this chamber.

As a result of this we would like to see all of the 2023-2027 intake of councillors and all in the future to undergo an enhanced DBS check.

The councillors will be required to present the DBS information to the Monitoring Officer and Business Manager of their group, as applicable, within 72 days of this motion and for future councils within 72 days of their election to this council.

The cost will be met by the council.

This will not only ensure better transparency but also ensure that any risk of harm or untoward behaviour is minimised.

Proposer: Cllr Michael Adams

Seconder: Cllr Sam Smith

## MINUTES COUNCIL

**Wednesday 18 September 2024**

Councillor Ron McCrossen (Mayor)

Present: Councillor Michael Adams Councillor Viv McCrossen  
Councillor Roy Allan Councillor Julie Najuk  
Councillor Sandra Barnes Councillor Marje Paling  
Councillor Stuart Bestwick Councillor Michael Payne  
Councillor David Brocklebank Councillor Lynda Pearson  
Councillor Lorraine Brown Councillor Sue Pickering  
Councillor John Clarke Councillor Catherine Pope  
Councillor Jim Creamer Councillor Kyle Robinson-Payne  
Councillor Boyd Elliott Councillor Alex Scroggie  
Councillor David Ellis Councillor Martin Smith  
Councillor Rachael Ellis Councillor Sam Smith  
Councillor Roxanne Ellis Councillor Ruth Strong  
Councillor Paul Feeney Councillor Clive Towsey-Hinton  
Councillor Helen Greensmith Councillor Jane Walker  
Councillor Jenny Hollingsworth Councillor Henry Wheeler  
Councillor Paul Hughes Councillor Russell Whiting  
Councillor Alison Hunt Councillor Paul Wilkinson

Absent: Councillor Andrew Dunkin, Councillor Andrew Ellwood, Councillor Kathryn Fox, Councillor Grahame Pope and Councillor Michelle Welsh

### **14 THOUGHT FOR THE DAY**

The Mayors Chaplain was unable to attend the meeting so no thought for the day was given. The Mayor welcomed the newly elected councillor, Councillor Darren Maltby, to the chamber.

### **15 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Dunkin, Ellwood, Fox, Grahame Pope, and Welsh.

### **16 MAYOR'S ANNOUNCEMENTS**

The Mayor noted that he had been on several visits in the community over the past few weeks, including a visit to the Community Hub in Gedling village who were raising funds to renovate the old station.

### **17 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 26 JULY 2024**

**RESOLVED:**

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

**18 DECLARATION OF INTERESTS**

Councillor Clarke declared an interest in item 13, as a recipient of the Winter Fuel Payments in which the motion was concerned with.

**19 TO DEAL WITH ANY PETITIONS RECEIVED UNDER PROCEDURAL RULE 7.8**

None received.

**20 TO ANSWER QUESTIONS ASKED BY THE PUBLIC UNDER PROCEDURAL RULE 7.7**

One question was received and printed on the agenda pack from Matthew Francis. Matthew Francis addressed the meeting and confirmed that he would be withdrawing his question.

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

A question was asked of the Portfolio Holder for Corporate Resources and Performance by Councillor Whiting, as follows:

“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?”

Response from Councillor Payne:

Can I start off by thanking Cllr Whiting for his question and by saying that this is an issue that is a concern for everyone in this chamber. Support for our most vulnerable residents is something this council has been focused on since we took control of the council in 2011 and will continue to be focused on.

In terms of the specific question that you asked, despite huge financial cuts imposed by the previous conservative government over many years, this labour council is incredibly proud of its ongoing support to its most vulnerable residents, and I am pleased to say that this commitment has been continued by Gedling Borough Council into this financial year. I can give you four particular examples, three of which pensioners who you referred to specifically in your question, are eligible for.



Firstly, we provide discretionary housing payments and in 2023/2024 we distributed £184,000 in accordance with the eligibility criteria set out. Secondly, we provide hardship relief to council tax payers and in 2023/2024 we granted a further £107,000 to our local residents. Thirdly, although not relevant to this particular question about pensioners, the council provided £214,000 of council tax support to care leavers, an issue that I know is very important to you and everyone in this chamber. Fourthly, we of course continue to be one of only a handful of councils that maintains the 100% council tax reduction scheme meaning that our most vulnerable residents across the borough are protected from paying any council tax at all.

The financial outlook remains incredibly challenging, as it does for the county, but I am sure I speak for everyone when I say that we will continue to do all that we can to maintain our support for our most vulnerable residents in future years. I will finish by saying this – this council also has an incredibly important role to play in making sure that other forms of funding handed out by central government are levied to support the most vulnerable people in the borough even if we are not directly responsible for it. I know that is something you have done in the past and will continue to do so I hope Councillor Whiting that you will join me in pressing Nottinghamshire County Council to make sure that the extended household support fund goes to the most vulnerable residents, including to those pensioners who now might be struggling this winter. It is absolutely critical that Nottinghamshire County Council see fit to do this – central government have taken the right decision in my view to extend that funding by a further £421 million to county councils across England. Nottinghamshire county council is receiving a fair share of that, and it is critical that they make sure that a fair share of that funding goes towards the pensioners here in Gedling.

Councillor Whiting followed up confirming he would like to join in praising the work that this council had done but wondered if he could make four particular suggestions that the council might be able to consider. He asked if the following options were possible:

- Could the Council help to advertise pension credit, how to sign up for it and eligibility on their social media channels?
- Could officers give individual councillors information to help to identify people within their wards who might be eligible for help but may be struggling to sign up?
- Could the council advertise schemes for insulation for houses? There are many draughty Victorian houses across the borough that are hard to keep warm
- Could the council commit to continuing to support community groups that are going to be providing warm hubs as they have done in the past?

Follow up response from Councillor Payne:

Thank you for your considered follow up question and can I say that you deserve a huge amount of credit for coming here to ask an important question and give potential constructive criticism, which I am willing to take on the chin, but also for offering some solutions and suggestions to help the people of this borough.

In terms of the pension credit advertising – I give you my commitment that we will do whatever we can do on this. We have brilliant staff in Communications and Revenue and Benefits who always go above and beyond and will no doubt be happy to assist anyone.

In terms of sharing data on vulnerable people in wards, there may be an issue with this due to GDPR and data sharing between central and local authorities. We need to get to the bottom of this issue as it can't be right that we can't get to these specific people – I have pressed this point with central government. The Secretary of State for the Department of Work and Pensions has committed to write out to every pensioner on housing benefit to encourage them to apply for pensions credit, which would likely give them eligibility for the winter fuel allowance under the new arrangements.

In terms of insulation – the council has a really good track record of signing up for boiler and insulation schemes so I will ask officers to dig deep to see what else they can do in terms of bidding for funding in these areas. Insulating homes is something that was on the Labour government manifesto, so we have a mammoth job on our hands with around 90 million homes needing it.

These are really important issues, and you have my word as part of this council and as Member of Parliament for Gedling, that I will do my best to help with them.

Lastly on the warm homes, this council has a great track record of supporting them in the past and is committed to continuing to support them and the great voluntary sector groups that run them.

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

"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?"

#### Response from Councillor Hollingsworth

Earlier this year, the former prime minister consulted on six new tests to determine whether people qualify for social housing, these included a UK connection and a local connection. At the beginning of August, the

new minister confirmed that government does not intend to enact the proposals in the consultation. Therefore, the current rules apply.

The existing system allows Local Authorities to set their own allocation policy. The Housing team are currently reviewing our existing policy, as we would do annually, due to the overall demand for social housing in the Borough.

There are no plans to alter our current local connection criteria which is 3 years living or working in the Borough.

Refugees are allowed to claim social housing but anyone who is not entitled to benefits is not, which means that most Non-UK Nationals are already excluded. Figures shows that 90% of lead tenants in social housing are British citizens. We cannot predict the number of non-UK Nationals in our area as this is not in our control.

Councillor Bestwick followed up to say he felt the answer did not give assurance to local residents on non-UK nationals being given priority on the housing register, due to the changes in local connection rules. Councillor Hollingsworth read out the part of her original answer that confirmed that there are no plans to alter the council's current local connection criteria - which is 3 years living or working in the Borough.

A question was asked of the Portfolio Holder for Sustainable Growth and Economy, By Councillor Sam Smith, as follows:

“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?”

#### Response from Councillor Hollingsworth

The Government has recently published draft revisions to the NPPF and to the standard method for assessing local housing need. The draft standard method uses an area’s housing stock rather than the 2014 household projections as its base. For Gedling Borough Council, the draft standard method housing need would be 11,970 new homes over the Strategic Plan period (2023 – 2041) - this compares with a housing need of 8,280 based on the existing 2023 standard method.

However, the government recognises that local plans at an advanced stage should still proceed under the current NPPF version if they have reached publication stage within one month of the publication of the new NPPF and are within 200 dwellings per annum of the governments proposed housing target. Therefore, the plan can be examined under the current 2023 NPPF. The Greater Nottingham councils plan to publish the plan before the end of 2024 under these transitional arrangements. For

Gedling, this will be subject to Cabinet and full council approval in October.

In terms of housing sites, consultation on the Greater Nottingham Strategic Plan took place between 4 January and 14 February 2023 and included an extension to the existing allocation for 640 dwellings.

The Publication Draft Strategic Plan continues to propose an extension to the existing allocation at Top Wighay Farm, for 710 dwellings - this allocation would not require any amendment to the Green Belt boundary.

The remainder of Gedling's housing provision, currently around 1,050 homes identified through the transitional arrangements, may increase further dependent on the Standard Method that is in force at the time and will be met through non-strategic allocations in future plan preparation. This may include sites in or adjoining the Key Settlements for growth of Bestwood Village, Calverton and Ravenshead.

Councillor Smith followed up to ask what the council were doing to protect the green belt, given the new labour government directives in increased housing targets. Councillor Hollingsworth explained the many processes and steps that would be taken before any green belt land was identified for use and noted that these steps in themselves help to protect the green belt.

**22                    REPORTS AND RECOMMENDATIONS OF THE EXECUTIVE OR A COMMITTEE (PROCEDURAL RULE 7.10)**

*Councillor Sam Smith left the meeting.*

None.

**23                    APPROVAL OF THE NEW CONTRACT AND PROCUREMENT RULES**

Due to a delay in the implementation of the Procurement Act from the 28 October 2024 to Feb 2025 and the potential legislative changes that come with this, this item was withdrawn.

**24                    CHANGES TO COMMITTEE MEMBERSHIP**

*Councillor Sam Smith re-joined the meeting.*

Councillor Clarke proposed amended recommendations, in the following terms:

To approve the following changes to representation on committees:

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

**RESOLVED to:**

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

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

None received.

**26 TO CONSIDER MOTIONS UNDER PROCEDURAL RULE 7.12**

Councillors Clarke and Greensmith left the meeting

Councillor Adams, seconded by Councillor Elliott, proposed a motion in the following terms:

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

Secunder: Cllr Boyd Elliot

Councillor Greensmith rejoined the meeting

An amended motion was proposed by Councillor Payne and seconded by Councillor Hollingsworth, in the following terms:

Gedling Borough notes:

- The £22 billion black hole left in the public finances by the previous Conservative government (now being investigated by the independent Office for Budget Responsibility), which has forced the Labour Government into making the tough decision to target the Winter Fuel Payment to pensioners in receipt of Pension Credit, as announced by Chancellor Rachel Reeves.
- The estimated impact of this decision, which Age UK believes 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 and therefore welcomes the £460 increase in the State Pension for the year ahead, as a result of the government's commitment to the Pension Triple Lock
- The strain this decision may place on vulnerable pensioners, particularly in light of the fact the previous Conservative government failed to address the injustice that 880,000 pensioners do not claim Pension Credit despite being eligible, further exacerbating their financial hardship.
- The Labour government's decision to extend the Household Support Fund – providing £421 million to pensioners and others struggling to heat their homes or afford other essential items over the colder months.
- The Labour government's action to write to all pensioners in receipt of pensioner Housing Benefit, encouraging them to apply for Pension Credit, given they are highly likely to be eligible and therefore eligible for Winter Fuel Allowance.

Gedling Borough Council believes:

- That the Winter Fuel Payment, which was introduced by a Labour government has been a lifeline for many older people across the Borough and that the £22 billion black hole in the public finances left by the previous Conservative government, which has led to 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.
- The previous Conservative government failed to support pensioners by failing on its commitment to combine pensioner Housing Benefit with Pension Credit, which would have increased uptake of Pension Credit, given pensioner Housing Benefit is a 'gateway' to Pension Credit and therefore the Winter Fuel Allowance.

Therefore, Gedling Borough Council resolves to:

- 1) Launch a Council-led local awareness campaign in a future Contacts Magazine and using all other channels available 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 the government to take swift action on its commitment to combine pensioner Housing Benefit with Pension Credit, following the decision to means-test the Winter Fuel Payment and asking the Government to ensure that Nottinghamshire County Council ensures vulnerable pensioners, particularly those who do not claim Pension Credit, are protected from fuel poverty, by using the extended £421 million Household Support Fund to support them
- 3) Commit the Council to working with Age UK on supporting pensioners who require support applying for Pension Credit and note all members offering them have the opportunity to sign the Age UK petition themselves.
- 4) Encourage local efforts to promote Pension Credit uptake through council services and partnerships with local charities, community organisations and our local Members of Parliament to ensure that all eligible pensioners in Gedling Borough are supported in claiming their entitlement.
- 5) Urge Nottinghamshire County Council to use its share of the extended Household Support Fund to support vulnerable pensioners with struggling to heat their homes or afford other essential items over the colder months.

On being put to vote, the amendment was carried and became the substantive motion. The new substantive motion was put to a vote and was carried.

**RESOLVED that:**

Gedling Borough notes:

- The £22 billion black hole left in the public finances by the previous Conservative government (now being investigated by the independent Office for Budget Responsibility), which has forced the Labour Government into making the tough decision to target the Winter Fuel Payment to pensioners in receipt of Pension Credit, as announced by Chancellor Rachel Reeves.
- The estimated impact of this decision, which Age UK believes 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 and therefore welcomes the £460 increase in the State Pension for the year ahead, as a result of the government's commitment to the Pension Triple Lock
- The strain this decision may place on vulnerable pensioners, particularly in light of the fact the previous



Conservative government failed to address the injustice that 880,000 pensioners do not claim Pension Credit despite being eligible, further exacerbating their financial hardship.

- The Labour government's decision to extend the Household Support Fund – providing £421 million to pensioners and others struggling to heat their homes or afford other essential items over the colder months.
- The Labour government's action to write to all pensioners in receipt of pensioner Housing Benefit, encouraging them to apply for Pension Credit, given they are highly likely to be eligible and therefore eligible for Winter Fuel Allowance.

Gedling Borough Council believes:

- That the Winter Fuel Payment, which was introduced by a Labour government has been a lifeline for many older people across the Borough and that the £22 billion black hole in the public finances left by the previous Conservative government, which has led to 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.
- The previous Conservative government failed to support pensioners by failing on its commitment to combine pensioner Housing Benefit with Pension Credit, which would have increased uptake of Pension Credit, given pensioner Housing Benefit is a 'gateway' to Pension Credit and therefore the Winter Fuel Allowance.

Therefore, Gedling Borough Council resolves to:

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- 2) Send a letter from the Council Leader to the Chancellor of the Exchequer, urging the government to take swift action on its commitment to combine pensioner Housing Benefit with Pension Credit, following the decision to means-test the Winter Fuel Payment and asking the Government to ensure that Nottinghamshire County Council ensures vulnerable pensioners, particularly those who do not claim Pension Credit, are protected from fuel poverty, by using the extended £421 million Household Support Fund to support them

- 3) Commit the Council to working with Age UK on supporting pensioners who require support applying for Pension Credit and note all members offering them have the opportunity to sign the Age UK petition themselves.
- 4) Encourage local efforts to promote Pension Credit uptake through council services and partnerships with local charities, community organisations and our local Members of Parliament to ensure that all eligible pensioners in Gedling Borough are supported in claiming their entitlement.
- 5) Urge Nottinghamshire County Council to use its share of the extended Household Support Fund to support vulnerable pensioners with struggling to heat their homes or afford other essential items over the colder months.

The meeting finished at 7.35 pm

Signed by Chair:  
Date:

**MINUTES  
COUNCIL**

**Wednesday 13 November 2024**

Councillor Ron McCrossen (Mayor)

Present: Councillor Michael Adams Councillor Darren Maltby  
Councillor Sandra Barnes Councillor Viv McCrossen  
Councillor Stuart Bestwick Councillor Julie Najuk  
Councillor David Brocklebank Councillor Marje Paling  
Councillor John Clarke Councillor Lynda Pearson  
Councillor Jim Creamer Councillor Sue Pickering  
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Councillor Paul Hughes Councillor Russell Whiting  
Councillor Alison Hunt Councillor Paul Wilkinson

Absent: Councillor Roy Allan, Councillor Lorraine Brown, Councillor Roxanne Ellis, Councillor Michael Payne, Councillor Clive Towsey-Hinton and Councillor Michelle Welsh

**34 THOUGHT FOR THE DAY**

The Mayors Chaplain attended the meeting and delivered a thought for the day to members. The thought surrounded the themes of polite behaviour and included a happy birthday wish to King Charles III.

**35 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Allan, Brown, Roxanne Ellis, Payne, Towsey-Hinton and Welsh. Councillor Ellwood arrived to the meeting at 18:46.

**36 MAYOR'S ANNOUNCEMENTS**

The Mayor started the announcements by congratulating Councillor Hollingsworth on her appointment as Deputy Leader of the Council. He then gave updates on his latest engagements which was centred around the remembrance period. The Mayor gave thanks to the community of Gedling who showed up in large numbers to support events across the borough. He also noted he had attended the Arnold Wrestling club and

was very impressed by the commitment of the staff and children attending.

Finally, the mayor noted he had allowed a request for Councillor Wilkinson to address the meeting. Councillor Wilkinson addressed the meeting and apologised to Councillor Whiting for a comment made at a previous meeting. Councillor Whiting accepted the apology.

**37 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 17 OCTOBER 2024**

**RESOLVED:**

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

**38 DECLARATION OF INTERESTS**

None.

**39 TO DEAL WITH ANY PETITIONS RECEIVED UNDER PROCEDURAL RULE 7.8**

None.

**40 TO ANSWER QUESTIONS ASKED BY THE PUBLIC UNDER PROCEDURAL RULE 7.7**

None.

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

A question from Cllr Stuart Bestwick was asked to the Portfolio Holder for Sustainable Growth and Economy, as follows:

“Gedling Borough Council was provided with £2,866,555 of Shared Prosperity Funding from the previous Conservative Government. These funds were to boost productivity, pay, jobs and living standards by growing the private sector; spread opportunities, improve public services and restore a sense of community, local pride and belonging as well as empowering local leaders and communities.

Can the Cabinet Member update Council on the mechanism for agreeing where the funds should be spent, where it has been spent so far and on what projects?”

Response from Cllr Hollingsworth:

Thank you for the question, Councillor Bestwick. For the benefit of people watching who may not know much about the Shared Prosperity Fund, I am going to start with an overview of what it is and the governance that ensures delivery and compliance.

In 2022, Gedling Borough Council were awarded a 3 year allocation for UKSPF of £2,866,555. The allocation was split across the 3 themes of Communities and Place, People and Skills and Supporting Local Businesses. A 3 year UKSPF Investment Plan was submitted on 1<sup>st</sup> August 2022 following an analysis of data and surveys, and consultation with key stakeholders to support understanding of the needs in Gedling.

To meet the requirements of the UK SPF programme, a local partnership group was established and convened on 7 July 2022 – the group represented a diverse range of regional and local stakeholders, including the previous MPs for Gedling and Sherwood Forest. I would like to thank Tom Randall for attending all meetings and for his engagement and participation. The group was consulted on the investment plans and provided a consensus on the proposed interventions to meet the needs of Gedling.

In terms of governance, Gedling Borough Council was the accountable body, the local partnership group was the advisory group to the accountable body and the UKSPF group of officers ensure compliance. The UK SPF program is managed by the councils Housing, Growth and Regeneration service and reports periodically to the senior leadership team.

The investment plan 2022 provides a framework for developing and funding projects during the term of the program subject to approvals as per the constitution. All of the UKSPF projects meet one or more of the intervention priorities established in the investment plan.

Councillor Bestwick asks how these funds have been spent and on what projects and these are as follows:

#### Community & place

- Multiple project being delivered to improve Arnold and local centres – these will improve the physical appearance of the area and attract more people in
- A number of events have taken place across the borough, and more are planned for year 3. I believe the Ravenshead Christmas tree lighting will be supported by the SPF.
- A scope has been prepared to bring in a consultant to develop the heritage strategy with a focus on the visitor economy
- A virtual CVS model for the borough is being developed by Nottingham CVS
- New CCTV cameras and upgrades and improvements have been rolled out. Funds have also been given to install security fencing at Nottingham Road pavilion

- Funding provided to improve sports facilities at Lambley lane and for four other sports projects

#### Supporting local business

- The AMP enterprise centre works are not completed so the office spaces will be marketed
- Construction of business units at Hillcrest has commenced and will be completed during 2025
- Retail advisors have engaged with 120 business and are working 72 businesses to develop action plans
- Advisors have worked with a number of businesses on decarbonisations plans offering energy audits and grants to improve energy efficiency
- First tranche of small business grants have been awarded with a further round of applications being considered this week
- Business support network meetings have been well attended with positive feedback
- The skills quest has been commissioned and a report prepared

#### People & skills

- 30 places have been funded to offer HGV skills boot camps for class 2 driver learning
- Officers are now working on the same offer for forklift training and qualifications
- Learners have been booked a variety of courses for careers advice, digital and language skills, CV writing and interview preparation

A full breakdown of spend can be made available to councillors for further review if required.

I'd like to finish by thanking our officers and partner organisations, business and communities for the work and enthusiasm and skills they have brought to deliver the projects so far.

A question from Cllr Mike Adams was asked to the Portfolio Holder for Corporate Resources and Performance, as follows:

“News reports suggest Gedling Borough Council donated taxpayers’ money towards the casting of a statue which will be displayed in Nottingham City.

How much of Gedling Borough taxpayers’ money was donated and what consultation was carried out with Borough residents for the approval of using their money on a project outside of the Borough?”

Response from Cllr Clarke:

Can I thank Councillor Adams for his question although it is disappointing to see that he is pursuing this despite having already received a full written response from officers on this matter.

As just set out by Councillor Hollingsworth in response to the previous question, the Shared Prosperity Fund was a half-hearted attempt by the previous Conservative government to replace funds lost from Europe because of the Brexit decision, and just to be clear, this money came from central government and not specifically the taxpayers of Gedling Borough Council. Consultation took place with key stakeholders back in 2022 when the funding was announced.

Turning to the sculpture itself named “Standing in This Place”, it aims to promote the under-represented; and give voice and recognition to the contributions of thousands of unnamed women who were the driving force behind the East Midlands cotton textile industry during industrialisation.

The statue will make Nottingham and its boroughs, including Gedling, a regional, national and global leader in acknowledging the significant contribution women have made to the British economy and society, in both their roles as enslaved workers in the Americas and Caribbean, and as factory workers in industrial Britain.

The Council pledged a £5,000 donation from the Heritage and Culture workstream of the Shared Prosperity Fund to fund the sculpture that depicts two female textile workers – one indigenous British and one African Caribbean – dancing together, to reflect the global input from women during the industrial age.

The Gedling Caribbean Elders Group also donated towards the sculpture using funds raised from a funeral collection for Mrs Anderson, a long-standing Caribbean Elders Group member.

Mrs Anderson herself was honoured with a tree planting in Arnot Hill Park for her outstanding contribution to the Council and partners’ key priorities in Gedling. A memorial ceremony was held for her at this year’s Arnold Summer Fair which attracted a high turnout from her friends and supporters.

Mrs Anderson brought the project to the Council’s attention in the six-months prior to her passing, and one of the figures depicted in the sculpture is a Mrs Louise Garvey, a renowned poet and member of the Gedling Caribbean Elders Group.

Mr Mayor, it is unclear to me why Councillor Adams felt the need to ask about this worthwhile and much needed memorial project, but we on this side of the Chamber are very proud of our diverse heritage, and I would urge all councillors to view our display downstairs in honour of Black History Month.

A question from Cllr Robinson-Payne was asked to the Portfolio Holder for Sustainable Growth and Economy, as follows:

“Will the Portfolio Holder for Sustainable Growth and Economy join me in congratulating the team at Stenhouse Medical Centre (Daybrook) and the Integrated Care Board on working closely with Gedling Borough Council to successfully deliver improvements funded through Section 106 contributions, which have expanded the centre's capacity to meet growing demand and provide enhanced services for our community?”

Response from Cllr Hollingsworth:

Thank you for the question, Councillor Robinson-Payne. It really highlights the vital contribution from developers to local infrastructure to support housing and population growth.

A contribution of £366,500 was secured by the Council, as part of the planning permission for the Stockings Farm housing development, Calverton Road, Arnold to mitigate the impact of housing growth on GP health services provided in the Arnold area. The integrated Care Board assessed the Stenhouse Medical Centre building as fit for purpose but requiring further clinical capacity to meet the demand of the growing population. This Council works collaboratively with the Integrated Care Board and other key stakeholders to ensure that new housing development provides the necessary infrastructure to support growth. This is in accordance with local and national planning policies and our Place and Community Gedling Plan objectives.

I'm really sorry I was not able to accept the invitation to visit the surgery to see the new improvements but most grateful to the Deputy Mayor for attending on the council's behalf. I'm delighted to hear that the clinical capacity of the medical centre has been increased and I would also like to thank the team at the Stenhouse Medical Centre, the integrated Care Board, the housing developer and our planning teams for the part they have each played in delivering enhanced health care services for our local community.

A question from Cllr Whiting was asked to the Portfolio Holder for Public Protection, as follows:

“How many pet shops are licensed within Gedling Borough, how many are rated below 3 out of 5, and what specific animal welfare training enforcement officers have had?”

Response from Cllr David Ellis:



I will be answering this question as it related to the regularly function which sits under my portfolio.

Selling animals as pets is one the activities licensed under the Animal Welfare Regulations, which came into effect in 2018. Information on the scheme is published on the council's website which includes the list of the five licensed pet shops in the borough – all of which are rated 5 stars. In answer to your question – there are no pets shops rated below 3.

The council employs 2 qualified animal licensing inspectors who both achieved the BTEC level 3 certificate for animal inspectors, which is the required standard. Where appropriate, we also get support from vets. Customers and potential customers can check the rating of pet shops in the borough on our website – we are one of the few to provide access to animal welfare ratings.

A question from Cllr Whiting was asked to the Portfolio Holder for Climate Change and Natural Habitat, as follows:

“What steps is Gedling borough Council taking to prepare for possible flooding events in the borough ahead of the coming autumn and winter?”

Response from Cllr Viv McCrossen:

Thanks for the question, Councillor Whiting. I think we would all agree in the chamber that flooding is everyone's nightmare as we have had some challenges in the borough. Gedling takes its responsibilities very seriously and has learnt from where things have not quite gone to plan. It is important that we keep working in partnerships.

Gedling Borough Council are a Category 1 Responder and participate as part of the Local Resilience Forum (LRF). Here, local flood plans are prepared, maintained and updated with a generic response and a Gedling specific response provided. The Environment Agency monitor for effectiveness of these plans. The Gedling plan was updated last year to include the Teal Close development. In a flood event, Gedling participate in regular meetings with other Category 1 responders, receiving advice and guidance from amongst others the EA, the Met Office and Emergency Services to receive and feedback information likely to affect communities.

A current Property Flood Resilience scheme is underway to survey properties flooded during Storms Babet and Henk with a view to installing flood resilience measures to previously flooded properties.

We receive information from the EA to deploy a pump to the Ouse Dyke at Colwick Road Industrial Estate when the river levels are at a particular point, but we aim to respond before this level is reached. The pump is

key to preventing overflowing of the Ouse Dyke and flooding on the industrial estate and nearby Vale Road. There have been some issues with the operation of the penstock gate which controls water flow between the Ouse Dyke and the Trent, but we have been liaising with the EA to rectify this issue. Consideration is currently being given to the provision of a permanent pumping station in this location.

As a matter of routine and when a period of severe weather is forecast, PASC teams visit watercourses in the Borough to ensure they are free flowing and arrange the clearance of any debris, including from trash grids. Although all possible efforts are made to keep these watercourses free flowing, the volume of water can mean they become overwhelmed and over flow.

PASC maintain a stock of sandbags which can be provided to affected households in line with the LRF Sandbag Policy. The GBC website is used to promote “how to prepare for flooding” guidance so that householders can increase their personal resilience.

Bentwell Lagoon, a Gedling flood alleviation scheme, has recently been dredged to enable water to flow through it and away more efficiently. Severn Trent are currently installing a floodwater storage tank under the car park at Richard Herrod to alleviate parts of the Carlton area.

In Lambley, residents have worked with the Parish Councillor and a local farmer to have a trench dug in the local fields to prevent rainwater run-off from affecting houses in the village.

The Council has also offered funding to all parish councils to set up their own flood resilience stores.

Following a flood, GBC will deploy mechanical sweepers to the area to remove mud and debris from the roads. The Street Cleansing team only have one large sweeper and as such their capacity to respond is limited so responses are prioritised by the degree of disruption caused.

At weekends, Gedling has an agreement in place with Nottinghamshire County Council to provide a flood response service.

I would like to personally thank all at Gedling Borough Council for their continued hard work to keep our residents and properties safe.

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## **REPORTS AND RECOMMENDATIONS OF THE EXECUTIVE OR A COMMITTEE (PROCEDURAL RULE 7.10)**

### **(a) GEDLING GAMBLING STATEMENT OF POLICY**

**RESOLVED that:**

Members accept and approve the Authority's draft Gambling Statement of Policy for publication in January 2025.

**(b) OVERVIEW & SCRUTINY ANNUAL REPORT**

**RESOLVED that:**

Members note the annual Overview & Scrutiny report.

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

No comments or questions were received on any set of minutes or decision record.

**44 TO CONSIDER MOTIONS UNDER PROCEDURAL RULE 7.12**

None.

The meeting finished at 6.59 pm

Signed by Chair:  
Date:

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## Report to Council

**Subject: Localism Act: Pay Policy Statement**

**Date: 22 January 2025**

**Author: Assistant Director of Workforce**

### 1. Purpose of the report

The purpose of the report is to highlight the authority's responsibilities in relation to pay in meeting with legislative requirements and local pay policies.

#### Recommendations

**The Council is recommended to:**

- a) Approve the proposed Pay Policy Statement and associated pay arrangements as approved by the Appointments & Conditions of Service Committee.**
- b) Approve the subsequent publication on the Council's website.**

### 2. Background

The purpose of the Statement is to increase accountability in relation to payments made to senior members of local authority staff by enabling public scrutiny.

Section 38 of the Localism Act 2011 requires local authorities to publish a Pay Policy Statement by 31 March each year for the following financial year. Other regulations also require the Council to openly publish certain information and of particular relevance to the Pay Policy Statement is the statutory Local Government Transparency Code 2015. This report presents a proposal for the Gedling Borough Council Pay Policy Statement 2025-26.

A Pay Policy Statement must set out the authority's policies relating to the:

- remuneration of its Chief Officers
- remuneration of its lowest-paid employees
- relationship between the remuneration of its Chief Officers and the remuneration of its employees who are not Chief Officers.

The Statement must include the definition of lowest-paid employees adopted by the authority and the reasons for adopting that definition.

The Statement must include the authority's policies relating to the:

- level and elements of remuneration for each Chief Officer
- remuneration of Chief Officers on recruitment
- increases and additions to remuneration for each Chief Officer
- use of performance-related pay for Chief Officers
- use of bonuses for Chief Officers
- approach to the payment of Chief Officers on their ceasing to hold office under or to be employed by the authority
- publication of and access to information relating to remuneration of Chief Officers.

Locally the Statement is also used to publish Gender Pay Gap information required under the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 and information relating to time spent on support of recognised trade unions as required by the Trade Union (Facility Time Publication Requirements) Regulations 2017.

The Pay Policy Statement includes policy statements relating to Special Severance Payments. The Government published Statutory Guidance on the making and disclosure of Special Severance Payments by local authorities in England in May 2022. This guidance is issued under section 26 of the Local Government Act 1999, the purpose of which is to:

- set out the Government's view that Special Severance Payments do not usually represent value for money and should only be considered in exceptional circumstances;
- set out the criteria employers should consider in the exceptional circumstances in which it may be appropriate to make a Special Severance Payment;
- give examples of the exceptional circumstances in which Special Severance Payments may be appropriate; and
- clarify the disclosure and reporting requirements for Special Severance Payments.

Under the guidance Special Severance Payments are defined, see Appendix ix of the Pay Policy Statement for the full guidance.

In ensuring adherence to the guidance, the Council is required to demonstrate the economic rationale behind Special Severance Payments, including consideration of:

- whether there is any feasible possibility of exiting the individual at a lower cost. Only where there is no such possibility should a Special Severance Payment be considered;
- how the exit payment will be perceived by the public and whether it is in line with the duty to manage taxpayers' money appropriately;
- what alternative use could be made of that expenditure. All Special Severance Payments necessarily reduce the funds that would otherwise be available to deliver important public services;
- the setting of any potential precedent (e.g. where a Special Severance Payment is made to certain employees and not others); and
- evidence for additionality i.e. that those offered Special Severance Payments would not have been willing, under any circumstances, to leave with their statutory and contractual benefits alone.

The Government expects that Special Severance Payments should be approved according to the following process:

- payments of £100,000 and above must be approved by a vote of full Council, as set out in the Localism Act 2011;
- payments of £20,000 and above, but below £100,000, must be personally approved and signed off by the Head of Paid Service, with a clear record of the Leader's approval and that of any others who have signed off the payment;
- payments below £20,000 must be approved according to the local authority's scheme of delegation. It is expected that local authorities should publish their policy and process for approving these payments; and
- where the proposed payment is to the Head of Paid Service, to avoid a conflict of interest, it is expected that the payment should be approved by a Panel including at least two Independent Persons.

The Pay Policy Statement (Appendix 1) reflects these requirements and the statutory guidance is appended to the Pay Policy Statement as the local policy in respect of Special Severance Payments.

Locally, the Pay Policy Statement includes other information relating to the policies on employment terms and conditions for all Chief Officers including those relating to pay progression.

**The Statement must be approved by a resolution of the authority before the 31 March immediately before the financial year to which it relates** but may also be amended by resolution during the year; it must be published on the authority's website as soon as possible after approval. Publishing the Pay Policy Statement in the format recommended in Appendix 2 also meets the additional requirements under the statutory elements of the Local Government Transparency Code 2015 in particular relating to information about trade union facilities (time allowed for union duties), senior salaries and the pay multiple. The earlier 2014 Regulations also require that data under the Code is published on the first occasion before 3 February 2015 and annually thereafter. In order to comply with the publication requirement, it is intended that the Pay Policy Statement will be published on the Council's website straight after the Council resolution.

The term 'Chief Officer' referred to above includes:

- The Head of Paid Service designated under section 4(1) of the Local Government and Housing Act 1989 (the Chief Executive)
- The Monitoring Officer designated under section 5(1) of that Act
- A statutory Chief Officer mentioned in section 2(6) of that Act (the Chief Finance Officer & Section 151 Officer)
- A non-statutory Chief Officer mentioned in section 2(7) of that Act (the Director of Operations, Director of Place and Director of Transformation by virtue of reporting directly to the Head of Paid Service);
- A deputy Chief Officer mentioned in section 2(8) of that Act (all Assistant Directors) by virtue of reporting directly to statutory and non-statutory Chief Officers).

Of the above listed posts only the Chief Executive, Deputy Chief Executive, Directors and Assistant Directors on Pay Band 4 are paid a salary above £70,000 per annum, which is the value of the Senior Civil Service minimum pay band recommended under the Code of Practice for Data Transparency at which information on roles and remuneration of senior officers, is published.

The full statement shows that the Borough Council's local **ratio of highest:lowest pay rates is 5.28:1 - this compares favourably with the ratio of 20:1** originally suggested as a reasonable maximum figure in the original Hutton review into fair pay, and the many examples found in the private sector where multiples way in excess of this are not uncommon.

Local authorities were already required to publish, under the Accounts and Audit (England) Regulations 2011 (Statutory Instrument 2011/817), both the number of employees whose remuneration in that year was at least £50,000 and details of remuneration and job title of certain senior employees whose salary is at least £50,000.

For each "Chief Officer" as defined above, the Pay Policy Statement must include the following information:

- the Chief Officer's salary,
- any bonuses payable,
- any charges, fees or allowances payable,
- any benefits in kind to which the Chief Officer is entitled,
- any increase or enhancement to the Chief Officer's pension entitlement, and
- any amounts payable to the Chief Officer on the Chief Officer ceasing to hold office under or be employed by the authority.

From 2017, any organisation that has 250 or more employees must publish and report specific figures about their gender pay gap.

The gender pay gap is the difference between the average earnings of men and women, expressed relative to men's earnings.

The data to be collected, relevant at 31 March 2017 and each year thereafter is the:

- Mean gender pay gap
- Median gender pay gap
- Mean gender pay gap in bonus pay
- Median gender pay gap in bonus pay
- Percentage of males and females in each of the four pay quartiles.

Employers must both publish their gender pay gap data and a written statement on their public-facing website and report their data to government online using the gender pay gap reporting service. The Council has done this for this year's Gender Pay Gap data. Further to this, this year's data and the narrative endorsed by Senior Leadership Team as shown in the Pay Policy Statement will be published as part of this Pay Policy Statement following adoption of the Statement by Council.

Appendix 1 shows the proposal for the full Pay Policy Statement for Gedling Borough Council for the year 2025-6.

During any year, changes to policy approved by Committee and minor amendments to levels of earnings resulting from annual nationally-determined pay awards may be made to the published policy during the year without further referral back to Council. Otherwise, each year a Pay Policy Statement will be brought back to Council for formal approval and adoption.



## Summary data

Below is a summary of the key data contained in this year's Pay Policy Statement.

The data for Gedling is current at 30 November each year. This year the national pay award was settled on 1 November and was backdated to 1 April. The award for NJC employees, in terms of pay, was an addition of £1,290 to each pay point in the scale (pro rata for part-time employees) up to SCP 43 and a 2.5% award for SCP 44 and above.

This means that for our lowest paid employees there has been a pay award of 5.5% applied.

A comparison against last year's pay data is shown. The effects of the national pay award being a fixed figure (£1,290) improves the ratios of low pay against high and average pay but making more of a material difference were local pay changes. It reduces the gap. Chief Officers settled their national pay award claim at 2.5%.

	<b>Data correct at 30 November. Includes 2024/25 national pay award</b>	<b>Last year's pay data</b>
Ratio of highest to lowest pay	5.28:1	5.44:1
Ratio of highest to average (mean) pay	3.77:1	4.24:1
Ratio of highest to median pay	4.58:1	4.67:1
Average (mean) pay (equivalent full time salary)	£34,589	£30,154
Median pay (equivalent full time salary)	£28,624	£27,334
Highest paid worker	£130,965	127,771 (top scale point)
Lowest paid worker (FTE salary- not training or transferred post). Lowest pay point now set at SCP 5 in Band 3.	£24,790	£23,500

#### **4. Proposal**

The Pay Policy Statement is a factual statement of information relating to the council. It is therefore proposed to ask the committee to firstly approve the proposed Pay Policy Statement for 2025/26 including its method of implementation and secondly to recommend the referral of the Pay Policy Statement to Council for adoption and for subsequent publication on the Council's website.

#### **5. Alternative Options**

The publication of a Pay Policy Statement is required in law and the method by which it is published is specified. The alternative would be to not publish a statement although this would contravene legislation.

#### **6. Legal Implications**

The proposed Pay Policy Statement has been drafted to meet the requirements of the Localism Act 2011, the Local Government Transparency Code 2014, the requirements of the Accounts and Audit (England) Regulations 2011, the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017, the Trade Union (Facility Time Publication Requirements) Regulations 2017 statutory and other best practice guidance offered by the Local Government Association and the Association of Local Authority Chief Executives.

The Localism Act in itself does not necessarily require the Authority to publish actual salary band amounts, however, other regulations and best practice do lead us to this position, particularly for Chief Officers. In the spirit of openness and transparency the proposed Pay Policy Statement encapsulates the principles derived from these myriad sources.

In order to meet the deadlines required by the Localism Act and the Transparency Code, the data used in this annual statement is current at 30 November in each year.

Subject to the views of this committee and the adoption at Council, the Pay Policy Statement will be published on the Council's website immediately after resolution, and annually thereafter and included in the Council's Publications Scheme. It will be published as a Microsoft Word document which is a "machine-readable" format as required by the Local Government Transparency Code 2014.

Although not yet a legal requirement to adopt the statutory guidance on severance payments, the Council will be assessed against that voluntary standard when making decisions about payments made to officers, workers or contractors when they cease to provide service for or to the Council. It is expected that local authorities would comply with the statutory guidance even if no local policy is adopted. For that reason the adoption of properly considered local policy helps to defend any future challenge to special severance payments made if there is concern about the appropriateness of those payments.

The guidance on Special Severance Payments forms part of the best value regime for local authorities in England. The best value duty, as set out in section 3 of the Local Government Act 1999 ("the 1999 Act"), provides that "A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness."

**7. Financial Implications**

The Pay Policy Statement only reports information about the council. It does not in itself commit the organisation to any spend and as such there is no financial impact.

The introduction of local Severance Payment Policy will ensure that financial decisions taken by the Council will be properly considered, accounted for and reported. This will be an additional control measure to secure financial probity.

**8. Equalities Implications**

Although in itself the Pay Policy Statement does not have any equalities impact, there are a number of items that are reported that do have a bearing on equality reporting within the council, for example the annual reporting of the council’s Gender Pay Gap.

Work continues against our equalities action plan implemented last year to improve the equality, diversity and inclusion of the Council both as an employer and as a service provider. Actions will be embedded into service planning over the coming years.

The principles of equality and equal pay are embedded in the Pay Strategy that forms part of the Pay Policy Statement.

The Special Severance Payment Policy also ensures that financial decisions about payments to people leaving the organisation will be based on a transparent framework with clear definition about how payments are to be authorised and reported.

**9. Carbon Reduction/Environmental Sustainability Implications**

No environmental sustainability implications are identified.

**10. Appendices**

Appendix 1: Pay Policy Statement 2025/26

**11. Background Papers**

There are no additional background papers

<b>Statutory Officer approval</b>	
<b>Approved by:</b>	Chief Financial Officer
<b>Date:</b>	31 December 2024
<b>Approved by:</b>	Monitoring Officer
<b>Date:</b>	31 December 2024
<b>Page 35</b>	

## Gedling Borough Council; Pay Policy Statement 2025-26

### 1. Introduction

Section 38 of the Localism Act 2011 requires local authorities to publish a Pay Policy Statement by 31 March each year. The purpose of the Statement is to increase accountability in relation to payments made to senior members of local authority staff by enabling public scrutiny.

The Pay Policy Statement has been drafted not only to meet the requirements of the Localism Act, but also is designed to reflect the principles of the Code of Recommended Practice for Local Authorities on Data Transparency (updated in 2015), the Accounts and Audit (England) Regulations 2011 and aspects of good practice highlighted by the Local Government Association and the Association of Local Authority Chief Executives. Furthermore, the Statement also has regard to the guidance made available in February 2013 by the Department for Communities and Local Government in respect to “openness and accountability” as described in section 40 of the Localism Act.

The Statement is also used to publish Gender Pay Gap information required under the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 and information relating to time spent on support of recognised trade unions as required by the Trade Union (Facility Time Publication Requirements) Regulations 2017.

### 2. Pay Policy Statement; Executive Summary

Details necessary for publication are explored fully in this Pay Policy Statement in sections three and four. The Executive Summary does not reflect all information required or recommended in the legislation and guidance described in the introduction above; however, it is designed to show key information in a simple, digestible format. Unless otherwise stated, data in these tables is current at 30 November 2024.

