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Friday, 25 October 2024

Chair: Councillor P Peacock
Vice-Chair:

Members of the Committee:

Councillor R Cozens
Councillor S Crosby
Councillor L Brazier
Councillor E Oldham

Councillor C Penny
Councillor P Taylor
Councillor R Holloway

| | |
|-----------------|--|
| MEETING: | Cabinet |
| DATE: | Monday, 4 November 2024 at 6.00 pm |
| VENUE: | Civic Suite, Castle House, Great North Road, Newark, NG24 1BY |

**You are hereby requested to attend the above Meeting to be held at the time/place
and on the date mentioned above for the purpose of transacting the
business on the Agenda as overleaf.**

If you have any queries please contact Nigel Hill on nigel.hill@newark-sherwooddc.gov.uk 01636
655243.

AGENDA

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The Cabinet will be invited to resolve that under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.'

Categories of “Exempt Information”

Under Schedule 12A of the Local Government Act 1972 as amended

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

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NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Cabinet** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Tuesday, 24 September 2024 at 6.00 pm.

PRESENT: Councillor P Peacock (Chair)

Councillor R Cozens, Councillor S Crosby, Councillor L Brazier,
Councillor E Oldham and Councillor P Taylor

ALSO IN ATTENDANCE: Councillor N Allen, Councillor I Brown, Councillor K Melton and
Councillor P Rainbow

APOLOGIES FOR ABSENCE: Councillor C Penny and Councillor R