#### General Council pay data

Lowest rate of pay (Exc Training Grade)	£24,790 p.a. full time rate
Median rate of pay	£28,624 p.a. full time rate
Mean rate of pay	£34,589 p.a. full time rate
Highest rate of pay	£130,965 p.a. full time rate
Expression (as a multiple) of highest rate of pay against:	
Lowest pay:	5.28 times greater
Median pay:	4.58 times greater
Mean pay:	3.77 times greater

## Job-related information for Chief Officers

Job Title of Senior posts <sub>1</sub>	Substantive post-Salary Band p.a. (pay pts in scale) Incl.2024/25 pay award Progression is performance related for all posts	Enhancement to basic pay or Addition to basic pay (not related to main job)	For Senior Posts : Number of staff reports & total budget <sub>2</sub>
<b>Chief Executive</b>	£126,361 - £128,663 £130,965	Yes- Election fees	5 staff (448 total)  Total budget (24/25) £612,000
<b>Deputy Chief Executive &amp; Monitoring Officer</b>	£94,470 £97,098 £101,060	No	16 staff  Total budget (24/25) £604,400
<b>Directors</b>			
i) Director of Place	£85,882 £88,271 £91,872	No	i) 79 staff  Total budget (24/25) £6,720,200
ii) Director of Transformation	£85,882 £88,271 £91,872		ii) 57 staff Total budget (24/25) £2,870.900
iii) Director of Operations	£85,882 £88,271 £91,872		iii) 251 staff Total budget (24/25) £15,962,700
<b>i) Chief Finance Officer &amp; Section 151 Officer Band 4 + 10%</b>	£81,491 £83,695 £86,447	No	i) 40 staff  Total budget (24/25) £17,842.300
<b>Assistant Director – Band 4 (Band 3+ Honoraria)</b>	£74,082 £76,332 £78,588	No	
i) Assistant Director for Communities, Leisure & Wellbeing			
<b>Assistant Director - Band 3+5%</b>	£68,333 £70,699 £73,057	No	
i) Assistant Director Governance & Democracy (includes			

Deputy Monitoring Officer))  ii) Assistant Director of Finance & Deputy 151 Officer			
<b>Assistant Director – Band 3</b> i) Assistant Director of Workforce  ii) Assistant Director of Development  iii) Assistant Director of Digital, Data & Technology	£65,079 £67,332 £69,579	No	
<b>Assistant Director – Band 2</b>  i) Assistant Director of Customer Engagement  ii) Assistant Director for Housing & Resettlement (new role TBC)  iii) Assistant Director for Economic Growth & Regeneration (new role TBC)  iv) Assistant Director for Revenues & Benefits (new role TBC)	£56,076 £58,323 £60,573	No	

1 As defined in Recommended Code of Practice for Data Transparency

2 Total current gross expenditure budget (2024/25); includes employee costs.

### 3. Setting the scene

#### 3.1 Pay Strategy

The Council's Pay Strategy is shown at **Appendix A**. This document encapsulates both strategic principles and operational practices; it gives direction and intent and guidance for the practical application of these principles.

#### 3.2 Gender Pay Gap

From 2017, any organisation that has 250 or more employees must publish and report specific figures about their gender pay gap.

The gender pay gap is the difference between the average earnings of men and women, expressed relative to men's earnings.

The data to be collected, relevant at 31 March 2017 and at that "snapshot date" each year thereafter is the:

- Mean gender pay gap
- Median gender pay gap
- Mean gender pay gap in bonus pay
- Median gender pay gap in bonus pay
- Percentage of males and females in each of the four pay quartiles.

As required in law, both our gender pay gap data and a written statement to add context to the data are available on our public-facing website

<http://www.gedling.gov.uk/council/aboutus/financeandaccounts/opendata/genderpaygapdata/> and on the government website <https://gender-pay-gap.service.gov.uk/>

This year's data and the narrative endorsed by Senior Leadership Team for Gedling Borough Council are shown at **Appendix B**.

#### 3.2 Other relevant information

The following additional paragraphs and statements outline the Council's general position in respect to employment, pay and conditions of service and are pertinent to the requirements of the Localism Act:

- 3.2.1. As at November 2024, Gedling Borough Council employed 448 people (336.56 full time equivalents).
- 3.2.2. Of our posts, thirteen are governed by the national conditions of service relating to the Joint Negotiating Committees (JNC) for Chief Executives and Chief Officers, these being the Chief Executive, one Deputy Chief Executive, four Directors and seven Assistant Directors. All other employees work within the national conditions of service covered by the National Joint Council (NJC) for Local Government Employees.
- 3.2.3. These national conditions of service are added to, and amended by, local terms and conditions detailed in the Employee Handbook and further modified at an individual level by Statements of Employment (contracts) applying to particular employees or posts.

- 3.2.4. For the purposes of the Localism Act, report must be made on the pay policies relating specifically to “Chief Officers”. In the Act, included in the definition of what is a “Chief Officer” are any posts, statutory or not statutory, that report direct to the Chief Executive, or to a post that reports immediately to the Chief Officer. The purpose is to ensure that “Deputy Chief Officer” posts are included in the pay policy. Locally, for Gedling Borough Council this means that the Chief Executive, Deputy Chief Executive, Directors and Assistant Directors are covered in the Pay Policy Statement.
- 3.2.5. Policies relating to the setting of pay are determined by committee. Currently such decisions fall under the remit of the Appointments and Conditions of Service Committee (ACSC). Historically, all major decisions relating to pay policies have been the subject of consultation with the recognised unions representing employees of the Council, either direct with the unions, or more usually through discussion at the Joint Consultative and Safety Committee (JCSC) which is the recognised forum for formal consultation between employee representatives and the employer.
- 3.2.6. The Council has embraced the principles of Single Status (a term designed by national employers’ groups and trade unions to describe the equal treatment, in respect to terms and conditions, of all employees) since 2001. Gedling was one of the first local authorities in the region to formally implement the national NJC Job Evaluation Scheme. A pay policy was written at this time to reflect how NJC pay was to be applied within this scheme and this is shown at **Appendix C**. The NJC Job Evaluation Scheme continues to be used and pay grades are established using this tool for all NJC posts. Job assessment is carried out jointly by both management and union representatives.
- 3.2.7. The grading of JNC Assistant Director posts is undertaken by Senior Leadership Team and is based on a locally-determined scoring matrix. This matrix and the scoring system used to determine grades are shown at **Appendix D**. Pay grades for Directors and the Chief Executive are determined by Committee (ACSC).
- 3.2.8. The filling of, or promotion to all posts, be they governed by NJC or JNC conditions of service are dealt with under the same defined protocols. The general protocol for the filling of vacancies is shown at **Appendix E** with a description of how this protocol is applied in a practical context shown at **Appendix F**.
- 3.2.9. Other than in cases where there is a need to prevent redundancy through possible redeployment of existing employees, or where efficiencies or improved working can potentially be realised, all permanent vacancies are advertised externally and all appointments are made on merit as required by the Local Government and Housing Act 1989. There is an additional recognised protocol (**Appendix G**) that allows temporary vacancies for periods of less than one year to be filled internally.
- 3.2.10. Appointments to non-statutory Director and Chief Officer posts are made by the Appointments and Conditions of Service Committee, subject to no objections being raised by Cabinet. Appointment of the Chief Executive or Statutory Officers will be made by the Appointments and Conditions of Service Committee, subject to no objections being raised by Council. Appointment to all other NJC posts is made by officers delegated to act on behalf of the Chief Executive. The Council’s Constitution governs this process.



- 3.2.11. Dismissal of Statutory Officers (Deputy Chief Executive, Head of Paid Service, Monitoring Officer and Chief Financial (Section 151) Officer) is made through the Appointments and Conditions of Service Committee which will first consider the case and make an initial determination that will be subsequently referred to an Independent Panel charged with making a recommendation to Council at which a decision will be taken to approve or reject the dismissal. Dismissal of Directors that are not Statutory Officers and other chief officers including Assistant Directors will not be referred to an Independent Panel or to Council; the decision will be within the remit of the Appointments and Conditions of Service Committee. Dismissal from all other posts is made by the Chief Executive or to officers delegated to act on behalf of the Chief Executive. The Council's Constitution sets out the process for dismissal of Statutory Officers and other Chief Officers. Where they exist, model procedures contained within national Chief Officers' or Chief Executives' terms and conditions will be used as guidance.
- 3.2.12. In respect to appointment to any post, where the grade of a post comprises a range of pay points, the general practice is that appointment is made to the bottom pay point other than in cases where the successful candidate can demonstrate that their experience or skill set is of relevant and exceptional nature. In such cases, for officers working under NJC conditions, an Assistant Director may agree to commencement at a higher pay point. For a JNC post, the decision about pay on appointment will rest with the appointing officer or committee as appropriate.
- 3.2.13. For Directors governed by JNC conditions, pay at appointment and subsequent advancement through the pay grade is determined by the Chief Executive following consultation with the Appointments and Conditions of Service Committee as detailed in **Appendix H**. The same general principles governing application of pay points apply both to external appointment and internal promotion.
- 3.2.14. A similar scheme linking pay to performance exists for the Chief Executive. This is shown at **Appendix I**.
- 3.2.15. The Council has an established training grade which mirrors the national pay rates for apprentices. The policy relating to the application of this arrangement was adopted in September 2016. Although potentially applicable to a training post of any type, the grade is designed to be applied specifically to entry-level apprentices employed directly by the Council.
- 3.2.16. As a general principle and where business need allows, the Council supports the sharing of posts (job share) between two or more people. Appointments will be made on merit. Appointment for any job share partner will be made within the confines of the pay grade, determined through job evaluation and within the principles as described above in relation to the determination of starting salary.
- 3.2.17. In 2013 supplementary guidance was offered by the Department for Communities and Local Government under section 40 of the Localism Act 2011 about decisions relating to appointments and dismissal from senior posts where the costs of such decisions are likely to be high. The Secretary of State considers that a salary of £100,000 is the right level for the threshold of such decisions.

In the year 2024/25 the only post at this pay level is that of Chief Executive. This post is defined as "senior" for the purpose of this guidance and consequently decisions relating to appointment and dismissal will be determined by full Council

following recommendation made by the Appointments and Conditions of Service Committee. This arrangement is incorporated within the Council's Constitution.

3.2.18. Already published elsewhere in this Pay Policy Statement are the Council's key documents relating to severance policies and discretionary compensation for employees, including senior officers in the event of redundancy. Specifically, the Council does also have a Special Severance Pay Policy that determines how such payments will be made, the authority needed to make the payments, and how these are reported. The policy is shown at **Appendix N**.

3.2.19. Access to the full set of local pension discretions required under Regulation 60(5) of the LGPS 2013 are shown on the Council's website under the "How we work" section at

[https://www.gedling.gov.uk/media/gedlingboroughcouncil/documents/council/aboutus/policies/Pension%20Discretions%20Policy%20\(July%202019\).pdf](https://www.gedling.gov.uk/media/gedlingboroughcouncil/documents/council/aboutus/policies/Pension%20Discretions%20Policy%20(July%202019).pdf)

These discretions were approved as formal policy of the Council by the Appointments and Conditions of Service Committee in March 2015 and updated by the committee in 2019. In accordance with legal requirement the policy statements have been drafted to balance financial, business and employee needs and public interest as well as taking into account the general principle that no policy statement can unduly fetter the employer's ability to make decisions.

3.2.20. From 1 April 2017 all overtime (voluntary), stand-by and call out payments are enhanced by 7.69% to reflect the need to recognise an average of these payments for a four week holiday period each year (the period for which "normal pay" needs to be maintained). Any contractual overtime will be recognised as normal pay for the purpose of all holidays taken.

3.2.21. As required by the Transparency Code, structure diagrams of the Council showing all posts, including vacant posts, and pay bands are maintained on the Council's website together with contact details for Chief Officers.

3.2.22. The 2015 Transparency Code required information about trade union facility time to be published and this requirement has subsequently been extended by the Trade Union (Facility Time Publication Requirements) Regulations 2017. This is the amount of time that is allowed by the organisation for the representatives of the recognised trade unions to participate in approved union activities. For this Council the information is as follows:

3.2.22.1. There are 10 staff that are recognised as representatives (the Executive). This equates to 9.22 full time equivalents (FTEs).

3.2.22.2. There are no union representatives who devote at least 50% of their time to union duties. The estimated proportion of time spent on trade union facility time is:

Proportion of time	Number of union Reps
0% (less than 1%)	0
1- 50%	10
51-99%	0
100%	0

3.2.22.3. It is estimated that the total salary cost of union representatives undertaking union duties and activities over a year is £15,232.30. The percentage of all pay spent on facility time is 0.12% and 5.92% of all union time is taken up on trade union activities. This is the data reported on the government's website.

3.3. This Pay Policy Statement is published on the Council's website.

#### 4. Other specific reportable issues as defined in the Localism Act

##### 4.1 Chief Officer pay

###### 4.1.1 Basic pay

Pay scales for all Chief Officers are shown in the Executive Summary table. These are current up to 30 November 2024.

###### 4.1.2 The setting of basic pay grades and pay rates

There are a number of existing decisions and policies that determine Chief Officers' overall pay policy.

The Chief Executive's pay scale, and the pay scales for Directors are determined locally by the Appointments and Conditions of Service Committee following formal consultation with recognised unions through the Joint Consultative and Safety Committee. The pay scale for the Chief Executive was last reviewed in early 2018 as part of the recruitment process for a new Chief Executive. In 2016 the pay rate for Directors was also confirmed. When setting these pay scales the committee took into account the need to balance affordability with fair pay for the work whilst also recognising pay levels for similar posts within the local market and pay differentials within the organisation. More recently a new senior management structure has been applied from 2021 in which the grades of newly-created Assistant Directors were reassessed.

The ACSC approved a performance-related pay scheme that applies to all Directors and another for the Chief Executive. These are shown at **Appendix H** and **I** respectively. These schemes also confirm that appointment is generally at the bottom point of the pay scale and that progression through the scale is through satisfactory performance only.

The pay principles applying to the Assistant Directors as JNC officers were determined by ACSC after consultation through the JCSC process. The basis of these grades, how they relate to the pay of Directors and the matrix used by SLT to place these jobs into the appropriate grade are shown at **Appendix D**.

As part of the implementation of the NJC national Job Evaluation Scheme in 2001, a pay policy was adopted by committee in 2001 (**Appendix C**). Basic job grades are still determined using this scheme and the basic principles set out therein. With the implementation of the job evaluation scheme came the setting of a "pay line" that equates each job's evaluation points to a job grade. The pay policy for the Council's NJC staff defines how national spinal column points are associated to local job grades and is shown in Appendix i (and also as part of the Pay Strategy at **Appendix A**).

Each year the 30 November is used as the reference period for pay information. Most NJC (most of our workforce) employees this year (2024/25) ) received an award of an additional £1,290 on their annual full-time salary (pro rata for part time). Chief Executives and Chief Officers received an award of 2.5%. This increase means that our lowest paid employees received an award of almost around 5.5%. By making an award to NJC employees based on a flat payment rather than as a percentage of pay means that pay differentials between high and low pay are reduced and this is reflected in this Pay Policy Statement. The consequence is also that Local Government pay continues to start at a figure in excess of the National Living Wage.

#### **4.1.3 Enhancements to Chief Officers' basic pay**

Following the review of local pay in 2016 pay grades have largely been simplified and are now designed to reflect a fair market rate for the job. Consequently previous policies that allowed additional enhanced payments to be applied either to Chief Officer or other NJC employees have now been removed other than for the **Assistant Directors** undertaking statutory roles (Monitoring Officer and Section 151 Officer) where plussages of between 5% and 10% are applied.

#### **4.1.4 Additional payments made to Chief Officers**

The only additional payment made to Chief Officers relates to election expenses. The only post formally designated within legislation and to which expenses are paid is that of Chief Executive which is nominated as the Returning Officer. The role of Deputy Returning Officer may be applied to any other post and payment may not be made simply because of this designation.

Payments to the Returning Officer are governed as follows:

For national elections, fees are prescribed by the Electoral Commission.

For local elections, fees are determined within a local framework used by other district councils within the County. This framework is applied consistently and is known as "The County Scale". This is reviewed periodically by lead electoral officers within the boroughs.

## **4.2 Salary protection**

The Council's Pay Protection Policy was reviewed during 2019. A full description of the policy is shown at **Appendix J**. This Pay Protection Policy applies to all employees of the Council, including Chief Officers as defined in the Localism Act. In essence, should a case of pay protection arise, for example due to redeployment or down-grading of a post, protection between an employee's salary at that time and the value of their new substantive post will apply in the following way:

- 100% for one year
- 50% for year two
- .

Salary protection would not occur in cases where a post holder was down-graded to work of lower pay following disciplinary action.

## 4.3 Lowest-pay and the relationship with highest pay

### 4.3.1. Definition; “lowest pay”

The definition of “lowest pay” for the purpose of this Pay Policy Statement is, “The lowest spinal column point in the national pay spine that is used within the local pay and grading structure of the Council for non-training posts. As at November 2024 this is Spinal Column Point 5 within Band 3”.

The Council’s current Pay Strategy is shown at **Appendix A** and the general Pay Policy is shown at **Appendix C**. This policy reflects the decision to adopt the national pay spine to form the basis of our grading structure. National spinal column points were renumbered with effect from April 2019 and the revised points were incorporated into the Council’s local grading system.

### 4.3.2. Definition; “highest pay”

The definition of “highest pay” for the purpose of this Pay Policy Statement is, “The highest local spinal column point that forms part of the Chief Executive’s pay band”.

### 4.3.3 Relationship between highest and lowest pay

When expressed as a multiplier of pay, the Chief Executive’s salary is:

- 5.28 times greater than the lowest pay rate of the Council
- 4.58 times greater than the median pay rate of the Council
- 3.77 times greater than the mean pay rate of the Council

Although the Localism Act requires Authorities to publish the data, the original Hutton Review of fair pay in the public sector rejected calls for a fixed limit on pay multiples. However, to give guidance on what might be considered to be a reasonable pay multiple of highest pay against lowest pay, a ratio of 20:1 was suggested as part of the consultation during the review. Clearly the council operates on ratios at a much lower level.

The pay ratio of highest to lowest pay in the private sector is variable depending on the size and nature of the business although in 2021, using accreditation status from the Living Wage Foundation to estimate the pay of low earners, the High Pay Centre calculates the median CEO to lowest-paid worker ratio to be 117:1. In the voluntary and public sectors then high to low pay ratios are traditionally much lower.

The ratios within the Council’s pay structures are very much in line with other local councils of similar size and are certainly within the ranges outlined as being reasonable in the Hutton Review.

This relationship will be reported annually for comparison purposes.

The rates of for lowest, mean, median and highest pay are included in the Executive Summary table.

## **4.4 Payments made to Chief Officers on ceasing office**

### **4.4.1 Conduct and Capability Policies**

The Council's policies are stated in the employee handbook and where appropriate, also governed by the Council Constitution.

Changes and variation to these policies are made following consultation with recognised unions and formal adoption by the Appointments and Conditions of Service Committee. For each of these policies, the scope of application is defined as follows, "The procedure applies in general terms to all employees of the Authority covered by the terms of the National Joint Council for Local Government Services. This includes full and part-time employees and temporary employees. Employees covered by the Joint Negotiating Committees for Chief Officers and Chief Executives and posts nominated as the Council's Monitoring and Section 151 Officers will have particular provisions applied to them under the Council's Standing Orders relating to staff [as detailed in the Council Constitution and available through the Gedling Borough Council web site]. In these cases, this Disciplinary and Capability Procedures will be applied as closely as possible subject to such modification as may be required pursuant to those Standing Orders."

Subject to the above definition of application, for conduct and capability dismissals all employees will receive only statutory payments due which may, depending on circumstance include notice pay (other than in cases of gross misconduct) and outstanding untaken leave entitlement.

### **4.4.2 Ill health retirement**

All employees who are members of the local government pension scheme (LGPS) shall have applied to them a pension defined within the LGPS Regulations. Obligations under law requiring the payment of an appropriate notice period or outstanding unpaid holidays are honoured. No additional discretionary payments will be made. Authority to dismiss on grounds of ill health and authority for release of pension as determined within statute is delegated to the Chief Executive.

### **4.4.3 Termination of employment; Redundancy, efficiency and general pension discretions**

The Council's Appeals and Retirements Committee has authority to make payment within the approved Early Retirement and Redundancy Policy (**Appendix K**). The scheme of compensatory payment is clearly identified in this policy and is based on the table of compensation defined within the Employment Rights Act 1996. Under this local policy, for redundancy, payment including both statutory and discretionary payments is limited to a maximum of 30 weeks' pay and nine weeks' pay for dismissal for reason of 'efficiency of service'.

The policies relating to redundancy and 'efficiency of service' are formally adopted by the Council and are drafted within the legislative framework of the Local Government (Early Termination of Employment)(Discretionary Payments) (England and Wales) Regulations 2006. Specifically, the policies reflect the need to define "a week's pay" and to detail the Council's severance payments. For removal of doubt, the Council currently defines "a week's pay" for the purpose of calculation of compensatory redundancy payments as "actual pay" rather than the statutory maximum figure.

Access to the full set of local pension discretions required under Regulation 60(5) of the LGPS 2013 are shown on the Council's website under the "How we work" section at [https://www.gedling.gov.uk/media/gedlingboroughcouncil/documents/council/aboutus/policies/Pension%20Discretions%20Policy%20\(July%202019\).pdf](https://www.gedling.gov.uk/media/gedlingboroughcouncil/documents/council/aboutus/policies/Pension%20Discretions%20Policy%20(July%202019).pdf)

These discretions were approved as formal policy of the Council by the Appointments and Conditions of Service Committee in March 2015 and subsequently updated in July 2019 and detail the full range of policy decisions made that relate to payment of, or limitation to payment of pension benefits applicable to any employee.

The Council's Flexible Retirement Policy is shown at **Appendix L**.

All employees, including Chief Officers are covered by these general policy arrangements. Sections 3.2.10-11 above, detail the special arrangements applying to "senior posts" both in respect to appointment and dismissal.

The policy relating to Special Severance Payments is detailed at Appendix ix of the Pay Policy Statement.

## **5. Review and publication**

This Pay Policy Statement will be reviewed annually and reported to Council for approval.

The Statement will be made available to the public on the Council's website and will be included in the Council's Publications' Scheme in a format that complies with regulations governing transparency.

# Appendices



## Pay Strategy

### Purpose

This strategy identifies the principles by which pay is governed in the organisation and specifies how these principles are embedded in practice.

### Pay

#### Strategic Principles

- We will pay sufficiently well to attract and retain talent in line with our ambitions, priorities and workforce strategy.
- When setting pay we will be sensitive to, and respectful of the need to balance fair pay with public interest.
- We recognise our social responsibility to support in appropriate ways, a commitment to paying our lowest-paid employees fairly.
- We are committed to developing employment opportunities for local residents. Training posts with training pay grades will be supported by the Council.
- We will keep pay under regular review and take action to maintain the ambitions stated in our pay principles.

#### Operational Practices

- Job grades for staff governed by conditions of the National Joint Council on Pay and Conditions of Service (NJC) are established locally but are based on national spinal column points.
- Job grades for the Chief Executive and Chief Officers are established locally using local pay points. General terms and conditions are governed by the appropriate national bodies, the Joint Negotiating Committees (JNC).
- Pay is linked to performance for NJC employees (**Document 1**), Senior Leadership Team (**Document 2**) and Heads of Service (**Document 3**).
- Pay awards made under national pay bargaining are applied to all employees covered by the NJC and JNC conditions of service.
- Market supplements will be applied to basic pay in order to attract first class candidates into our workforce. Such supplements will be applied in the exceptional circumstances described in (**Document 4**).
- Honoraria payments will be used for short periods of time, normally up to one year, to appropriately recognise and reward employees who are required by the Council to perform duties and responsibilities beyond those normally expected in their substantive post for a period exceeding four weeks. The level of payment will be determined by the relevant Assistant Director and the Assistant Director responsible for the Human Resources function.

## **Equality**

### **Strategic Principles**

- Pay equality within the workforce will be maintained by ensuring that jobs are objectively graded through a job evaluation mechanism appropriate to NJC employees and to Assistant Directors.
- Pay grades will be designed in line with best practice to ensure that pay is non-discriminatory particularly in respect to gender.
- The Equal Pay Policy Statement sets out the general principles of pay and equality

### **Operational Practices**

- A “Gender Pay Gap” review of pay will be undertaken annually within Government guidelines. Findings of this review, including any recommendations for action will be reported to Senior Leadership Team and to the Joint Consultative and Safety Committee.
- The NJC job evaluation scheme is used as a framework to determine job scores used as a basis for local pay.
- A locally-determined job evaluation scheme will be applied to Assistant Director posts covered by JNC terms for Chief Offices.
- Job evaluation of new and changed NJC posts will be undertaken by management and union representatives.
- Job evaluation of new and changed JNC Assistant Director posts will be undertaken by Senior Leadership Team.

## **Benefits and reward**

### **Strategic principles**

- We recognise that pay is only one element of reward. Recruitment, retention, engagement and happiness of employees are influenced by a wider package of measures. We will continually review terms, conditions, benefits and ways of working that will make Gedling Borough Council an employer of choice.
- We recognise that good physical and mental health of our employees is essential if employees are to attend work regularly and to give of their best.

### **Operational practices**

- We provide practical support to improve the wellbeing of employees. This is achieved through practical measures such as the “Employee Assistance Programme” available to all employees and designed to support employees through problems relating to mental health, financial and relationship difficulties.

- Adoption of flexible and agile working practices whenever practical to enable employees to deliver first rate service in ways that help them to balance personal and work commitments.
- Access to an employee benefits package, “Gedling Lifestyle” that helps to maximise employees’ earnings.
- Membership of “Our Gedling”, providing access for all employees to a range of events and activities designed to enhance personal wellbeing and health and to support a sense of community and engagement with work colleagues.
- Through active engagement with the workforce, employees’ perception of happiness in the workplace is measured and reported. Issues of common concern are identified and actions developed to improve both employee wellbeing and workplace efficiency.

## **Pay protection**

### **Strategic principles**

- When possible and appropriate, employees will be redeployed within the organisation if they cannot continue to work in their current job.

### **Operational practices**

- Employees redeployed to a lower paid job following service reorganisation will receive pay protection. The nature of this protection will be defined through local policy.

## **Redundancy**

### **Strategic principles**

- Where possible the Council aims to redeploy employees rather than to declare redundancy.
- When this is not possible the Council will apply redundancy payments that recognise the need to balance support for the employee against the need to exercise appropriate restraint in the use of public money.

### **Operational practices**

- The Early Retirement and Redundancy Policy, and the Protocol for Enabling Employee Security documents are used to assist the transition of employees between posts in appropriate circumstances.
- Employees returning to work with the Council following redundancy from either our own organisation or a similar public sector organisation will have applied to them any financial penalty required either by legislation or through national terms and conditions.

## **Pensions**

### **Strategic principles**

- Employees of the Council are eligible to participate in the local government pension scheme (LGPS).
- As required by LGPS Regulations, the Council will maintain a set of local policy decisions relating to discretions available to employers under the scheme.
- Discretions, formulated through appropriate committee of the Council, will recognise the need to balance support for the employee against the need to exercise appropriate restraint in the use of public money.

### **Operational practices**

- The Council will maintain and publish a set of local pension discretions required by LGPS Regulations.

## **Legislation**

### **Strategic principles**

- The Council will ensure that pay and remuneration is treated correctly within relevant legislation.

### **Operational practices**

- Tax and other statutory deductions including national insurance contributions will be made within legislation and under guidance of government agencies for employees, workers and contractors.

**Policy statement to link pay to performance; NJC employees**

- Usually employees appointed to a new post will start at the bottom incremental point of the grade for the post. Where it can be demonstrated through the selection process that the appointee has relevant experience or qualifications, the Assistant Director may elect to appoint at a higher incremental point.
- Employees will progress to the next incremental point on their grade on 1 April of each year except where the employee has been in post less than six months. When an employee has been in post for less than six months at 1 April, they will progress to the next incremental point six months after appointment and thereafter on 1 April each year. This reflects national NJC conditions of service.
- Employees will normally progress automatically through the incremental scale as described above. In the exceptional circumstances that an employee is not meeting standards of performance or behaviour required then the Assistant Director, after consultation with a senior HR officer, may withhold an increment. Any such action will be supported by an adverse probation report, extension of probationary service or other formal performance review mechanism.
- The reasons for withholding an increment will be explained to the employee and guidance given about areas for improvement such that incremental progression can continue when standards are met.
- Where an employee is dissatisfied with the reasons for withholding an annual increment, they may appeal in writing to the Chief Executive or other nominated JNC senior officer who will review the decision of the Assistant Director. This appeal is final.

## **Contractual terms to link pay to performance; Chief Executive and Directors**

### Chief Executive; Pay and Performance Policy

- The ACSC will determine to which point within the scale the appointment will be made taking into account appropriate experience and skill set.
- A formal performance and pay review will be conducted annually prior to the anniversary of appointment.
- The performance and pay review will be conducted by the ACSC.
- Should the ACSC determine that performance meets or exceeds the expected standards then annual progression of pay will be applied until the top pay point of the scale is reached. Once the top pay point is reached pay will remain at this level whilst performance continues to meet or exceed expected standards.
- Should the ACSC determine that performance is unsatisfactory then consideration will be given to applying the following process relating to pay:
  - if the post holder is at the bottom or middle point of the pay scale at the time of the review then there will be no progression to the next pay point until a future review by the ACSC confirms satisfactory performance. This review will normally take place a year later although the ACSC may choose to conduct an interim review at an earlier date if this is appropriate.
  - if the post holder is at the top point of the pay scale at the time of the review then from the anniversary of the appointment date pay will be reduced to the middle point of the pay scale and held at that point until satisfactory performance is confirmed through a future review which will be undertaken as described above.

### Director; Pay and Performance Policy

- Appointment to any post of Director will normally be made at the bottom scale point of a three-point pay scale.
- A formal performance review will be conducted by the Chief Executive to determine suitability to progress to the mid-point of the grade after one year's service in post and following consultation with the Appointments and Conditions of Service Committee.
- Should the Chief Executive determine that performance is unsatisfactory, pay will remain at the bottom point of the pay grade
- Payment of the top pay point of the grade to be determined annually by formal performance review conducted by the Chief Executive and following consultation with the Appointments and Conditions of Service Committee. Subject to satisfactory performance, payment of the top pay point will be made through annual progression of service in post and, again subject to satisfactory performance, will remain there thereafter. Should the Chief Executive determine that performance is unsatisfactory, pay will remain at, or be reduced to, the mid-point of the pay grade.
- The detail of the performance review scheme is determined by the Chief Executive.

## **Contractual terms to link pay to performance; Assistant Director**

### Assistant Director Pay and Performance Policy

- Assistant Director posts are based on a three-point pay scale related to the maximum pay of Directors.
- Under normal circumstances, at the start of employment as an Assistant Director, pay will be based on the bottom pay point of the grade.
- Progression to the next pay point will follow the general rules applying to NJC officers in respect to timing of awards.
- Directors that line-manage Assistant Directors are responsible for setting clear standards of expectation relating to performance or behaviour. Any shortfall against these expectations will be identified to the Assistant Director by a Director, normally at the time that the Director becomes aware of the issue. Often, improvement will be sought through the introduction of appropriate support or training without further measures being employed. If however, the matter is sufficiently serious or an improvement identified as necessary is not initially forthcoming within a timescale required by the Director then that Director may choose to freeze the Assistant Director on their current pay point (prevent progression to the next pay point when it would otherwise have been made) or to reduce their pay by one or more pay points.
- One month's notice will be given of the intention to reduce pay.
- Should pay be reduced, this change will be applied for a minimum of six months. The length of reduction will be determined by the Director. At the end of the period defined by the Director, during which time progress against an improvement plan will be monitored, should improvement be satisfactory then pay will be returned to the previous.
- If pay is frozen then progress against an improvement plan will be monitored. If performance or behaviour does improve sufficiently then from the point at which this determined by the Director then progression will be made to the next pay point. If further progression within the grade is possible then the top pay point will be paid one year from the date that the pay had been "un-frozen".
- The above measures may be applied outside a formal capability procedure. If, however, the measures are applied to an Assistant Director and the measures are applied for a year or more, it is likely that the matter will be dealt with under a formal capability procedure.

- The broad terms and process of the Capability Procedure defined in the Employee Handbook will be used to deal with any serious or persistent problems of capability and the use of this formal procedure may be applied either in conjunction with or separate to the measures relating to pay freezing or reduction.
- A final right of appeal exists to a Director's decision to freeze or reduce pay, or to the length of time for which this pay detriment is applied. This appeal should be addressed to, and will be dealt with by the Chief Executive or an officer nominated by the Chief Executive.



## Market Supplements

- The pay and grading structure has been set to reflect the relative values of jobs within this organisation and at pay levels which reflect the general local employment pay levels. This has been achieved through the national job evaluation scheme for NJC officers and a local job evaluation scheme for Assistant Directors. However, there may be occasions where it is necessary to enhance the pay levels of specific groups of employees where it is proven that it is difficult to attract and retain employees because of external pay levels. Where such situations are identified, additional market factor supplements may be agreed.
- Payment of market factor supplements will be made taking into account the following factors:
  - Evidence of high levels of turnover in the particular staff group
  - Evidence of difficulties in recruiting to posts i.e. by low response rates to advertisements or inability to attract suitable candidates
  - Comparison with like jobs in other local authorities and more widely in the sector
- All current employees within the group affected will receive the payment.
- Clear criteria for receiving the payment will be determined such as the possession of specific qualifications and length of experience as examples.
- The supplement will be a number of increments applied to the normal spinal column points associated with the substantive grade. The number of increments awarded will be informed by the evidence supporting the payment of the market factor supplement.
- Payment will be made for a specific time period (normally up to 3 years as a maximum initially). The application of a supplement is not open-ended and the timing of a formal review will be identified when the arrangement is proposed.
- At the point of review, the supplement may be extended or removed. Where it is determined that a supplement is to be withdrawn, employees in receipt of these will be given 12 months' notice of withdrawal. At the end of that time they will revert to the substantive salary for their post.
- Senior Leadership Team will determine whether a supplement should be applied to specific posts, the number of additional pay points to be awarded and over what length of time, and will determine the action to be taken as the result of any review.

# Gender Pay Gap Data

Gender Pay Gap as at 31 March 2024

	2024	2023	2022	2021	2020	2019	2018	2017
Mean gender pay gap;	<b>4.1%</b>	2.9%	3.79%	4.67%	2.53%	1.31%	5.13%	2.99%
Median gender pay gap;	<b>1.6%</b>	4.8%	-1.51%*	0.00%	0.00%	0.00%	0.00%	1.92%
Proportion of men with bonus**	<b>0%</b>	0.8%	1.17%	1.79%	1.37%	1.05%	0.00%	0.00%
Proportion of women with bonus**	<b>0%</b>	0.4%	0.37%	0.68%	0.69%	0.66%	0.97%	0.96%
Mean bonus** gender pay gap	<b>N/a</b>	32.1%	18.8%	1.72%	1.67%	1.72%	n/a	n/a
Median bonus** gender pay gap	<b>N/a</b>	-47.0%*	1.84%	1.84%	1.65%	1.82%	n/a	n/a
Percentage of males and females in each of the four pay quartiles:								
Upper quartile:								
men	<b>51.5%</b>	50.0%	49.62%	50.69%	49.66%	49.66%	49.34%	47.68%
women	<b>48.5%</b>	50.0%	50.38%	49.31%	50.34%	50.34%	50.66%	52.32%
Upper mid-quartile:								
men	<b>47.5%</b>	53.0%	44.62%	46.53%	44.83%	47.30%	48.68%	54.90%
women	<b>52.5%</b>	47.0%	55.38%	53.47%	55.17%	52.70%	51.32%	45.10%
Lower mid-quartile:								
men	<b>50.7%</b>	41.4%	50.00%	47.92%	56.85%	48.30%	45.75%	45.10%
women	<b>49.3%</b>	58.6%	50.00%	52.08%	43.15%	51.70%	54.25%	54.90%
Lower quartile:								
men	<b>37.7%</b>	47.8%	51.13%	49.31%	49.32%	49.32%	44.74%	48.37%
women	<b>62.3%</b>	52.2%	48.76%	50.69%	50.68%	50.68%	55.26%	51.63%

\* A minus figure indicates that the median pay for women is higher than it is for men

\*\* For the purpose of reporting, market supplement payments are included as "bonus payments"

## **Narrative**

In summary, the mean gender pay gap remains well within the parameters that might be expected for similar public sector organisations.

The quartile distribution is well-balanced in the upper three quartiles with very small variations which suggests that in these areas there is a healthy proportionality in terms of gender within pay bands.

The lower quartile, however, does contain a disproportionate number of female employees. This is unusual when considering the earlier reports since 2017 when the distribution of gender in this quartile was much more balanced. Over recent years several changes have taken place that has affected (improved) pay at the lower end of the pay scale including the increasing of the minimum pay point for all posts, and secondly, pay has been improved for skilled driving jobs to reflect the change in working practices. Although all post grades are determined through a job evaluation process, these changes have resulted in most jobs in the lower quartile now being those within leisure centres. Proportionately, the number of jobs in these areas of work are part-time jobs and still, societally, it is also the case that as a proportion, more women than men tend to undertake part-time work.

Since last year the overall median pay gap has reduced again and now reflects only a negligible gender pay gap.

Whilst the overall mean gender pay gap remains low, the organisation will continue to be aware of the need to aspire to a gender-neutral state in terms of both mean and median pay differential.

In previous years the Council has applied market premium supplements to some posts and it is these that have been classed as bonus payments. This year there have been no market supplements paid.

The organisation considers itself to be caring and recognises the complex needs of its employees through the practical application of supportive working practices. Practical measures to support such statements include the adoption of flexible working arrangements implemented through its employment policies. Other policies have also been introduced to support women in the workplace such as the "Menopause in the Workplace Policy". The Equality Policy (Employment) was also reviewed in early 2021 and the Fostering-friendly Policy was introduced towards the end of 2022. Last year the Council's Equality, Diversity and Inclusion corporate training programme was launched together with a new Workforce Strategy.

Although the organisation does not yet have a neutral mean gender pay gap, the gap continues to remain low relative to many other businesses. This positive position reflects the organisation that we aspire to be a fair place to work and one in which supportive employment policies go hand-in-hand with an established and transparent job evaluation scheme.

## Appendix C

# Pay Policy – Single Status Employees

### 1. Purpose of Policy

To establish the principles and arrangements for pay for all employees in the Authority linked to the job evaluation of all posts.

### 2. Objectives

- To ensure all pay arrangements reflect equal pay for work of equal value.
- To establish clear and consistent approaches to pay.
- To reflect how employees develop in skills and knowledge within a job.
- To provide a basis for establishing the grading system in relation to job evaluation.

### 3. Pay Points

The pay points for all employees covered by the single status agreement will be nationally agreed pay points. In the final grading structure it is possible that not all of the points will be utilised. If necessary local points will be developed within the single status pay and grading structure in order to meet organisational need. The Council's lowest pay point for non-training posts is SCP5 in Band 3.

### 4 Pay Award

The nationally agreed pay award determined at 1 April each year will be applied to the spinal column points used in the grading structure, including any locally set points.

### 5 Incremental Progression

- a. All jobs will be allocated to a scale consisting of a number of incremental points not exceeding 5. The scales will not overlap and depending on the final grading structure may not be continuous with the national spinal column points.
- b. In most cases employees appointed to a new post will start at the bottom incremental point of the grade for the post. Where it can be demonstrated through the selection process that an individual candidate has relevant experience or qualifications, appointment at a higher incremental point may be justified. This should be agreed by the Corporate Director following consultation with personnel to ensure consistency both within Departments and across the Authority.
- c. Employees will progress to the next incremental point on their grade on 1 April of each year except where the employee has been in post less than 6 months. Where an employee has been in post less than 6 months at 1 April, they will progress to the next incremental point 6 months after appointment and thereafter on 1 April each year.
- d. Employees will progress automatically through the incremental scale in accordance with paragraph c. In the exceptional circumstances that an employee is not meeting output and quality standards expected for a post, the Corporate Director, after consultation with the Assistant Director of Workforce may withhold an increment. Any such action will be supported by an adverse probation report, extension of probationary service or other formal performance review mechanism.

- e. The reasons for withholding an increment will be explained to the employee and guidance given about areas for improvement such that incremental progression can continue when standards are met.
- f. Where an individual employee is dissatisfied with the reasons for withholding an annual increment, they may appeal in writing to the Head of Paid Service, who will review the decision of the Corporate Director.

## **6. Market Factor Supplements**

- a. The pay and grading structure has been set to reflect the relative values of jobs within this organisation and at pay levels which reflect the general local employment pay levels. However, there may be occasions where it is necessary to enhance the pay levels of specific groups of employees where it is proven that it is difficult to attract and retain employees because of external pay levels. Where such situations are identified, additional market factor supplements may be agreed.
- b. Payment of market factor supplements will be made taking into account the following factors:
  - Evidence of high levels of turnover in the particular staff group
  - Evidence of difficulties in recruiting to posts ie by low response rates to advertisements or inability to attract suitable candidates
  - Comparison with like jobs in other local authorities and more widely in the sector
  - All current employees within the group affected will receive the payment
  - Clear criteria for receiving the payment must be determined ie possession of specific qualifications and length of experience etc.
  - Payment will be made for a specific time period (normally up to a maximum of three years initially). Where it is determined that the supplements can no longer be justified, employees in receipt of these will be given 12 months' notice of withdrawal. At the end of that time they will revert to the substantive salary for their post.
- c. The amount to be awarded will be determined by the evidence gathered to support the need for a market factor supplement that would indicate the appropriate salary levels. The supplement will be a number of increments above the top of the grade, paid on a monthly basis.
- d. Senior Leadership Team will determine to which posts a market factor payment will be made and to the value of this payment.

## **7. Temporary Additional Responsibilities**

In some situations employees may carry out a different role from their substantive job. Where such situations occur, the employee will receive the appropriate rate for carrying out these duties for the period they do so. For all other occasions they will be remunerated at the rate for the job undertaken.

**8. Revised grading structure** (updated for April 2016 following implementation of local pay changes and April 2019 to reflect changes to national spinal column point numbering). SCP 5 in Band 3 is the lowest pay point (excluding training posts)

Evaluated points for job		New grade	National Spinal Column Points in grade Revised April 2019	
From	To		From	To
200	270	Band 1	1	1
271	310	Band 2	2	3
311	350	Band 3	4	5
351	395	Band 4	6	8
396	440	Band 5	11	14
441	475	Band 6	16	20
476	515	Band 7	22	24
516	540	Band 8	26	28
541	580	Band 9	29	31
581	620	Band 10	33	35
621	650	Band 11	36	38
651	695	Band 12	39	41
696	735	Band 13	42	50
736	800	Band 14	54	56

Band 1 is available as a training grade. Band 3 (SCP5) is the minimum rate of pay for job evaluated posts.

## Assistant Director - assessment model

## Appendix D

The assessment grid places each Assistant Director post into one of three levels against five factors.

	High (level 1)	Higher (level 2)	Highest (level 3)
General impact	Decision-making is not often likely to be potentially contentious. Decisions made are important to the operational aspects of service delivery but are mainly likely to have short-term or limited internal or external impact. Limited or infrequent requirement to create or review substantial policies or processes.	There is a frequent need to take decisions that will potentially have substantial and long-term impact on the service area that have financial, operational or consequence.	There is a frequent need to take decisions that will potentially have substantial and long-term impact on the organisation (not just the service) that have financial, operational or I consequence.
Customer & organisational impact	There is a requirement to contribute to corporate policies or procedures in respect of the service area only.	There is some requirement to contribute to corporate policies or procedures. The job has significant political/reputational impact	There is a strong focus on the contribution to corporate policies or procedures. The job has major political/reputational impact
Complexity	The delivery of the service is largely operational and routine. There is a need to work with other services or agencies but the work is largely routine or transactional in nature. Policy/strategy work is generally for the service area only.	The delivery of the service is generally operational and routine although some aspects of the service need to frequently deliver solutions to problems or case management issues that are not straightforward and can have multiple outcomes.	The delivery of most aspects of the service is not easily determined by established guidance, procedures and process. The service is likely to have an emphasis on case management, problem solving, partnering (internal or external) or project working. Strategy work is complex and impacts on a substantial range of council services.
Market	Determined by market analytics (comparator jobs, Hay data etc.) as being a post that may be comparatively easy to fill. The service area may be limited in breadth. The local market would readily provide a number of good quality applicants for any vacancy advertised.	Reasonable prospect of some (perhaps few only) acceptable quality of applicants for any vacancy advertised.	A post that due to market conditions may be relatively difficult to recruit into. This may be due to the mix of skills required or the high value that the local market places on particular professional qualifications or experience.
Resources	There is scope for influence on the organisation's employees, finance, assets in respect of the service area only.	There is some scope for influence on the organisation's employees, finance, assets.	There is considerable scope for influence on the organisation's employees, finance, assets across the Council.

## General Principles

Assistant Director posts have been placed into one of four pay bands based on the above conventions and the scoring model shown below. The following general guidelines are also proposed:

- Each factor is scored in accordance with the table below and total scores determine the pay band to be applied to each Assistant Director post.
- The determination of placing will be undertaken by SLT.
- Appeal against placing will be to the Chief Executive in consultation with an HR officer and a union representative. The Chief Executive may agree that the banding of a post is reconsidered by SLT.
- An Equality Impact Assessment will be maintained to ensure that grading is not gender-biased. This will be reviewed periodically.
- The assessment of job scores may be reviewed periodically at the request of an employee or SLT particularly if a job changes or there is evidence that the market may treat the job differently to its initial assessment.
- Pay Bands are based on the following scoring matrix:

Pay Band	% of Directors maximum pay	Evaluated points total
Band 1	55-60%	5-7
Band 2	60-65%	8-10
Band 3	70-75%	11-13
Band 4	80-85%	14-15

## Assistant Director; linkage of pay to performance

- Assistant Director posts are based on a three-point pay scale related to the maximum pay of Directors.
- Under normal circumstances, at the start of employment as an Assistant Director, pay will be based on the bottom pay point of the grade.
- Progression to the next pay point will follow the general rules applying to NJC officers in respect to timing of awards.
- Directors that line-manage Assistant Directors are responsible for setting clear standards of expectation relating to performance or behaviour. Any shortfall against these expectations will be identified to the Assistant Director by a Director, normally at the time that the Director becomes aware of the issue. Often, improvement will be sought through the introduction of appropriate support or training without further measures being employed. If however, the matter is sufficiently serious or an improvement identified as necessary is not initially forthcoming within a timescale required by the Director then that Director may choose to freeze the Assistant Director on their current pay point (prevent progression to the next pay point when it would otherwise have been made) or to reduce their pay by one or more pay points.



- One month's notice will be given of the intention to reduce pay.
- Should pay be reduced, this change will be applied for a minimum of six months. The length of reduction will be determined by the Director. At the end of the period defined by the Director, during which time progress against an improvement plan will be monitored, should improvement be satisfactory then pay will be returned to the previous pay point.
- If pay is frozen then progress against an improvement plan will be monitored. If performance or behaviour does improve sufficiently then from the point at which this determined by the Director then progression will be made to the next pay point. If further progression within the grade is possible then the top pay point will be paid one year from the date that the pay had been "un-frozen".
- The above measures may be applied outside a formal capability procedure. If, however, the measures are applied to a Assistant Director and the measures are applied for a year or more, it is likely that the matter will be dealt with under a formal capability procedure.
- The broad terms and process of the Capability Procedure defined in the Employee Handbook will be used to deal with any serious or persistent problems of capability and the use of this formal procedure may be applied either in conjunction with or separate to the measures relating to pay freezing or reduction.
- A final right of appeal exists to a Director's decision to freeze or reduce pay, or to the length of time for which this pay detriment is applied. This appeal should be addressed to, and will be dealt with by the Chief Executive or an officer nominated by the Chief Executive.

## **Enabling employment security - Protocol for managing changes in posts throughout the Council**

Updated December 2016

### **1. Background**

As with most public sector organisations, the Council will be required to make budgetary savings for the foreseeable future. It is expected that these savings will not be able to be met by efficiencies alone and that some services may have to be significantly reduced or to cease.

This has implications for our workforce and as a good employer with a track record of working to avoid compulsory redundancy this protocol is intended to provide a supportive mechanism for managing change.

### **2. Aim**

The aim of this protocol is to :

- give as much employment security as possible to existing employees
- utilise the existing skills and knowledge of employees for the overall benefit of the Council
- avoid redundancies as far as possible
- operate a fair process for retaining employees, where workload is changing
- offer personal development opportunities on a fair basis

### **3. Vacancy Management**

In cases when employees are at potential risk of redundancy, the following protocol is observed:

- Confirmation by Senior Leadership Team that a vacant post can be filled.
- Consider, in liaison with HR, whether there are redeployees/ secondees identified across the Council for whom this post is suitable, or with some adjustment to the requirements it would be suitable. If so then redeployees/ secondees will be placed in the post. (see section 4.1 below).
- If there are no suitable candidates from posts at risk, then the post will initially be advertised internally. Managers will take a flexible approach to the requirements in the person specification such that existing employees can more easily be considered for the post. This may mean that the grade is reduced and/or there is a training period required before the individual can be placed on the full grade.

- Internally advertised posts might be on a permanent or temporary basis (where for example it is dependent on funding). Existing employees who take a temporary post will not lose their employment rights and at the end of the temporary appointment the aim will be for them to revert to either their existing job or an equivalent.
- Posts that are not filled internally will be advertised externally; however they will be on a temporary (less than) 12 month basis unless the Chief Executive determines that there are exceptional circumstances that justify the offer of a permanent position.
- New employees will be employed for a temporary period of less than 12 months. At the end of the temporary contract the post should be filled with an existing permanent employee or frozen. Extensions of employment for a new employee in any job, beyond 12 months will not be permitted, without the approval of the Chief Executive.

#### **4. Identification of Posts ‘at risk’**

To facilitate the filling of vacancies by existing employees it is necessary to be clear where there are likely to be reduced services and/or efficiencies which ultimately will mean a reduced number of posts.

Where it has been identified that a reduction in posts is required, this should be detailed by Directors in terms of the numbers and types of posts. Essentially this is a potential redundancy situation. However, the aim of this protocol is to avoid redundancies. Such situations need to be managed with care and avoiding unnecessary concern.

Once identified, there will be consultation with the affected employees and Trade Unions on the proposed reductions, allowing the employees affected to propose alternatives, for example reduced hours working, career breaks etc. Since these proposals will be driven by financial constraints, it is unlikely that suggestions of additional work to be carried out, unless income generating will be suitable solutions.

At the conclusion of the consultation on the changes, the appropriate formal decisions will be made to put the changes into effect. The impact on the individual employee will be managed using the appropriate policies of the Council.

##### **4.1 Same or Lower Graded Redeployments**

The people occupying posts that have been identified as at risk will be placed into posts which might be suitable to their skills and knowledge. Where possible, alternative redeployments may be offered. These posts will not be advertised across the organisation. These posts may not be within the professional area of the affected post-holders, but it will be considered that their existing skills and knowledge can be applied to these posts. The posts offered may be on a lower grade than the post-holders currently occupy. The Council’s protection policy will apply.

Where there are a number of people identified in an at risk group, all will be expected to give serious consideration to undertaking the redeployment. If the available post cannot be filled through voluntary application, then an assessment process will be undertaken to identify the most suitable person. (This is likely to be similar to the approved protocol for selection into posts following structural review).

If for any reason it is not appropriate to assess employees 'at risk' for redeployment, then a selection for redundancy exercise will be undertaken using criteria determined in consultation with the Trade Unions, and the Council's redundancy and redeployment policy will be followed. This will lead to identification of redeployment opportunities and employees are required within the context of national employment law, to consider all reasonable offers of redeployment.

## **5. Secondments**

In some situations the full definition of a redundancy situation may not apply – as described above. An opportunity may present itself within a team for a short term reduction in staffing requirements and therefore a requirement to place employees into temporary arrangements. Equally there may be vacancies within the organisation that are critical to fill and it is desirable that this is done internally, but not necessarily on a permanent basis.

It is also possible that vacant posts could be filled internally on a temporary basis by employees moving from lower priority service areas giving rise to savings. Such situations will be dealt with by a secondment arrangement.

Secondments agreed in this way will only be temporary arrangements, the employee who undertakes the secondment post will be entitled to return to their substantive post either at the end of a fixed term arrangement or when the need for the post becomes sustainable again, or another post becomes vacant for which they wish to be considered for redeployment.

If during the period of secondment, the individual's substantive post is identified for deletion, the individual will be treated as a redeployee, and the protocol described in Section 4 above will apply.

Before a post is released for secondment/redeployment, there will be a review of the requirements of the post, to enable successful appointment from employees who might otherwise have not met the minimum criteria. This may lead to a review of the post grade to ensure that the substantive grade of the post fully reflects the duties being carried out. If this situation arises, the grading of the post will be reviewed through the job evaluation scheme in consultation with the Trade Unions.

The protocol in such situations is as follows:

## **5.1 Same or lower Grade Secondments Identified**

The protocol for placing people into same or lower graded secondments will be as above for posts at risk.

## **6. Higher Graded Secondment or Redeployment Identified**

Where a secondment or redeployment post is identified at a higher grade than people requiring redeployment then there will be an internal advertisement for the post. This will enable all employees to be considered for this post – and may result in the person(s) at risk not being successful. However it will release another post within the organisation that may then be available for the secondee/redeployee.

If the higher graded post is within the contained professional area where there is an identified reduction then the applicants can be restricted to the group of employees 'at risk'. Appointment to the post will be on merit.

Redeployment at a higher grade may be a temporary or permanent arrangement depending on the circumstances. If the arrangement is temporary, at the end the individual is placed back into being 'at risk' and this protocol will continue to apply.

If no suitable secondee/redeployee is identified, then the process for vacancy management Section 3 above will be followed.

## **7. Equality and Diversity Implications**

Using this protocol for dealing with the medium-term difficulties can bring potential for conflict with the Council's commitment to equality and diversity. In terms of recruitment and employment, the Council has previously advertised all jobs either externally or internally for all employees. This protocol is a departure from this. In terms of the workforce profile, it will not help in ensuring that the employees of the Council are representative of the population. Currently our minority ethnic make-up is below that of the area, and by retaining recruitment internally, there are limited opportunities to address this.

However, for maintaining the morale and commitment of existing employees to achieve high performance in difficult times, it is necessary to balance these conflicting demands. Appointment to any vacancies, particularly where there is an increase in grade will be on merit, and if no internal candidates can meet the criteria, appointments will not be made. All employees within a group 'at risk' or faced with other change will be treated fairly and given equal chance for any secondments or redeployments.

## **8. Training and Development**

Using this protocol should offer protection to existing employees, and will retain within the organisation valuable skills and expertise. However, it has to be recognised that whether there is a secondment or a redeployment arrangement it is possible that posts might be filled by employees without relevant training or knowledge.

In such situations there is a commitment to provide this training to enable the employee to deliver the requirements of the post within a relatively short time (12 - 18 months). The grade of the post might be adjusted during this training time to reflect this and to ensure equity with comparable post holders.

If an employee at risk expresses a desire to fully retrain to a different professional area, and this requires considerable investment in qualifications etc; this will be considered. However this can only be agreed to if there is an ongoing demand for that skill, and if there is significant cost to the training (eg a degree) this can be met from existing budgets. The usual requirements of the PETs scheme will apply.

(P&R Committee September 2010; minor wording update December 2016)

## **Further guidance for managing changes in posts throughout the council**

Further to the general protocol adopted by the Council to support organisational change, for most structural change further guidance is offered that places the terms of the protocol into a practical context. The text below describes the normal process that will be adopted to bring about structural change.

When proposals might lead to potential redundancies, in order to mitigate against compulsory redundancy situations the Council will use its general protocol (**Appendix E**) to help ensure that, where possible, current employees are not displaced. In particular, new posts created in the proposals will be ring-fenced for competition from potentially displaced employees in the first instance. Should there be any displaced employees remaining following such a redeployment exercise, any remaining vacancies will then be advertised on an open, internal-only basis in order to try to create other suitable vacancies that might be suitable for redeployment. Throughout these processes, however, there is no guarantee of appointment as applicants will need to demonstrate the necessary skills and competency through the application and selection process.

At the “internal-only” stage, should there be no other internal applicants other than the “at risk” candidates, then these employees would not be re-interviewed at this stage without competition and such vacancies would be put out for external advertisement. Internal candidates, including those potentially at risk would then again be eligible to apply for these vacancies.

If there are employees that remain unplaced at the conclusion of this exercise, or if there are no posts suitable for redeployment through the above process at the time when an occupied post is deleted from the establishment, then the issue of redundancy notices may be necessary at that point, or earlier in if the council deems it appropriate and necessary in order to achieve business objectives.

## Procedure for filling temporary vacancies

In order to recognise the current business climate as one of change and to help respond to the issues identified in the workforce development plan such as the need for succession planning, the Council will adopt the recruitment practice as follows:

### Temporary Recruitment

- For all temporary posts of up to one year, where there is a likely prospect (determined jointly by the operational Head of Service and Head of Service for HR) that the temporary vacancy could be filled with a suitably qualified and experienced, high-calibre internal candidate, then the post will be advertised openly but internally in the first instance.

Normally, a full recruitment process will apply. However, there may be occasions where “expressions of interest” are invited through advertisement; the purpose of this is to speed up the process where the vacancy is particularly specialist and only a small number of people may be suitably qualified. In effect, it is a quick method of testing the internal market. Where this method is used and there is only one interested person, it will be sufficient to assess their suitability through a “targeted- question” interview; an application form may be unnecessary. If more than one person expresses an interest, all people will be required to complete an application form and a full selection process will be followed.

- Traineeships of up to a year are excluded from this arrangement to only advertise internally; all such vacancies will be advertised externally.
- Where a post becomes permanent after being occupied for a temporary period of any length, the vacancy will be advertised externally (unless employment rights have been accrued in which case it may be necessary to place the post holder into the permanent post without further process).
- Normally, where a short-term vacancy is identified, it will be filled by the above methods. In certain circumstances, particularly those where a reduced (partial) set of tasks or responsibilities need to be picked up within a team, the vacancy is specific and technical in nature, or the need to fill is exceptionally urgent, then an honorarium arrangement may be appropriate.

### Honoraria

- A Head of Service may seek, in conjunction with the Head of Service for HR, to apply an honorarium in the following circumstances:
- A vacancy exists in the existing team and it is decided jointly by the Head of Service and Head of Service for HR that the vacancy should be filled on a short-term basis, but that there is not a need to fill the post at its full grade; the range of duties and level of responsibilities are reduced. OR
- In the short-term, additional duties and responsibilities are required of one or more post holders to recognise particular business needs even though there is no specific vacancy at a more senior level.
- When a “Principal Officer” (those posts graded at pay band 10 and above) formally covers some or all of the duties of a more senior post for a period of more than four weeks it may be appropriate to apply an honorarium



arrangement as for other posts.

- Honoraria payments will not normally go on beyond one year.
- The level of payment will normally be set at a fixed spinal column point or salary figure to represent the additional duties and responsibilities to be carried out by the employee.
- The level of payment will be agreed between the Head of Service and Head of Service for HR. This may be done by establishing a “felt-fair” spinal column point between the employee’s current pay point and the level of duties and responsibilities expected. Where it is difficult or contentious to identify a point in this way, job evaluation may be used to identify an appropriate pay band and then a point to be applied within this band will be agreed by the Head of Service and Head of Service for HR.
- Selection for honoraria may take place in a number of ways:  
Where particular, specific skills are required and it is reasonable to expect that only one post holder will meet the criteria at a particular work base (for example, Civic Centre, specified Leisure Centre), the Head of Service may, following consultation with, and agreement by, Head of Service for HR, identify a particular individual to whom they wish to offer an honorarium.
- Where a number of people within a team might be expected to be able to work up to a higher level, but people outside the team would not be expected to have the current skill-set required, the Head of Service would be expected, with appropriate assistance from Personnel Services to identify if there would be interest from a number of people to act up into a more senior role. If this were the case, the Head of Service would need either to offer the opportunity to all interested parties on some fair rota basis or decide on a single candidate following some formal assessment process similar to a recruitment exercise, such as a targeted interview (although this would not necessarily require application form). This exercise might be site-specific if there was a business or operational need to not alter or change staffing arrangements between work sites (for example; opportunity to act up to a duty manager role at a leisure centre may only be offered to employees currently working at that site).
- In cases where there is potential for a particular vacant role to be filled by employees from other teams, locations or services within the Council, unless there was a specific urgent need to find someone to carry out a particular role for a short length of time in which case either of the two above scenarios might apply, then the process to identify suitable candidates would mirror the steps for temporary employment above, including appropriate advertisement (in effect, it would be a recruitment exercise rather than an honorarium arrangement).
- Where a decision is taken to fill a post on a permanent basis that has been occupied at part or full duties by someone on an honorarium basis, the vacancy will be advertised externally.

**Pay policy governing Directors' pay;**

Appointment to any post of Director will normally be made at the bottom scale point of a three-point pay scale.

A formal performance review will be conducted by the Chief Executive to determine suitability to progress to the mid-point of the grade after one year's service in post and following consultation with the Appointments and Conditions of Service Committee.

Should the Chief Executive determine that performance is unsatisfactory, pay will remain at the bottom point of the pay grade

Payment of the top pay point of the grade to be determined annually by formal performance review conducted by the Chief Executive and following consultation with the Appointments and Conditions of Service Committee. Subject to satisfactory performance, payment of the top pay point will be made through annual progression of service in post and, again subject to satisfactory performance, will remain there thereafter. Should the Chief Executive determine that performance is unsatisfactory, pay will remain at, or be reduced to, the mid-point of the pay grade.

The detail of the performance review scheme is determined by the Chief Executive.

## **Pay and performance policy governing the Chief Executive's pay**

### **1. General principles**

Appointment to the post of Chief Executive will be within the local pay scale determined by the Appointments and Conditions of Service Committee (ACSC). The pay scale of the Chief Executive stands alone and is not linked to pay rates of other posts within the Council.

The ACSC will determine to which point within the scale the appointment will be made taking into account appropriate experience and skill set.

### **2. Progression and payment within scale**

A formal performance and pay review will be conducted annually prior to the anniversary of appointment.

The performance and pay review will be conducted by the ACSC.

Should the ACSC determine that performance meets or exceeds the expected standards then annual progression of pay will be applied until the top pay point of the scale is reached. Once the top pay point is reached pay will remain at this level whilst performance continues to meet or exceed expected standards.

Should the ACSC determine that performance is unsatisfactory then consideration will be given to applying the following process relating to pay:

- if the post holder is at the bottom or middle point of the pay scale at the time of the review then there will be no progression to the next pay point until a future review by the ACSC confirms satisfactory performance. This review will normally take place a year later although the ACSC may choose to conduct an interim review at an earlier date if this is appropriate.
- if the post holder is at the top point of the pay scale at the time of the review then from the anniversary of the appointment date pay will be reduced to the middle point of the pay scale and held at that point until satisfactory performance is confirmed through a future review which will be undertaken as described above.

### **3. Assessment of performance and feedback**

#### **3.1 Assessment by ACSC**

The annual performance assessment will be undertaken each year by the ACSC. There will be no officer input in the assessment discussion.

The assessment will be made by the committee against a number of criteria and the Chief Executive's performance against each criterion will be assessed as being below expectation/ meeting expectation/ exceeding expectation.

As a majority committee view, if performance against each criterion is assessed as meeting or exceeding expectation then pay progression (or maintenance of the top pay point in the scale) will be applied from the anniversary date of appointment for another year. If performance against any of the criteria is assessed by the ACSC as being below expectation then consideration will be given to the freezing of pay at the current pay point or reduced from the top pay point and frozen at the middle pay point as described above.

If the ACSC determines that performance is below that which is expected then other improvement measures may be applied including formal capability procedures that would mirror in appropriate ways, the general process applied to NJC staff and as described in the Employee Handbook. Before applying such process the ACSC will take appropriate advice from the Monitoring Officer (or Deputy) and the Head of Service responsible for HR.

The ACSC will consider the Chief Executive's performance against this list of criteria:

- The leadership and management of the Council to achieve high standards of service and performance.
- To provide the necessary support to enable Elected Members to effectively carry out their role.
- To ensure effective and timely communication and advice is offered to Group Leaders on key matters.
- To effectively manage the interface between Elected Members and Senior Officers.
- The development and maintenance of effective partnerships for the benefit of borough residents.
- To guide and bring forward policy development to ensure the delivery of the Council's vision and priorities.
- To support Elected Members to engender an appropriate workplace culture that is reflected across the organisation.
- The provision of sound electoral process and practice.
- How effectively the Council's services have been delivered within budget and as described within the Gedling Plan.

These criteria will be assessed by the ACSC as a whole and a majority view reached. In addition to the assessment of these criteria, the committee will also identify expectations for the delivery of key objectives or tasks during the following year to which it wishes to draw particular attention, together with any development needs that are perceived for the Chief Executive. A simple form (**Appendix I(i)**) will be used to summarise the committee's majority view. This will be used as the basis on which feedback will be given and the form will be stored on the Chief Executive's personal file. The assessment criteria are drawn from the post's job description; these criteria may be altered by the ACSC to reflect changes to the job requirements of the post should they change over time.

### **3.2 Feedback to the Chief Executive**

The views of the ACSC will be fed back in person to the Chief Executive by the Leader, Deputy Leader and the Opposition Leader.

This feedback will confirm:

- The criteria against which performance is meeting or exceeding expectation with examples given of observed behaviours, actions or outcomes where possible and appropriate.
- The criteria against which performance is below that which is expected. The “performance gap” will be specified and detail of future expectations will be made clear. If more of a formal capability procedure is to be applied, this will be made clear following appropriate officer advice.
- The pay point to be applied from the anniversary of appointment for the following year (or until an interim review if this is to be sooner).
- Expectations for delivery by the Chief Executive of key objectives or tasks over the coming year to which the ACSC wishes to draw particular attention; these may be existing or newly identified.
- Through discussion with the Chief Executive what, if any, development needs exist and how might these be effectively addressed. Further personal or professional development may be identified by Elected Members or by the Chief Executive even if performance is already high. As appropriate, a development plan will be agreed in principle.

### **4. General principles**

The meeting at which feedback is given will be discursive in nature with opportunity for the Chief Executive to identify their own examples of good performance and achievement and to fully explore areas for improvement suggested by the ACSC to ensure that there is full understanding of expectations.

The meeting of the ACSC to discuss performance, and the feedback meeting with the Chief Executive will both be treated as confidential.

There is no further right of internal appeal by the Chief Executive against any decision taken by the ACSC in respect to the Chief Executive’s performance or pay.

**Performance and Pay Assessment of Chief Executive**  
**Appointments and Conditions of Service Committee Summary Assessment**  
**Date:**

Criteria	Assessed as (tick one):			Additional and supporting comments
	Below expectation	Meeting expectation	Exceeding expectation	
The leadership and management of the Council to achieve high standards of service and performance.				
To provide the necessary support to enable Elected Members to effectively carry out their role.				
To ensure effective and timely communication and advice is offered to Group Leaders on key matters.				
To effectively manage the interface between Elected Members and Senior Officers.				
The development and maintenance of effective partnerships for the benefit of borough residents.				
To guide and bring forward policy development to ensure the delivery of the Council's vision and priorities.				
To support Elected Members to engender an appropriate workplace culture that is reflected across the organisation.				
The provision of sound electoral process and practice.				
How effectively the Council's services have been delivered within budget and as described within the Gedling Plan.				

Expectations for delivery of key objectives or tasks to be delivered during the coming year to which the ACSC wishes to draw particular attention.	
Potential personal development needs identified by the ACSC for discussion with the Chief Executive	

### Chief Executive's Pay:

In accordance with the approved local pay and performance policy for the Chief Executive, the Appointment and Conditions of Service Committee authorises the Chief Executive's pay to be either:

Moved to the next point within the pay scale or maintained at the top pay point

Or

Frozen at the current pay point (or reduced from the top pay point to the middle point)


This decision will be reviewed either in:

One year

Or

At an earlier date which is:

\_\_\_\_\_

Signed by the Chair of the Appointments and Condition of Service Committee:

This record will be retained on the Chief Executive's personal file.

\_\_\_\_\_

**Pay Protection Policy**

The general policy of the Council is that pay protection is applied over a two year period at a protected rate of 100% in the first 12 months and 50% in the second 12 months from the date of commencing a post at a lower grade.



## EARLY RETIREMENT AND REDUNDANCY POLICY

Applying from 1 September 2019

### 1. Objectives

To identify the process by which the organisation manages early retirement, flexible retirement and redundancy.

To identify how the organisation aims to mitigate redundancy.

To identify local discretions that are applied to cases of early retirement including dismissals due to reason of redundancy or efficiency of the service.

To protect the ongoing viability of the pension fund through control of pension enhancements and early release of pension benefits.

### 2. Discretions

In accordance with the legal requirement under Regulation 60(5) of the Local Government Pension Scheme 2013 a range of local discretion policy statements have been adopted by the Council. These discretions are published on the Council's website.

Relevant to this policy is the discretion applied through the Local Government (Early Termination of Employment) (Discretionary Compensation) (England And Wales) Regulations 2006 (Regulation 5) under which statutory redundancy payments are calculated using an actual week's pay.

A fixed discretionary payment will be made for all dismissals due to the reason of redundancy or efficiency of the service. For redundancy dismissals this will be a compensatory payment equivalent to 30% of the value of the statutory redundancy payment (calculated using actual week's pay); this to be paid in addition to any required statutory redundancy payment. For dismissals due to efficiency of the service a compensatory payment will be made equivalent to 30% of the value of a notional redundancy payment calculated using actual week's pay as if the reason for dismissal was redundancy; there is no provision for any statutory payment and no other compensatory payment will be made.

For these reasons of dismissal (redundancy or efficiency), should the employee be age 55 or above and a member of the Local Government Pension Scheme then pension will be released at the point of dismissal.

### **3. Redeployment (mitigating redundancy)**

3.1 Prior to dismissal due to reasons of redundancy, efficiency of the service, capability or ill-health, appropriate opportunities for suitable redeployment will be explored. Where these exist employees at risk will be considered for placement into other posts through the processes identified in existing Council protocols.

3.2 Although the process for redeployment is governed by the processes identified in the Council protocols, in general terms support to employees potentially under threat will be offered. Such support might include:

- To make reasonable adjustments to duties and workplace to accommodate the employee's needs
- To offer reasonable training and development where appropriate to enable the employee to undertake the duties of the redeployment within a reasonable length of time
- To offer general support for skills development including trial interviews, C.V. writing and training in application form completion
- To offer trial periods of 4 weeks in a potentially suitable alternative post as required in the Employment Protection (Consolidation) Act and to extend this if it will assist in securing a redeployment
- To notify and consult with the Trade Unions as required by legislation.

3.3 Where suitable alternative employment exists in the view of the Council, employees are expected to engage with the redeployment process. Failure to do so may affect the reason for dismissal (the Council may take the view that there is no redundancy to declare if suitable redeployment opportunities are rejected) and this may mean that redundancy payment is not made and that pension is not released.

Employees at risk are expected:

- To give meaningful consideration of redeployment opportunities made available to them
- To undertake required training and development in order to undertake the duties of a suitable post
- To make every effort to mitigate the requirement for redeployment by actively seeking alternative employment
- To undertake trial periods with a positive approach to ensuring the redeployment will be successful

#### 3.4 Protection

In any redeployment situation where an employee is redeployed to a lower-graded

post or where a post grade is reduced then the provisions of the Council's Pay Protection Policy will apply. Consideration will be given to assistance with excess travelling expenses should there be a change of base. Reimbursement will be made in accordance with local policy. An allowance may also be considered for excess travelling time incurred by a move of base. Both excess travelling expenses and additional travelling time will be applied in accordance with local policy that exists at the date of the start of the new post.

The Council's Pay Protection Policy is shown at **Appendix J** and the Disturbance Allowance Scheme at Appendix 19.

### 3.5 Procedure

The report proposing structural changes will be brought to Senior Leadership Team to seek support.

If supported, this report will be used as the basis of consultation with employees directly affected by the proposals and trade unions. Unless agreed otherwise or a longer period of time is required by law, a period of at least 30 days will be given for consultation.

Should proposals be contentious in nature or if the proposals have a substantial effect in the ways that services might be delivered then the period of consultation will normally close at a meeting of the Joint Consultative and Safety Committee (JCSC). For proposals that are not contentious in nature then consultation may take place without formal consideration by the JCSC with the proposal only being reported later as an information item.

Normally the implementation of structural change will be made by the Head of Paid Service. On occasions where the proposals are, in the opinion of the Head of Paid Service, significant in nature (whole service change, politically sensitive or whole council / senior management restructure) or require additional budget then the decision for implementation will be taken by the Appointments and Conditions of Service Committee or Full Council as the Head of Paid Service considers appropriate.

Employee consultation will allow for individual or group meetings with the manager proposing the structural change. An HR Officer will be present at such meetings at the request of either party.

More general emotional support for affected employees will be offered through the Council's Employee Assistance Programme or another similar service.

## 4. Policies and Procedures

### 4.1. Capability due to ill-health (and ill-health retirement)

This arises when an employee is no longer able to carry out the duties of their post, or comparable due to ill health and in the Council's opinion as the employer, there is no opportunity to redeploy to another suitable post within the organisation. This dismissal is for the reason of capability due to ill-health. Advice will normally be obtained from

an Occupational Health Consultant to support the decision to dismiss for this reason.

For employees who are members of the Local Government Pension Scheme (LGPS) who are proposed for dismissal due to reason of capability due to ill-health then advice will be taken to determine if release of an ill-health retirement pension is possible and at what “tier” within the scheme. Release of a pension under these circumstances will only be authorised by the Council where this decision is supported by advice from an independent Occupational Health Consultant as identified in the LGPS.

The payments made under the tiers of the LGPS are defined in Regulation. There is no scope for additional discretionary payment for any capability dismissals (including ill-health retirements) to be made other than through the Council’s Industrial Injury Policy. Decisions to dismiss due to reason of capability rest with the Chief Executive or managers delegated to act on their behalf including, Deputy Chief Executive, Directors and **Assistant Directors**.

## **4.2 Flexible Retirement**

The Local Government Pension Scheme Regulations (LGPS) allows members aged 55 or over, with their employer’s consent, to take their pension following a reduction in grade or hours and opt to receive the immediate payment of their pension benefits whilst still working. The Council has published its discretion decisions relating to flexible retirement. In essence, a request for flexible retirement made by an employee will be supported if it suits the business need and a financial business case can be supported. For employees aged between 55 and 59 there will always be a cost to the council for flexible retirement (and for some employees aged 60 or over on a case-by-case basis) and this cost will need to be accounted for in any decision made.

The local Flexible Retirement Policy is shown at **Appendix L**.

Where an employee makes a request to retire flexibly, they must first gain support for the reduction in working hours or pay grade from their Assistant Director. If there is no pension strain cost then the decision will rest with the Assistant Director. An employee taking early retirement will normally receive a reduced pension and in this case there should be no pension strain cost to be met by the employer. In any case where the early release of pension would result in a pension strain cost to the authority, approval for the release of pension will be subject to permission from the Council through the Appeals and Early Retirement Committee.

## **4.3 Redundancy**

### **4.3.1 Definition**

This is defined within the Employment Rights Act as a dismissal which is attributable wholly or mainly to the fact that:

- the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed or has ceased, or intends to cease, to carry on that business in the place where the employee was so employed; or

- the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where they were so employed, have ceased or diminished or are expected to cease or diminish.

For the purposes of the interpretation of local policy, there is no differentiation between voluntary or compulsory redundancy except where relevant to the facts of the situation.

#### **4.3.2 General Procedure**

Where a potential redundancy situation arises there will be consultation with the Trade Unions and affected employees as required by the Trade Union and Labour Relations (Consolidation) Act. The periods of time set aside for consultation will meet with legislative requirement as a minimum. Through local convention, for proposals that affect fewer than 20 employees, where possible a consultation period of at least 30 days will also be applied.

The reasons for proposing a redundancy and the business case to support the proposal will be clearly stated and made available during consultation.

Efforts will be taken to avoid redundancies, whether voluntary or compulsory through the following steps:

Release any temporary employees with less than two years' service to provide vacancies for employees at risk

Identify other existing vacancies of a similar work type either for deletion to make the necessary saving or for redeployment for employees at risk

When appropriate in the view of the organisation, search for volunteers for redundancy where their release would provide redeployment for an employee at risk

Freeze of relevant vacancies to ensure redeployment opportunities are maximised

Personal counselling and retraining offered to employees at risk to maximise opportunities for redeployment.

If it is likely that a process of selection for redundancy is necessary then a fair and equitable set of criteria will be established. These will be different depending on the circumstances of the redundancy situation and will be subject to consultation with employees and trade Unions.

#### **4.3.3 Discretionary payments relevant to redundancy**

Decisions made under local discretions relevant to pension payment are detailed in the Council's full set of local discretions that are published on our website. The relevant discretions to redundancy payment are made under the Local Government (Early Termination of Employment)(Discretionary Compensation) (England and Wales) Regulations 2006. Appendix M sets out how redundancy payments will be made and reflects these discretions.

In summary;

- The Council has determined that redundancy payments will be calculated on

actual week's pay.

- A fixed additional local payment will be made for all dismissals due to the reason of redundancy. For redundancy dismissals this will be a compensatory payment equivalent to 30% of the value of the statutory redundancy payment (calculated using actual week's pay); this to be paid in addition to any required statutory redundancy payment.

#### **4.4 Efficiency of the Service**

The LGPS recognises as a reason for release of pension, dismissals due to "efficiency of the service"; it is a form of early retirement. In essence a dismissal of this type will arise due to concerns expressed by the employer about the general business efficiency on the part of the employee and may relate to a single or combination of factors.

Subject to an employee being at least age 55 with appropriate service length then early retirement and release of pension may be granted in cases where there is demonstrable business benefit to the Council (this may be financial or related to improvement in performance or quality of service delivery) arising from the decision.

The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 do allow for compensatory payments to be made and the Council has exercised its discretion as follows:

- A fixed local payment will be made for all dismissals due to the reason of efficiency of the service. For dismissals due to efficiency of the service a compensatory payment will be made equivalent to 30% of the value of a notional redundancy payment calculated using actual week's pay as if the reason for dismissal was redundancy; there is no provision for any statutory payment and no other compensatory payment will be made.

This is detailed in **Appendix M**.

### **5. Financial Implications**

Employing departments are required to identify how the costs of redundancy or early retirement (other than ill-health) will be met as part of any proposals for organisational change.

5.1 For ill health retirements, this will not be necessary. Such dismissals will be based on personal circumstances of the employee and not on the organisational need. Costs of ill-health retirement will be met through shared corporate costs that are applied by the Pension Administering Authority (Nottinghamshire County Council) following a triennial actuarial revaluation of pension scheme costs.

5.2 For early retirement cases proposed on grounds of efficiency of the service the Assistant Director will need to identify how any pension strain costs arising from a decision can be met together with the costs arising from local discretionary payments. Subject to budgetary provision existing, authority to dismiss for this reason where there are no pension strain costs lies with the relevant Assistant Director. Where pension strain costs will be payable by the Council then authority to implement the decision will

rest with Senior Leadership Team. It may not be necessary for savings to be fully identified in order for authority to be given; an overall business case will be considered and benefits to the Council assessed by Senior Leadership Team.

5.3 For proposed redundancy (including early retirement cases) the Assistant Director will need to identify how any redundancy (statutory and local costs) and pension strain costs arising from a decision can be met. Statutory and local redundancy payments will be made. As redundancy will arise from structural change then a fully costed proposal will be considered by Senior Leadership Team.

5.4 In cases where early release of pension is requested through flexible retirement, a decision will be made taking into account both the financial business case and issues of service improvement. The process for decision-making is detailed in section 4.2.

## FLEXIBLE RETIREMENT POLICY

### 1. The Scheme

Employees aged 55 or over are able to draw their pension benefits whilst continuing in employment on reduced hours or on a reduced grade with the consent of the Council. This is known as 'flexible retirement'.

Employees whose request for flexible retirement is supported may continue to pay into the Local Government Pension Scheme to build up further benefits in the Scheme up to the age of 75.

Employees age 55 or over with long service will not normally incur a cost for the Council if they retire on a flexible basis as there will be no strain cost (usually the pension to be drawn is reduced at the employee's cost, not the council's). In these cases the granting of a request for flexible retirement will be taken by the relevant Assistant Director and will be based on the operational effectiveness of the proposed arrangement. In effect, in these cases the arrangement is merely an agreed contractual change (reduction in hours or grade) and the claiming of the pension is a matter for the employee not the Council as employer. The Council through its published suite of discretions available under the Local Government Pension Scheme Regulations has determined that decisions where a pension strain cost would be payable by the Council would need to be referred to the Appeals and Retirements Committee and would be dependent on a costed business case.

When a request for flexible retirement is received, managers must consult with Human Resources before any decision is communicated to the employee. Human Resources will advise on process and obtain confirmation from the Pension Administering Authority (Nottinghamshire County Council) of any potential strain costs.

Where an employee voluntarily reduces their hours with pension, a trial period is not possible and therefore the change will form a permanent variation to their contract of employment.

An alternative option to reduction in hours with pension is reduction in grade with pension. If an employee wishes to draw their pension linked to a reduction in their grade this will be subject to an appropriate review to consider the business case for agreeing to the arrangement in the same way as if the request had been made for a reduction in hours. There is no automatic right to be transferred into a lower-graded post, or for the duties within an existing post to be reduced or diminished, and an employee wishing to take this option will normally be expected to apply for the post in the normal manner and demonstrate competency through an 'on merit' process.



## **2. Appeal**

### **Cases that need to be referred to the Appeals and Retirements Committee**

2.1 A right of appeal exists against any recommendation made to the Appeals and Retirements Committee.

2.2 Prior to a report being made to the Appeals and Retirements Committee, the person who is the subject of the report will be notified of the recommendation to be made. If they do not agree with this recommendation, they will be allowed to submit a written appeal against this. The written appeal will be considered by the Appeals and Retirements Committee as part of its decision in regard to the report submitted. Where the committee may wish to ask the appellant for additional information, they may request that the appellant attends the meeting. Also, if the appellant wishes to make a personal statement of case, they may attend the committee meeting to do this. In either circumstance, the appellant will not be allowed to be present whilst the decision is discussed. If the appellant does attend the meeting, a union representative or work colleague may accompany them. The decision of the Appeals and Retirements Committee is final.

### **Cases that are determined by an Assistant Director (cases where there is no pension strain or cost to the council)**

2.3 If an employee's request for flexible retirement is refused by an Assistant Director the employee may choose to appeal this decision through the Grievance Procedure of the Council.

## REDUNDANCY AND EARLY RETIREMENT POLICY

### **1. Dismissal or Early Retirement on Grounds of Redundancy**

1.1 Employees with two or more years' continuous local government service, including service covered by the Redundancy Payments Modification Order (RPMO) who are dismissed by reason of redundancy will receive the statutory redundancy compensation payment as defined within the Employment Rights Act 1996).

Discretions applied under the Local Government (Early Termination Of Employment) (Discretionary Compensation) (England And Wales) Regulations 2006 by the Council in its published suite of discretions confirms that the redundancy pay calculation will be based on an actual week's pay. In addition, under these local discretions the council has determined that a fixed payment will be made for all dismissals due to the reason of redundancy. For redundancy dismissals this will be a compensatory payment equivalent to 30% of the value of the statutory redundancy payment (calculated using actual week's pay); this to be paid in addition to any required statutory redundancy payment.

1.2 The service that will be taken into account when calculating entitlement to a redundancy payment under this policy will be continuous service with an organisation covered by the RPMO.

### **2. Early Retirement on Grounds of Efficiency of the Service**

2.1 An employee aged 55 or over with sufficient qualifying service who is granted early retirement through a dismissal due to efficiency of the service will have their occupational (Local Government Pension Scheme) payment released as allowed with the LGPS Regulations.

2.2 Discretions applied under the Local Government (Early Termination Of Employment) (Discretionary Compensation) (England And Wales) Regulations 2006 by the Council in its published suite of discretions confirms that a fixed discretionary payment will be made for all dismissals due to the reason of efficiency of the service. For dismissals due to efficiency of the service a compensatory payment will be made equivalent to 30% of the value of a notional redundancy payment calculated using actual week's pay as if the reason for dismissal was redundancy; there is no provision for any statutory payment and no other compensatory payment will be made.

### **3. Appeal**

There is a right of appeal against any dismissal from the Council including dismissals relating to "early retirement". Any such appeal would be heard by the Appeals and Retirements Committee.

### **4. Relationship with other compromise payments**

This policy determines the compensatory payments to be made for redundancy and efficiency of the service.

Compensatory payments made under this policy stand separately to any compensatory payments made through Settlement Agreements. Payments made under a Settlement Agreement will be authorised by the relevant officer dependent upon the nature of and reason for the settlement payment.

## Special Severance Payments Policy

### 1. Introduction

1.1 Most public sector workers enjoy statutory and contractual redundancy or severance terms that are significantly better than the minimum statutory redundancy entitlement and are often higher than the value of redundancy or severance payments made in the private sector. The government is of the view that paying additional, discretionary sums on top of these entitlements (“special severance payments”) do not usually provide good value for money or offer fairness to the taxpayers who fund them and so, should only be considered in exceptional cases.

1.2 This guidance forms part of the best value regime for local authorities in England. The best value duty, as set out in [section 3 of the Local Government Act 1999](#) (“the 1999 Act”), provides that “A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”. The best value duty is relevant to local authority duties to deliver a balanced budget (Part 1 of the Local Government Finance Act 1992), provide statutory services (including adult social care and children’s services) and secure value for money in spending decisions. This will include decisions to make Special Severance Payments.

1.3 Authorities subject to the best value duty (termed “best value authorities”) are defined in section 1 of the 1999 Act. [A list of these bodies can be found at the end of this guidance.](#)

1.4 This guidance also sets out the government’s position on the use of Special Severance Payments made by local authorities and is adopted as Gedling Borough Council’s local guidance for Special Severance Payments.

1.5 This guidance is issued under section 26 of the 1999 Act, the purpose of which is to:

- set out the government’s view that Special Severance Payments do not usually represent value for money and should only be considered in exceptional circumstances
- set out the criteria employers should consider in the exceptional circumstances in which it may be appropriate to make a Special Severance Payment
- give examples of the exceptional circumstances in which Special Severance Payments may be appropriate
- clarify the disclosure and reporting requirements for Special Severance Payments

1.6 Severance payments can be an important mechanism to allow employers to reform and react to new circumstances in the workplace, but employers have a responsibility to ensure that Special Severance Payments are only made when there is a clear, evidenced justification for doing so. They should also ensure that all

relevant internal policies and procedures have been followed and all alternative actions have been fully explored and documented.

1.7 In the exceptional circumstances where it is decided that a Special Severance Payment should be paid, it is the responsibility of individual employers to ensure their Special Severance Payments arrangements are fair, proportionate, lawful and provide value for money for the taxpayer.

## **2. What is a special severance payment?**

2.1 In the context of this guidance, Special Severance Payments are payments made to employees, officeholders, workers, contractors, and others outside of statutory, contractual or other requirements when leaving employment in public service. Employers may sometimes consider making such a payment in situations where the individual concerned resigns, is dismissed, or agrees a termination of contract. Which types of payments are Special Severance Payments will vary according to an employee's particular circumstances, and therefore the examples below are illustrative only.

2.2 It is established case-law<sup>[footnote 1](#)</sup> that such payments, where in accordance with legislation, may only be made where there is a convincing case that they are in the interests of taxpayers. Local authorities may not be generous at the expense of taxpayers and must genuinely consider payments to be in the public interest. In taking decisions elected members must make all proper enquiries and consider all available material that can help in coming to a decision.

2.3 The following types of payments are likely to constitute Special Severance Payments:

- a) any payments reached under a settlement agreement between the employer and employee to discontinue legal proceedings without admission of fault
- b) the value of any employee benefits or allowances which are allowed to continue beyond the employee's agreed exit date
- c) write-offs of any outstanding loans
- d) any honorarium payments
- e) any hardship payments
- f) any payments to employees for retraining related to their termination of employment

2.4 The following types of payments may constitute Special Severance Payments, depending on the terms of the individual's contract, relevant statutory provisions, any non-statutory applicable schemes and other relevant terms and conditions:

- a) pay or compensation in lieu of notice where the amount of the payment is not greater than the salary due in the period of notice set out in the employee's contract
- b) pension strain payments arising from employer discretions to enhance standard pension benefits (for example under Regulation 30(5) where the employer has

waived the reduction under Regulation 30(8) or because of the award of additional pension under Regulation 31)

2.5 The following do not constitute Special Severance Payments:

- a) statutory redundancy payments
- b) contractual redundancy payments, whether applicable to voluntary or compulsory redundancy, and whether agreed by collective agreement or otherwise
- c) severance payments made in accordance with that local authority's policy adopted pursuant to Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006
- d) a strain cost paid to the relevant LGPS administering authority under LGPS Regulation 68(2) which results from a LGPS member's retirement benefits becoming immediately payable without reduction under Regulation 30(7), or under Regulation 30(6) where the employer has waived the reduction under Regulation 30(8)
- e) payment for untaken annual leave
- f) payments ordered by a court or tribunal or agreed as part of a judicial or non-judicial mediation
- g) payments made as part of the ACAS Early Conciliation process
- h) payments made to compensate for injury or death of the worker
- i) payments made in consequence of the award of ill-health retirement benefits under Regulation 35 of the LGPS Regulations

### **3. Considerations for local authorities on potential Special Severance Payments**

3.1 This chapter provides guidance on relevant considerations for English local authorities in relation to making Special Severance Payments.

3.2 Local authorities must comply with the duty of Best Value explained in the introduction. In considering whether it is appropriate to make a Special Severance Payment, the government expects local authorities to consider whether such a payment would be a proper use of public money. Local authorities should also monitor and review their policies on the award of special severance payments to ensure that they are also consistent with their Public Sector Equality Duty under the Equality Act 2010.

#### **Economy**

3.3 Local authorities should be able to demonstrate their economic rationale behind proposed Special Severance Payments including consideration of:

- Whether there is any feasible possibility of exiting the individual at a lower cost. Only where there is no such possibility should a Special Severance Payment be considered

- How the exit payment will be perceived by the public and whether it is in line with the duty to manage taxpayers' money appropriately
- What alternative use could be made of that expenditure. All Special Severance Payments necessarily reduce the funds that would otherwise be available to deliver important public services
- The setting of any potential precedent (e.g. where a Special Severance Payment is made to certain employees and not others)
- Evidence for additionality i.e. that those offered Special Severance Payments would not have been willing, under any circumstances, to leave with their statutory and contractual benefits alone

## **Efficiency and effectiveness**

3.4 In considering the impact of Special Severance Payments on efficiency and effectiveness, local authorities should:

- Seek legal advice on the prospects of successfully defending an Employment Tribunal claim (or claim to any other court or tribunal with jurisdiction), if an employee were to take a legal route to appeal any grounds of their employment being terminated. The chance of success and the costs likely to be incurred should be noted and weighed up against the costs of making a Special Severance Payment
- Ensure that these payments are not used to avoid management action, disciplinary processes, unwelcome publicity or avoidance of embarrassment
- Consider aligning with private sector practice, where payments are typically less generous. This is important given the added duty in the public sector to prudently manage taxpayers' money
- Manage conflicts of interest to ensure that individuals who are the subject of complaints play absolutely no role in deciding whether those complaints should be settled by making an award to the complainant from public funds

## **4. Exceptional circumstances in which it may be appropriate to consider making Special Severance Payments**

4.1 There may be exceptional circumstances where the existing statutory or contractual entitlements, or both, are insufficient to facilitate an exit or to offer sufficient compensation for loss of employment or office. This can apply to office holders as well as staff. These circumstances, which we expect to be exceptional and provide value for money, may be taken into account by local authorities in deciding whether or not to make a Special Severance Payment.

4.2 Authorities may consider a Special Severance Payment in order to set aside what would otherwise be a reduction in entitlement caused by a break in continuity of service (e.g. where a member of staff has taken a break in service to accompany their spouse on military service overseas). Authorities may also consider that a Special Severance Payment is appropriate in circumstances where, to help recruitment and retention, it has resolved to recognise for severance payment

calculation purposes past service with another non-Modification Order employer (such as service with the NHS prior to the transfer of public health functions to local government)<sup>[footnote 21](#)</sup>.

4.3 Authorities may also consider a Special Severance Payment in order to settle disputes, where it can be properly demonstrated that other routes have been thoroughly explored and excluded. After receiving appropriate professional advice, it may then possibly be concluded that a special severance payment is the most suitable option and prudent use of public money.

4.4 Those approving a Special Severance Payment related to a settlement agreement should be provided with appropriate evidence that attempts were made to resolve disputes before they escalated to a legal claim. They should also bear in mind that even if the cost of defeating an apparently frivolous or vexatious claims will exceed the likely cost of that settlement to the employer, it may still be desirable to take the case to formal proceedings. This is because successfully defending such cases will discourage future frivolous or vexatious claims and demonstrate that the local authority does not reward such claims.

## **5. Accountability and disclosure**

### **Accountability**

5.1 The government expects that any Special Severance payments should be approved according to the following process:

- payments of £100,000 and above must be approved by a vote of full council, as set out in the Localism Act 2011
- payments of £20,000 and above, but below £100,000, must be personally approved and signed off by the Head of Paid Service, with a clear record of the Leader's approval and that of any others who have signed off the payment
- payments below £20,000 must be approved according to the local authority's scheme of delegation. It is expected that local authorities should publish their policy and process for approving these payments

5.2 Where the proposed payment is to the Head of Paid Service, to avoid a conflict of interest it is expected that the payment should be approved by a panel including at least two independent persons. A system of legal duties also requires elected members to spend public money with regularity and propriety. Under section 151 of the Local Government Act 1972, "every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers (the section 151 officer or Chief Finance Officer) has responsibility for the administration of those affairs". The section 151 officer has an important role in holding local authorities to account and has duties to alert elected members and the auditor in the case of unlawful expenditure.

5.3 This role is complemented and reinforced by authorities' duty under section 5 of the Local Government and Housing Act 1989 to appoint a Monitoring Officer, who must report to the local authority when any proposal, decision or omission is likely to lead to contravention of any enactment, rule of law or statutory code.

5.4 As part of their duties, an authority's s151 Officer, and where appropriate, the Monitoring Officer, should take a close interest in and be able to justify any special severance payments that are made by that authority and in particular any payments made that are not consistent with the content of this guidance.

## Disclosure

5.5 Clear and transparent reporting on exit payments is essential to make available better data on the number and level of exit payments made in local government. The availability of data on exit payments in the public domain by local authorities enables local accountability as well as effective management of public money and public confidence. In 2015, the Local Government Transparency Code was issued to increase democratic accountability through open access to information<sup>[footnote 3]</sup>. This sets a requirement for local authorities to publish, under the Account and Audit Regulations 2015:

- the number of employees whose remuneration in that year was at least £50,000 in brackets of £5,000
- details of remuneration and job title of certain senior employees whose salary is at least £50,000, and
- employees whose salaries are £150,000 or more must also be identified by name

In addition to this requirement, local authorities must publish, for all employees whose salary exceeds £50,000, a list of responsibilities (for example, the services and functions they are responsible for, budget held and number of staff) and details of bonuses and benefits-in-kind.

5.6 DLUHC has initiated a new annual collection of data on exit payments (initially collecting data from 2014 – 2021) and the results will be published into official statistics and made available on the gov.uk website, subject to any necessary anonymisation or redaction to comply with data protection law. This data will help others to assess the number and level of exit payments made in local government.

5.7 Section 38 of the Localism Act 2011 requires the local authority to produce and publish a pay policy statement, which must include the authority's policies on termination payments. Further guidance on the requirements of the Localism Act 2011 has been issued<sup>[footnote 4]</sup>.

5.8 In addition, Regulation 60 of the Local Government Pension Scheme Regulations 2013 requires local authorities to prepare a statement of its policy in relation to the exercise of the discretion to enhance pension benefits under Regulations 16(2)(e) and 16(4)(d) (funding of additional pension), Regulation 30(6)



(flexible retirement), Regulation 30(8) (waiving of actuarial reduction); and Regulation 31 (award of additional pension).

5.9 Regulation 10 of the Accounts and Audit Regulations 2015 require authorities to publish an annual statement of accounts, governance statement and narrative statement. As well as following existing guidance<sup>[footnote 5]</sup> on reporting exit payments, local authorities should also disclose in their annual accounts all severance payments, pension fund strain costs and other special severance payments made in consequence of termination of employment or loss of office (but excluding payments on death or ill-health retirement). Apart from where otherwise required by law, reporting may be anonymised to comply with data protection requirements.

### **List of bodies this guidance applies to**

- An English local authority, including:
  - a county council in England, a district council or a London borough council
  - the Council of the Isles of Scilly
  - the Common Council of the City of London in its capacity as a local authority
  - the Greater London Authority so far as it exercises its functions through the Mayor
- A National Park authority for a National Park in England
- The Broads Authority
- The Common Council of the City of London in its capacity as a police authority
- A fire and rescue authority constituted by a scheme under [section 2 of the Fire and Rescue Services Act 2004](#) or a scheme to which section 4 of that Act applies, and a metropolitan county fire and rescue authority in England
- The London Fire Commissioner
- An authority established under [section 10 of the Local Government Act 1985 \(waste disposal authorities\)](#)
- An Integrated Transport Authority for an integrated transport area in England
- An economic prosperity board established under [section 88 of the Local Democracy, Economic Development and Construction Act 2009](#)
- A combined authority established under [section 103 of that Act](#)
- A sub-national transport body established under [section 102E of the Local Transport Act 2008](#)
- Transport for London

### Footnotes

1. In Re Hurle-Hobbs's Decision (1944) 1 All E.R. 249. [↵](#)
2. Under the Employment Rights Act 1996 employees need two years' service with their current or an "associated employer" to qualify for a redundancy payment. The purpose of the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999, as amended, is to provide a statutory list of 'associated employers' for the purposes of redundancy payments.

The list set out in the Order includes all local authorities as well as various other, but not all, other local public service providers. [↵](#)

3. [Local government transparency code 2015](#). [↵](#)
4. [Openness and accountability in local pay: guidance under section 40 of the Localism Act 2011](#). [↵](#)
5. CIPFA, Code of Practice on Local Authority Accounting in the United Kingdom 2020/21. [↵](#)



## Report to Cabinet/Council

**Subject:** Budget Monitoring and Virement Report – August to November 2024

**Date:** 22 January 2025

**Author:** Senior Leadership Team

### Wards Affected

Borough-wide

### Purpose

- To update Cabinet on the forecast outturn for Revenue and Capital Budgets for 2024/25.
- To request approval from Cabinet for the changes to the budget as set out in this report.

### Key Decision

This is a key decision.

#### Recommendation(s)

##### Cabinet have agreed:

- 1) To approve the General Fund Budget virements set out in Appendix 1
- 2) To note the use of reserves and funds during quarter two as detailed in Appendix 2
- 3) To approve the changes to the capital programme included in paragraph 2.3

##### Council is recommended to:

- 4) Approve Prudential Borrowing of £105,000 to fund a new Food Freighter within the capital programme.

## 1. Background

- 1.1 The Council has made a commitment to closely align budget and performance management. This is in line with accepted good practice.

In previous years monitoring reports have been presented to Cabinet on a quarterly basis, however, due to changes to Cabinet dates for 2024/25 reporting for Quarter 1 April to June in September would not have been

timely for reporting purposes. Therefore, for 2024/25 reporting to Cabinet & Full Council will be carried out in three four monthly periods (April 24 - July 24. August 24- November 24 and December 24 to March 25) this will be on a trial basis to assess the resource benefits of only providing 3 periods of monitoring, allowing officers more time to address concerns and consider remedial action.

- 1.2 To deliver this commitment, systems to monitor performance against revenue and capital budgets, improvement activity and performance indicators have all been brought together and are now embedded in the way the Council works. Whilst the budget and performance information are presented in 2 separate reports, they are reported to Cabinet together and will appear on the same agenda.

## 2. Proposal

### 2.1 General Fund Revenue Budget Summary

The following table summarises the overall financial position of the General Fund Revenue Budget and the expected total spend for the year. This information has been compiled using the best information made available to Financial Services by the relevant spending officers as at 30 November 2024.

The Council's General Fund outturn is projected to be in line with the approved budget of £14,937,900.

#### General Fund Revenue Budget 2024/25 – Change Analysis

	£
<b>Net Council Budget for 2023/24 approved by Council on 6 March 2024 and Cabinet's Maximum Budget is:</b>	<b>14,937,900</b>
Up to the end of November 2024 expenditure less income totalled	11,690,928
In the remaining 4 months of year we expect net expenditure to be	3,246,972
<b>Total net revenue spend for the year is expected to be</b>	<b>14,937,900</b>

Appendix 1 outlines how the General Fund Revenue budget is divided between the Portfolios of the Council and includes a detailed variance analysis identifying the current proposed changes for quarter two against the approved budget for each Portfolio area. Cabinet is recommended to approve these changes.

The major variances detailed in Appendix 1 include:

## Expenditure

- Increase in Bed & Breakfast costs of £109,400, due to increasing demand for Temporary Accommodation, this has been partially offset with an increase of (£61,100) Housing benefit Rental income.
- Increase in Environmental Services employee costs in relation agency staff expenditure of £190,000 (Cemeteries £40k due to additional cutting and maintenance in the spring bloom, Street Care £30k, Waste £90k cover for loaders and drivers needed to resource current rounds, budgets will be adjusted in the new year vacant posts are being advertised. Fleet £30k to cover staff absences, temporary arrangements have now been put in place pending a review for a more permanent solution).
- Increase to the Minimum Revenue Provision (MRP) contribution of £87,700 to ensure provision is aligned with the capital programme.

## Income

- Increase in Leisure Centre income of (£339,600) (£137.6k DNA Membership and £202k due to increased take up of the Swimming Scheme).
- Decrease in Planning application income of £150,000, due to lower major planning applications in 2024/25, whilst this is a reduction in current year major applications are expected to move into next financial year.
- Decrease in Building Control income of £60,000.
- Increase in Land Charges income of (£40,000).

Details of the budget virements authorising the usage of Earmarked Reserves and Revenue Budget Funds as approved by the Chief Financial Officer and relevant Corporate Director in accordance with Financial Regulations are set out in **Appendix 2**. No virements were approved by Portfolio Holders for amounts of £50,000 or less during August to November 2024.

## Pay Award

The Council included a sum of £930,600 in the 2024/25 Revenue Budget for the 2024/25 pay award based upon an assumed £1,925 per FTE post. The National Employers have agreed an increase of £1,290 on all NJC pay points 1 and above with effect from 1 April 2024. This has resulted in a saving of £295,200 which has been used to offset additional expenditure as detailed in this report. The JNC pay award for Chief Officers of 2.5% has been accepted.

## **Interest Rates**

The Monetary Policy Committee (MPC) has previously increased the Bank of England base rate several times to a high of 5.25%, on the 7 November 2024 the MPC reduce this rate to 4.75%. This will have a negative impact on investment interest received by the Council at 30 November 2024, however, currently, the budget estimate of £1.1m for 2024/25 remains achievable, if required a revised calculation of interest will be included in the Budget Outturn and Budget Carry Forwards 2024/25.

## **2.2 Efficiency programme – Progress Update**

Since 2014/15 the Council has approved eight separate budget reduction programmes totalling £8.33m net of risk provision, including the new programme of £833,700 approved during the 2024/25 budget process for delivery in 2024/25 to 2026/27, £406,200 of which is for delivery in 2024/25.

The total of the current approved efficiency programme is £1,290,700 for delivery in 2024/25 – 2026/27.

In terms of 2024/25, the programme due for delivery is £833,200 (£406,200 as approved in the Budget Report presented to Council on 6 March 2024 and £427,000 of deferrals from previous years).

At 30 November 2024 £164,800 of adjustments to the programme are proposed (as shown in the table below) with a revised programme of £611,100 to be achieved this year. The amendments made at 30 November 2024 can be met from the Budget Risk Provision.

<b>Movements on Efficiencies 2024/25</b>	
	<b>£</b>
<b>Approved Efficiency Programme 2024/25</b>	<b>(833,200)</b>
<b>Quarter 1 Deferrals</b>	57,300
<b>Deferred Efficiencies to 2025/26 at 30 November 2024</b>	
Service Review Waste Route Optimisation	66,667
Cease Bowls Provision Arnot Hill Park	20,000
Increase Out of Area Cemeteries Fees	10,000
Service Review – Parks/Waste Administration	19,133
Parks – Service Review	19,100
Sponsorship of Flower Beds	5,000
<b>Total Deferrals 2024/25</b>	<b>134,800</b>
<b>Removal of Efficiency</b>	
Increase premium on empty homes and second homes	30,000
<b>Total Removals 2024/25</b>	<b>30,000</b>
<b>Revised 2024/25 Efficiency Programme</b>	<b>611,100</b>
Use of Budget Risk Provision	0
<b>Net Impact on General Fund</b>	<b>611,100</b>

The increased premium on empty from the 1<sup>st</sup> April 2024 and the proposed increase in second homes on 1<sup>st</sup> April 2025, has been removed from the programme as this is not a saving on the General but a saving on the Collection fund.

Delivery of the 2024/25 programme will continue to be monitored and an update provided in future reports.

The Medium-Term Financial Plan (MTFP) sets out an efficiency requirement of £3.559m this includes the latest approved programme of £0.834m and £0.500m which is expected through digital transformation. This leaves £2.25m of efficiencies to identify and deliver by 2028/29 in order to maintain a balanced budget position.

Whilst the £2.25m is not yet supported by outline business cases, work continues to identify and progress efficiency proposals. Options will be explored further in the coming months with Cabinet and individual Portfolio Holders, and proposals put forward as part of the 2025/26 budget process.

### 2.3 **Capital Programme**

Appendix 3 details the current projected position on the Capital Programme and its financing for 2024/25, analysed by Portfolio, and this is summarised in the table below. Cabinet is recommended to approve these changes.

Amendments at 30 November 2024 to the current capital programme of £567,400 are presented in the following table.

<b>Capital Budget 2024/25 - Change Analysis</b>	
	<b>£</b>
<b>Original 2023/24 budget approved by Council on 6 March 2024</b>	<b>9,388,100</b>
Council Approved Carry Forwards from 2023/24	2,364,100
Leader Report 16 April 2024 S106 Contributions to Ravenshead	103,200
Cabinet Report 21 February 2024 The AMP 1st Floor	225,700
Amendments at 31 July 2024	(2,208,600)
<b>Approved budget at Period 4 2024/25</b>	<b>9,872,500</b>
Leader report 17 July 24 Scout Hut Refurb (CIL funding)	62,700
Leader report 24 September 24 S106 contributions to Calverton P C	63,400
CFO Sign-off 14 October Grave Shoring Equipment (Reserves)	24,000
<b>Current approved budget for 2024/25</b>	<b>10,022,600</b>
<b>Proposed Amendments to the Programme at 30 November 2024</b>	
<b>Additions to existing schemes:</b>	
Tennis Court refurbishment Conway Park (Grant Funded)	146,600
Food Waste Refuse Freighter (Prudential Borrowing)	105,000
Microsoft Licenses (Capital Receipts)	15,000
<b>Reductions to existing schemes:</b>	
Vehicle Replacement Programme	(22,000)
<b>Deferrals of existing schemes:</b>	

Vehicle Replacement Programme	(537,000)
Play Area Refurbishment	(100,000)
Depot Works	(130,000)
Flood alleviation works	(30,000)
Carlton cemetery expansion final stage	(15,000)
<b>Total Proposed Amendments</b>	<b>(567,400)</b>
<b>Revised Capital Programme 2024/25</b>	<b>9,455,200</b>
Actual Expenditure to 30 November 2024	2,949,520
Estimated Expenditure 1 December 2024 to 31 March 2025	6,505,680
<b>Projected Outturn</b>	<b>9,455,200</b>

Additions to existing schemes:

- Tennis Court refurbishment at Conway Park £146,600, funded by £112,900 from The Lawn Tennis Association and £39,100 from the UKSPF.
- Refuse Freighter Food Waste £105,000, following approved Trade Food Waste business case. Funded through prudential borrowing.
- Microsoft IT Licences £15,000, annual increase following 3-year licence renewals, funded through capital receipts.

Reductions to existing schemes:

- Vehicle Replacement Programme (£22,000), removal of Chipper from programme following equipment review.

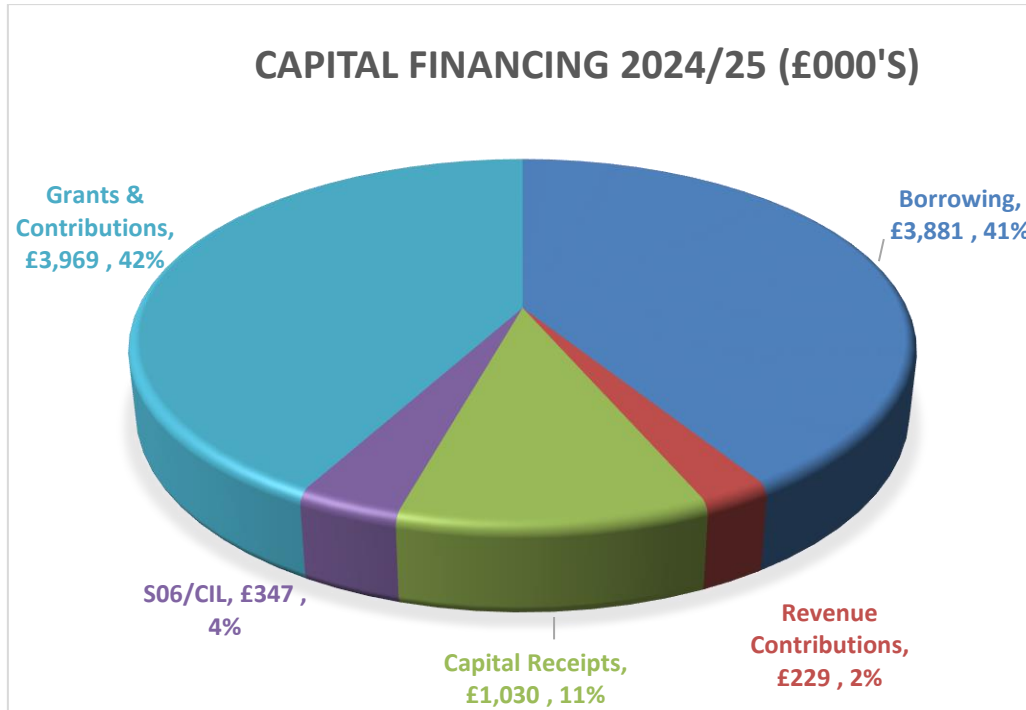
Deferrals of existing schemes:

- Vehicle Replacement Programme (£537,000). This is due to lead time on vehicle purchases and pending wider review of fleet vehicles.
- Depot Works (£130,000). Project phasing has been refreshed, demolition costs only expected for 2024-25, construction to be phased for 2025-26.
- Play area refurbishment (£100,000), St Mary's and Jackie Bells are now scheduled for refurbishment in 2025-26.
- Bentwell Ave flood alleviation works (£30,000), re-phasing of works, expected to be complete Autumn 2025.
- Carlton cemetery expansion final phase (£15,000), the columbarium project due to be complete Autumn 2025



## 2.4 Capital Programme Financing

The projected method of financing the current capital programme requirement of £9,455,200 is detailed in Appendix 3 and summarised in the chart below.



## 2.5 Capital Receipts Monitoring

When the Council sells General Fund assets it is permitted to use this income to fund capital expenditure. The initial capital receipts estimate for 2024/25 projects that £1,029,700 will be generated and used to finance the capital programme in 2024/25. There is currently no change to the capital receipts estimate projected.

## 3 Alternative Options

Option – Not to amend the original Council approved budgets during the year to reflect the latest projected outturn position.

Advantages:

- The final outturn position of the Council can be easily compared to its original intentions when the budget was set, and areas of budget risk identified.

Disadvantages:

- Budgets not aligned to current budget pressures resulting in increased likelihood of budget overspend and emerging Council priorities not being addressed.

- Restrict the effectiveness of medium-term planning process and preparation of the forward budget if pressures and areas of efficiency are not readily identifiable during budget preparation.
- Budget not reflective of latest performance information.

Reason for rejection – the option is not likely to result in the best outcomes in financial management or support delivery of priorities.

#### **4 Financial Implications**

- 4.1 The nature of the report is such that it has significant resource implications across the Council. The report itself demonstrates how resources are being managed. Whilst the 1 August 2024 to 30 November 24 position is currently forecasted to break even, focus must be maintained on the risk of potential overspend in the environment service for the remainder of the year and the identification and delivery of the £3.559m efficiency and digital transformation saving targets for 2024/25 – 2028/29.

#### **5 Legal Implications**

- 5.1 None arising directly from this report.

#### **6 Equalities Implications**

- 6.1 None arising directly from this report.

#### **7 Carbon Reduction/Environmental Sustainability Implications**

- 7.1 None arising directly from this report.

#### **8 Appendices**

Appendix 1 - General Fund Revenue Budget 2024/25 – Budgetary Control Report

Appendix 2 - Use of Reserves and Revenue Fund Budgets

Appendix 3 - Capital Programme 2024/25 – Budgetary Control Report

#### **9 Background Papers**

Detailed Quarterly Budgetary Control Exception Reports

#### **10 Reasons for Recommendations**

- 10.1 To align the budgets to the current pressures and priorities and ensure the delivery of Council objectives is supported.

**Statutory Officer Approval**

**Approved by: Chief Financial Officer**

**Date: 18/12/2024**

**Approved by: Monitoring Officer**

**Date: 18/12/2024**

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**Grand Summary****Revenue Quarterly Budgetary Control Report**

30-Nov-24

	Current Approved Budget	Profiled Budget	Actual to date	Variance	%	Projected Outturn	Projected Annual Variance
	£	£	£	£		£	£
Communities and Place	334,300	194,500	254,945	60,445	31	<b>334,300</b>	<b>0</b>
Lifestyles, Health & Wellbeing	2,030,300	755,201	505,072	-250,128	-33	<b>1,728,700</b>	<b>-301,600</b>
Public Protection	1,264,700	363,478	517,235	153,757	42	<b>1,250,700</b>	<b>-14,000</b>
Life Chances and Vulnerability	1,892,300	728,620	2,602,813	1,874,193	257	<b>1,874,400</b>	<b>-17,900</b>
Environmental Services	4,088,200	3,056,989	2,584,424	-472,565	-15	<b>4,294,000</b>	<b>205,800</b>
Climate Change and Natural Habitat	2,089,700	715,358	1,228,698	513,339	72	<b>2,108,700</b>	<b>19,000</b>
Sustainable Growth and Economy	1,347,100	424,189	555,396	131,207	31	<b>1,477,100</b>	<b>130,000</b>
Corporate Resources and Performance	3,029,300	5,167,387	3,442,344	-1,725,042	-33	<b>3,008,000</b>	<b>-21,300</b>
<b>Total Portfolio Budget</b>	<b>16,075,900</b>	<b>11,405,722</b>	<b>11,690,928</b>	<b>285,206</b>	<b>3</b>	<b>16,075,900</b>	<b>0</b>
<b>Transfer to/ -from Earmarked Reserves</b>	<b>-1,138,000</b>	<b>-21,733</b>	<b>0</b>	<b>21,733</b>	<b>-100</b>	<b>-1,138,000</b>	<b>0</b>
<b>Total General Fund 30 November 2024</b>	<b>14,937,900</b>	<b>11,383,989</b>	<b>11,690,928</b>	<b>306,940</b>		<b>14,937,900</b>	<b>0</b>
<b>Net Council Budget (Cabinets General Fund Maximum Budget)</b>	<b>14,937,900</b>						

**COMMUNITIES AND PLACE****BUDGETARY CONTROL REPORT - November 2024****REVENUE ITEMS TO BE REPORTED**

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
All other budget heads Including items previously reported  PORTFOLIO TOTAL	£'000	£'000			No major variances
	334.3	334.3			
	<b>334.3</b>	<b>334.3</b>	-	-	<b>Net Portfolio Total Adverse/Favourable</b>

**LIFESTYLES, HEALTH & WELLBEING****BUDGETARY CONTROL REPORT - November 2024****REVENUE ITEMS TO BE REPORTED**

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
<b>Calverton LC</b>	£'000	£'000			
Employee Expenses	460.5	440.9	19.6		Savings on vacancies and use of casual staff and allocation of swim school staffing Fewer bookings for squash and parties. Due to the increase in members of the Swim Scheme increasing the number of free swimmers has increased, also fewer bookings. These are offset by additional swim income
Revenue Income	(458.9)	(452.7)		6.2	
Revenue Income	(1,663.2)	(1,636.9)		26.3	
<b>Arnold LC</b>					
Employee Expenses	644.5	669.6		25.1	Increase in salaries due to the allocation of swim school staffing
<b>Leisure Centres</b>					
Revenue Income					DNA memberships and Swim Scheme memberships have increased to their highest levels at all sites.
DNA Memberships		(137.6)	137.6		
Swim Scheme Memberships		(202.0)	202.0		
All other budget heads Including items previously reported	3,047.4	3,047.4			
<b>PORTFOLIO TOTAL</b>	<b>2,030.3</b>	<b>1,728.7</b>	<b>359.2</b>	<b>57.6</b>	<b>Net Portfolio Total £301.6k Favourable</b>

**PUBLIC PROTECTION****BUDGETARY CONTROL REPORT - November 2024****REVENUE ITEMS TO BE REPORTED**

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
<b><u>Private Sector Housing</u></b>	£'000	£'000			
Employee Expenses	189.7	185.7	4.0		Environmental Health Officer on Maternity leave, further underspend on salary
<b><u>Community Protection</u></b>					
Employee Expenses	201.3	191.3	10.0		Vacancy Savings
All other budget heads Including items previously reported	873.7	873.7			
<b>PORTFOLIO TOTAL</b>	<b>1,264.7</b>	<b>1,250.7</b>	<b>14.0</b>	<b>-</b>	<b>Net Portfolio Total £14k Favourable</b>



**LIFE CHANCES AND VULNERABILITY****BUDGETARY CONTROL REPORT - November 2024****REVENUE ITEMS TO BE REPORTED**

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable	Adverse	
	£'000	£'000	£'000	£'000	
<b><u>Housing Needs</u></b>					
Supplies & Services	440.6	550.0		109.4	Increase in Bed & Breakfast Temporary Accommodation costs
Revenue Income	(601.9)	(697.9)	61.1		Increase in Housing Benefit Rental income
			47.0		Additional Asylum Seeker dispersal grant received to fund homelessness prevention measures
				12.1	Revision to Choice Based Lettings income
<b><u>Housing Benefit Administration</u></b>					
Employee Expenses	318.4	298.4	20.0		Vacancy saving
Supplies & Services	24.6	38.7		14.1	DWP Data Sharing Programme funded by New Burden
Revenue Income	(146.2)	(171.6)	14.1		
			11.3		New Burdens Universal Credit Transfer
All other budget heads Including items previously reported	1,856.8	1,856.8			
<b>PORTFOLIO TOTAL</b>	<b>1,892.3</b>	<b>1,874.4</b>	<b>153.5</b>	<b>135.6</b>	<b>Net Portfolio Total £17.9k Favourable</b>

**ENVIRONMENTAL SERVICES****BUDGETARY CONTROL REPORT - November 2024****REVENUE ITEMS TO BE REPORTED**

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
<b><u>Cemeteries</u></b>	£'000	£'000			
Employee Expenses		40.0		40.0	Additional agency utilised
<b><u>Street Care</u></b>					
Employee Expenses		30.0		30.0	Additional agency utilised
<b><u>Waste Services</u></b>					
Employee Expenses		85.8		85.8	Deferral of Waste Service Review/Round Optimisation
Employee Expenses		90.0		90.0	Overspend on Agency budget across waste
Revenue Income		(90.0)	90.0		Additional Income on Garden Waste
<b><u>Transport &amp; Fleet</u></b>					
Employee Expenses		30.0		30.0	Agency Fitters Extension, Additional Overtime and Training costs
Revenue Income		20.0		20.0	Sales of Scrap & Salvage down against target
All other budget heads Including items previously reported	4,088.2	4,088.2			
<b>PORTFOLIO TOTAL</b>	<b>4,088.2</b>	<b>4,294.0</b>	<b>90.0</b>	<b>295.8</b>	<b>Net Portfolio Total £205.8k Adverse</b>

**CLIMATE CHANGE AND NATURAL HABITAT****BUDGETARY CONTROL REPORT - November 2024****REVENUE ITEMS TO BE REPORTED**

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
<b><u>Parks</u></b>	£'000	£'000			
Employee Expenses		19.0		19.0	Deferral of Service Review efficiency
All other budget heads Including items previously reported	2,089.7	2,089.7			
<b>PORTFOLIO TOTAL</b>	<b>2,089.7</b>	<b>2,108.7</b>	<b>-</b>	<b>19.0</b>	<b>Net Portfolio Total £19k Adverse</b>

**SUSTAINABLE GROWTH & ECONOMY****BUDGETARY CONTROL REPORT - November 2024****REVENUE ITEMS TO BE REPORTED**

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
<b><u>Development Management</u></b>	<b>£'000</b>	<b>£'000</b>			
Employee Expenses	408.0	393.0	15.0		Vacancy Savings
Revenue Income	(630.9)	(480.9)		150.0	Reduction in major planning applications
<b><u>Building Control</u></b>					
Revenue Income	(250.7)	(190.7)		60.0	Reduction in Building Control Income
<b><u>Planinng Policy</u></b>					
Employee Expenses	296.0	288.0	8.0		Vacancy savings
Payments To Other Local Authorities	13.6	9.6	4.0		Reduced fee for Notts Biological & Geological Records Centre 24-25
Revenue Income	(0.6)	(13.6)	13.0		Joint Local Authority contribution towards the Gedling hosted Habitats Regulation Assessment.
<b><u>Land Charges</u></b>					
Revenue Income	(69.2)	(109.2)	40.0		Increase in Land Charge largely result of re-financing of residential properties
All other budget heads Including items previously reported	1,580.9	1,580.9			
<b>PORTFOLIO TOTAL</b>	<b>1,347.1</b>	<b>1,477.1</b>	<b>80.0</b>	<b>210.0</b>	<b>Net Portfolio Total £130k Adverse</b>

**CORPORATE RESOURCES & PERFORMANCE****BUDGETARY CONTROL REPORT - November 2024****REVENUE ITEMS TO BE REPORTED**

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
<b><u>Building Services</u></b>	<b>£'000</b>	<b>£'000</b>			
Employee Expenses	147.0	173.0		26.0	Agency costs to cover vacant Building Services Manager post
<b><u>Estates &amp; Valuation</u></b>					
Employee Expenses	158.4	213.4		55.0	Additional agency resource conducting rent reviews
<b><u>The AMP</u></b>					
Premises Related Expenditure	36.0	25.3	10.7		Underspend on premises rents budget
<b><u>Shops</u></b>					
Revenue Income	(67.7)	(80.0)	12.3		Rent review resulting in additional income
<b><u>Public Land &amp; Bldgs - General</u></b>					
Revenue Income	(149.2)	(139.2)		10.0	Efficiency achieved through rent review
<b><u>Pavillions</u></b>					
Premises Related Expenditure	85.8	99.8		6.0 8.0	Increased repairs costs for Pavillions NDR Bill Magenta Way
<b><u>Public Offices</u></b>					
Premises Related Expenditure	121.0	136.0		15.0	Increased repairs and maintenance costs at Depot
Revenue Income	(245.1)	(215.1)		30.0	In year impact of NHS vacating Civic Centre, along with impact of Police moving in to Civic Centre from Jubilee House
<b><u>Civic Expenses</u></b>					
Supplies & Services	30.7	18.7	12.0		Saving on civic transport due to use of taxis
<b><u>Customer Services</u></b>					
Employee Expenses	768.8	780.3		11.5	Additional overtime to cover vacant posts and secondments
<b><u>Financial Services</u></b>					
Supplies & Services	89.4	106.4		17.0	Banking service charges and Procurement Consultancy

**CORPORATE RESOURCES & PERFORMANCE****BUDGETARY CONTROL REPORT - November 2024****REVENUE ITEMS TO BE REPORTED**

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
Revenue Income	(44.7)	(20.0)		24.7	Less income generating opportunities via sponsorships and advertising
<b><u>Revenues-Local Taxation</u></b>					
Revenue Income	(260.0)	(242.0)		30.0	Removal of empty homes premium efficiency, Gedling began levying this from 01/04/2024, saving realised on Collection rather than General Fund
			12.0		Additional income following Single Person Discount (SPD) Review.
<b><u>Movement in Reserves (MiRs)</u></b>	928.0	1,015.7		87.7	Revision to MRP based on 2023-24 outturn
<b><u>Central Provisions</u></b>	0.0	(295.2)	295.2		Savings from Pay Award e.g. Budgeted £1,925 Actual £1,290 per FTE (Total Savings £315K but £295k required at period 8 to balance budget)
All other budget heads Including items previously reported	1,430.9	1,430.9			
<b>PORTFOLIO TOTAL</b>	<b>3,029.3</b>	<b>3,008.0</b>	<b>342.2</b>	<b>320.9</b>	<b>Net Portfolio Total £21.3k Favourable</b>

**EARMARKED RESERVES**

**BUDGETARY CONTROL REPORT - November 2024**

**REVENUE ITEMS TO BE REPORTED**

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
<b><u>Transfer to/from Reserves</u></b>	£'000	£'000			
<b><u>All other budget heads</u></b> Including items previously reported	(1,138.0)	(1,138.0)			
<b>RESERVES TOTAL</b>	<b>(1,138.0)</b>	<b>(1,138.0)</b>	-	-	<b>Net Reserves Total</b> <b>Net Contribution to/from Reserves</b>

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Virements Approved for the use of Earmarked Reserves  
 Period End 30 November 2024

Usage of Earmarked Reserves		
		£
	<b>Corporate Resources and Performance</b>	
	Grave Shoring Equipment (capital programme)	£24,000
	Contribution from Risk Management Reserve	-£24,000
	<b>Total Expenditure</b>	<b>£24,000</b>
	<b>Total Reserves</b>	<b>-£24,000</b>

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Project	Original Capital Programme	Carry F/wds	Approvals to Period 8	Period 8 Proposals	Revised Capital Programme Period 4
Sports Facilities Investment	199.1	6.9	0.0		206.0
UKSPF - Events & Culture	20.0				20.0
<b>Lifestyles, Health &amp; Wellbeing</b>	<b>219.1</b>	<b>6.9</b>	<b>-</b>	<b>-</b>	<b>226.0</b>
CCTV Developments		27.4			27.4
CCTV Developments (UKSPF)		24.6			24.6
<b>Public Protection</b>	<b>-</b>	<b>52.0</b>	<b>-</b>	<b>-</b>	<b>52.0</b>
Vehicle Replacement Programme	1,268.5	78.0	12.0	(454.0)	904.5
Bentwell Ave Lagoon - Flooding Works	-	60.0		(30.0)	30.0
Ouse Dyke repair works	-	40.0	70.0	0.0	110.0
Council Street Lighting	-	37.1			37.1
King George V - Provision of Public Toilets	-	-			-
Sand Martin Bank Bird Hide	-	29.5			29.5
King George V Pavilion Refurbishment	-	-			-
Green Lung Project	-	36.0	35.0	0.0	71.0
St Mary's Play Area Refurbishment	100.0	-		(100.0)	-
Green Lung Digby Park to GCP Path Construction	-	35.0			35.0
Breckhill Entrance and Footpath	-	6.0			6.0
Lambley Lane Footpath Entrance	-	19.7			19.7
Valley Road Play Area Refurbishment	110.0	-			110.0
Park View Retaining Wall	22.0	-			22.0
Phoenix Farm Estate repairs	16.0	-			16.0
Lambley Lane Changing Room & Pitch Renovation		79.0	72.6		151.6
Carlton Cem Expansion Final Phase	-	15.0		(15.0)	-
Grave Shoring Equipment			24.0		24.0
Tennis Court refurbishment Conway Park				146.6	146.6
<b>Environmental Services</b>	<b>1,516.5</b>	<b>435.3</b>	<b>213.6</b>	<b>(452.4)</b>	<b>1,713.0</b>
Hillcrest Business Park Extensions	1,434.0				1,434.0
Ravenshead PC Open Space Development (S106)			103.2		103.2
Scout Hut Refurbishment (CIL Non-Parish Funding)			63.4		63.4
Calverton PC Open Space Development (S106)			62.7		62.7
The Arnold Market Place (AMP)		429.3	225.7		655.0
Temporary Accommodation	1,100.0	129.5			1,229.5
Disabled Facilities Grants	1,200.0	168.0			1,368.0
East Midlands Domestic Retrofit Project		583.5			583.5
<b>Sustainable Growth &amp; Economy</b>	<b>3,734.0</b>	<b>1,310.3</b>	<b>455.0</b>	<b>0.0</b>	<b>5,499.3</b>
Income Management System		20.0			20.0
Public Sector Decarbonisation	2,143.0		(2,143.0)	0.00	-
Carbon Reduction Initiatives	-	47.6		0.0	47.6
GCP Charge Points		18.8			18.8
Civic Centre Charge Points		23.2			23.2
Depot Works		200.0		(130.0)	70.0
Fire Door replacement	130.0				130.0
Economic Regeneration Land Assembly		183.7			183.7
Estates & Valuation	34.6				34.6
Customer Service Improvements		14.9			14.9
IT Licences - Microsoft Office	110.0			15.00	125.0
Agresso Upgrade	50.0				50.0
Car Park Resurfacing and Fencing		51.4	(23.00)	0.00	28.4
Bestwood Country Park car park extension	36.2		(36.20)	0.00	-
Replacement Boards Car Park Machines	30.0				30.0
Digital Transformation	964.7				964.7
Asset Management Fund	150.0		(84.0)		66.0
Civic Centre Window Replacement	200.0		(100.0)		100.0
Replacement Equipment	70.0		(12.0)		58.0
<b>Corporate Resources and Performance</b>	<b>3,918.5</b>	<b>559.6</b>	<b>(2,398.2)</b>	<b>(115.0)</b>	<b>1,964.9</b>
<b>Total Programme</b>	<b>9,388.1</b>	<b>2,364.1</b>	<b>(1,729.6)</b>	<b>(567.4)</b>	<b>9,455.2</b>

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## Report to Cabinet

**Subject:** Prudential Code Indicator Monitoring 2024/25 and Treasury Activity Report for the period ended 30 November 2024

**Date:** 9 January 2025

**Author:** Chief Financial Officer (S151 Officer)

### Wards Affected

Borough wide

### Purpose

To inform Members of the performance monitoring of the 2024/25 Prudential Code Indicators, and to advise Members of the Treasury activity as required by the Treasury Management Strategy.

### Key Decision

This is **not** a key decision.

#### Recommendation(s)

##### Cabinet are recommended to:

1. Note the report, together with the Treasury Activity Report 2024/25 for the period ended 30 November 2024 (Appendix 1).
2. Note the Prudential and Treasury Indicator Monitoring 2024/25 for the period ended 30 November 2024 (Appendix 2).

## 1 Background

1.1 The Council is required by regulations issued under the Local Government Act 2003 to report on its Prudential Code indicators and treasury activity. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

1.2 For 2024/25 the minimum reporting requirements are that the Full Council should

receive the following reports:

- An annual Treasury Strategy in advance of the year (the TMSS, considered by Cabinet on 21 February 2024 and subsequently approved by Full Council on 6 March 2024).
- A mid-year treasury update report.
- An annual review following the end of the year describing the activity compared to the Strategy.

In previous years officers have brought a Prudential Code Indicator Monitoring and Treasury Activity Report to Cabinet each quarter however, due to changes to Cabinet dates for 2024/25, the reporting for Quarter 1 (April to June) in September would not have been timely for reporting purposes.

Therefore, for 2024/25 reporting to Cabinet & Full Council will be carried out in three four monthly periods (April 24 - July 24, August 24 - November 24, and December 24 to March 25) this will be on a trial basis to assess the resource benefits of only providing 3 periods of monitoring, allowing officers more time to address concerns and consider remedial action.

Whilst this is a reduction in the number of reports being presented it should be noted that this still exceeds the minimum requirements.

- 1.3 The regulatory environment places responsibility on Members for the review and scrutiny of treasury management policy and activities. This report provides details of the position as at 30 November 2024 and highlights compliance with the Council's policies.

## **2 Proposal**

### **2.1 Economic Update**

The economy's growth stalled in June and July but points more to a mild slowdown in GDP growth than a sudden drop back into a recession. It uses Consumer Price Index (CPI) as a measure of the cost of living for the typical person. Core CPI is a similar measure but removes energy and food prices as they tend to be highly volatile.

CPI inflation stayed at 2.2% in August, but services inflation rose from a two-year low of 5.2% in July to 5.6%, significantly above its long-run average of 3.5%. CPI inflation is expected to rise in the coming months, potentially reaching 2.9% in November, before declining to around 2.0% by mid-2025.

The further easing in wage growth will be welcomed by the Bank of England as a sign that labour market conditions are continuing to cool. The growth rate of average earnings fell from 4.6% in June to 4.0% in July. On a three-month

annualised basis, average earnings growth eased from 3.0% to 1.8%, its lowest rate since December 2023.

Other labour market indicators also point to a further loosening in the labour market. A significant fall in the alternative PAYE measure of the number of employees in August marked the fourth fall in the past five months, and the overall decline in the three months to August was the biggest drop since November 2020. Moreover, the number of workforce jobs fell by 28,000 in Q2, and the downward trend in job vacancies continued too. The number of job vacancies fell from 872,000 in the three months to July to 857,000 in the three months to August, leaving it at 34% below its peak in May 2022 and just 5% above its pre-pandemic level. Nonetheless, the Bank of England is still more concerned about the inflationary influence of the labour market rather than the risk of a major slowdown in labour market activity.

The Monetary Policy Committee (MPC) initiated its loosening cycle in August with a 0.25% rate cut, lowering rates from 5.25% to 5.0%. In its September and October meetings the MPC opted to hold rates steady at 5.0%, but in its November meeting, the MPC made a further 0.25% rate cut, lowering rates from 5.00% to 4.75%.

## 2.2 Interest rate forecast

Our Treasury Management advisors ‘Link’ provided its latest forecast of interest rates and these are shown in the table below. PWLB rates in the table are based on the Certainty Rate which include a 0.25% reduction on the standard rates. This shows that the bank rate is estimated to fall from 4.75% to 4.5% in December 2024 and then fall to 3.00% from September 2026.

	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	Mar-26	Jun-26	Sep-26	Dec-26	Mar-27
<b>BANK RATE</b>	4.50	4.00	3.50	3.25	3.25	3.25	3.25	3.00	3.00	3.00
3 month ave earnings	4.50	4.00	3.50	3.30	3.30	3.30	3.30	3.00	3.00	3.00
6 month ave earnings	4.40	3.90	3.50	3.30	3.30	3.30	3.30	3.10	3.10	3.20
12 month ave earnings	4.30	3.80	3.50	3.40	3.40	3.40	3.40	3.20	3.30	3.40
5 yr PWLB	4.50	4.30	4.10	4.00	3.90	3.90	3.90	3.90	3.90	3.80
10 yr PWLB	4.60	4.40	4.30	4.10	4.10	4.10	4.00	4.00	4.00	3.90
25 yr PWLB	5.00	4.80	4.70	4.50	4.50	4.40	4.40	4.40	4.30	4.30
50 yr PWLB	4.80	4.60	4.50	4.30	4.30	4.20	4.20	4.20	4.10	4.10

## 2.3 Investment Strategy

The Treasury Management Strategy Statement (TMSS) for 2024/25, which includes the Annual Investment Strategy, was approved by Council on 6 March 2024, and sets out the Council’s investment priorities as:

- Security of capital;
- Liquidity;
- Yield.

Whilst the Council will always seek to obtain the optimum return (yield) on its investments, this will always be commensurate with proper levels of security and liquidity. In the current economic climate it is considered appropriate either to keep investments short term to cover cash flow needs, or to extend the period up to 12 months with highly rated financial institutions, selected by the use of the Link creditworthiness methodology (see below) which includes consideration of sovereign ratings.

Investment counterparty limits for 2024/25 are generally **£3m** per individual counterparty, however a higher limit of **£4m** per Money Market Fund is considered prudent since such funds are already by definition highly diversified investment vehicles. There is no limit on Investment with the Debt Management Office (DMO) since this represents lending to central government. The Chief Financial Officer has delegated authority to vary these limits as appropriate, and then to report any change to Cabinet as part of the next report.

Members are advised that no new variations have been made during 1 April to 30 November of 2024/25.

Limits with investment counterparties have not exceeded the prevailing levels approved by the CFO during the period 1 April to 30 November 2024.

Credit ratings advice is taken from LAS and the Chief Financial Officer has adopted the Link credit rating methodology for the selection of investment counterparties. This employs a sophisticated modelling approach utilising credit ratings from all three of the main rating agencies to give a suggested maximum duration for investments. Accordingly it does not place undue reliance on any one agency's ratings.

The methodology subsequently applies an "overlay" to take account of positive and negative credit watches and/or credit outlook information, which may increase or decrease the suggested duration of investments. It then applies a second overlay based on the credit default swap spreads for institutions, the monitoring of which has been shown to give an early warning of likely changes in credit ratings. It also incorporates sovereign ratings to ensure selection of counterparties from only the most creditworthy countries. The current Treasury Strategy permits the use of any UK counterparties subject to their individual credit ratings under the LAS methodology. It also permits the use of counterparties from other countries with a minimum sovereign rating of AA minus. For information, the UK currently has a rating of AA minus.

The Link modelling approach combines all the various factors in a weighted scoring system and results in a series of colour coded bands which indicate the creditworthiness of counterparties. The colour bandings are as follows:



- Yellow 5 years (UK Government debt or its equivalent)
- Dark pink 5 years for Ultra Short Dated Bond Funds (credit score 1.25)
- Light pink 5 years for Ultra Short Dated Bond Funds (credit score 1.50)
- Purple 2 years
- Blue 1 year (nationalised or semi nationalised UK banks only)
- Orange 1 year
- Red 6 months
- Green 100 days
- No colour not to be used

Significant downgrades by the Ratings agencies have not materialised since the beginning of the Covid-19 crisis in March 2020. Where changes were made these were generally limited to "outlooks". However, as economies re-opened some instances of previous reductions were reversed.

Credit ratings are monitored weekly and the Council is also alerted to interim changes by its use of the Link creditworthiness service, however ratings under the methodology, including sovereign ratings, will not necessarily be the sole determinant of the quality of an institution. Other information sources used will include the financial press, share price and other such information pertaining to the banking sector in order to establish the most robust scrutiny process on the suitability of potential investment counterparties.

**The ultimate decision on what is prudent and manageable for the Council will be taken by the Chief Financial Officer under the approved scheme of delegation.**

#### 2.4 Treasury Activity during period 1 April to 30 November 2024

The Treasury Activity Report for the period ended 30 November 2024 is attached at Appendix 1, in accordance with the Treasury Management Strategy.

Members will note that investment interest of £604,339 was generated from MMF activity, term deposits with banks and building societies, and the property fund, during the period from 1 April to 30 November 2024. This represents an overall equated rate for the Council of 4.57% which is slightly lower than the compounded Sterling Overnight Index Average (SONIA) rate, which averaged 4.86%.

During the period from 1 April to 30 November 2024, significant use was made of the Council's three Money Market Funds (MMFs). These are AAA rated investment vehicles which allow the pooling of many billions of pounds into highly diversified funds, thus reducing risk. The current rates of return on these funds are between 4.78% and 4.80%, which remain generally higher than overnight treasury deposit rates, and slightly higher than the rate obtainable from the Debt Management Office (DMO).

The Council made an investment of £1m in the CCLA Local Authority Property Fund (LAPF) on 1 December 2017. The LAPF is a local government investment scheme approved by the Treasury under the Trustee Investments Act 1961 (section 11). Dividends are treated as revenue income and have in previous years averaged around 4%.

The fund value increased by £9,986 between 1st July 2024 and 30 November 2024 and a dividend of £10,895 was received in the second quarter of the year.

This investment allows the Council to introduce a property element into its investment portfolio without the risks associated with the direct purchase of assets. It should be noted however that the capital value is **not** guaranteed and can fall as well as rise. The certificated value of the investment as at 30 November 2024 was £882,660 which was lower than the original investment of £1m, this represents a £117,340 reduction over the seven year period. However, this investment is regarded as a long-term commitment and fluctuations should be expected. A recent meeting with the CCLA suggested that the investment is expected to increase over the course of the next few years and dividends continue to be received of approximately £45k per annum.

Interest rates in the market are significantly higher than they have been in previous years. As loans mature every effort is made to replace them at favourable rates. As regards investments, security and liquidity will always be the overriding factors in the Council's treasury management. As stated in 2.2 above, Link currently forecast that the Bank Rate will reduce to 4.5% in December 2024 and then fall back to 3.00% in September 2026.

It is currently anticipated that the outturn for investment interest will achieve the current approved estimate of £1.1m for 2024/25.

## 2.5 New borrowing

As at 30 November 2024 no new borrowing had been undertaken.

Advice will be taken from Link regarding the amount and timing of any additional borrowing, and should conditions become advantageous, some borrowing in advance of need will also be considered by the Chief Financial Officer. The Council's Capital Financing Requirement (CFR) represents its underlying need to borrow to finance capital investment. Due to favourable interest rates, borrowing in advance of need is sometimes desirable, with the result that the CFR can differ to the actual borrowing planned in the year.

Councils may not borrow in advance of need purely to profit from the investment of the extra sums borrowed. However, prudent early borrowing for a demonstrable service objective is permitted. Serious consideration must be given to the cost of carrying any additional borrowing during the period prior to it being

required for the financing of capital expenditure since this places a further burden on the General Fund.

## 2.6 Debt rescheduling

When the current day PWLB rate for the same term is higher than that being paid on an existing loan there is the potential for a discount to be receivable if the loan is repaid prematurely.

However, debt rescheduling opportunities are limited in the current economic climate, and due to the structure of PWLB interest rates. Advice in this regard will continue to be taken from LAS. No debt rescheduling has been undertaken during the period from 1 August to 30 November 2024.

## 2.7 Compliance with Prudential and treasury indicators

It is a statutory duty for the Council to determine and keep under review the affordable borrowing limit. The Council's approved Prudential and Treasury Indicators (affordability limits) are included in the Treasury Management Strategy Statement (TMSS) approved by Full Council on 6 March 2024.

During the financial year to date the Council has at all times operated within the majority treasury limits and Prudential Indicators set out in the Council's TMSS, and in compliance with the Council's Treasury Management Practices. The Prudential and Treasury Indicators as at 30 November 2024 are shown at Appendix 2.

### A) Prudential Indicators:

These indicators are based on estimates of expected outcomes and are key indicators of "affordability". They are monitored on a regular basis, and Appendix 2 compares the approved indicators with the projected outturn for 2024/25, and shows variances on the indicators, as described below:

#### a. Capital Expenditure

The latest projected outturn shows that total capital expenditure is expected to be £9,455,200. This is lower than the revised approved indicator of £9,782,500.

#### b. Capital Financing Requirement (CFR)

The CFR represents the historic outstanding capital expenditure which has not yet been paid for from capital or revenue resources and is essentially a measure of the Council's underlying borrowing need. The CFR does not increase indefinitely since the Minimum Revenue Provision (MRP) is a statutory annual revenue charge for the economic consumption of capital assets.

At 30 November the projected closing CFR for 2024/25 is £18,594,731. This is lower than the revised approved indicator of £19,193,531.

c. Gearing ratio

The concept of “gearing” compares the total underlying borrowing need (the CFR) to the Council’s total fixed assets and the gearing ratio can provide an early indication where debt levels are rising relative to long term assets held.

The projected gearing ratio at 30 November 2024 is 41%, which is lower than the revised approved indicator of 42% and is broadly comparable with the average gearing ratio for councils of a similar size.

d. Ratio of financing costs to net revenue stream

This indicator identifies the trend in the cost of borrowing net of investment income against the net revenue stream. Financing costs represent the element of the Council’s budget to which it is committed even before providing any services.

The projected outturn of 3.85% for service-related expenditure is in line with the approved indicator.

e. Maximum gross debt

The Council must ensure that its gross debt does not, except in the short term, exceed the opening Capital Financing Requirement, plus estimates of any additional CFR for 2024/25 and the following two financial years. This allows flexibility for early borrowing for future years but ensures that borrowing is not undertaken for revenue purposes. The Council’s gross debt as at 30 November 2024 was £10.812m, which was within the approved indicator.

g. Ratio of internal borrowing to CFR

The Council is currently maintaining an “internal borrowing” position, i.e. the underlying borrowing need (CFR) has not yet been fully funded with loan debt as cash supporting the Council’s reserves and balances is being used as a temporary measure.

The projected outturn for internal borrowing is 42%, which is marginally lower than the approved indicator of 45%.

B) Treasury Management Indicators:

These indicators are based on limits, beyond which activities should not pass without management action. They include two key indicators of affordability and four key indicators of prudence.

Affordability:

a. Operational boundary for external debt

This is the limit which external debt is not “normally” expected to exceed. In most cases, this would be a similar figure to the CFR, but it may be lower or higher depending on the levels of actual debt and must allow for unusual cash flow movements.

b. Authorised limit for external debt

This limit represents a control on the “maximum” level of borrowing. It is the statutory limit determined under s3 (1) of the Local Government Act 2003 and represents the limit beyond which external debt is prohibited. The Authorised Limit must be set and revised, if necessary, by Full Council. It reflects a level of external debt which, while not desirable, could be afforded in the short term, but is not sustainable in the longer term. The Government retains an option to control either the total of all councils’ plans, or those of a specific council, although this power has not yet been exercised.

Prudence:

c. Upper limits for the maturity structure of borrowing

These are set to reduce the Council’s exposure to large fixed-rate sums falling due for refinancing.

d. Maximum new principal sums to be invested during 2024/25 for periods in excess of one year (365 days)

All such investments are classified as “non-specified”. This indicator is subject to the overall limit for non-specified investments set out in the TMSS, and to the overall limit per counterparty.

e. Interest rate exposure

The latest Treasury Management Code requires a statement in the TMSS explaining how interest rate exposure is managed and monitored by the Council, and this is repeated below:

*The Council has a general preference for fixed rate borrowing in order to minimise uncertainty and ensure stability in the charge to revenue, however it is acknowledged that in certain circumstances, some variable rate borrowing may be prudent, for example if interest rates are expected to fall. The Council’s investments are generally for cashflow purposes and accordingly a mix of fixed and variable rates will be used*

*to maximise flexibility and liquidity. Interest rate exposure will be managed and monitored on a daily basis by the Chief Financial Officer.*

Local indicators for the proportions of fixed and variable rate loans, have been retained by the Council for information purposes.

Appendix 2 shows the actual position as at 30 November 2024, and demonstrates that all activities are contained within the current approved limits.

### **3 Risk Management**

The CIPFA Prudential Code and Treasury Management Code (both updated in 2021) have placed greater importance on risk management. Where a local authority changes its risk appetite (for example, moving surplus cash into or out of certain types of investment funds or other investment instruments) then this change in risk appetite should be brought to Members attention in treasury management update reports.

There have been no changes in risk appetite and there are no other significant treasury management issues that have arisen since approval of the TMSS on 6 March 2024 that need to be brought to the attention of Members.

There are a number of risks inherent within any Treasury Management Strategy, the most significant risks include:

- Reporting is not compliant with statutory guidelines;
- Investment and borrowing activity is outside the approved TM framework;
- Long term borrowing is taken at rates that are not advantageous;
- Investment of principal sums with insecure counterparties;
- Investment returns are volatile and may not meet budgeted amounts;
- Borrowing is not affordable.

These risks are mitigated by the controls included in the TMSS and are detailed at section 2.3 - Treasury Strategy above.

### **4 Alternative Options**

An alternative option is to fail to present a Prudential Code Indicator Monitoring and Treasury Activity Report, however this would contravene the requirement of the Council's Treasury Management Strategy Statement (TMSS).

### **5 Financial Implications**

No specific financial implications are attributable to this report.

## **6 Legal Implications**

There are no legal implications arising from this report.

## **7 Equalities Implications**

There are no equalities implications arising from this report.

## **8 Carbon Reduction/Environmental Sustainability Implications**

There are no carbon reduction/environmental sustainability implications arising from this report.

## **9 Appendices**

1. Treasury Activity Report 2024/25 for the period 1 April to 30 November 2024.
2. Prudential and Treasury Indicator Monitoring 2024/25 for the period 1 April to 30 November 2024.

## **10 Background Papers**

None identified.

## **11 Reasons for Recommendation**

To comply with the requirements of the Council's Treasury Management Strategy Statement.

### **Statutory Officer approval:**

**Approved by: Chief Financial Officer**

**Date: 18/12/2024**

**Approved by: Monitoring Officer**

**Date: 18/12/2024**

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For period ended 30 November 2024

	<u>Position @ 1 Aug 2024</u> £	<u>Loans Made During P5-P8</u> £	<u>Loans Repaid During P5-P8</u> £	<u>Position @ 30 Nov 2024</u> £
<b><u>Long Term Borrowing</u></b>				
PWLB	10,811,577	0	0	10,811,577
<b>Total Long Term Borrowing</b>	10,811,577	0	0	10,811,577
<b><u>Temporary Borrowing</u></b>				
Local Authorities	0	0	0	0
Central Government	0	0	0	0
Banks & Other Institutions	0	0	0	0
<b>Total Temporary Borrowing</b>	0	0	0	0
<b>TOTAL BORROWING</b>	<b>10,811,577</b>	<b>0</b>	<b>0</b>	<b>10,811,577</b>
<b><u>Long Term Investment</u></b>				
CCLA LAPF Property Fund	(1,000,000)	0	0	(1,000,000)
<b>Total Long Term Investment</b>	(1,000,000)	0	0	(1,000,000)
<b><u>Short Term Investment</u></b>				
Aberdeen MMF	(3,965,000)	0	0	(3,965,000)
Bank of Scotland	0	0	0	0
Barclays	0	0	0	0
Blackrock MMF	(3,840,000)	(10,483,500)	10,683,500	(3,640,000)
CCLA PSDF (MMF)	(3,000,000)	0	0	(3,000,000)
Close Brothers	0	0	0	0
Debt Management Office	(8,590,000)	(45,951,200)	51,381,200	(3,160,000)
Goldman Sachs	(3,000,000)	(3,000,000)	3,000,000	(3,000,000)
HSBC Treasury	0	0	0	0
Local Authorities & Other	0	0	0	0
Nationwide	(1,000,000)	0	0	(1,000,000)
Santander	0	0	0	0
<b>Total Short Term Investment</b>	<b>(23,395,000)</b>	<b>(59,434,700)</b>	<b>65,064,700</b>	<b>(17,765,000)</b>
<b>TOTAL INVESTMENT (See below)</b>	<b>(24,395,000)</b>	<b>(59,434,700)</b>	<b>65,064,700</b>	<b>(18,765,000)</b>
<b>NET BORROWING / (INVESTMENT)</b>	<b>(13,583,423)</b>	<b>(59,434,700)</b>	<b>65,064,700</b>	<b>(7,953,423)</b>

**Temporary Borrowing & Investment Statistics at 30 November 2024**

**Investment:**

Fixed Rate Investment	(12,590,000)	(48,951,200)	54,381,200	(7,160,000)
Variable Rate Investment	(11,805,000)	(10,483,500)	10,683,500	(11,605,000)
<b>TOTAL INVESTMENT</b>	<b>(24,395,000)</b>	<b>(59,434,700)</b>	<b>65,064,700</b>	<b>(18,765,000)</b>

Proportion of Fixed Rate Investment	38.16%
Proportion of Variable Rate Investment	61.84%
Temporary Investment Interest Receivable	£ 604,339
Equated Temporary Investment	£ 13,219,393
Weighted Average Interest Rate Received (Interest Receivable / Equated Investment)	4.57%
Compounded SONIA (6 month backward looking)	4.86%

**Borrowing:**

Temporary Borrowing Interest Payable	£ -
Equated Temporary Borrowing	£ -
Weighted Average Interest Rate Paid (Interest Payable / Equated Borrowing)	n/a

If SONIA Worse/(Better) by  
642,848 38,509

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	2024/25 Original Estimate (Council 06/03/24)	2024/25 Revised Estimate (Cabinet 05/09/24)	2024/25 Position at 30-Nov-24
<b>A) Prudential Indicators</b>			
<u>Affordability:</u>			
i) Capital Expenditure	£ 9,388,100	£ 9,782,500	£ 9,455,200
ii) Capital Financing Requirement	£ 19,795,200	£ 19,193,531	£ 18,594,731
iii) Gearing (CFR to Long Term Assets)	36%	42%	41%
iv) Ratio of Financing Costs to Net Revenue Stream-Services	2.21%	3.85%	3.85%
v) Maximum Gross Debt	£ 20,964,400	£ 20,964,400	£ 10,811,577
vi) Ratio of Internal Borrowing to CFR	45%	45%	42%
<b>B) Treasury Management Indicators</b>			
<u>Affordability:</u>			
i) Operational Boundary for External Debt:			
Borrowing	£ 22,000,000	£ 22,000,000	£ 10,811,577
Other Long Term Liabilities	£ 1,500,000	£ 1,500,000	£ -
Total Operational Boundary	£ 23,500,000	£ 23,500,000	£ 10,811,577
ii) Authorised Limit for External Debt:			
Borrowing	£ 23,000,000	£ 23,000,000	£ 10,811,577
Other Long Term Liabilities	£ 1,500,000	£ 1,500,000	£ -
Total Authorised Limit	£ 24,500,000	£ 24,500,000	£ 10,811,577
<u>Prudence:</u>			
iii) Investment Treasury Indicator and limit: Max. NEW principal sums invested in 2024/25 for periods OVER 365 days (ie. non-specified investments), subject to maximum non specified per counterparty of £3m AND to the prevailing overall counterparty limit, AND to the TOTAL non specified limit of £5m.	£ 3,000,000	£ 3,000,000	£ 3,000,000
iv) Upper & Lower limits for the maturity structure of outstanding Borrowing during 2024/25			
Under 1 Year	40%	40%	0%
1 Year to 2 Years	40%	40%	0%
2 Years to 5 Years	50%	50%	0%
5 Years to 10 Years	50%	50%	6%
Over 10 Years	100%	100%	94%

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## Report to Council

**Subject:** Approval of the new Contract and Procurement Rules

**Date:** 22<sup>nd</sup> January 2025

**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 contained within Appendix 1 for implementation into the Constitution upon the date which the Procurement Act 2023 comes into force, the provision date being 24<sup>th</sup> February 2025.**

## 1 Background

1.1 The Procurement Act 2023 (the "Act") received royal assent on 26<sup>th</sup> October 2023 and was due to come into force on 28<sup>th</sup> October 2024. The newly elected central government administration delayed the implementation of the Act. The Act is now due to come into force on 24<sup>th</sup> February 2025.

1.2 The Act introduces several 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. The implementation of the Act requires the Council to adopt the new way of undertaking procurement of goods and services. As such the Contract and Procurement Rules contained within the Constitution at

section 22 requires amendment.

- 1.3 A report with the newly drafted Contract and Procurement Rules (the “Rules”) was due to be presented to Council on 18<sup>th</sup> September 2024 but was subsequently withdrawn due to the delay in implementation of the Act. This report with appended newly drafted Contract and Procurement Rules has been appended to this report as **Appendix 1**.

## **2 Proposal**

- 2.1 It is proposed that Council approves the updated Contract and Procurement Rules appended to the report at Appendix 1 for implementation on 24<sup>th</sup> February 2025 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 to 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 report to Council of 18<sup>th</sup> September 2024 with new Contract and Procurement Rules append.

## **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**



## Section 22 – Contracts and Procurement Rules

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## Transitional arrangements

These Rules take effect from 24<sup>th</sup> February 2025. Procurement commenced before 24<sup>th</sup> February 2025 must be procured in accordance with the Contract and Procurement Rules approved by Full Council on 26<sup>th</sup> 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 24<sup>th</sup> February 2025 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

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- 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

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

\*Statutory thresholds at 28<sup>th</sup> 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

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- 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.

## Gedling Borough Council Constitution

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- 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.

- 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. Where the contract is over threshold, only the exemptions contained within the Procurement Act 2023 can be applied. 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

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- 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.

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## Report to Council

**Subject:** Council Tax Reduction Scheme

**Date:** 22 January 2025

**Author:** Assistant Director – Housing and resettlement

### Purpose

This report seeks approval for the current Council Tax Reduction Scheme (CTRS) to continue without revision in 2025/26.

### Recommendation(s)

#### THAT:

The Council Tax Reduction Scheme (CTRS) 2025/26, to apply from 1 April 2025, be approved and adopted by full Council, and

That there are no changes to the CTRS for working aged people as described in Section 2 of this report, except for the annual uprating and amendments of allowances and premiums in line with Housing Benefit levels; and

That there are no changes to CTRS for pension age people except for those contained within the annual Council Tax Reduction Schemes (Amendment) (England) Regulations.

## 1 Background

1.1 Members will recall that from 1 April 2013, the Council Tax Benefit Scheme was replaced by a localised support scheme for Council Tax known as the Council Tax Reduction Scheme (CTRS). All billing authorities (district and unitary authorities) were required to devise their own scheme for working age claimants. Pensioners are protected by Government legislation and continue to receive discount equivalent to that received under the Council Tax Benefit Scheme i.e. up to 100%.

1.2 On 19 December 2012, following a full consultation exercise, Gedling Borough Council adopted a Council Tax Reduction Scheme very similar to the previous national Council Tax Benefits scheme, enabling a maximum

award entitlement of up to 100% discount but with the following main differences for working age claimants:

- a) No entitlement to CTRS for claimants whose savings were greater than £6,000.
  - b) Removal of the Second Adult Rebate Scheme.
  - c) A flat rate non-dependant deduction of £7.50 for each adult member of the household.
  - d) Automatic backdating of CTRS for a maximum of 3 months; and
  - e) Entitlement to the extended payments “back to work” incentive for the long term unemployed, increased from four weeks to twelve weeks.
- 1.3 On 22 January 2014, Council resolved to adopt a CTRS that included provision to allow for the annual uprating of allowances and premiums without this being classed as a material change to the scheme.
- 1.4 Since 22 January 2014 the Council has continued with its CTRS without material change, and this is the scheme currently in use by the Council.
- 1.5 Paragraph 5 of Schedule 1A to the Local Government Finance Act 1992 requires the Council to consider whether the CTRS is to be revised or replaced for each financial year. The Act required that where the scheme is to be revised or replaced, the Council has to have made a decision no later than 31 January in the financial year preceding that for which the revision or replacement scheme is to have effect.
- 1.6 The Council Tax Reduction Scheme (Amendment) England S.I. 2017 No. 1305 amended the date of 31 January to 11 March to allow for a longer period of consideration and consultation if required.

#### Funding Arrangements

- 1.7 At the outset of the CTRS scheme in 2013/14 Central Government provided non-ring-fenced grant funding to Gedling via the Revenue Support Grant mechanism. Revenue Support Grant was reduced year on year and was fully removed from the 2019/20 financial settlement.
- 1.8 Since 2013/14, the resulting shortfall in funding of the CTRS has had to be met by a combination of:
- Raising more income through further changes to Council Tax empty property discounts/premiums.
  - Additional income through the Business Rates Retention Scheme.
  - Raising income or reducing expenditure through other service area efficiencies.



- 1.9 The other option for meeting any shortfall in funding is to reduce the total spend on the CTRS i.e. change from a 100% scheme.
- 1.10 The 2024/25 scheme was agreed by full Council in January 2024 based on an expenditure forecast of £7.8m. The expenditure is still expected to be around this figure at the year-end (March 2025).

The costs of CTRS are proportionately shared by the Council and the major preceptors.

- 1.11 The economic outlook for 2025/26 remains uncertain with GDP growth projected to be slower than projected. Council tax increases are also expected to be applied by the major preceptors in 2025/26 and therefore CTRS expenditure is expected to increase above 2024/25 levels.

### **Hardship Funding**

- 1.12 During 2020/21 the Government recognised some of the financial challenges being faced by working families as a result of Covid-19 and provided Council Tax Hardship funding of £873,000 which the Council used to reduce 2020/21 Council Tax liabilities for working families in receipt of CTRS by up to £450.
- 1.13 There was sufficient Council Tax Hardship funding remaining in 2021/22 to enable the Council to provide all recipients of working age council tax reduction scheme (CTRS) support during the financial year 2021/22 with a reduction in their annual council tax bill of up to £50.
- 1.14 For 2022/23 The Council agreed to award a contribution of up to £30 in Council Tax Hardship to further reduce Council Tax liabilities. The allocation was not Government funded and therefore all expenditure was subsidised from the Councils own financial reserves. The awards were distributed to both working and pensioner age client's groups whereas the 2020/21 and 2021/22 awards were only made to the working age sector.
- 1.15 During 2023/24 the Government recognised the ongoing financial challenges being faced and provided Council Tax Hardship funding of £172,624 which the Council is using to reduce 2023/24 Council Tax liabilities for households in receipt of CTRS by up to £75.00.
- 1.16 The Council agreed that no financial contribution should be awarded for 2024/25.

## 2 Proposal

2.1 An objective review of the CTRS for the 2025/26 financial year has been completed and has considered alternative options for amending the current CTRS against the backdrop of the financial challenges continuing to be faced by working families.

2.2 Of the £7.8m estimated 2024/25 cost of the CTRS, £3.2m is awarded to those customers of a pensionable age with £4.6m awarded to the working age client group.

Any reductions to the Council's CTRS expenditure are only available in respect of our Working Age claimants as pensioners are 100% protected.

2.3 The total number of working age claimants is in the region of 4,350 households on low incomes, of which 1,565 are classed as Vulnerable groups. "Vulnerable Groups" are households where the claimant or their partner is in receipt of Disability Living Allowance or Personal Independence Payments, or the household includes a disabled child.

### Review of the options

2.4 There is a fine balance between the cost of the scheme, the available funding, and the ability of people on low incomes being able to afford to pay their council tax. As the current CTRS offers a maximum award of 100% any alternative option is based upon reducing the level of financial support to low income working age claimants which may then deliver a saving for the Council.

2.5 The individual option that would generate the highest saving for the Council and which would be simple to administer, would be to reduce the current maximum entitlement from 100% to, for example, 90% or 80% therefore requiring all working age households to pay a minimum of at least 10% or 20% of their annual council tax bill. For example, each household in a Band A property in a non-parished area, who currently has a zero Council Tax charge, would be required to pay £316.04 pa (based on 2024/25 Council Tax liability charges) if the maximum award is reduced to 80%. The total annual savings that would be generated and shared proportionately by the Council and major preceptors would be in the region of:

- Reducing the maximum award to 90% would make a saving of £518,434 (GBC saving of 7.97% amounts to £41,319).
- Reducing the maximum award to 80% would make a saving of £1,024,140 (GBC saving 7.97% amounts to £81,624).

- 2.6 Whilst these savings in total are significant, this would require low-income households to start paying Council Tax that have not done so before, and this will require an increase in administration resources to manage the additional collection and recovery workload, particularly as Council Tax arrears would be expected to increase. This could negate any anticipated savings for Gedling, because Gedling will pay the full costs of the additional officers whilst only keeping our share (7.97%) of any additional amount collected.
- 2.7 Many Councils that have implemented this option, including some in Nottinghamshire, have previously reported that their Council Tax in-year collection rate decreased and that this was entirely due to their scheme change so it is probable that the savings detailed above would be lower, particularly in the early years of the introduction of such a change. Nationally, studies have shown that if the Council was minded to change the scheme, the best results in terms of maintaining cash collection levels would be to incrementally change the scheme e.g. a 10% reduction in year one and then reducing the scheme year on year.
- 2.8 Nationally and locally, households reliant on financial support such as the CTRS are considered some of the most financially vulnerable residents. For Gedling, this has been evidenced by the increase in claimant reliance on the Council's Discretionary Housing Payments scheme and the Housing Needs Repossession Prevention Support scheme. Consequently, these households would have even greater difficulty than other households in being able to afford increases in their expenditure, and it would therefore be more likely that their Council Tax would remain unpaid. It would also be more difficult to collect, and households may be subject to court action and associated Magistrates Court and Enforcement Agency fees.
- 2.9 The Department for Levelling Up, Housing and Communities (DLUHC) which was replaced by the Ministry of Housing, Communities and Local Government (MHCLG), issued guidance on administrative matters to be considered in any CTRS, such as duties to vulnerable people, and that schemes should contain work incentives. Gedling's CTRS currently contains all of these in the form of income and earnings disregards (in line with housing benefit levels) and protection from restricted liability for severely disabled people.

## **Conclusion**

- 2.10 It is concluded that a reduction in CTRS for Gedling's most financially vulnerable households combined with the difficulties of collection, when compared to the potential savings for Gedling, would not yield any major financial or social benefit for the Council at a time of economic uncertainty.
- 2.11 It is proposed that the current Council Tax Reduction Scheme continues for the financial year 2025/26 without revision, except for any relevant national uprating which is covered within the current scheme, enabling the current maximum award entitlement to continue at 100% discount to ensure our financially vulnerable households continue to be supported.

## **3 Alternative Options**

- 3.1 There are a variety of alternative options available to amend the CTRS which are shown at Appendix 1, all of which require a reduction in financial support to working age claimants, and which in the current financial climate, are not recommended. The option that individually delivers the largest reduction in CTRS support is the percentage reduction in the award, as detailed in paragraph 2.5 above.
- 3.2 The implementation of any proposed change to the CTRS would be subject to a period of public consultation.
- 3.3 There is not the option to do nothing, as the Council is required to make a decision on this matter by 11 March 2025.

## **4 Financial Implications**

- 4.1 The total discounts given under the CTRS are estimated to be £7.95m for the 2025/26 financial year, of which Gedling's share is £0.63m. The Council's current MTFP assumes continuation of the CTRS without revision and does not anticipate any savings from a change to the scheme. This indicates affordability of the scheme in 2025/26, if agreed by Council.

## **5 Legal Implications**

- 5.1 Section 13A of The Local Government Finance Act 1992 ("the Act") requires billing authorities to make a scheme specifying the reductions which apply to amounts of council tax payable (CTRS). Schedule 1A of the Act, and regulations made thereunder, provide the statutory framework for billing authorities in relation to the CTRS and provide detail as to what must and what could be included in a CTRS.

The Act requires authorities for each financial year to consider whether to revise or replace its CTRS by 11 March in the preceding financial year. This report reflects that statutory consideration.

**6 Equalities Implications**

6.1 The Equality Impact Assessment (EIA) for the Scheme has been reviewed with no issues identified and is shown in Appendix 2.

**7 Carbon Reduction/Environmental Sustainability Implications**

7.1 None arising.

**8 Appendices**

8.1 Appendix 1 – Alternative options to the scheme

Appendix 2 - Equality Impact Assessment (EIA)

**9 Background Papers**

9.1 Current Council Tax Reduction Scheme.

**10 Reasons for Recommendations**

10.1 To comply with the requirements of Paragraph 5 of Schedule 1A to the Local Government Finance Act 1992 and the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012/2885.

**Statutory Officer approval**

**Approved by Chief Financial Officer:**

**Date:**

**Approved by the Monitoring Officer:**

**Date:**



**Council Tax Reduction Scheme options for 2025/26**

**Maximum award** - under the current Council Tax Reduction scheme a claimant may be entitled to a 100% reduction of their entire Council Tax liability for the year due to their low level of income. One option for change is to reduce the award to 80% of the Council Tax Liability meaning all applicants paying a minimum of 20% towards their annual charge. Typically, for a household of two parents and two children on Universal Credit this would mean paying the following: -

- £316.04 per year or £6.06 per week in a Band A property (this example is based upon 2024/25 Council Tax liability charges)
- £368.71 per year or £7.07 per week in a Band B property (this example is based upon 2024/25 Council Tax liability charges)
- £421.39 per year or £8.08 per week in a Band C property (this example is based upon 2024/25 Council Tax liability charges)

**Band restriction** – For example, a claimant in a Band C property with a Council Tax Liability of £2,106.93 per year (2024/25 rates) would only get the CTRS level of a Band A property of £1,580.20 per year. Typically, for a household of two parents and two children in a Band C property on Universal Credit this would mean paying £526.73 per year or £10.10 per week, equivalent to an overall reduction in entitlement of 25%

**Increase non-dependant deduction** – under the current scheme any entitlement to CTRS is reduced by £7.50 per week for any additional resident over the age of 18. One option for consideration is to increase this deduction to £10.00 per week, a loss of £130 per year for the household.

**Increase taper rate** – under the current scheme, if a claimant’s income is higher than their applicable amount (which is a government set of allowances and premiums reflecting the amount that a household “needs” to live on), the CTRS would be reduced by 20% of the excess. This option is to increase the taper to 25%. The claimant would have to pay more as their CTRS entitlement would be less.

**Disregard for child benefit** and **minimal award** are self-explanatory and only small changes.

**Capital Limit** – The current scheme sets an upper capital limit of £6,000 meaning any applicant who has capital above this threshold is not eligible for assistance. The following examples showing the savings and number of cases that would cease to be eligible from the existing caseload if the capital thresholds were lowered:

- a) Capital greater than £2,000
 

Total savings across all major preceptors	£299,465	Gedling’s savings	£23,867	Number of households affected	586
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- b) Capital greater than £3,000
 

Total savings across all major preceptors	£200,339	Gedling’s savings	£15,967	Number of households affected	494
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- c) Capital greater than £4,000
 

Total savings across all major preceptors	£136,244	Gedling’s savings	£10,859	Number of households affected	435
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## Council Tax Reduction Scheme options for 2025/26

	<b>Change to current CTRS scheme EXCLUSIVE: -</b>	<b>Total saving</b>	<b>GBC saving 7.97% of total</b>	<b>Excluding vulnerable groups</b>	<b>GBC saving 7.97% excluding vulnerable groups</b>	<b>Numbers of working age households affected</b>	<b>Numbers affected when vulnerable groups excluded</b>
<b>1</b>	Maximum award 80%	£1,024,140	£81,624	£655,450	£52,239	4350	2785
<b>2</b>	Maximum award 90%	£518,434	£41,319	£342,797	£27,321	4350	2785
<b>3</b>	Restriction to Band A	£428,674	£34,165	£381,519	£30,407	1661	1494
<b>4</b>	Restriction to Band B	£137,069	£10,924	£111,025	£8,849	492	436
<b>5</b>	Restriction to Band C	£52,806	£4,209	£45,646	£3,638	151	129
<b>6</b>	Increase non-dependant deduction from £7.50 to £10.00	£44,373	£3,537			333	
<b>7</b>	Increase Taper rate from 20% to 25%	£94,179	£7,506	£78,674	£6,270	847	649
<b>8</b>	No disregard for Child Benefit	£21,128	£1,684			107	
<b>9</b>	If minimum award less than £5.00 per week, make award nil.	£18,722	£1,492			470	
<b>COMBINED: -</b>							
<b>10</b>	Maximum award 80% + restriction to band B	£1,122,536	£89,466	£719,023	£57,306	4350	2785
<b>11</b>	Maximum award 90% + restriction to Band B	£634,736	£50,588	£410,231	£32,695	4350	2785
<b>12</b>	Maximum award 90% +restriction to band C	£560,342	£44,659	£362,619	£28,901	4350	2785
<b>13</b>	Maximum 80% + non dep £10.00	£1,061,127	£84,572	£659,450	£52,558	4350	2785
<b>14</b>	Maximum 90% + non dep £10.00	£557,432	£44,427	£348,797	£27,799	4350	2785

Note: The Total Saving column relates to the full scheme including all major preceptors i.e. the County, Police, Fire and Gedling in line with the council tax charge.



## Appendix 2: Council Tax Reduction Scheme Equality Impact Assessment

Council Tax Reduction Scheme						
<b>The main objective of Council Tax reduction Scheme report</b>	To consider the options for revising the existing Council Tax Reduction Scheme and its implications.					
What impact will this Council Tax Reduction Scheme report have on the following groups? Please note that you should consider both external and internal impact: <ul style="list-style-type: none"> <li>• External (e.g. stakeholders, residents, local businesses etc.)</li> <li>• Internal (staff)</li> </ul>						
Please use only 'Yes' where applicable		Negative	Positive	Neutral	Comments	
Gender	External			X		
	Internal			X		
Gender Reassignment	External			X		
	Internal			X		
Age	External			X	The scheme does include age as a criteria, but there is no new impact from this report	
	Internal			X		
Marriage and civil partnership	External			X		
	Internal			X		

Disability	External			X	The scheme does include disability as a criteria, but there is no new impact from this report.
	Internal			X	
Race & Ethnicity	External			X	
	Internal			X	
Sexual Orientation	External			X	
	Internal			X	
Religion or Belief (or no Belief)	External			X	
	Internal			X	
Pregnancy & Maternity	External			X	
	Internal			X	
Other Groups (e.g. any other vulnerable groups, rural isolation, deprived areas, low-income staff etc.). Please state the group/s:	External			X	The scheme considers vulnerable groups and low income households, but there is no new impact from this report.
	Internal			X	

Is there is any evidence of a high disproportionate adverse or positive impact on any groups?		No	No proposed changes to the scheme.
Is there an opportunity to mitigate or alleviate any such impacts?			N/A

Are there any gaps in information available (e.g. evidence) so that a complete assessment of different impacts is not possible?		No	
In response to the information provided above please provide a set of proposed action including any consultation that is going to be carried out:			
Planned Actions	Timeframe	Success Measure	Responsible Officer

Authorisation and Review

Completing Officer	Paul Whitworth
Authorising Service Manager	Tina Adams
Date	16/12/2024
Review date ( if applicable)	No review required

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## Report to Council

**Subject:** Council approval to consult on proposed draft set of Byelaws for Gedling Borough Council Parks and Open Spaces

**Date:** 22 January 2025

**Author:** Parks and Street Care Manager

### Purpose

To request approval to carry out community consultation on the proposed updated draft Byelaws for parks and open spaces within Gedling Borough.

### Recommendation

#### THAT:

Council provides approval to carry out community consultation on the revised draft byelaws for parks and open spaces within Gedling Borough and revocation of the existing 1996 byelaws.

## 1 Background

The Council is responsible for public parks, open spaces and gardens in the Borough. The conduct of the public in these locations is currently regulated primarily by byelaws, which aim to ensure that everyone is safely and reasonably able to use the spaces without unreasonably inconveniencing other users.

Byelaws are made under section 164 of the Public Health Act 1875 and sections 12 and 15 of the Open Spaces Act 1906 by Gedling Borough Council with respect to pleasure grounds, public walks and open spaces. They are relevant to all sites owned and managed by Gedling Borough Council.

The current byelaws were introduced in 1996 and include all the relevant sites managed by Parks & Open Spaces and owned by the Council at that time. Over time the nature of park usage has altered as has the expectations of users. A copy of the current byelaws are attached as

## Appendix 1.

In addition, since the byelaws were introduced, some sites have changed their facilities available to the public and changed names, e.g. Haywood Road Recreation Ground used to be a bowling green with restricted access to just the bowling club, now it is a small recreation ground with a play area and green space open to the public and is now known as Haywood Road Green and new sites have been acquired or developed, e.g. Magenta Way Recreation Ground and Georgia Drive Open Space, the existing schedule of sites within the current Byelaws are out of date.

The Gedling Plan 2023-2027 includes several priorities which the proposed updated draft Byelaws will address, such as the protection of our environment, reducing crime so that residents feel safe and protected in their neighborhoods. The updated Byelaws are therefore required to reflect the way in which the Borough's parks and open spaces are used today and the reasonable expectations of users.

The Council is required to use the wording for individual Byelaws as set out in the model set of byelaws produced by the Ministry of Housing, Communities and Local Government and must make an assessment on a site by site basis to warrant the need for each individual Byelaw. When reviewing Byelaws the local authority should consider whether the Byelaw needs to be retained at all as it may no longer be required. For example, the issue the Byelaw addressed may now be addressed through national legislation.

A full review of the new model Byelaws, which were introduced by the Ministry of Housing, Communities and Local Government (MHCLG) on the 7 September 2018, has been undertaken by the Council with each byelaw assessed against the identified sites managed by the Council and these have been grouped into schedules to apply to specific byelaws.

Park Services undertook a workshop of key officers from Parks Management (development and maintenance staff) and Public Protection staff including the Public Protection Manager, Anti-social Behaviour co-ordinator and Neighbourhood Wardens. This workshop provided technical support to utilise their knowledge and first-hand experience of currently managing the borough's parks and open spaces. These officers have a wealth of knowledge in terms of each site's historic crime and anti-social behaviour issues. The workshop attendees reviewed a number of key points,

1. Updating the list of borough sites.
2. Identifying additional new sites.
3. Identifying and removing sites which no longer exist as a park or public open spaces.

4. Review existing byelaws that apply to each site and identify any that are no longer relevant.
5. To review the MHCLG model byelaws, identify the new byelaws available for adoption, discuss and agree which new byelaws are applicable to Gedling Borough's Parks and Open Spaces. This was based on officer knowledge, police and anti-social behaviour reports and statistics.
6. To produce an Assessment document identifying why each byelaw was proposed for adoption and implementation with Gedling Borough Council's Park & Open Spaces byelaws.

Please see 'Assessment of model set of byelaws and how the clauses apply to Gedling parks' – this rationale is based on the parks and public protection team members working knowledge' included in the Appendix 2.

The Assessment of model set of byelaws and how the clauses apply to Gedling Parks and open spaces also considered the following:

- 1) Objective of the proposed byelaw
- 2) Could the objective be achieved in any other way, short of a byelaw?
- 3) What will the impact be upon those affected by it?
- 4) Will the proposed byelaw increase, decrease the regulatory burden imposed upon those affected by it? Can the local authority express this increase or decrease as a financial cost or benefit?
- 5) How does making the proposed byelaw compare with taking no further action?

Based on the above process the draft byelaws were devised to meet the Council's requirements. A copy of the proposed updated draft byelaws are attached at Appendix 3, they include the updated schedule of sites.

## **PROPOSED CHANGES TO THE BYELAWS**

Byelaws are intended to be proportionate and reasonable and therefore, where they are no longer considered necessary should be revoked.

The key changes between the existing and the proposed draft byelaws are as below, this is in addition to the new sites and name of site changes:

Gates (previous byelaw 40)

This byelaw, which specifies the closing of gates, has been removed as it is not relevant to our sites and is more in keeping with sites with grazing stock.

Opening Times (new byelaw 3) The byelaws specifically covers Conway

Road Recreation Ground, King George V Recreation Ground, Onchan Park and KGV Standhill Road Play Area. These sites are locked overnight.

Fires (new byelaw 10) The byelaw prohibits the releasing of lighted Sky Lanterns into the environment atmosphere. This byelaw was not included in the existing byelaws.

Skateboarding (new byelaw 19)

This byelaw has been added to prohibit skateboarding other than in the permitted designated areas in parks, i.e., the skatepark. It is intended to prevent skateboarding in areas such as Arnot Hill Park in the paved area around the lake and Café, protecting customers of the Cafe from potential collision with skateboarders.

Ball Games (new byelaw 20)

This byelaw has been added to prohibit ball games from sites that are unsuitable, it specifically covers Carnarvon Grove Play Area, Edison Way Green Space and Valeside Gardens Play Area.

Ball Games (new byelaw 21)

This byelaw has been added to ensure ball games are played only in designated areas for Conway Road Recreation Ground and not on the Bowling Greens

Model aircraft (new byelaw 34)

This byelaw controls the flying of model aircraft which includes drones on the grounds of health and safety, privacy and data protection.

## **2 Proposal**

- 2.1 Following review of the 1996 existing Byelaws and the MCHLG model set of byelaws and the additional sites within the control of GBC the proposed new set of Byelaws will be widely consulted on with Parks community groups and specific interest groups, such as the Nottinghamshire Disability Group, the Civil Aviation Authority and all other known user groups.
- 2.2 The byelaws will improve the ability of the Council and police to tackle nuisance and anti-social behaviour in Gedling's parks and open spaces.
- 2.3 The wording of the proposed byelaws does not deviate from the model byelaws set 2 (2018) published by the Ministry of Housing, Communities and Local Government (MHCLG)



### **3 Alternative Options**

- 3.1 By doing nothing and continuing to use the existing byelaws, certain activities and behaviours cannot be effectively controlled and enforced, for example the use of drones and sky lanterns. Whilst the neighbourhood wardens are able to use persuasion in the absence of the necessary byelaws this is not always effective. Conway Park has suffered from various incidents of anti-social behaviour, including the playing of football on the bowling greens. Since this is not covered under the existing byelaws, limited or no enforcement action can be taken. This behaviour is costly to the Council in terms of repairing the surface of the bowling greens and harmful for the Council's relationship with several licensed user groups, e.g. the Bowling Clubs.

Under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 a Public Space Protection Order (PSPO) can be created if a local authority is satisfied, on reasonable grounds, that activities carried on in public in the local authority's area have had a detrimental effect on the quality of life of those in the locality (or such activities are likely to occur), and the effect of those activities is, or is likely to be, of a persistent and continuing nature, is such as to make the activities unreasonable, which justifies the restrictions imposed by the PSPO. There must be sufficient evidence gathered of complaints and nuisance etc. to justify such an Order and there is a requirement to consult with the relevant bodies and members of the public who would be affected. Although this can apply to parks and open spaces, the evidence must be of a high standard and an Order will only last for three years. In the circumstances, it has been considered an appropriate option is to update the existing byelaws.

### **4 Financial Implications**

- 4.1 Officer time to consult and prepare a regulatory assessment for adoption of the new byelaws. The regulatory assessment will be devised after the wider consultation feedback is received and appear as an Appendix in the future report.

### **5 Legal Implications**

- 5.1 Byelaws are local laws made by the Council under an enabling power contained in a public general act or a local act requiring something to be done or not done in a specified area. Apart from any general power to make byelaws the relevant legislation supporting the byelaws in this case are The Public Health Act 1875 and The Open Spaces Act 1906. These Acts enable local authorities to make byelaws for the regulation of public walks and pleasure grounds and of open spaces respectively.
- 5.2 Byelaws are enforced through the magistrates' court and upon successful conviction of contravening these particular byelaws (if adopted) could

result in a level 2 fine of up to £500.

- 5.3 Byelaws are generally considered a measure of last resort after alternative attempts to address the relevant issues has been unsuccessful. A byelaw cannot be made where alternative legislative measures already exist that could be used to address the problem. Byelaws should always be proportionate and reasonable. Where a byelaw is no longer necessary, it should be revoked.
- 5.4 The Byelaws (Alternative Procedure) (England) Regulations 2016 introduced new arrangements for byelaws. The regulations simplify the procedures for making new byelaws and amending byelaws, including replacing the Secretary of State for Communities and Local Government's role in confirming byelaws. This is now a matter for the Council, having taken account of any representations made about the proposed byelaw. The Secretary of State's role now is simply to consider an application to make byelaws, and then give leave to do so.
- 5.5 The regulations also give Council's powers to revoke byelaws under an entirely local process. The regulations do not give local authorities powers to create new categories of byelaws. Hence the need to follow the Secretary of States model byelaws.
- 5.6 The new arrangements transfer the accountability for making byelaws to local councils. The Council should ensure that a proposed byelaw is proportionate and necessary before making any new byelaw. Under these new arrangements, the Secretary of State now only considers the draft byelaws, report and deregulatory statement provided by the local authority, and will either give or refuse leave to proceed.

## **6 Equalities Implications**

- 6.1 The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:
- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
  - (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
  - (iii) Foster good relations between those who have protected characteristics and those who do not.
- 6.2 Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy

and maternity and gender reassignment.

- 6.3 The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all residents in respect of socioeconomics and health determinants.

- 6.4 The Equality Impact Assessment at Appendix 4 indicates no immediate identified impact for protected characteristics, as this is just approval to consult. But it indicates identified affected areas at this stage and will be fully evidenced and complete following the consultation incorporating all comments.

## **7 Carbon Reduction/Environmental Sustainability Implications**

- 7.1 Many of the byelaws will compliment Carbon Reduction/Environmental Sustainability needs, for example the encouragement of Cycling within our open spaces and the protection of flora and fauna. The prohibition of Fires and BBQ's and the planting of trees and shrubs to help mitigate against current carbon emissions.

## **8 Appendices**

Appendix 1 – Existing 1996 Byelaws for parks and open spaces

Appendix 2 – Assessment of model set of byelaws for GBC parks

Appendix 3 – Updated byelaws

Appendix 4 – Equality Impact Assessment – This EIA shows identified affected areas at this stage, and will be fully evidence and complete following the consultation incorporating all comments

## **9 Background Papers**

- 9.1 None

### **Statutory Officer approval**

**Approved by:**

**Date:**

**On behalf of the Chief Financial Officer**

**Approved by:**

**Date:**

**On behalf of the Monitoring Officer**

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# BYELAWS

## PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

Byelaws made by the Gedling Borough Council  
under section 164 of the Public Health Act 1875,  
and Sections 12 and 15 of the Open Spaces Act 1906,  
with respect to pleasure grounds,  
public walks and open spaces.

### Interpretation

1. In these byelaws:  
"the Council" means Gedling Borough Council  
"the ground" means each of the grounds referred to in the Schedule to these byelaws.

### Opening Times

2. On any day on which the ground is open to the public, no person shall enter it before the time, or enter or remain in it after the time, indicated by a notice placed in a conspicuous position at the entrance to the ground.

### Vehicles

3. (1) No person shall, without reasonable excuse, ride or drive a cycle, motor cycle, motor vehicle or any other mechanically propelled vehicle in the ground, or bring or cause to be brought into the ground a motor cycle, motor vehicle, trailer or any other mechanically propelled vehicle (other than a cycle), except in any part of the ground where there is a right of way for that class of vehicle.

(2) No person shall, without reasonable excuse, ride a cycle, except in any part of the ground where there is a right of way for cycles, or along such routes as may be fixed by the Council and indicated by signs placed in conspicuous position in the ground.

(3) If the Council has set apart a space in the ground for use by vehicles of any class, this byelaw shall not prevent the riding or driving of those vehicles in the space so set apart, or on a route, indicated by signs placed in conspicuous positions, between it and the entrance to the ground.

(4) This byelaw shall not extend to invalid carriages.

(5) In this byelaw:

"cycle" means a bicycle, a tricycle, or a cycle having four or more wheels, not being in any case a motor cycle or motor vehicle;

"invalid carriage" means a vehicle, whether mechanically propelled or not, the unladen weight of which does not exceed

150 kilograms, the width of which does not exceed 0.85 metres and which has been constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability and is used solely by such a person;

"motor cycle" means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms;

"motor vehicle" means a mechanically propelled vehicle, not being an invalid carriage, intended or adapted for use on roads;

"trailer" means a vehicle drawn by a motor vehicle, and includes a caravan.

#### **Overnight Parking**

4. No person shall, without the consent of the Council, leave or cause or permit to be left any vehicle in the ground between the hours of 12 midnight and 6 a.m.

#### **Horses**

5. No person shall in the ground intentionally or negligently ride a horse to the danger of any other person using the ground.
6. No person shall, except in the exercise of any lawful right or privilege, ride a horse in the ground.

#### **Climbing**

7. No person shall, without reasonable excuse, climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

#### **Removal of Structures**

8. No person shall, without reasonable excuse, remove from or displace in the ground any barrier, railing, post or seat, or any part of any structure or ornament, or any implement provided for use in the laying out or maintenance of the ground.

### **Erection of structures**

9. No person shall in the ground, without the consent of the Council, erect any post, rail, fence, pole, tent, booth, stand, building or other structure.

### **Camping**

10. No person shall in the ground, without the consent of the Council, erect a tent or use any vehicle, including a caravan, or any other structure for the purpose of camping, except in any area which may be set apart and indicated by notice as a place where camping is permitted.

### **Children's Play Areas**

11. (1) No person who has attained the age of 14 years shall enter or remain in the children's play area in any of the grounds listed in the Schedule to these byelaws.
- (2) This byelaw shall not apply to any person who is bona fide in charge of a child under the age of 14 years.

### **Children's Play Apparatus**

12. No person who has attained the age of 14 years shall use any apparatus in the ground which, by a notice placed on or near thereto, has been set apart by the Council for the exclusive use of persons under the age of 14 years.

### **Trading**

13. No person shall in the ground without the consent of the Council, sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article.

### **Grazing**

14. No person shall, without the consent of the Council, turn out or permit any animal to graze in the ground.



**Protection of Flower Beds, Trees, Grass, etc.**

15. No person who brings or causes to be brought into the ground a vehicle shall wheel or park it over or upon:
- (a) any flower bed, shrub or plant, or any ground in the course of preparation as a flower bed, or for the growth of any tree, shrub or plant; or
  - (b) any part of the ground where the Council, by a notice placed in a conspicuous position in the ground, prohibits its being wheeled or parked.
16. No person shall in the ground enter upon:
- (a) any flower bed, shrub or plant, or any ground in the course of preparation as a flower bed, or for the growth of any tree, shrub or plant; or
  - (b) any part of the ground set aside for the renovation of grass or turf, where adequate notice to keep off such grass or turf is exhibited.

**Removal of substances**

17. No person shall remove from or displace in the ground any stone, soil or turf, or the whole or any part of any plant, shrub or tree.

**Games**

18. Where the Council has, by a notice placed in a conspicuous position in the ground, set apart an area in the ground for the playing of such games as may be specified in the notice, no person shall:
- (a) play in such an area any game other than the game for which it has been set apart;
  - (b) use any such area so as to give reasonable grounds for annoyance to any person already using that area for any purpose for which it has been set apart; or
  - (c) play any game so specified in any other part of the ground in such a manner as to exclude any person not playing the game from the use of that part.

(d) when the area is already occupied by other players not begin to play thereon without their permission;

(e) where the exclusive use of the area has been granted by the Council for the playing of a match, play on that area later than a quarter of an hour before the time fixed for the beginning of the match unless taking part therein; or

(f) except where the exclusive use of the area has been granted by the Council for the playing of a match in which he is taking part, use the area for a longer time than two hours continuously, if any other player or players make known to him a wish to use the area.

19. No person shall, in any area of the ground which may have been set apart by the Council for any game, play any game when the state of the ground or other cause makes it unfit for use and a notice is placed in a conspicuous position prohibiting play in that area of the ground.

20. (1) No person shall in the ground play any game:

(a) so as to give reasonable grounds for annoyance to any other person in the ground; or

(b) which is likely to cause damage to any tree, shrub or plant in the ground.

(2) This byelaw shall not extend to any area set apart by the Council for the playing of any game.

### Archery

21. No person shall in the ground, except in connection with an event organised by or held with the consent of the Council, engage in the sport of archery.

### **Field Sports**

22. No person shall in the ground, except in connection with an event organised by or held with the consent of the Council, engage in the sport of javelin or discus throwing or shot putting.

### **Golf**

23. No person shall in the ground drive, chip or pitch a hard golf ball.

### **Cricket**

24. No person shall use any cricket ball, except in any part of the ground, which, by a notice placed in a conspicuous position in the ground, has been set-aside as an area where a cricket ball may be used.

### **Skateboarding and Roller Skating**

25. No person shall in the ground skate on rollers, skateboards, wheels or other mechanical contrivances in such a manner as to cause danger or nuisance or give reasonable grounds for annoyance to other persons in the ground.

### **Missiles**

26. No person shall in the ground, to the danger or annoyance of any other person in the ground, throw or discharge any missile.

### **Waterways**

27. No person shall:

#### **Bathing**

- (a) without reasonable excuse, bathe or swim in any waterway comprised in the ground.

#### **Pollution of waterways**

- (b) intentionally, carelessly or negligently foul or pollute any waterway comprised in the ground;

#### **Watercourses**

- (c) No person shall knowingly cause or permit the flow of any drain or watercourse in the ground to be obstructed or diverted, or open, shut or otherwise work or operate any sluice or similar apparatus in the ground.

### **Boats**

28. No person shall, without the consent of the Council, launch, operate or sail on any waterway comprised in the ground any boat, power craft, dinghy, canoe, sailboard, inflatable or any like craft.

### **Interference with Life-Saving Equipment**

29. No person shall, except in case of emergency, remove from or displace in the ground or otherwise tamper with any life-saving appliance provided by the Council.

### **Aircraft**

30. No person shall, except in case of emergency or with the consent of the Council, take off from or land in the ground in an aircraft, helicopter, hang-glider or hot-air balloon.

### **Power-driven Model Aircraft**

31. In byelaw 32:

"model aircraft" means an aircraft, which either weighs not more than 7 kilograms without its fuel or is for the time being exempted (as a model aircraft) from the provisions of the Air Navigation Order;

"power-driven" means driven by the combustion of petrol vapour or other combustible vapour or other combustible substances or by one or more electric motors or by compressed gas;

32. (1) No person shall in the ground release any power-driven model aircraft for flight or control the flight of such an aircraft.
- (2) No person shall cause any power-driven model aircraft to take off or land in the ground.

### **Kites**

33. No person shall in the ground fly or cause or permit to be flown any kite in such a manner as to cause a danger, nuisance or annoyance to any other person in the ground.

### **Metal detectors**

34. (1) No person shall on the land use any device designed or adapted for detecting or locating any metal or mineral in the ground.

### **Fires**

35. (1) No person shall in the ground intentionally light a fire, or place, throw or let fall a lighted match or any other thing so as to be likely to cause a fire.
- (2) This byelaw shall not apply to any event held with the consent of the Council.

### **Fishing and Protection of Wildlife**

36. (1) No person shall in the ground intentionally kill, injure, take or disturb any animal or fish or engage in hunting, shooting or fishing, or the setting of traps or nets or the laying of snares.
- (2) This byelaw shall not prohibit any fishing, which may be authorised by the Council.

### **Noise**

37. (1) No person shall in the ground, after being requested to desist by an officer of the Council, or by any person annoyed or disturbed, or by any person acting on his behalf:
- (a) by shouting or singing;
  - (b) by playing on a musical instrument; or
  - (b) by operating or permitting to be operated any radio, gramophone, amplifier, tape recorder or similar instrument cause or permit to be made any noise, which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground.
- (2) This byelaw shall not apply to any person holding or taking part in any entertainment held with the consent of the Council.

### **Performances**

38. No person shall, without the consent of the Council, hold or take part in any public show, performance or exhibition in the ground.

### **Public Shows, Exhibitions and Structures**

39. No person shall in the ground, without the consent of the Council, place or take part in any show or exhibition, or set up any swing, roundabout or other like thing.

### **Gates**

40. Where the Council indicates by a notice conspicuously exhibited on or alongside any gate in the ground that leaving that gate open is prohibited, no person having opened that gate or caused it to be opened, shall leave it open.

### **Obstruction**

41. No person shall in the ground:
- (a) intentionally obstruct any officer of the Council in the proper execution of his duties;
  - (b) intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
  - (c) intentionally obstruct any other person in the proper use of the ground, or behave so as to give reasonable grounds for annoyance to other persons in the ground.

### **Savings**

42. (1) An act necessary to the proper execution of his duty in the ground by an officer of the Council, or any act which is necessary to the proper execution of any contract with the Council, shall not be an offence under these byelaws.
- (2) Nothing in or done under any of the provisions of these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting legally by virtue of some estate, right or interest in, over or affecting the ground or any part thereof.

### **Removal of Offenders**

43. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

### **Penalty**

44. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

### **Revocation**

45. (1) The byelaws made by the Urban District of Carlton on 22nd October, 1952 and confirmed by the Secretary of State on 19th December, 1952 relating to Burton Road Recreation Ground, Conway Road Recreation Ground, Forester Street Recreation Ground, Cavendish Road Recreation Ground, Valley Road Recreation Ground, Carlton Hill Recreation Ground, Colwick Recreation Ground and King Georges Field Recreation Ground Carlton are hereby revoked.
- (2) Any other existing byelaws made by the Council relating to pleasure grounds and open spaces are hereby revoked.

## Schedule

The grounds referred in byelaw 1 are as follows:

### Name of Ground

### Location of Ground

#### **Arnold:**

Arno Vale Recreation Ground	Arno Vale Road, Arnold
Arnot Hill Park Recreation Ground	Nottingham Road, Arnold
Breck Hill Road Recreation Ground	Breck Hill Road, Arnold
Burntstump Recreation Ground	Burntstump Hill (off A60) Arnold
Church Lane Recreation Ground	Church Lane, Arnold
Killisick Road Recreation Ground	Killisick Road, Arnold
King George V Recreation Ground	Hallams Lane, Arnold
Muirfield Recreation Ground	Muirfield Road, Top Valley
Nottingham Road Recreation Ground	Off George Street, Arnold
Queens Bower Recreation Ground	Queens Bower Road, Arnold
Salop Street Recreation Ground	Salop Street, Daybrook
Surgeys Lane Playing Field	Surgeys Lane, Arnold
Thackery's Lane Recreation Ground	ThackerysLane,
Woodthorpe	

#### **Carlton:**

Albert Avenue Play Area and Garden for the Blind:	Albert Avenue,
Carlton	
Carlton Forum Playing Fields	Coningswath Road, Carlton
Carlton Hill Recreation Ground	Carlton Hill, Carlton
Carnarvon Grove Play Area	Carnarvon Grove, Carlton
Cavendish Road Recreation Ground	Cavendish Road, Carlton
Conway Road Recreation Ground	Conway Road, Carlton
Honeywood Gardens Recreation Ground	HoneywoodGardens, Carlton
King George V Recreation Ground	Standhill Road, Carlton
Oakdale Road Recreation Ground	Oakdale Road, Carlton
Valley Road Recreation Ground	Valley Road, Carlton



**Colwick:**

British Rail Staff Ass. Recreation Ground	Colwick, Nottingham
Colwick Rectory Recreation Ground	Mile End Road, Colwick
Valeside Gardens Play Area	Valeside Gardens, Colwick

**Gedling:**

Adbolton Avenue Recreation Ground	Adbolton Avenue,
Gedling	
Burton Road Recreation Ground	Burton Road,
Gedling	
Lambley Lane Recreation Ground No. 1 (West)	Lambley Lane, Gedling
Lambley Lane Recreation Ground No. 2 (East)	Lambley Lane, Gedling
Rutland Road Recreation Ground	Rutland Road, Gedling
Willow Road Recreation Ground	Willow Road, Gedling

**Mapperley:**

Haywood Road Recreation Ground	Haywood Road, Carlton
Mapperley Recreation Area	Off Plains Road, Mapperley - adjacent to Golf Course.

**Netherfield:**

Bells Field Recreation Ground	Victoria Road,
Netherfield	
Curzon Street Play Area	Curzon Street,
Netherfield	
Dunstan Street Play Area	Dunstan Street,
Netherfield	

**Newstead:**

Newstead Recreation Ground	Off Station Road, Newstead Village
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**THE COMMON SEAL**  
of  
**GEDLING BOROUGH COUNCIL**  
was hereunto affixed this 6th day of December 1996  
in the presence of:-

**Mayor**  
**R Marshall**

**L.S.**

**Chief Executive**  
**D Kennedy**

The foregoing byelaws are hereby confirmed by the Secretary of State  
and shall come into operation on the twelfth day of March 1997.

Signed by authority of the Secretary of State

R G EVANS

Head of Unit  
Constitutional and Community Policy Directorate

18 FEB 1997  
Home Office  
LONDON, SW1

**GEDLING BOROUGH COUNCIL**

**BYELAWS**

**with respect to PLEASURE GROUNDS,  
PUBLIC WALKS and OPEN SPACES**

**Assessment of model set of byelaws and how the clauses apply to Gedling parks and green spaces – rationale based on parks and public protection staff consultation**

<b>Model set of byelaws clause number</b>	<b>Generic Reason to apply byelaw</b>	<b>Impact on those affected</b>
4 (1) <i>Opening Times</i>	Public safety. Protect GBC assets	Risk to the public minimised. Access restricted to safer periods
4 (2) - <i>Opening Times – where byelaw is to apply to more than one ground</i>	Public Safety. Protect GBC assets	Risk to public minimised. Access restricted to safer periods
4 (3) - <i>Opening Times – where byelaw is to apply to more than one ground</i>	Public Safety. Protect GBC assets	Restricted access to safer periods
5 (1) - <i>Protection of structures and plants</i>	Loss of public amenity asset	Minimise impact of risk from environmental damage
5 (2) - <i>Protection of structures and plants</i>	Damage of public amenity asset	Minimise impact of risk from environmental damage
6 - <i>Unauthorised erection of structures</i>	Do not want to prevent access to assets, and protection of public amenity assets	To prevent health and safety hazards
7 – <i>Climbing</i>	Protection of GBC assets and promote public safety	Minimise the risk of accidents
8 – <i>Grazing</i>	Protection of GBC assets, public safety and animal welfare	Minimise risk of accidents to public and animals. Minimise the risk of damage to GBC assets
9 – <i>Protection of wildlife</i>	Protection of wildlife and animal welfare. Protection of public safety	Minimise distress to animals and park users.
10 (1) – <i>Gates</i>	*Not applied to any sites*	*Not applied to any sites*
10 (2) – <i>Gates</i>	*Not applied to any sites*	*Not applied to any sites*
11 – <i>Camping</i>	Minimise risk and impact of environmental damage. Lack of appropriate facilities. Campers personal safety cannot be assured when staying overnight in sites not designed for this	Protection of vulnerable individuals. Public reassurance that facilities are managed appropriately.
12 (1) – <i>Fires Including Sky Lanterns</i>	Protection of GBC assets, environment and public safety	Reduced risk of injury, loss of life and property. Protect wildlife.
12 (2) – <i>Fires</i>	GBC coordinate and or manage various public events and BBQ sites	Minimise risk of uncontrolled fires on site. Facilitation of events after due process.
13 – <i>Missiles</i>	Protect against injury and safeguard assets	Minimise risk of injury, accidents and damage to infrastructure
14 – <i>Interference with life-saving equipment</i>	To protect life, public safety and assets	To protect life, public safety and assets

15 – <i>Horse riding permitted</i>	*not applied to any sites*	*not applied to any sites*
16 (1) and (2) – <i>Horse riding prohibited except in certain grounds (subject to bridleway etc)</i>	*not applied to any sites*	*not applied to any sites*
17 (1) and (2) – <i>Horse riding prohibited except in the exercise of a lawful right or privilege</i>	*not applied to any sites*	*not applied to any sites*
18 (1) – <i>No person ride a horse except (a) on a designated route for riding; or (b) in the exercise of a lawful right or privilege</i>	Minimise safety risk to all park users and impact of environmental damage	Other routes and bridleways are available in the Borough
18 (2) – <i>If riding is permitted by virtue of byelaw [18](1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person</i>	To minimise safety risk to all users and minimise impact of environmental damage	Other routes and bridleways are available in the Borough
19 – <i>Cycling</i>	Protection of public safety and assets. Limit environmental damage. Designated cycle routes are risk assessed and designed for safe passage by cycles	Minimisation of conflict and collisions between pedestrians, wildlife, assets and cyclists
20 (1) – <i>Motor vehicles</i>	Protection of public safety, driver and passenger safety, and GBC assets. Minimise damage to the environment and wildlife	Restrict to safe use to ensure safe passage for all site users
20 (2) – <i>Motor vehicles</i>	*Not applied to any sites*	*Not applied to any sites*
21 – <i>Overnight parking</i>	*Not applied to any sites*	*Not applied to any sites*
22 – <i>Children’s play areas</i>	Child protection and safeguarding. Restriction of area to intended purpose. Protection of GBC assets against unauthorised use.	Child protection and safeguarding
23 – <i>Children’s play apparatus</i>	Child protection and safeguarding. Restriction of area to intended purpose. Protection of GBC assets against unauthorised use	Child protection and safeguarding
24 – <i>Skateboarding, etc permitted but must not cause danger or annoyance</i>	Site is suitable for skating in a safe and reasonable manner	Allows reasonable use of the sites

25 (1) Skateboarding, etc permitted only in designated area	Site is unsuitable for skating etc. in a safe and suitable manner. May cause danger and annoyance to other site users. May cause damage to public amenity assets	Restricts activities to risk assessed designated areas
25 (2) Skateboarding, etc permitted only in designated area	Site is unsuitable for skating etc. in a safe and suitable manner. May cause danger and annoyance to other site users. May cause damage to public amenity assets	Restricts activities to risk assessed designated areas
26 – Prohibition of ball games	Protection of GBC assets and public safety. Limit environmental damage and restrict ball games to non-sensitive areas.	Restricts ability to play ball games but directs ball games to more appropriate sites
27 – Ball games permitted only in designated areas	Allows for reasonable use, protects GBC assets and public safety	Allows for reasonable use
28 - Ball games permitted throughout the ground but designated area for ball games also provided	Allows for reasonable use	Allows for reasonable use
29 – Rules (to be used with model byelaw 28 or 29)	To prevent misuse and damage to sports surfaces / equipment	Ensure playing surface is fit for purpose
30 – Cricket	Public health and safety	Restricts cricket to designated risk assessed areas and protects public
31 – Archery	Public safety	Systems in place to authorise
32 – Field Sports	Public safety	Appropriate use allowed via booking process
33 - Golf prohibited [except where part of ground is set aside as golf course]	Public Safety	Municipal provision provided at Mapperley Golf Course
34 (1) - Where part of ground is set aside as a golf course	*Not applied to any sites*	*Not applied to any sites*
35 (1,2 and 3) Where part of the ground is set aside as a golf course	*Not applied to any sites*	*Not applied to any sites*
35 – Bathing	Public safety	Public protection, fear of drowning
36 – Ice skating	Public safety	Minimise risk of accidents
37 – Model boats	Public safety to avoid risks and hazards associated with recovery of model boats. Disturbance to wildlife	Minimise risks of accidents, fear of drowning
38 - To prohibit use of boats [and if appropriate a wider category of vessels]	Public safety. Damage to the environment and impact on wildlife	Minimise risks of accidents, fear of drowning

<i>without permission [except in designated areas</i>		
<i>39 (1) – In areas where use of boats is common</i>	*Not applied to any sites*	*Not applied to any sites*
<i>39 (2) – In areas where use of boats is common</i>	*Not applied to any sites*	*Not applied to any sites*
<i>40 – Fishing</i>	Protection of wildlife, public safety	Fishing is permitted in nearby privately owned fisheries and River Trent
<i>41 – Blocking of watercourses</i>	Protection of the environment and wildlife, prevent incidences of flooding	Reduced risk of flooding and protection of environment and wildlife
<i>42 – Model Aircraft general prohibition</i>	Protection of the environment and wildlife, public safety and public privacy	Minimise risks of accidents, protect public privacy
<i>43 - Model aircraft permitted in certain grounds [on specified days at specified times]</i>	*Not applied to any sites*	*Not applied to any sites*
<del>44</del> <i>44 - Model aircraft permitted in designated areas</i>	*Not applied to any sites*	*Not applied to any sites*
<del>45</del> <i>45 – Model aircraft subject to certain control</i>	*Not applied to any sites*	*Not applied to any sites*
<del>46</del> <i>46 – Quieter types of model aircraft permitted</i>	*Not applied to any sites*	*Not applied to any sites
<i>47 – Provision of Services</i>	Preventing annoyance and exploitation of site users	Ensure activities are regulated and appropriate licences in place to ensure safety of park users
<i>48 (1) – Excessive Noise</i>	Preventing annoyance and disturbance to users local residents and wildlife	Management of noise for all park users
<i>48 (2) Excessive Noise</i>	To facilitate approved events	Management of noise. Formal events application process available and Licensing approval process
<i>49 - Public shows and performances</i>	To facilitate approved events. Ensure compliance with Health and Safety regulations	Ensure suitability of events and activities for all attendees.
<i>50 – Aircraft, hang gliders and hot air balloons</i>	Protection of public safety, GBC assets and the environment	Redirect to approved sites
<i>51 – Kites</i>	Safeguard overhead services and public safety	Restrict kite flyers to sensible locations and behaviour
<i>52 (1) – Metal detectors</i>	Protect from environmental damage and public health and safety liabilities. Protection of potential historic assets and	Protecting park users from potential hazards created from metal detectors' excavations, i.e. trips and falls.

	potential aquisition of finds without consent	
<i>52 (2) – Metal detectors</i>	*not applied to sites*	*not applied to sites*
<i>53 - Obstruction</i>		
<i>54 - Savings</i>		
<i>55 – Removal of Offenders</i>		
<i>56 – Penalty</i>		
<i>57 - Revocation</i>		

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**GEDLING BOROUGH COUNCIL**  
**BYELAWS FOR PLEASURE GROUNDS, PUBLIC**  
**WALKS AND OPEN SPACES**

ARRANGEMENT OF BYELAWS

PART 1  
GENERAL

1. General interpretation
2. Application
3. Opening times

PART 2

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Interpretation of Part 2

4. Protection of structures and plants
5. Unauthorised erection of structures
6. Climbing
7. Grazing
8. Protection of wildlife
9. Camping
10. Fires
11. Missiles
12. Interference with life-saving equipment

PART 3  
HORSES, CYCLES AND VEHICLES

Interpretation of Part 3

- 13. Horses - Horse riding prohibited except on designated route (subject to bridleway, etc)
- 14. Cycling
- 15. Motor vehicles

PART 4  
PLAY AREAS, GAMES AND SPORTS

Interpretation of Part 4

- 16. Children's play areas
- 17. Children's play apparatus
- 18. Skateboarding - permitted but must not cause danger or annoyance
- 19. Skateboarding - only in designated area
- 20. Ball games - Prohibition of ball games
- 21. Ball games - Ball games permitted throughout the ground but designated area for ball games also provided
- 22. Ball games – Rules
- 23. Ball Games – Breaking the Rules
- 24. Cricket
- 25. Archery
- 26. Field sports
- 27. Golf - Prohibited except on golf course

PART 5  
WATERWAYS

Interpretation of Part 5

- 28. Bathing
- 29. Ice skating
- 30. Model boats
- 31. Boats - To prohibit use of boats, etc without permission
- 32. Fishing
- 33. Blocking of watercourses

PART 6

## MODEL AIRCRAFT

Interpretation of Part 6

34. Model aircraft - General prohibition

## PART [7]

### OTHER REGULATED ACTIVITIES

35. Provision of services

36. Excessive noise

37. Public shows and performances

38. Aircraft, hang-gliders and hot air balloons

39. Kites

40. Metal detectors

## PART [8]

### MISCELLANEOUS

41. Obstruction

42. Savings

43. Removal of offenders

44. Penalty

45. Revocation - General

SCHEDULE [1] - Grounds to which byelaws apply generally

SCHEDULE [2] - Grounds referred to in certain byelaws

SCHEDULE [3] - Rules for playing ball games in designated areas

Byelaws made under [section 164 of the Public Health Act 1875/section 15 of the Open Spaces Act 1906/sections 12 and 15 of the Open Spaces Act 1906] by the Gedling Borough Council with respect to pleasure grounds and open spaces listed in the Schedule 1.

## **PART 1 GENERAL**

### **General Interpretation**

1. In these byelaws:

*Select from the following list only terms to be used in the byelaws which the Council proposes to adopt:*

“the Council” means Gedling Borough Council

“the ground” means any of the grounds listed in Schedule 1;

“designated area” means an area in the ground which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

“invalid carriage” means a vehicle, whether mechanically propelled or not,

- (a) the unladen weight of which does not exceed 150 kilograms,
- (b) the width of which does not exceed 0.85 metres, and
- (c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person.

### **Application**

2. These byelaws apply to all of the grounds listed in Schedule 1 unless otherwise stated.

### **Opening times**

3. (1) No person shall enter or remain in the ground except during opening hours.

- (2) "Opening hours" means the days and times during which the ground is open to the public and which are indicated by a notice placed in a conspicuous position at the entrance to the ground.

*Where byelaw is to apply to more than one ground*

- (3) Byelaw 3(1) applies only to the grounds listed in Part 1 of Schedule 2.

## **PART 2**

### **PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC**

#### **Interpretation of Part 2**

In this Part:

"Sky lantern" means any unmanned device which relies on an open flame or other heat source to heat air within it with the intention of causing it to lift into the atmosphere

#### **Protection of structures and plants**

4. (1) No person shall without reasonable excuse remove from or displace within the ground:
- (a) any barrier, post, seat or implement, or any part of a structure or ornament provided for use in the laying out or maintenance of the ground; or
  - (b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.
- (2) No person shall walk on or ride, drive or station a horse or any vehicle over:
- (a) any flower bed, shrub or plant;
  - (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or
  - (c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

#### **Unauthorised erection of structures**

5. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.

#### **Climbing**

6. No person shall without reasonable excuse climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

### **Grazing**

7. No person shall without the consent of the Council turn out or permit any animal for which they are responsible to graze in the ground.

### **Protection of wildlife**

8. No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of snares.

### **Camping**

9. No person shall without the consent of the Council erect a tent or use a vehicle, caravan or any other structure for the purpose of camping [except in a designated area for camping].

### **Fires**

- 10 (1) No person shall:
- (a) light a fire; or
  - (b) place, throw or drop a lighted match or any other thing likely to cause a fire; or
  - (c) release a lighted sky lantern into the atmosphere.
- (2) Byelaw (1) shall not apply to:
- (a) the lighting of a fire at any event for which the Council has given permission that fires may be lit; or
  - (b) [the lighting or use, in such a manner as to safeguard against damage or danger to any person, of a properly constructed camping stove, in a designated area for camping, or of a properly constructed barbecue, in a designated area for barbecues].

### **Missiles**

- 11 No person shall throw or use any device to propel or discharge in the ground any object which is liable to cause injury to any other person.

### **Interference with life-saving equipment**

- 12 No person shall except in case of emergency remove from or displace within the ground or otherwise tamper with any life-saving appliance provided by the Council.

## **PART [3]**

### **HORSES, CYCLES AND VEHICLES**

#### **Interpretation of Part [3]**

In this Part:

“designated route” means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position;

“motor cycle” means a mechanically-propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle other than a motor cycle or an invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle and includes a caravan.

### **Horses**

- 13 (1) No person shall ride a horse except:
- (a) on a designated route for riding; or
  - (b) in the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted by virtue of byelaw 12 (1)(a) or (b) lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

### **Cycling**

- 14 No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles or on a designated route for cycling.

### **Motor vehicles**

- 15 No person shall without reasonable excuse bring into or drive in the ground a motor cycle, motor vehicle or trailer except in any part of the ground where there is a right of way [or a designated route] for that class of vehicle.

## **PART 4**

### **PLAY AREAS, GAMES AND SPORTS**

#### **Interpretation of Part 4**

In this Part:

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching, but does not include cricket;

“golf course” means any area within the ground set aside for the purposes of playing golf and includes any golf driving range, golf practice area or putting course;

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons

skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

### **Children's play areas**

- 16 No person aged 14 years or over shall enter or remain in a designated area which is a children's play area unless in charge of a child under the age of 14 years.

### **Children's play apparatus**

- 17 No person aged 14 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 14 years by a notice conspicuously displayed on or near the apparatus.

### **Skateboarding, etc**

- 18 No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

- 19 (1) No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles except in a designated area for such activities. This bylaw applies to grounds listed in Part 2 of Schedule 2.

(2) Where there is a designated area for skating, sliding or riding on rollers, skateboards or other self-propelled vehicles, no person shall engage in those activities in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

### **Ball games**

- 20 No person shall play ball games in the ground. This bylaw applies to all of the grounds listed in Part 3 of schedule 2.

- 21 No person shall play ball games in the ground except in a designated area for playing ball games. The byelaw applies to all of the grounds listed in Part 4 of schedule 2

- 22 No person shall play ball games outside a designated area for playing ball games in such a manner:

- (a) as to exclude persons not playing ball games from use of that part;
- (b) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or
- (c) which is likely to cause damage to any tree, shrub or plant in the ground.

- 23 It is an offence for any person using a designated area for playing ball games to break any of the rules set out in Schedule [3] and conspicuously displayed



on a sign in the designated area when asked by any person to desist from breaking those rules.

### **Cricket**

- 24 No person shall throw or strike a cricket ball with a bat except in a designated area for playing cricket.

### **Archery**

- 25 No person shall engage in the sport of archery except in connection with an event organised by or held with the consent of the Council.

### **Field sports**

- 26 No person shall throw or put any javelin, hammer, discus or shot except in connection with an event organised by or held with the consent of the Council [or on land set aside by the Council for that purpose].

### **Golf**

- 27 No person shall drive, chip or pitch a hard golf ball

## **PART 5**

### **WATERWAYS**

#### **Interpretation of Part 5**

In this Part:

“boat” means any yacht, motor boat or similar craft but not a model or toy boat;

“power-driven” means driven by the combustion of petrol vapour or other combustible substances;

“waterway” means any river, lake, pool or other body of water and includes any fountain.

#### **Bathing**

28 No person shall without reasonable excuse bathe or swim in any waterway.

#### **Ice skating**

29 No person shall step onto or otherwise place their weight upon any frozen waterway.

#### **Model boats**

30 No person shall operate a power-driven model boat on any waterway.

#### **Boats**

31 No person shall sail or operate any boat, [dinghy, canoe, sailboard or inflatable] on any waterway without the consent of the Council

#### **Fishing**

32 No person shall in any waterway cast a net or line for the purpose of catching fish or other animals.

#### **Blocking of watercourses**

33 No person shall cause or permit the flow of any drain or watercourse in the ground to be obstructed, diverted, open or shut or otherwise move or operate any sluice or similar apparatus.

**PART 6**  
**MODEL AIRCRAFT**

**Interpretation of Part 6**

In this Part:

“model aircraft” means an unmanned aircraft which weighs not more than 7 kilograms without its fuel;

“power-driven” means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (b) jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or
- (c) one or more electric motors or by compressed gas.

“radio control” means control by a radio signal from a wireless transmitter or similar device.

**General prohibition**

34 No person shall cause any power-driven model aircraft to:

- (a) take off or otherwise be released for flight or control the flight of such an aircraft in the ground; or
- (b) land in the ground without reasonable excuse.

## **PART [7]**

### **OTHER REGULATED ACTIVITIES**

#### **Provision of services**

- 35 No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.

#### **Excessive noise**

- 36 (1) No person shall, after being requested to desist by any other person in the ground, make or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground by:
- (a) shouting or singing;
  - (b) playing on a musical instrument; or
  - (c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device.
- (2) Byelaw 34 (1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

#### **Public shows and performances**

- 37 No person shall without the consent of the Council hold or take part in any public show or performance.

#### **Aircraft, hang gliders and hot air balloons**

- 38 No person shall except in case of emergency or with the consent of the Council take off from or land in the ground in an aircraft, helicopter, hang glider or hot air balloon.

#### **Kites**

- 39 No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

#### **Metal detectors**

- 40 No person shall without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the ground.

## PART [8]

### MISCELLANEOUS

#### Obstruction

- 41 No person shall obstruct:
- (a) any officer of the Council in the proper execution of his duties;
  - (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
  - (c) any other person in the proper use of the ground.

#### Savings

- 42 (1) It shall not be an offence under these byelaws for an officer of the Council or any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of his duty.
- (2) Nothing in or done under these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting lawfully by virtue of some estate, right or interest in, over or affecting the ground or any part of the ground.

#### Removal of offenders

- 43 Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

#### Penalty

- 44 Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

#### Revocation

- 45 The byelaws made by Gedling Borough Council on *insert date* and confirmed/approved by *insert name of confirming authority* on *insert date of confirmation* relating to the ground are hereby revoked.

# SCHEDULES

## SCHEDULE [1]

### GROUNDS TO WHICH BYELAWS APPLY [GENERALLY]

The grounds referred to in byelaw 2 are:

Town and Name of Site	Location
<b>ARNOLD</b>	
Arno Vale Recreation Ground	Arno Vale Road
Arnot Hill Park	Nottingham Road
Bestwood Recreation Ground	Woodchurch Road
Calverton Road Reserve	Calverton Road
Church Lane Recreation Ground	Church Lane
Edison Way Recreation Open Space	Edison Way
Georgia Drive Open Space	Georgia Drive
Killisick Road Recreation Ground	Killisick Road
King George V Recreation Ground	Hallams Lane
Muirfield Road Recreation Ground	Muirfield Road
Nottingham Road Recreation Ground	Off George Street
Queens Bower Recreation Ground	Queens Bower Road
Salop Street Recreation Ground	Salop Street
<b>CALVERTON</b>	
Church Meadow Green Space	Church Meadow
Jumelles Drive Green Space	Jumelles Drive
Stonebridge Way Play Area	Stonebridge Way
<b>CARLTON</b>	
Albert Avenue Play Area & Garden for the Blind	Albert Avenue
Burton Road Jubilee Park	Burton Road
Carlton Forum Playing Fields	Coningswath Road
Carlton Hill Recreation Ground	Carlton Hill
Carnarvon Grove Play Area	Carnarvon Grove
Cavendish Road Recreation Ground	Cavendish Road
Conway Road Recreation Ground	Conway Road
Honeywood Gardens Recreation Area	Honeywood Gardens

King George V Recreation Ground	Standhill Road
Midland Woods	Oakdale Road
Onchan Park	Onchan Drive
Richard Herrod Playing Field	Foxhill Road
Valley Road Recreation Ground	Valley Road
<b>COLWICK</b>	
Colwick Rectory Recreation Ground	Mile End Road
Valeside Gardens Play Area	Valeside Gardens
Hotspur Drive Green Space	Hotspur Drive
<b>GEDLING</b>	
Adbolton Avenue Recreation Ground	Adbolton Avenue
Burton Pastures Open Space	Beaumaris Drive
College Road Recreation Open Space	College Road
Lambley Lane Recreation Ground (North)	Lambley Lane
Lambley Lane Recreation Ground (South)	Lambley Lane
Rutland Road Recreation Ground	Rutland Road
Willow Park	Jessops Lane/Willow Road
<b>MAPPERLEY</b>	
Haywood Road Green	Haywood Road
Mapperley Plains Play Area	Mapperley Plains/Arnold Lane
<b>NETHERFIELD</b>	
Jackie Bells Play Area	Victoria Road
Victoria Park Recreation Ground	Teale Close
Kingsley Drive Recreation Open Space	Kingsley Drive
Deabill Street Play Area	Deabill Street
<b>NEWSTEAD</b>	
Newstead Recreation Ground	Off Station Road
Newstead Tilford Road Youth Area	Tilford Road
<b>WOODTHORPE</b>	
Breckhill Recreation Ground	Breckhill Road
Thackerays Lane Recreation Ground	Thackery's Lane
Woodthorpe Library Green Space	Wensley Road

**SCHEDULE 2**  
**GROUNDS REFERRED TO IN CERTAIN BYELAWS**

PART 1  
OPENING TIMES (BYELAW 3(1))

Conway Road Recreation Ground	Conway Road, Carlton
King George V Recreation Ground	Hallams Lane, Arnold
Onchan Park	Onchan Drive, Carlton

PART 2  
  
SKATEBOARDING ETC PERMITTED ONLY IN DESIGNATED  
SKATEBOARD PARK AREA (BYELAW 19)

Lambley Lane Recreation Ground (North)	Burton Road Jubilee Park
Arnot Hill Park, Arnold	Jackie Bells Play Area, Netherfield
King George V Recreation Ground, Arnold	King George V Recreation Ground, Standhill Road, Carlton
Newstead Tilford Road Youth Area	William Lee Memorial Park, Calverton
Colwick Rectory Recreation Ground	

PART 3  
PROHIBITION OF BALL GAMES (BYELAW 20)

Carnarvon Grove Play Area	Carnarvon Grove, Carlton
Edison Way Green Space	Edison Way, Arnold
Valeside Gardens	Valeside Gardens, Colwick

PART 4  
BALL GAMES PERMITTED ONLY IN DESIGNATED AREAS (BYELAW 21)

Conway Road Recreation Ground	Conway Road, Carlton
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## SCHEDULE [3]

### RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS (BYELAW 21)

Any person using a designated area for playing ball games is required by byelaw (21) to comply with the following rules:

- (1) No person shall play any game other than those ball games for which the designated area has been set aside.
- (2) No person shall obstruct any other person who is playing in accordance with these rules.
- (3) Where exclusive use of the designated area has been granted to a person or group of persons by the Council for a specified period, no other person shall play in that area during that period.
- (4) Subject to paragraph (5), where the designated area is already in use by any person, any other person wishing to play in that area must seek their permission to do so.
- (5) Except where they have been granted exclusive use of the designated area for more than two hours by the Council, any person using that area shall vacate it if they have played continuously for two hours or more and any other person wishes to use that area.
- (6) No person shall play in the designated area when a notice has been placed in a conspicuous position by the Council prohibiting play in that area.

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## EQUALITY IMPACT NEEDS ASSESSMENT

<p>Policy/Service/Procedure to be assessed</p>	<p>Revised byelaws for Parks and Green Spaces <a href="#">[This EIA Shows identified affected areas at this stage, and will be fully evidence and complete following the consultation incorporating all comments]</a></p>	
<p>Assessment completed by:</p>	<p>Melvyn Cryer – Parks &amp; Street Care Manager</p>	<p>Date: 10 January 2025</p>

**Aims/objectives of the Revised Byelaws**

Byelaws are local laws which allow enforcement agencies including the Police and some council officers to charge people who breach them. They also aid council officers to request people to change or cease their actions whilst utilising parks or open spaces if their behaviour or actions are in breach of the byelaws.

Gedling Borough Council already has an adopted set of byelaws which were last updated in 1996. These already cover the majority of the borough's parks, open spaces and play areas. However, they are outdated due to changes in designated byelaws now available to us, site names, creation of new sites, removal of public access or site and or do not meet reflect the present anti-social behaviour issues in respect of the areas included.

Evidence has been drawn together from Police and Local authority regarding issues reported by members of the public in respect of parks, open spaces and play areas. In order to manage these issues and to make public parks, open spaces and play areas more inclusive, safe and free from anti-social behaviour activities we wish to implement new park byelaws.

The process for adopting byelaws is a lengthy and rigorous one which involves identifying the problem, a consultation process, byelaws being drafted; applying to the relevant government department Secretary of State for approval, publishing a public notice of intent to make the new byelaws and then the Council adopts and seals the byelaws.

The new byelaws proposed for adoption have been carefully selected from a list of model byelaws produced by The Ministry of Housing, Communities and Local Government (MHCLG). Developing such byelaws will enable officers to work towards reducing anti-social behaviour and manage issues raised relating to public nuisance on the borough's Parks, open spaces and play areas. They are intended to deal with unacceptable behaviour that might cause injury or distress to other park users, or cause damage to the park and therefore detract from all park users' enjoyment.

**Consultation**

Initial consultation was carried with parks management, public protection department including neighbourhood wardens and the Police. Following this a draft set of proposed revised byelaws were produced based on staff knowledge and public complaints received of ASB and Crime.

The community consultation will go live for a period of 4 weeks (Feb – March 2025) via Gedling Borough Council website.

The consultation will also be advertised on all main parks across the Borough via onsite notice boards. It will also be emailed to a number of stakeholders who are being asked to share where relevant.

**Internal consultees:**

Executive Lead  
Community Safety  
Estates & Buildings  
Leisure Services  
Community Engagement  
Legal Services  
Communications Team  
P&OS management team  
Planning, Archaeologist  
Planning, Nature Conservation Officer  
Ecology Officer  
Climate Change Officer  
Public Protection, inc Neighbourhood Wardens

**External consultees:**

Gedling park's environmental volunteers  
Environment Agency  
Nottinghamshire Dioceses  
Nottinghamshire Disabled Action Group  
Nottinghamshire Fire and Rescue  
Nottinghamshire Wildlife Trust  
Nottinghamshire Police  
Friends of Gedling Borough parks they are:  
Burton Road Jubilee Park

Arnot Hill Park  
Warren action Group  
Friends of Onchan Park  
Friends of Gedling House Woods  
Friends of Bestwood County Park  
Friends of Gedling Country Park  
U3A Carlton Gardening group  
Friends of the Hobbucks  
Friends of Killisick Park  
Haywood Road Community Association  
Carlton Hill Action Group  
Gedling Conservation Trust  
Friends of Breck Hill Park  
The Department for Culture, Media and Sport, Buildings, Monuments and Sites Division 28/06/2021  
Gedling Seniors Council  
Gedling Youth Council  
Gedling forum of Art Clubs  
Greenwood Community Forest  
British Model Flying Association  
Association of British Riding Schools  
National Council for Metal Detecting  
Fields In Trust  
Natural England  
Colwick Parish Council  
Newstead Parish Council  
Calverton Parish Council

**Responses Received [Will be logged as follows]**

XX responses received.

**What is your gender identity?**

Male = XX (%)

Female = XX (%)

None for other gender identity.

**To which of these groups do you consider you belong?**

White British = XX Responses = %

Asian or Asian British Pakistani = X Response = %

None for other racial groups

**Respondents Age indicators**

Option	Total	Percent
15-24		%
25-34		1%
35-44		1%
45-54		%
55-64		2%
65-74		3%
75 and over		1%

### Respondents Religion indicators

Option	Total	Percent
No Religion		%
Christian (inc Church of England, Catholic, Protestant and all other Christian denominations)		%
Buddhist		%
Hindu		%
Jewish		%
Muslim		%
Sikh		%

### Respondents Disability indicators

Option	Total	Percent
Do you have a disability (Yes)		%
Do you have a disability (No)		%

### Consultation Responses

In summary there were XX people out of the XX respondents who left feedback or comments about the proposed revised park byelaws; these comments are summarised in the table below.



Comments objecting

Comments querying/seeking clarification

Any feedback concerning dog control is covered under separate legislation, this will be highlighted within the consultation information provided.

Feedback concerning Drone use. The prohibition of Drones is being provided under Part 6 (33) The interpretation “model aircraft” means an unmanned aircraft which weighs not more than 7 kilograms without its fuel; “power-driven” means driven by:

- (a) The combustion of petrol vapour or other combustible substances;
- (b) Jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or
- (c) One or more electric motors or by compressed gas

It is understood this interpretation covers Drones.

**Analysis of consultation comments received**

Byelaw	Positive (In Support of proposal)	Negative (Against)	Rationale to remain, revision or alternative suggestion	Totals
				2
				3
				4
				1
				1
				3
				1
				5

**Consultation impact on proposed byelaws.**

Following consultation there may be changes to be made to the byelaws proposed and consulted on as a result of the input received and following objections or identification of needs. The comments that are to be received may identify ways the proposed byelaws would impact on a consultee or group of consultees because of their protected characteristic(s) and there may be service access barriers identified that will affect consultees from accessing services/other opportunities that meet their needs. This information will be determined.

**Who are the customers and stakeholders of this service?**

Residents of Gedling. Parks user and non-users, visitors to the borough, businesses, Parish Councils, Sports Clubs, Allotment associations, friends of groups, partnership organisations such as voluntary organisations, governing bodies of sport, such as the F.A., Football Foundation and Play England, Planning and policy department GBC, Sport England,.

**Detail below what information you already have about the impact the Byelaws have on the following groups including results from consultation, complaints, census:**

<b>Black and minority ethnic people</b>	<ul style="list-style-type: none"> <li>– Place survey results have indicated that there is no negative impact for this equality strand</li> <li>– Public consultation will further gather information on this strand. Any trends will be noted.</li> <li>– Previous Complaints have not included any information that indicates ethnicity having any impact on the parks and open spaces byelaws</li> </ul>	91.8% white British – no other significant groups
<b>Men/women and trans</b>	<p>The profile of the borough show there are slightly more females than males living in the borough (51% females).</p> <ul style="list-style-type: none"> <li>– The majority of activities in the parks are male dominated. However governing bodies such as the FA are aware and have action plans in place to address the issue</li> <li>– Information on users of the sports pitches, GBC owned allotments and bowls club members</li> </ul>	

	<p>– Public consultation will further gather information and inform the proposed revised byelaws. The more people that respond to the questionnaire the better.</p>													
<b>Disabled people</b>	<table border="1"> <thead> <tr> <th colspan="3">Table 4: Residents with a limiting long term illness in Gedling Borough, 2021</th> </tr> <tr> <th></th> <th>Number</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>With a limiting long-term illness</td> <td>20421</td> <td>18%</td> </tr> <tr> <td>Without a limiting long-term illness</td> <td>91366</td> <td>82%</td> </tr> </tbody> </table> <p>Source: Office of National Statistics, 2021</p> <p>Not all parks and open spaces are accessible; however the Council's adopted Green Space strategy aims to highlight these issues and provide the information to allow these issues to be resolved. Sites are audited based on accessibility therefore future work will be prioritised on those in most need of improvements in these areas.</p>	Table 4: Residents with a limiting long term illness in Gedling Borough, 2021				Number	Percentage	With a limiting long-term illness	20421	18%	Without a limiting long-term illness	91366	82%	
Table 4: Residents with a limiting long term illness in Gedling Borough, 2021														
	Number	Percentage												
With a limiting long-term illness	20421	18%												
Without a limiting long-term illness	91366	82%												
<b>Gay/Lesbian/bisexual People</b>	<p>There is no information of the impact that the byelaws have on this equality strands</p>													
<b>People from different faiths</b>	<p>There is 57.1% Christian 18.7% no religion in Gedling</p> <p>No other significant groups, no information of the impact that the byelaws will have on this equality strand.</p>													

## People of different ages

Table 1: Age breakdown of Gedling Borough resident population, 2019

Year	0-16	16-24	24-65	65+
2019	17.9%	8.7%	52.4%	21.1%

Source: Office of National Statistics, 2019

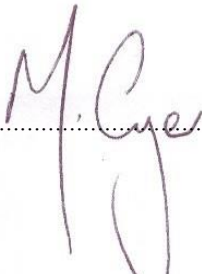
Gedling Borough has a lower percentage of those aged 0–24 compared to Nottinghamshire and England, while the proportion of those who are over 25 in Gedling Borough is higher than that for the County and England.<sup>1</sup>

Research indicates that safe and accessible green spaces helps improve social integration for older and young people.

<b>How will this event impact on the following groups:</b>		
The Parks Development & the GBC Events Officer both take note of all complaints/compliments, but none received connected to equality issues		
	<b>Positive impact</b>	<b>Negative impact</b>
<b>Different racial groups</b>	There is no evidence to conclude whether the byelaws are likely to have a differential impact on racial groups.	No information available to indicate if language is an issue. A complaints system is in place and ways to report hate crime. There have been no reported case of this.
<b>Men/women and trans</b>	There is no evidence to conclude whether the byelaws are likely to have a differential impact on gender/trans groups.	There is no evidence to conclude whether the byelaws are likely to have a negative impact on gender/trans groups.
<b>Disabled people</b>	There is no evidence to conclude whether the byelaws are likely to have a differential impact on disabled groups	There is no evidence to conclude whether the byelaws are likely to have a negative impact on gender/trans groups,. A complaints system is in place and ways to report hate crime. There have been no reported case of this.
<b>Gay/Lesbian/bi-sexual people</b>	There is no evidence to conclude whether the byelaws are likely to have a differential impact on lesbian, gay or bisexual people but differential impact is unlikely.	There is no evidence to conclude whether the byelaws are likely to have a negative impact on lesbian, gay or bisexual people. A complaints system is in place and ways to report hate crime. There have been no reported cases of this.

<b>People from different faiths</b>	There is no evidence to conclude whether the byelaws are likely to have a differential impact on people from differing faiths, impact is unlikely.	There is no evidence to conclude whether the byelaws are likely to have a negative impact on people from differing faiths. A complaints system is in place and ways to report hate crime. There have been no reported cases of this.
<b>People of different ages</b>	There is no evidence to conclude whether the byelaws are likely to have a differential impact on people of different ages. Many of the borough parks have a range of facilities for all age groups, such as play areas for under 12 years, skateparks and multi use games areas for teenagers, impact is unlikely.	There is no evidence to conclude whether the byelaws are likely to have a negative impact on people of different ages. The Council always welcomes suggestions of new facilities to cater for all age groups.
<p><b>What changes could be made to the policy/service/procedure to address any negative impacts?</b></p> <p>The consultation will seek to evidence that existing Gedling parks and open spaces do not adversely impact on any equalities group through discriminatory practices.</p>		
<p><b>What monitoring will be carried out to ensure this policy/service/procedure meets diverse needs</b></p> <p>Parks and open spaces users are able to provide feedback 365 days per year via parks surveys available to complete on GBC website.</p> <p>Continue to monitor customer complaints/comments or information received re crime or anti-social behaviour. Continue to monitor neighbourhood warden monthly anti-social behaviour reports and actions.</p>		
<p><b>What actions will be included in your service plan arising from this assessment?</b> Depends on consultation results.</p>		

Are you satisfied that all aspects of this policy/service/procedure have been thoroughly assessed for all the strands of diversity and that no further investigation is required? Y/N **Draft showing identified affected areas at this stage – Will be fully evidence and complete following the consultation**  
**If 'N' then a fuller impact assessment is required.**

Signed.......... (Manager)

Signed.....(Corporate Equality Representative)

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## Report to Council

**Subject:** Independent Remuneration Panel - Report and recommendations for 2025/26

**Date:** 22 January 2025

**Author:** Democratic Services Manager

### Purpose

To inform Council of the latest report from the Council's Independent Remuneration Panel (IRP) relating to member remuneration for 2025/26 and to invite Council to consider the recommendations made by the Panel.

### Recommendations

- 1) To consider the report of the Independent Remuneration Panel and whether to accept the recommendations contained in the report, or to propose an alternative; and**
- 2) Consequent on the IRP recommendations being accepted, to agree the schedule of members' allowances for 2025/26 as attached at Appendix 2 to this report; and**
- 3) To authorise the Monitoring Officer to make appropriate amendments to section 29 of the Constitution to reflect any changes to the members' allowances scheme agreed**

## 1. Background

- 1.1. The last IRP recommendations were debated at the Council meeting in January 2024 with members choosing not to accept some of the panel's recommendations – namely to remove the allowance for the Business Managers and Policy Advisors. At the meeting, members also agreed to link both Basic and Special Responsibility Allowances to increase in line with Chief Officer's local authority pay awards for the next four years.
- 1.2. The pay award was agreed in August 2024 and payments to members were made in August, being backdated to April 2024. For the 2024/25 year, allowances were increased by 3.6%, in line with the pay award to senior local government staff.

- 1.3. The Council will recall that, following a successful recruitment campaign, a new member was appointed to the IRP in August 2024 meaning the panel is at full capacity. The larger panel has increased the resilience and expertise of the panel, which allows for a more thorough review
- 1.4. The IRP met in December 2024 and January 2025 to carry out its annual review of members' allowances.
- 1.5. Following that meeting, the Panel prepared a report to members regarding the suggested level of members' allowances to be payable for 2025/26. As detailed in the report, the reviewed anonymised responses from members, as well as some benchmarking of allowances paid by surrounding councils of varying size and political control. Current and predicted financial information, such as inflation figures (CPI and RPI), were also reviewed to get a feel for the upcoming national financial picture.
- 1.6. After reviewing each allowance against the benchmarking data and members responses to the survey, the panel agreed upon the below recommendations:
  - That all Basic Allowances only, payable from 1 April 2025, should be increased in line with the senior officer pay award offer; and
  - Add a bicycle rate to the travel expenses section of 20p per mile; and
  - That the allowance for Business Managers be removed from the scheme; and
  - No other changes are made for the 2025/26 year.

## **2. Proposal**

- 2.1 The Panel's report, including associated recommendations, is attached at Appendix 1. Recommendations are noted above at 1.6.
- 2.2 Should Council be minded to accept the Panel's recommendations, then the level of allowances to be paid to members for 2025/26, subject to any pay award, will be as set out at Appendix 2.

## **3. Alternative Options**

- 3.1 The Independent Remuneration Panel is advisory in nature so Council could decide on an alternative scheme of allowances payable to members.

## **4. Financial Implications**

- 4.1 Should Council accept the Panel's recommendations, then costs will be included in proposed budgets for 2025/26. Not all costs are known, due to

the ad hoc nature of some of the suggested allowances, but the removal of the allowances for the Business Manager would help to alleviate any budgetary pressures given the already agreed increases to all members basic and special responsibility allowances.

## **5. Legal Implications**

- 5.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) set out that local authorities must establish a panel to review and advise on the level of allowances payable to members. The Council must have regard to the recommendation made by the Panel, but do not have to accept them.

## **6. Equalities Implications**

- 6.1 The scheme as a whole seeks to support members by providing financial support for carers and parents.

## **7. Carbon Reduction/Environmental Sustainability Implications**

- 7.1 The recommendation to add a bicycle rate element to the mileage scheme supports the council's carbon reduction and healthy living schemes.

## **8. Appendices**

- 8.1 Appendix 1 – Report of the Independent Remuneration Panel 2025/26  
8.2 Appendix 2 – Proposed schedule of Members Allowances 2025/26

## **9. Background Papers**

- 9.1 None identified

<b>Statutory Officer approval</b>	
<b>Approved by: Mike Hill</b> <b>Date: 10.01.2025</b>	Financial Officer
<b>Approved by: Fran Whyley</b> <b>Date: 10.01.2025</b>	Monitoring Officer

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## APPENDIX 1

### Report of the Gedling Independent Remuneration Panel in respect of the 2025/26 year

#### Introduction

- 1.1 The Independent Remuneration Panel was established under the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) to provide advice and recommendations to the Council on its Members' Allowances Scheme and amounts to be paid under it.
- 1.2 The panel received administrative support from the Democratic Services Manager.
- 1.3 The Panel's Terms of Reference are as follows:

The Independent Remuneration Panel will review, on an annual basis, the level and extent of allowance payments made to Borough Councillors having regard to:

- The role of Councillor and the importance of effective democratically accountable local government and community leadership; and
- The scale and complexity of the Council's operations and changes taking place in the various roles Councillors are expected to fulfil and the responsibilities attached to the various roles; and
- The time commitment required from Councillors to enable both the Council and individual Councillors to be effective in their various roles; and
- The importance of encouraging people from all backgrounds and circumstances to serve in local government without suffering financial loss because of their membership of the Council.

The Panel will also:

- Consider the level and extent of travel and subsistence allowances including dependent carers' allowance; and
- Review the payment of allowances and expenses payable in relation to attendance at seminars, conferences, and other council business.

The Panel's operation:

- The Panel is comprised of four Independent Members
- Panel members are recruited by public advertisement and should be of good standing in the community either as a resident and/or a stakeholder in the Borough. Ideally members should have sound knowledge of employment and financial matters with an understanding of the operations of a local authority.
- The Panel is advisory in nature and the recommendations it makes are not binding on the authority. However, the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) requires Council to "have regard" to the Panel's recommendations when setting its allowances.

## Process

- 2.1 A Strategic Review of Members' Allowances took place in 2015. The Review looked in detail at all allowances paid to members including the Basic Allowance and all positions attracting a Special Responsibility Allowance (SRA). The Review resulted in a completely rewritten scheme of members' allowances. The Panel made a series of recommendations to Council in March 2016 and a new scheme was agreed by members.
- 2.2 For the 2020 year, following the 2019 borough elections, Council adopted a revised scheme of members' allowances that better reflected the political makeup of the authority. Adjustments to the scheme were made to ensure that the amount of SRA's were better aligned to the size of a political group. Council also approved a new list of approved duties and a rate at which dependent carers allowance can be claimed.
- 2.3 Changes took place in the panel's membership due to resignations from previous panel members, which saw two new people join the panel in November 2023 with a third joining July 2024. The new panel undertook a thorough review, which took consideration of in depth benchmarking across the county, the council's current circumstances, changes in the councillors' roles and whether the specific roles and responsibilities for each type of role match the remuneration received by councillors.
- 2.4 For the 2024/25 financial year, councillors agreed to increase allowances against an indexation in line with the chief officer pay award, which was 3.6% for that year. This was agreed in July and paid to members in August, backdated to April.
- 2.5 As is usual practice, all members of the Council were contacted directly and asked for their views on the current levels of allowances paid to members.
- 2.6 As with last year, a Microsoft form was sent out to members in the form of a survey to get their views on a range of topics. The form had 14 questions in total and asked members to provide their views on areas such as basic allowances, special responsibility allowances, travel allowances and their recommendations for the upcoming year. We received responses from 15 members of the Council.
- 2.7 The survey found that 40% of respondents were unhappy with the current level of basic members allowance, with 60% noting that they did not feel it adequately reflected the duties of a councillor. The main reason cited for this was the amount of time members spent on casework. 73% of respondents noted they were happy with the current levels of special responsibility and travel and subsistence allowances.
- 2.8 All members of the Panel contributed their views and discussed each individual allowance in the scheme in turn to discuss whether they felt it needed reviewing.

### Panel's Deliberations

- 3.1 Panel members reviewed anonymised responses from members, as well as benchmarking of allowances paid by surrounding councils of varying size and political control. Current and predicted financial information, such as inflation figures (CPI and RPI), were also reviewed to get a feel for the upcoming national financial picture.
- 3.2 The Panel heard that there had been a general change to duties performed by some members since the last review, in particular from increased queries and scrutiny from the public. They heard that the consistently low financial support from central government and the rising homelessness across the borough had significantly impacted finances.

### Basic Allowance

- 3.3 The Panel next noted that members had agreed to link both Basic and Special Responsibility Allowances to increase in line with Chief Officer's local authority pay awards as agreed in previous years. As a form of indexation, they agreed that the Chief Officer local authority pay award adjustment be applied to Basic and Special Responsibility Allowances for the next four years in accordance with the Local Authorities (Members Allowances) (England) Regulations 2003. As such, the panel agreed to not suggest anything to the contrary for the upcoming year.

### Special Responsibility Allowances (SRAs)

- 3.4 The Panel reviewed each element of the level of Special Responsibility Allowances that were currently paid and benchmarked these against other councils in the area. Their review noted that no other district council included an allowance for a Business Manager in their scheme. Member noted that they still felt the role should be paid for by the political parties and not the local taxpayer, given its administrative nature and benefit to only particular parties and decided to make a recommendation once again on its removal from the scheme.
- 3.5 The Panel also reviewed the allowance for the Policy Advisor, which was not in place at any other district, and felt that the naming of the role made it seem misleading to the actual nature of the role. They felt the roles were more supportive of the Portfolio Holder, rather than expert advisors in particular policies. Even though they felt the allowance did not need to be included in the scheme or funded by the taxpayer, it was agreed that no recommendation for removal would be made at this time.
- 3.6 Finally the Panel considered the allowances paid to co-opted members as well as mileage, subsistence, and dependent carers' allowances. The panel concluded that it would be useful and in line with the council's carbon reduction priorities to add in an allowance for a bicycle rate of 20p per mile under the travelling expense section. No other adjustments were deemed necessary, as the majority were on par with other authorities.

3.7 As a result of the benchmarking exercise which revealed that broadly SRA allowances were in line with other authorities, bar one exception, and reviewing the members comments, it was felt that no new information had been received to suggest a change to any other SRA. As such, the recommendation is that the current SRA's stay as they are for the 2025/26 year.

#### Recommendations

- 1) That all Basic Allowances only, payable from 1 April 2025, should be increased in line with the senior officer pay award offer; and
- 2) Add a bicycle rate to the travel expenses section of 20p per mile; and
- 3) That the allowance for Business Managers be removed from the scheme; and
- 4) No other changes are made for the 2025/26 year.



# Gedling Borough Council Constitution

## Section 29 – Members’ Allowances Scheme

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Gedling Borough Council, in exercise of the powers conferred by the Local Authorities (Members’ Allowances) (England) Regulations 2003 (“the Allowances Regulations”) and all other enabling powers hereby makes the following Scheme:

### **29.1 Citation**

The Scheme may be cited as the Gedling Borough Council Members’ Allowance Scheme and shall come into effect on the Twenty-second Day of April Two thousand and three.

### **29.2 Interpretation**

“Councillor” means an elected Member of the Gedling Borough Council.

“Co-opted Member” means any person who is not for the time being a Councillor and who is appointed as a member of any other Committee or Sub-Committee of the Council.

### **29.3 Basic Allowance**

Subject to Paragraphs 7 and 8 for each year a basic allowance of the amount specified in Schedule 1 hereto shall be paid to each Councillor. An annual indexation increase, in line with Chief Officer local authority pay award, will be applied for the next four years between 2024/25 and 2027/28.

## 29.4 Special Responsibility Allowances

- (1) For each year a special responsibility allowance shall be paid to those Councillors who have the special responsibilities in relation to the Authority specified in Schedule 1 to this Scheme.
- (2) Subject to Paragraphs 7 and 8 the amount of each such allowance shall be the amount specified against that special responsibility in that Schedule.
- (3) No Councillor shall be paid more than one Special Responsibility Allowance at any one time and if at any time any Councillor shall hold more than one post attracting such an allowance, only the higher, or highest as the case may be, such allowance shall be payable.
- (4) An annual indexation increase, in line with Chief Officer local authority pay award, will be applied for the next four years between 2024/25 and 2027/28.

## 29.5 Co-optees Allowance

- (1) For each year an allowance shall be paid for each year to a co-opted Member in respect of attendance at conferences and meetings (“co-optees’ allowance”).
- (2) The co-optees’ allowance shall be paid at the rate as specified in Schedule 1 to this scheme.

## 29.6 Dependants Carers Allowance

- (1) An allowance shall be paid to Councillors in respect of such expenses of arranging for the care of their children or dependents as are necessary incurred in a Councillor carrying out those duties specified in Schedule 2.

## 29.7 Travelling and Subsistence Allowance

- (1) For those duties designated as approved duties carried out by Councillors or co-opted members travelling and subsistence allowances shall be paid at the rates specified from time to time by the Council in accordance with Schedule 2 hereto.

## 29.8 Renunciation

A Councillor may by notice in writing given to the Chief Financial Officer elect to forego the whole or any part of his entitlement to an allowance under this Scheme.

## 29.9 Revision of Scheme

The Scheme of Allowances shall be amended and revised from time to time by the Council in accordance with Regulations in force for the time being under Section 99 Local Government Act 2000 and after consideration of a report by the Remuneration Panel appointed for the purpose of those Regulations.

## 29.10 Part-Year Entitlements and Backdating

- (1) When the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year the entitlement of the Councillor to a basic allowance shall be to the payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office as member subsists bears to the number of days in that year.
- (2) Where this Scheme is amended as mentioned in Sub-Paragraph (2) and the term of office of a Councillor does not subsist throughout a period mentioned in Sub-Paragraph (2) the entitlement of any such Councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that Sub-Paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a Councillor subsists in that period bears to the number of days in that period.
- (3) Where a Councillor has during part but not throughout the whole of any year any such special responsibilities as entitle him or her to an allowance under Paragraph 4 of this Scheme that Councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.
- (4) Where this Scheme is amended as mentioned in Sub-Paragraph (2) and a Councillor has during part but does not have throughout the whole of any period mentioned in Sub-Paragraph (2) of that Paragraph any such special responsibilities as entitle him or her to an allowance under Paragraph 4 of this Scheme that Councillor's entitlement shall be to payment of such part of the allowances referable to each such period (ascertained in accordance with that Sub-Paragraph) as bear to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.
- (5) Where an amendment is made to the Scheme which affects an allowance payable for the year in which the amendment is made the entitlement to such allowance as amended shall apply with effect from the beginning of the year in which the amendment is made.

## 29.11 Payments and Claims

- (1) Payment shall be made in respect of allowances under Paragraphs 3 and 4 and of this Scheme (subject to Sub-Paragraph (2)) in instalments of one-twelfth of the amount specified in this Scheme on the Twenty Fifth day of each month.
- (2) Where a payment of one-twelfth of the amount specified in this Scheme in respect of allowances under Paragraphs 3 and 4 of the Scheme would result in the Councillor receiving more or less than the amount to which by virtue of Paragraph 8 he or she is entitled the payment shall be of such amount as will ensure that neither more nor less is paid than the amount to which he or she is entitled.

- (3) A claim for an allowance under Paragraph 5 and 7 of this Scheme shall be made in writing in such form and supported by such evidence as the Chief Financial Officer of the Council shall require and shall be submitted to the said Chief Financial Officer within three months from the date on which an entitlement to each of the allowances arises.

### 29.12 Repayment of Allowances

Where payment of any allowance has been made in respect of any period during which the Councillor or Co-opted Member:

- (a) Ceases to be a member of the authority; or
- (b) Is in any other way not entitled to receive the allowance then such part of the allowance as relates to any such period shall be repaid to the Council.

### 29.13 Double Payment

Where a Councillor or Co-opted Member is a member of another local authority that Councillor or Co-opted Member may not receive allowances from more than one authority in respect of the same duties.

### 29.14 Parental Leave

Members have adopted a parental leave policy, which allows basic and special responsibility allowances to be paid in accordance with the policy which can be found here – [Parental Leave Policy for Councillors - Gedling Borough Council](#)

## Gedling Borough Council Constitution

### SCHEDULE 1 – PROPOSED SCHEME (2025/26 pay award NOT included)

**From 1 April 2025 until 31 March 2026 inclusive:**

	Percentage of the Leader's Allowance	Per Annum (£)
Leader of Council	100%	16,386.44
Deputy Leader of the Council	80%	13,109.15
Cabinet Members	50%	8,193.22
Leader of Main Opposition Group	25% plus £170.76 per elected member*	5,804.21
Leader of Minority Opposition groups	Flat fee of £170.76 per elected member*	683.04 – (Lib Dem)
Level One Committee Chair (Planning and Environment & Licensing Committees)	35%	5,735.25
Level Two Committee Chair (Audit & Overview and Scrutiny Committees)	25%	4,096.61
Level Three Committee Chair (Joint Consultative & Safety and Standards Committee)	10%	1,638.64
Chairing of Appeals & Retirement Committee and any other committee as the Vice-Chair on a stand in basis	-	£100 per meeting
Mayor	37.5%	6,144.91
Deputy Mayor	12.5%	2,048.30
Policy Advisor	12.5%	2,048.30

1. From 1 April 2025 until 31 March 2026 the Basic Allowance payable to each Councillor 4,770.88
2. Co-opted Members 531.27
3. Dependent Carers Allowance of up to £9.30 per hour payable to cover childcare and dependents. The person providing the care may not be a close relative defined as spouse, partner (opposite or same sex cohabiters), parents, children, brothers, sisters, grandparents and grandchildren. The paid care attendant must also sign a receipt to show that they have cared for the dependant during the hours claimed for.
4. Travelling and subsistence payable at the currently in force NJC employee rate.

# Gedling Borough Council Constitution

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Bicycle rate of 20p per mile

\*based on current membership as of January 2025

## **SCHEDULE 2 - APPROVED DUTIES IN RESPECT OF WHICH TRAVELLING AND SUBSISTENCE ALLOWANCES ARE AVAILABLE**

Attendance at:

- 1 Formal meetings of the Council, including Committees and Sub-Committees and any other authorised meeting of these bodies or event organised by these bodies (including joint committees), where the councillor has been appointed by the Council as a member or a substitute member.
- 2 Formal meetings of the Cabinet its sub committees and any other authorised meetings thereof where the councillor has been appointed by the Leader/Council as a member.
- 3 Ad-hoc formally constituted working groups/panels (e.g., scrutiny working groups) where the councillor is (a) a named member of the body or (b) is formally invited to participate
- 4 Meetings of Nottinghamshire County Council committees/sub committees where the councillor has been appointed by the Council as a member or a representative
- 5 Meetings of bodies to which the Council makes appointments except where the body itself pays allowances to the Council's representative (the approval relates to meetings of the body itself; its standing committees/sub committees but not to other activities of the body)
- 6 Meetings of any local authority association of which the Council is a member where the councillor is the appointed representative or nominated substitute
- 7 Any conference or training where attendance is authorised by the Council
- 8 Any Council premises, or other agreed location, for a meeting agreed with either a member in receipt of an SRA or an Officer for the purpose of discussing matters relating to Council business in which it is reasonable to expect the councillor to have an interest
- 9 Briefing meetings at the invitation of an Officer of the Council provided that the members of at least two political groups have been invited
- 10 An approved agenda setting meeting or member development/awareness raising/seminar activity organised by the Council
- 11 Official site visits by members of the Planning Committee

## Gedling Borough Council Constitution

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12 Any site visit or inspection visits undertaken by members approved by or on behalf of the Council

13 Tender opening meetings where invited by an Officer to attend

Performance of:

14 Duties carried out by a member holding an office for which a special responsibility allowance applies.

15 Any particular duty for which express authority is given by or on behalf of the Council in case of emergency.

16 Such other duty for which prior approval has been given by the Chief Executive, in consultation with the Leader.

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## Report to Council

**Subject:** Appointments to Outside Bodies

**Date:** 22 January 2025

**Author:** Democratic Services Manager

### Wards Affected

All

### Purpose

To update the list of Council representatives on Outside Bodies for the remainder of the 2024/25 municipal year.

### Key decision

This is not a key decision.

### Recommendation:

**That Council approves the updated list of representatives on outside bodies for the remainder of the 2024/25 municipal year as set out in Appendix 1.**

## 1 Background

The Council makes nominations for representation to a range of Outside Bodies each year.

These include a wide range of organisations, from national and regional bodies to local community groups.

The existing appointments were approved at the AGM held on 22 May 2024, but require updating due to changes in the role of Deputy Leader and other Cabinet Member responsibilities.

## 2 Proposal

It is proposed that Council approves the updated list of representatives on outside bodies for the remainder of the 2024/25 municipal year.

### **3 Alternative Options**

To not approve the updated list of representatives for the remainder of the 2024/25 municipal year and have no clarity over the membership of outside bodies.

### **4 Financial Implications**

There are no direct financial implications associated with this report.

### **5 Legal Implications**

The Local Government Act 1972, the Localism Act 2011, and Local Government Acts and Regulations made prescribe the governance arrangements for local authorities in considerable detail. They require councils to ensure that there is a council representation in place and this report asks members to agree this.

### **6 Equalities Implications**

No direct implications as a result of this report.

### **7 Carbon Reduction/Environmental Sustainability Implications**

No direct implications as a result of this report.

### **8 Appendices**

Appendix 1 – Updated Outside Body representation list for 2024/25.

### **9 Background Papers**

None identified

### **10 Reasons for Recommendations**

To approve the updated list of representatives to Outside Bodies for the remainder of the 2024/25 municipal year.

#### **Statutory Officer approval**

**Approved by: M Hill**

**Date:**

**On behalf of the Chief Financial Officer**

**Approved by: F Whyley**

**Date:**

**On behalf of the Monitoring Officer**

Outside Bodies Representation

<b>Name of Organisation</b>	<b>2024/25</b>
Arnold O P W Committee (2)	Kyle Robinson-Payne Sandra Barnes
Arnold Parochial Charities (2)	Marje Paling Stella Lane (Non-Member Representation)
Arnold Local Area Forum (7)	Marje Paling Kyle Robinson-Payne Sandra Barnes David Ellis Henry Wheeler Grahame Pope Kathryn Fox
Association of Public Service Excellence (APSE) (1)	John Clarke
District Council Network (DCN) (1)	John Clarke
East Midlands Councils (1)	John Clarke
East Midlands Combined County Authority (1 non-constituent member)	John Clarke
Economic Prosperity Committee (1)	John Clarke Jenny Hollingsworth (sub)
Gedling Borough Arts Association (1)	Henry Wheeler
Gedling Charities & J W Harris Charity (2)	Henry Wheeler Sam Smith
Gedling Social Mobility Commission (2)	Kathryn Fox Sandra Barnes
Haywood Road Community Association Management Committee (2)	Roy Allan Julie Najuk

Industrial Communities Alliance (formerly Coalfield's Community Campaign) (1)	John Clarke
Joint Waste Management Committee (1)	Marje Paling
Lambley Village Hall Management Committee (1)	Helen Greensmith
Local Government Association (2)	John Clarke Jenny Hollingsworth
Local Government Information Unit ( <i>notice to withdraw given</i> ) (1)	John Clarke
Mapperley Golf Course Management Committee (3)	Roy Allan Grahame Pope Jenny Hollingsworth
Netherfield Community Forum (2)	John Clarke Alison Hunt
Netherfield Partnership Steering Committee (1)	Alison Hunt
Nottingham & District Citizens Advice Bureau (1)	Lynda Pearson
Nottinghamshire Building Preservation Trust (1)	Roy Allan
Nottinghamshire Health and Wellbeing Board (1)	Henry Wheeler
Nottingham Playhouse Trust (1)	Henry Wheeler
Police and Crime Panel (1)	David Ellis
Rural Community Action Nottinghamshire (1)	Rachael Ellis
Sherwood Forest Trust (1)	Viv McCrossen
Warren Hill Action Group (1)	Rachael Ellis

## MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 5 November 2024

Councillor Alison Hunt (Chair)

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

Absent: Councillor Boyd Elliott

Officers in Attendance: J Brough, B Cox, B Hopewell, A Hutchinson, K Nealon and R Towlson

### 40 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

None received.

### 41 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 1 OCTOBER 2024.

#### RESOLVED:

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

### 42 DECLARATION OF INTERESTS.

None.

### 43 APPLICATION FOR STREET TRADING CONSENT FOR ARNOLD CHRISTMAS MARKET

Consideration was given to a report of the Director of Place, which had been circulated in advance of the meeting, seeking approval for an application for a Street Trading Consent for an Arnold Christmas Market to trade in a consent street in Arnold on 22<sup>nd</sup> November 2024 as detailed in Appendix 1 to the report.

#### RESOLVED to:

Approve the application for a Street Trading Consent for an Arnold Christmas Market to trade in a consent street in Arnold on 22<sup>nd</sup> November 2024.

### 44 REVOCATION OF GEDLING NO: 2 AIR QUALITY MANAGEMENT

## **ORDER 2011 (NITROGEN DIOXIDE)**

Consideration was given to a report of the Director of Place, which had been circulated in advance of the meeting, seeking approval to make an order under the Environmental Act 1995 to revoke Gedling No: 2 Air Quality Management Order 2011 (Nitrogen Dioxide) along the A60 Mansfield Road due to yearly Nitrogen Dioxide (NO<sub>2</sub>) results being lower than the Air Quality Objective since 2019.

### **RESOLVED to:**

Make an Order under the Environmental Act 1995 to revoke the Gedling No: 2 Air Quality Management Order 2011 (Nitrogen Dioxide), as detailed in appendix 2 to the report.

### **45 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

### **46 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 reports involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

### **47 APPLICATION FOR A ONE YEAR JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE LJ**

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 LJ.

LJ attended the meeting, and he addressed the Committee.

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

#### **RESOLVED:**

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

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

**48 APPLICATION FOR A ONE-YEAR JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE IA**

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 IA.

IA attended the meeting, and he addressed the Committee.

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

**RESOLVED to:**

- 1) Approve IA's application for a one-year Joint Hackney Carriage/Private Hire Driver's Licence; and
- 2) Issue a warning to AI that he notifies the Council of any future incidents or convictions as soon as he becomes aware of them.

**49 CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE WA**

Consideration was given to a report of the Director of Place, 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 attended the meeting, and he addressed the Committee.

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

**RESOLVED:**

To revoke the Hackney Carriage/Private Hire Driver's Licence held by WA, giving 21 days to surrender the licence.

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

The meeting finished at 7.05 pm

Signed by Chair:  
Date:

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## MINUTES CABINET

Thursday 7 November 2024

Councillor John Clarke (Chair)

Councillor David Ellis  
Councillor Kathryn Fox  
Councillor Jenny Hollingsworth  
Councillor Viv McCrossen

Councillor Marje Paling  
Councillor Lynda Pearson  
Councillor Henry Wheeler

Officers in Attendance: M Hill, F Whyley, M Avery, T Adams, E McGinlay and J Gray

### 131 APOLOGIES FOR ABSENCE

No apologies for absence were received.

### 132 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 3 OCTOBER 2024

#### RESOLVED:

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

### 133 DECLARATION OF INTERESTS

None.

### 134 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.

### 135 ANNUAL STATISTICAL COMPLIMENTS, COMPLAINTS AND OMBUDSMAN REPORT

The Deputy Chief Executive and Monitoring Officer introduced a report, which had been circulated in advance of the meeting, informing Members of the receipt of the Annual review letter from the office of the Local Government and Social Care Ombudsman (LGSCO) and the

complaints dealt with by the Council through the internal complaint's procedure during the year 2023/24.

The report also sought approval of amendments to the Council's Complaints, Compliments and Comments Policy to align with the LGSCO Complaint Handling Code.

**RESOLVED to:**

- 1) Note the details of the Annual Review letter from the Local Government and Social Care Ombudsman and the information in relation to the number of complaints dealt with by the Council through the internal complaint's procedure in 2023/24; and
- 2) Approve amendments to the Council's Complaints, Compliments and Comments Policy at appendix 2, to align with the Local Government and Social care Ombudsman's complaint code

**136 APPROVAL OF GBC DESIGN CODE FRAMEWORK**

The Planning Policy Manager introduced a report, which had been circulated in advance of the meeting, seeking approval to publish the Gedling Design Code Supplementary Planning Document.

**RESOLVED to:**

- 1) Adopt the Gedling Design Code Framework as a Supplementary Planning Document; and
- 2) Authorise the Planning Policy Manager to publish the document; and
- 3) Delegate authority to the Planning Policy Manager to make any minor typographical, formatting or factual amendments to the Gedling Design Code Framework Supplementary Planning Document

**137 ANY OTHER ITEMS THE CHAIR CONSIDERS URGENT**

None.

The meeting finished at 2.27 pm

Signed by Chair:  
Date:

## MINUTES OVERVIEW AND SCRUTINY COMMITTEE

**Monday 18 November 2024**

Councillor Catherine Pope (Chair)

Councillor David Brocklebank	Councillor Darren Maltby
Councillor Roy Allan	Councillor Grahame Pope
Councillor Andrew Dunkin	Councillor Kyle Robinson-Payne
Councillor Rachael Ellis	Councillor Sam Smith
Councillor Roxanne Ellis	Councillor Russell Whiting

Apologies for absence: Councillor Lorraine Brown and Councillor Jim Creamer

Officers in Attendance: M Hill, B Hopewell and E McGinlay

Guests in Attendance: A Crosbie

### **73 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillors Brown and Creamer.

### **74 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 30 SEPTEMBER 2024.**

#### **RESOLVED:**

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

### **75 DECLARATION OF INTERESTS.**

Councillor Rachael Ellis declared a non-pecuniary interest as a trustee of the Gedling Play Forum. Councillor Roxanne Ellis declared a non-pecuniary interest as Vice-Chair of the management committee of Gedling Play Forum. Councillor Whiting declared a non-pecuniary interest, having a family membership of Gedling Play Forum.

### **76 PARTNERSHIP REVIEW - GEDLING PLAY FORUM**

The Chair welcomed Anne Crosbie from Gedling Play Forum to the committee as part of the Council's partnership review programme.

Anne gave an overview on the key areas of their work at Gedling Play Forum, highlights of which were as follows:

Members viewed a video which showed images of the craft workshops hosted by the Gedling Play Forum. Some photos showed the Gedling Play Forum also held craft stalls at other events as well.

It was noted that Gedling Play Forum had held various events over the last 12 months, some of which included the Calverton Village Get Together, Calverton Family Fun Day, Gedling Gala, Chinese New Year at the Civic Centre, and a Lantern Workshop at St Paul's.

Members noted that Gedling Play Forum also offered various Skill Sharing Workshops on Rust Dyeing, Beaded Kumihomo, Rag Rugging, Boxes and Books, Sustainable Sewing, Alterations and Patterns Masterclass and more.

Anne detailed the various partners that worked alongside the Gedling Play Forum, some of which included Positively Empowered Kids, Calverton Parish Council, St Georges Centre, Emmanuel Church Community Kitchen, The Ark, Phoenix Farm Methodist Church, Gedling Library and more.

The Chair then gave Members the opportunity to ask questions of the Gedling Play Forum.

Members asked what the annual running cost of the Gedling Play Forum were.

It was noted that the annual running costs were around £25,000 per year, including salaries.

Members noted that the Gedling Play Forum required a new van and asked how they intended to acquire one.

It was noted that the Gedling Play Forum had submitted a funding bid with Awards For All with the goal of acquiring a second hand electric van, matching their ethos and ambitions with green energy.

Members asked whether the Gedling Play Forum had worked with any schools in the area.

The Gedling Play Forum had worked with Lambley Primary and Arno Vale Primary Schools in the past but agreed that they would like to work closer with schools going forward.

Members queried how the Gedling Play Forum had publicised their work and whether this would be expanded.

The Gedling Play Forum primarily used their social networking groups and had recently published a new website which had seen a lot of traffic. It was noted that their skillsets were not best suited to publicity and training was required in which they had received some funding to help with training.

Members asked how many people on average the Gedling Play Forum helped each year.

It was noted that they had a membership of approximately 500 families across the borough which could extend to around 7000 people via events and Membership.

**RESOLVED:**

To thank the Gedling Play Forum for attending the meeting and the information provided.

**77**

**SECTION 21 NOTICE UPDATE.**

The Housing and Welfare Manager introduced a report, which had been circulated in advance of the meeting, providing an overview of the current homelessness situation in the borough and the impact of Section 21 notices.

A presentation was given, highlights of which were as follows:

It was noted that the Homeless Reduction Act had been introduced in 2017 which allowed Council to try and prevent people from becoming homeless. It was then noted that although the act was introduced, homeless applications continued to increase with Section 21 notices being the second most common reason for causing homelessness in the borough.

Members noted that there had been an increase in temporary accommodation (TA) placements, which fell in line with the increase in homeless applications.

It was noted that the council allocated social housing applications via a banding system, based on priority need. Members noted that the waiting list had increased from 543 in October 2021 to 768 in October 2024.

It was noted the current pressures on the Council's housing department, some of which included:

- The country is in the middle of a housing crisis.
- The council doesn't own its own housing stock.
- Increased demand for affordable housing.
- Cost of private rented sector.
- Increased demand for temporary accommodation.

- Low turnover of existing social housing stock.

Members noted what the Council had been doing to address the current pressures. Some of which included:

- Drafting of a new 5-year Housing Strategy.
- Additional staff resources, including specialist refugee officer.
- Reviewing the Council's Allocations Policy.
- Negotiating larger and adaptable homes on new housing sites.
- Operating a Sanctuary scheme to enable households at risk of violence to remain safely in their homes.

The Chair then gave Members the opportunity to ask questions.

Members queried whether the council had considered whether they expected an increase in Section 8 notices following the abolition of Section 21 notices.

The Housing and Welfare Manager agreed that landlords might pursue other means of evicting tenants and would be monitored.

Members noted that there had been an increase in evictions since the announcement that Section 21 notices would be abolished, asking whether the Council had made any preparations for the potential increase in homelessness following the increase in evictions.

The Housing and Welfare Manager highlighted that there had not been an increase in evictions in the borough following the announcement and had not made any preparations at present.

Members queried how successful the council had been with working with developers to secure larger social housing properties to reduce those with larger families being placed in bed and breakfast accommodation.

The Housing and Welfare Manager explained that the council had not placed larger families in bed and breakfast for prolonged periods of time, noting that there were no overcrowding policies in temporary accommodation so the council would initially try to place larger families in TA before moving them on to more suitable, permanent accommodation. It was noted that the council received 10% social housing on new developments with the goal of negotiating larger properties going forward.

Members noted the increase in homeless applications since 2017, and asked whether the council had analysed the impact of the Covid-19 pandemic and subsequent lockdowns.

The Housing and Welfare Manager explained that an analysis on the impact of the pandemic had not been conducted but noted that as with

all homeless applications, the reasons for their homelessness would vary from case to case.

Members queried whether the Council checked whether a member of the public are ex-service personnel and could be entitled to help from the Royal British Legion.

The Housing and Welfare Manager confirmed that they conduct checks on applicant history and would present their options as part of the advice given.

**RESOLVED:**

To thank the Housing and Welfare Manager for the information provided.

**78 UPDATE ON SEWERAGE REVIEW RECOMMENDATIONS.**

The Democratic Services Manager introduced a report, which had been circulated in advance of the committee, detailing the implementation of the sewerage review working group recommendations.

**RESOLVED:**

To note the report.

**79 SCRUTINY WORK PROGRAMME**

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

Members expressed an interest in receiving a report on the effectiveness of hybrid working at the meeting in July 2025. It was noted that staff feedback on hybrid working would also be of interest.

**RESOLVED:**

To note the report.

**80 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 6.55 pm

Signed by Chair:  
Date:



## **MINUTES APPEALS AND RETIREMENTS COMMITTEE**

**Tuesday 26 November 2024**

Councillor Paul Wilkinson (Chair)

Councillor Roxanne Ellis  
Councillor David Ellis

Councillor Paul Feeney  
Councillor Grahame Pope

Apologies for absence: Councillor Michael Adams and Councillor Clive Towsey-Hinton

Officers in Attendance: M Avery, B Hopewell, J Lovett, N Osei and A Snodin

### **25 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

None.

### **26 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 06 JUNE 2023.**

#### **RESOLVED:**

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

### **27 DECLARATION OF INTERESTS.**

None.

### **28 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 reports on the grounds that the reports involve the likely disclosure of exempt information as defined in Paragraph 1 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

### **29 APPEAL AGAINST DISMISSAL**

The Director of Place introduced a report, which had been circulated in advance of the meeting, informing the Committee that LC had appealed against the Director of Place's decision to dismiss him.

The Director of Place presented the Council's reasons for the decision to dismiss LC. The Committee then heard from LC, outlining his reasons for the appeal.

**RESOLVED:**

To uphold the appeal, reinstating LC with immediate effect. LC subsequently decided to resign from Gedling Borough Council.

**30 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 4.35 pm

Signed by Chair:  
Date:

## **MINUTES JOINT CONSULTATIVE AND SAFETY COMMITTEE**

**Tuesday 26 November 2024**

Councillor Jim Creamer (Chair)

Present: Councillor Rachael Ellis                      Councillor Darren Maltby  
            Councillor Roxanne Ellis                    Councillor Alex Scroggie  
            Councillor Paul Hughes                    Councillor Jane Walker

Unison: James Brough                                  Alison Hunt  
            Andy Fretwell

Absent: Councillor Catherine Pope

Officers in Attendance: M Avery, B Hopewell, R Hutchinson, J Lovett and A Snodin

### **51 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillor Pope, Councillor Rachael Ellis attended as substitute.

### **52 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 27 AUGUST 2024.**

#### **RESOLVED:**

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

### **53 DECLARATION OF INTERESTS.**

None.

### **54 ANNUAL HEALTH AND SAFETY REPORT 2023/24.**

The Health, Safety and Emergency Planning Manager introduced a report, which had been circulated in advance of the meeting, presenting the Corporate Health and Safety Annual report for the year 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024.

#### **RESOLVED:**

To note the report.

### **55 MINOR ESTABLISHMENT CHANGES.**

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

**RESOLVED:**

To note the report.

**56 CURRENT STAFFING MATTERS.**

The Assistant Director for Workforce introduced a report, which had been circulated in advance of the meeting, highlighting any issues of particular interest that related to the Councils workforce.

**RESOLVED:**

To note the report.

**57 SICKNESS ABSENCE.**

The Assistant Director for Workforce 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.

**58 EXCLUSION OF THE PUBLIC AND PRESS.**

**RESOLVED:**

That, 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 reports involve the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12a of the Local Government Act 1972.

**59 CONSULTATION CLOSURE - EMPLOYMENT LAW UPDATES.**

The HR & Training Manager introduced a report, which had been circulated in advance of the meeting, seeking approval to close formal consultation on the revisions to policy in response to the changes to employment law for The Flexible Working Act 2023. The Paternity Leave (Amendment) Regulations 2024, and The Carer's Leave Act 2023. The

report also sought to ask the Committee for comment and recommendations to inform the Appointments and Conditions of Service Committee prior to its decision relating to implementation of a new policy and changes to existing policies.

Members noted that some staff may only need a few hours to see to the needs of a care receiver and queried whether the Carer's leave could be broken down into hours instead of shifts.

Members also raised concerns regarding entitlements to bereavement leave, e.g. through miscarriage and bereavement leave being made available to all irrespective of the age of the child and not just those aged 18 or over.

**RESOLVED to:**

- 1) Close formal consultation on the proposal to create a new Carer's Leave Policy and make revisions to the Flexible Working and Statutory Paternity Leave Procedures; and
- 2) Review separate Bereavement Leave Policy for fairness.

**60 CONSULTATION CLOSURE - STRUCTURE CHANGES TO THE HOUSING, GROWTH AND REGENERATION SERVICE AND REVENUES AND WELFARE SERVICE.**

The Director of Place introduced a report, which had been circulated in advance of the meeting, seeking approval to close formal consultation on the proposals to alter the structure of the Housing, Growth and Regeneration Service and Revenues and Welfare Service. The report also asked Members to make any appropriate recommendations for consideration by the Chief Executive who, under delegated powers as Head of Paid Service, will authorise the implementation of any structural changes.

**RESOLVED:**

To close formal consultation on the proposals to alter the structure of the Housing, Growth and Regeneration Service and Revenues and Welfare Service for consideration by the Chief Executive.

**61 CONSULTATION CLOSURE - ELECTRIC CAR LEASE SCHEME.**

The Assistant Director for Workforce introduced a report, which had been circulated in advance of the meeting, seeking approval to close formal consultation on the proposed employee-funded, electric only, salary sacrifice car lease scheme and endorses the commencement of the consultation and implementation process as described. The report also sought to ask Members for comments and recommendations to

inform the Appointments and Conditions of Service Committee (ACSC) of its decision relating to implementation of revised policy.

Members expressed concern over how the council would ensure that employees could afford the salary sacrifice.

**RESOLVED:**

- 1) To close formal consultation on the proposed employee-funded, electric only, salary sacrifice care lease scheme; and
- 2) Make recommendation to ACSC to query whether the Council should consider how to ensure that employees can afford the salary sacrifice scheme and discuss whether it should be extended to the purchase of other goods such as household appliances.

**62 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 6.50 pm

Signed by Chair:  
Date:

## MINUTES PLANNING COMMITTEE

Wednesday 27 November 2024

Councillor Roy Allan (Chair)

In Attendance: Councillor Paul Wilkinson Councillor Julie Najuk  
Councillor Sandra Barnes Councillor Lynda Pearson  
Councillor Stuart Bestwick Councillor Sam Smith  
Councillor David Ellis Councillor Ruth Strong  
Councillor Rachael Ellis Councillor Jane Walker  
Councillor Andrew Ellwood Councillor Henry Wheeler  
Councillor Helen Greensmith

Absent: Councillor Catherine Pope, Councillor Grahame Pope  
and Councillor Russell Whiting

Officers in Attendance: C Goodall, M Avery, N Bryan, J Krawczyk, N Osei,  
H Stylianou and C Turton

### **36 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillors Catherine Pope, Grahame Pope and Whiting. Councillor Rachael Ellis attended as substitute.

### **37 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 26 SEPTEMBER 2024.**

#### **RESOLVED:**

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

### **38 DECLARATION OF INTERESTS**

None.

### **39 APPLICATION NO. 2024/0404 - BAPTIST CHURCH, CROSS STREET, ARNOLD**

Conversion of church building to 9 no. residential apartments and erection of 14 apartments, including ancillary bin stores, cycle stores and landscaping.

Taj Ubi, the applicant, spoke in support of the application.

The Principal Planning Officer introduced the report.

*Councillor Smith joined the meeting.*

**RESOLVED:**

**TO GRANT PLANNING PERMISSION:** Subject to the owner(s) entering into a planning obligation secured through a s106 legal agreement with the Borough Council as the Local Planning Authority and the County Council to secure an affordable housing financial contribution; the provision of build to rent flat units in perpetuity; bus stop infrastructure; monitoring and a local labour agreement; and subject to the conditions listed for the reasons set out in the report.

**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 submitted documents;-

Drawing no. 0164 S2 Rev P04, Conversion Proposed Elevations, received 7<sup>th</sup> October 2024

Drawing no. 0121 S2 Rev P03, Conversion Proposed Floorplans, received 7<sup>th</sup> October 2024

Drawing no. 01 S2 Rev P05, Conversion New Apartments Floorplans, received 7<sup>th</sup> October 2024

Drawing no. 0165 S2 Rev P04, New Build Proposed Elevations received 7<sup>th</sup> October 2024

Drawing no. 0170 S2 Rev P03, Proposed Site Street Elevations, received 24<sup>th</sup> September 2024

Drawing no. 0102 S2 Rev P05, Proposed Site Plan, received 11<sup>th</sup> June 2024

Drawing no. 0161 S2 P03, Conversion Demolition Elevations, received 11<sup>th</sup> June 2024

Drawing no. 0168 S2 P03, Cycle Store Details – Church Conversion, received 11<sup>th</sup> June 2024

Drawing no. 0169 S2 P03, Cycle Store Details – New Apartments, received 11<sup>th</sup> June 2024

Drawing no. 0120 S2 P04, Conversion – Existing + Demolition Floor Plans, received 11<sup>th</sup> June 2024

Drawing no. 0101 S2 P04 Existing Site Plan, received 11<sup>th</sup> June 2024

Drawing no. 0100, Site Location Plan, received 11<sup>th</sup> June 2024

Application forms, received 11<sup>th</sup> June 2024



- 3 No above ground construction works shall commence until samples of the proposed external facing materials to be used in the construction of the development have been submitted to, and approved in writing by, the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.
- 4 No unit shall be occupied as a C3 residential use until a detailed scheme for the boundary treatment of the site, including position, design and materials, and to include all boundaries, cycle storage area and bin storage area, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the buildings is first occupied as a C3 residential use.
- 5 No development shall be commenced until full details of hard landscape works have been submitted to and approved in writing by the local planning authority. The scheme as approved shall be carried prior to the first occupation of the development.
- 6 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 CSBC-DCE-XX-XX-RP-C-0001, April 2024, Dice., 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.
- 7 Construction works shall only take place within the following hours;-
- 0800-1800 Monday-Friday, 0800-1300 Saturdays, No Sunday or Bank Holiday working.
- 8 No part of the development hereby permitted shall be brought into use until the cycle parking stores as indicated on drawing AR-AL-002, has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.
- 9 Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

- 10 Development may not be begun unless:
- (a) a biodiversity gain plan has been submitted to the planning authority; and
  - (b) The planning authority has approved the plan.

Development shall thereafter be carried out in accordance with the approved biodiversity gain plan, in accordance with the timings agreed by the biodiversity gain plan.

- 11 The Biodiversity Gain Plan shall be prepared in accordance with the Proposed Landscape Plan, received by the Local Planning Authority 11<sup>th</sup> June 2024, the Baseline and Proposed Habitat Plans, received 11<sup>th</sup> June 2024, and the BNG Metric, received by the Local Planning Authority 12<sup>th</sup> July 2024.

- 12 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

- 13 Notice in writing shall be given to the Council when the:

- (a) HMM] has been implemented; and
  - (b) habitat creation and enhancement works as set out in the HMMP have been completed.
- 14 Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.
- 15 1. Unless otherwise agreed by the Local Planning Authority, development must not commence 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; an 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 site to a 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.

- 2. 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.
- 3. 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.

- 16 No development or demolition shall take place until an Archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority. The mitigation strategy will include appropriate Written Schemes of Investigation for archaeological mitigation. This scheme shall include the following:
1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
  2. A methodology and timetable of site investigation and recording
  3. Provision for site analysis
  4. Provision for publication and dissemination of analysis and records
  5. Provision for archive deposition
  6. Nomination of a competent person/organisation to undertake the work
- The scheme of archaeological investigation must only be undertaken in accordance with the approved details.
- 17 The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in Condition 16. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.
- 18 A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.
- 19 No development shall be commenced in respect of the features identified below on the church conversion building, until details of the design, specification, fixing and finish in the form of drawings

and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details

New and replacement windows, including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.

20 No development shall be commenced in respect of the “look alike insulated panels” on the church conversion building where the new internal floor crosses the tall lancet windows.

21 Development shall not commence until the following has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details;-

An ecological construction method statement including reasonable avoidance measures in relation to protected species, such as bats and nesting birds should be provided, including reasonable avoidance measures (RAMS) provided below.

A wildlife sensitive lighting scheme should be employed, both during and post-construction, in compliance with the following guidance: Bats and Artificial Lighting in the UK (Bat Conservation Trust and Institute of Lighting Professionals, 2018), to avoid impacts to foraging and commuting bats and other nocturnal and crepuscular species.

Works to the church, and scrub and tree clearance should be conducted outside bird nesting season (beginning of March to end of August inclusive) or be preceded by a nesting bird check within the 24 hours period before the works commence. If an active nest is identified, works should be halted until a suitably qualified ecologist has been consulted.

A toolbox talk should be delivered to workers prior to the commencement of works to inform them of the potential for protected species and what to do if protected species are found during works. This should include halting work until a suitably qualified ecologist has been consulted.

Any roof liner used should conform to bat conservation trust guidelines regarding Non-Bitumen Coated Roofing Membranes: Non-Bitumen Coated Roofing Membranes - Buildings, planning and development - Bat Conservation Trust ([bats.org.uk](http://bats.org.uk))

Pollution prevention best practice should be followed.

- Appropriate RAMS should be followed to prevent entrapment of animals in pipes or trenches, such as provision of egress boards for any trenches left open overnight and capping of pipes over 200 mm in diameter.
- 22 No building on site shall be occupied until details of bat, bird and swift boxes have been submitted to and approved in writing by the local planning authority. The nest boxes shall then be installed, prior to occupation, in accordance with the approved details and retained thereafter for the lifetime of the development.
- 23 As identified in the submitted Bat Building Assessment Report, trees T3 and T4 should be subject to soft felling under the supervision of a bat licenced ecologist, preferably over winter months when bats are considered less likely to be utilising any potential features opportunistically.

**Reasons**

- 1 Reason: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Reason: For the avoidance of doubt.
- 3 Reason: In the interests of visual amenity.
- 4 Reason: In the interests of visual amenity.
- 5 Reason: In the interests of visual amenity.
- 6 Reason: 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.
- 7 Reason: In the interests of residential amenity.
- 8 Reason: To ensure that adequate cycle provision has been provided.
- 9 Reason: 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 Councils Local Plan.
- 10 Reason: To ensure that 10% BNG is achieved at the site in accordance with The Environment Act (2021) – Biodiversity Net

- Gain and Schedule 7A of the Town and Country Planning Act 1990 (as amended).
- 11 Reason: To ensure that 10% BNG is achieved at the site in accordance with The Environment Act (2021) – Biodiversity Net Gain and Schedule 7A of the Town and Country Planning Act 1990 (as amended).
  - 12 Reason: To ensure that 10% BNG is achieved at the site in accordance with The Environment Act (2021) – Biodiversity Net Gain and Schedule 7A of the Town and Country Planning Act 1990 (as amended).
  - 13 Reason: To ensure that 10% BNG is achieved at the site in accordance with The Environment Act (2021) – Biodiversity Net Gain and Schedule 7A of the Town and Country Planning Act 1990 (as amended).
  - 14 Reason: To ensure that 10% BNG is achieved at the site in accordance with The Environment Act (2021) – Biodiversity Net Gain and Schedule 7A of the Town and Country Planning Act 1990 (as amended).
  - 15 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
  - 16 To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.
  - 17 In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.
  - 18 In order to ensure that satisfactory arrangements are made for the reporting, archiving and dissemination of the results of the investigation in accordance with the National Planning Policy Framework.
  - 19 In the interests of visual amenity and to conserve the architectural and historical interest of the building.
  - 20 In the interests of visual amenity and to conserve the architectural and historical interest of the building.
  - 21 In the interests of biodiversity and in order to comply with Policies ACS17 LPD18.



- 22 In the interests of biodiversity and in order to comply with Policies ACS17 LPD18.
- 23 In the interests of biodiversity and in order to comply with Policies ACS17 LPD18.

#### Informatives

- 1 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.

- 2 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](http://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](http://www.groundstability.com).
- 3 The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2023). 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.
- 4 With regards to condition 10, the biodiversity gain plan must include :
  - (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
  - (b) the pre-development biodiversity value of the onsite habitat;
  - (c) the post-development biodiversity value of the onsite habitat;

- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
  - (e) any biodiversity credits purchased for the development; and
  - (f) any such other matters as the Secretary of State may by regulations specify.
  - (g) timings for implementation
- 5 The applicant is advised that there is evidence that human remains and gravestones may be buried at the site. The applicant will need to explore what licences are required to legally remove these, if this is an option that they wish to pursue.
- 6 With respect to the attached archaeological conditions, please contact the Archaeology Planning Advice Team at Nottinghamshire County Council, County Hall, West Bridgford, Nottingham, NG2 7QP, email [planning.archaeology@nottscc.gov.uk](mailto:planning.archaeology@nottscc.gov.uk) to discuss the requirements. It is recommended the resulting Archaeological Mitigation Strategy and written schemes of investigation are approved by the NCC Planning Archaeologist prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.
- 7 The site has caused a number of issues in the past with regards to people accessing and vandalising the site. As such, the developer will need to put measures in place to reduce the likelihood of trespassing during the construction phase.
- 8 New trees and shrubs should be native, locally sourced and include fruit bearing species, where possible. Planting should include night flowering plant species to encourage bats (as recommended within the BNG metric comments).

**40 APPLICATION NO. 2023/0831 - 6 LACEWOOD CLOSE, BESTWOOD**

Change of use of property from a residential dwelling house (C3) into a Residential Children's Home (C2) looking after children and young people with emotional and behavioural disorders (EBD) between the ages of 8 and 17 years.

Moses Musaka, the applicant, spoke in support of the application.

The Development Manager informed members that since the publication of the report, an additional representation had been received from

Bestwood Village Parish Council on 6 Lacewood Close, expressing similar concerns to those contained within the report around how the home would be operated. He added that as the applicant had confirmed, the operation of the home would be controlled by OFSTED.

He went on to inform members that as the next three applications on the agenda were linked, he would briefly outline the broad policy considerations relating to LPD 39 which applied to all three, before looking at the applications in turn as they were all very similar.

He then went on to introduce the report.

The recommendation to grant planning permission was not carried and therefore the Chair proposed an adjournment so that a revised recommendation could be drafted by officers.

The meeting was adjourned at 6.47pm

The meeting resumed at 6.52pm

The Director of Place proposed the following reason for refusal, contrary to officer recommendation:

**Reason**

1. The proposed change of use, if approved, would lead to an over-concentration of similar C2 uses within one cul-de-sac. This is likely to result in a significant adverse impact on the character of the area. The proposed change of use would therefore be contrary to Policy 39 of the Local Planning Document (2018).

The revised recommendation was carried and it was

**RESOLVED:**

**TO REFUSE PLANNING PERMISSION** for the following reason:

**Reason**

1. The proposed change of use, if approved, would lead to an over-concentration of similar C2 uses within one cul-de-sac. This is likely to result in a significant adverse impact on the character of the area. The proposed change of use would therefore be contrary to Policy 39 of the Local Planning Document (2018).

**APPLICATION NO. 2024/0408 - 18 LACEWOOD CLOSE,  
BESTWOOD**

The property will be used as a residential children's home for up to 3 young people.

The Development Manager advised members that the key policy considerations for this application were those outlined previously, relating to LPD 39.

He went on to introduce the report.

He added that the recommendation was to refuse the application as outlined within the report and that based on previous decisions it would be for members of the committee to determine where that over concentration would lie.

He concluded that should members of the committee resolve to refuse the application, that in terms of the wording, the recommendation should align with that of the previous application as follows:

**Reason**

1. The proposed change of use, if approved, would lead to an over-concentration of similar C2 uses within one cul-de-sac. This is likely to result in a significant adverse impact on the character of the area. The proposed change of use would therefore be contrary to Policy 39 of the Local Planning Document (2018).

The Chair proposed an adjournment, which was carried.

The meeting was adjourned at 7.00pm.

The meeting resumed at 7:03pm.

**RESOLVED:**

**TO REFUSE PLANNING PERMISSION** for the following reason:

**Reason**

1. The proposed change of use, if approved, would lead to an over-concentration of similar C2 uses within one cul-de-sac. This is likely to result in a significant adverse impact on the character of the area. The proposed change of use would therefore be contrary to Policy 39 of the Local Planning Document (2018).

**42 APPLICATION NO. 2024/0703 - 10 LACEWOOD CLOSE, BESTWOOD**

Change of use from a residential dwelling house (C3) into a Residential Children's Home (C2)

The Development Manager advised members that the key policy considerations for this application were those outlined previously, relating to LPD 39.

He went on to introduce the report.

He concluded that the recommendation in the report was to refuse the application, but was subject to the amended wording for the reason for refusal.

The Director of Development added for clarity, that the recommendation had been updated in accordance with the decision that was made on items 5 and 6 on the agenda as follows:

**Reason**

1. The proposed change of use, if approved, would lead to an over-concentration of similar C2 uses within one cul-de-sac. This is likely to result in a significant adverse impact on the character of the area. The proposed change of use would therefore be contrary to Policy 39 of the Local Planning Document (2018).

**RESOLVED:**

**To REFUSE PLANNING PERMISSION** for the following reason:

**Reason**

1. The proposed change of use, if approved, would lead to an over-concentration of similar C2 uses within one cul-de-sac. This is likely to result in a significant adverse impact on the character of the area. The proposed change of use would therefore be contrary to Policy 39 of the Local Planning Document (2018).

**43 FUTURE PLANNING APPLICATIONS**

**RESOLVED:**

To note the information.

**44 ACTION SHEETS - PLANNING DELEGATION PANEL**

**RESOLVED:**

To note the information.

**45 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 7.09 pm

Signed by Chair:

Date:

## **MINUTES STANDARDS COMMITTEE**

**Thursday 28 November 2024**

Councillor Paul Feeney (Chair)

Councillor David Brocklebank	Councillor Martin Smith
Councillor Boyd Elliott	Rosalie Hawks
Councillor Andrew Ellwood	Louise Kopyrko

Absent: Councillor Clive Towsey-Hinton

Officers in Attendance: F Whyley, N Osei and E McGinlay

### **8 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Towsey-Hinton

### **9 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 18 JULY 2024**

#### **RESOLVED:**

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

### **10 DECLARATION OF INTERESTS**

None.

### **11 REVIEW OF COUNCIL'S ARRANGEMENTS FOR DEALING WITH CODE OF CONDUCT COMPLAINTS**

The Monitoring Officer introduced a report, circulated in advance of the meeting, to seek support through a cross-party working group to review the Council's arrangements for dealing with code of conduct complaints.

It was agreed that Councillors Brocklebank, Smith, and Towsey-Hinton would volunteer to be a part of the working group. The parish and independents members of the committee noted their intention to join the group.

#### **RESOLVED:**

To establish a cross-party working group to assist the Monitoring Officer in a review of the Council's arrangements for dealing with code of conduct complaints.

**12 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 18 July 2024 and 28 November 2024.

**RESOLVED:**

To note the report.

**13 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT**

None.

The meeting finished at 6.12 pm

Signed by Chair:  
Date:



## MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 3 December 2024

Councillor Alison Hunt (Chair)

Present: Councillor Marje Paling Councillor Sue Pickering  
Councillor Rachael Ellis Councillor Alex Scroggie  
Councillor Roxanne Ellis Councillor Martin Smith  
Councillor Julie Najuk Councillor Paul Wilkinson

Absent: Councillor Boyd Elliott and Councillor Clive Towsey-Hinton

Officers in Attendance: C Allcock, J Brough, B Hopewell and A Hutchinson

### **50 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillors Elliott and Towsey-Hinton.

### **51 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 5 NOVEMBER 2024.**

#### **RESOLVED:**

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

### **52 DECLARATION OF INTERESTS.**

None.

### **53 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

### **54 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.

55

**CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE /  
PRIVATE HIRE DRIVERS LICENCE NO 3639 - RY**

Consideration was given to a report of the Director of Place, 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.

RY attended the meeting along with a family member and an interpreter. The interpreter addressed the Committee on RY's behalf.

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

**RESOLVED:**

To revoke the Hackney Carriage/Private Hire Driver's Licence held by RY with immediate effect.

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

The meeting finished at 5.50 pm

Signed by Chair:  
Date:

## MINUTES AUDIT COMMITTEE

**Tuesday 10 December 2024**

Councillor Kyle Robinson-Payne (Chair)

Councillor Sandra Barnes	Councillor Alison Hunt
Councillor Stuart Bestwick	Councillor Ruth Strong
Councillor Helen Greensmith	Jonathan Causton
Councillor Paul Hughes	

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

Guests in Attendance: M Armstrong – BDO (Internal Auditor), M Surridge and Jennifer Norman – Mazars (External Auditors)

### **21 APOLOGIES FOR ABSENCE**

None.

### **22 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 17 SEPTEMBER 2024**

#### **RESOLVED:**

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

### **23 DECLARATION OF INTERESTS**

None.

### **24 AUDIT COMPLETION REPORT 2021/22**

The Chief Finance and Section 151 Officer gave an overview of a report, informing Members of the key findings arising from Mazars (the Council's external auditors) audit work in respect of 2021/22.

The External Auditor then introduced the report.

#### **RESOLVED to:**

- 1) Note the Mazars external audit report for 2021/22.

The Chief Finance and Section 151 Officer then introduced the Annual Governance Statement and Statement of Accounts 2021/22, seeking

approval of the Council's Annual Governance Statement for 2021/22 and the Statement of Accounts for 2021/22.

**RESOLVED to:**

- 1) Approve the Annual Governance Statement for 2021/22 (Appendix 1);
- 2) Approve the Statement of Accounts for 2021/22 (Appendix 2);
- 3) Note the Narrative Statement on pages 3 to 18 of the Statement of Accounts for 2021/22 (Appendix 2); and
- 4) Agree the letter of Representation (Appendix 3).

**25 COMBINED AUDIT STRATEGY MEMORANDUM AND COMPLETION REPORT 2022/23**

The Chief Finance and Section 151 Officer gave an overview of a report, prepared by Mazars, the Council's External Auditor, setting out the External Audit Strategy Memorandum for the year ending 31 March 2023 for approval.

The External Auditor then introduced the report.

**RESOLVED to:**

Approve the Mazars External Audit Strategy for 2022/23 and refer the report to Full Council for information.

The Chief Finance and Section 151 Officer gave an overview of a report, seeking approval of the Council's Annual Governance Statement for 2022/23 and the Statement of Accounts for 2022/23.

**RESOLVED to:**

- 1) Approve the Annual Governance Statement for 2022/23 (Appendix 1);
- 2) Approve the Statement of Accounts for 2022/23 (Appendix 2);
- 3) Note the Narrative Statement on pages 3 to 18 of the Statement of Accounts for 2022/23 (Appendix 2); and
- 4) Agree the Letter of Representation (Appendix 3).

**26 VALUE FOR MONEY AND PROGRESS REPORT**

The External Auditor introduced the report.

**RESOLVED:**

To note the information.

**27 ANNUAL GOVERNANCE STATEMENT 2023/24**

The Chief Finance and Section 151 Officer introduced a report, informing Members of the proposed Annual Governance Statement 2023/24.

**RESOLVED:**

To note the draft Annual Governance Statement 2023/24 and provide any comments for inclusion in the final version when presented to the Audit Committee with the Annual Statement of Accounts 2023/24 later in the financial year.

**28 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, including some recommendations raised by the Council's previous Internal Auditors.

**RESOLVED to:**

- 1) Note the implementation of Internal Audit recommendations and the revised due date for incomplete recommendations.

**29 INTERNAL AUDIT PROGRESS REPORT**

The Internal Auditor gave an overview of the report, summarising the outcome of internal audit activity completed by the BDO Internal Audit Team for the period October to December 2024.

He advised members of an additional recommendation, at the request of the committee, in relation to changes to the internal audit plan. He asked that the committee approve to move the IT disaster recovery review, which was scheduled for quarter 4 of this year, to the following year and bring forward the Parks and Streets Care review, which was in the three-year plan for next year. He added that this would fit alongside the transformation work currently being undertaken by the council and achieve the maximum value out of that review.

He then went on to introduce the report.

**RESOLVED to:**

- 1) Note the progress of the delivery against the 2024/25 Internal Audit Plan, including the Executive Summary for the following audit report: Cemeteries and Pet Cremation Services.

- 2) To move back the IT disaster and recovery review to the following year and to bring forward the Parks & Street Care review to quarter 4, to fit with the transformation work currently being undertaken by the Council.

**30 CORPORATE RISK MANAGEMENT SCORECARD Q2 2024-25**

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

**RESOLVED:**

To note the current risk level and actions identified within the Corporate Risk Register.

**31 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT**

None.

The meeting finished at 7.26 pm

Signed by Chair:  
Date:

## MINUTES CABINET

Thursday 12 December 2024

Present: Councillor David Ellis                      Councillor Marje Paling  
          Councillor Kathryn Fox                     Councillor Lynda Pearson  
          Councillor Jenny Hollingsworth        Councillor Henry Wheeler

Absent: Councillor John Clarke and Councillor Viv McCrossen

Officers in Attendance: M Hill, J Gray, T Najuk, F Whyley, L Widdowson and E Wimble

### 138            **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Clarke and McCrossen.

### 139            **TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 7 NOVEMBER 2024**

#### **RESOLVED:**

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

### 140            **DECLARATION OF INTERESTS**

None

### 141            **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 four-month period.

#### **RESOLVED:**

To note the report.

### 142            **GEDLING PLAN Q2 PERFORMANCE 2024/25 REPORT**

The Chief Executive introduced a report, which had been circulated in advance of the meeting, informing Cabinet in summary of the position against Improvement Actions and Performance Indicators in the 2023-27 Gedling Plan at the end of Quarter 2 of 2024/25.

**RESOLVED:**

To note the report.

**143 FIVE YEAR HOUSING LAND SUPPLY ASSESSMENT 2024**

The Planning Policy Manager introduced a report, which had been circulated in advance of the meeting, highlighting the latest five-year housing land supply assessment.

**RESOLVED:**

Note the Gedling Borough Five Year Housing Land Supply Assessment 2024.

**144 AUTHORITY MONITORING REPORT APRIL 2023 - MARCH 2024**

The Planning Policy Manager introduced a report, which had been circulated in advance of the meeting, informing Cabinet of Gedling Borough Council's Authority Monitoring Report April 2023 – March 2024.

**RESOLVED to:**

Note the report.

**145 COMMUNITY INFRASTRUCTURE LEVY STRATEGIC REVIEW**

The Community Infrastructure Levy and Section 106 Monitoring Officer introduced a report, which had been circulated in advance of the meeting, seeking approval to commence a 6-week public consultation on revised Strategic Infrastructure Projects to be funded through the strategic receipts of the Community Infrastructure Levy (CIL).

**RESOLVED:**

To approve a 6-week consultation on the review of strategic projects set out in the Infrastructure List (formally Regulation 123 List).

**146 INFRASTRUCTURE FUNDING STATEMENT 2023/24**

The Community Infrastructure Levy and Section 106 Monitoring Officer introduced a report, which had been circulated in advance of the meeting, providing Members with information on the monies collected through the Community Infrastructure Levy (CIL) and Section 106 Planning Obligations, how they are administered and future expenditure priorities in relation to the monies collected. The report also sought approval for the publication of the infrastructure Funding Statement for 2023/24 as detailed in Appendix A to the report.



**RESOLVED to:**

- 1) Note the report; and
- 2) Approve the publication of the Infrastructure Funding Statement for 2023/24 as detailed in Appendix A to the report.

**147      **AMBITION ARNOLD VISIONARY MASTERPLAN****

The Assistant Director of Housing, Growth and Regeneration introduced a report, which had been circulated in advance of the meeting, seeking approval of the Ambition Arnold visionary masterplan and to note the outcome of the public consultation that formed part of the development of the masterplan.

**RESOLVED to:**

- 1) Approve the Ambition Arnold Visionary masterplan as a strategic framework to shape and drive potential future intervention in the town centre; and
- 2) Note the findings of the Ambition Arnold masterplan public consultation and Arnold Town Benchmarking review.

**148      **ARNOLD MARKET****

The Assistant Director of Housing, Growth and Regeneration introduced a report, which had been circulated in advance of the meeting, seeking approval to permanently relocate the Arnold Market to Eagle Square, subject to planning approval.

**RESOLVED:**

Subject to all necessary consents and permissions being granted, approve the request to permanently relocate the Arnold Market to Eagle Square.

**149      **ANY OTHER ITEMS THE CHAIR CONSIDERS URGENT****

None.

**150      **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 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

151

**LETTING OF PART OF GROUND FLOOR CIVIC CENTRE OFFICE SPACE TO THE MINISTRY OF HOUSING, COMMUNITIES AND LOCAL GOVERNMENT**

Consideration was given to a report of the Appentice Surveyor for Property Services, which had been circulated in advance of the meeting, seeking approval for the granting of a lease to The Ministry of Housing, Communities and Local Government for exclusive use of part of the Civic Centre ground Floor and shared use of a further area to the Ground Floor. The commencement date is to be confirmed with the Lease running for a 10-year duration from commencement.

**RESOLVED to:**

- 1) Approve the granting of a lease of part of the Civic Centre as shown on the plan at Appendix 1 to The Secretary of State for Levelling Up, Housing and Communities (The Department for Work and Pensions);
- 2) Approve the Lease terms on the basis of the Heads of Terms at Appendix 2; and
- 3) Delegate authority to the Service Manager for Property Services, in consultation with the Chief Executive and Legal Services to negotiate and approve the form of the lease and agreement for lease.

The meeting finished at 2.55 pm

Signed by Chair:  
Date:

**Decisions made under delegated authority**

<b>Business (click to view decision)</b>	<b>Summary</b>	<b>Ref</b>	<b>Date</b>	<b>Portfolio</b>	<b>Was decision made under urgency provisions?</b>
Christmas & New Year Closure of Community Centres for 2024	Approval for Community Centres to be closed from Wednesday 18 December 2024 to Wednesday 1 January 2025 inclusive, over the Christmas and New Year period	D1566	26/11/2024	Leader of the Council	No
National Non-Domestic Rates - Discretionary Relief Application - Hope Nottingham CIO	Approval for discretionary charitable relief under section 47 of the Local Government Finance Act 1988	D1558	05/12/2024	Leader of the Council	No
Calculation of the Council Tax Base for 2025/26	Approval for the following street name to be used for the Land to the rear of 164 Spring Lane, Lambley: Collared Close	D1572	19/12/2024	Leader of the Council	No

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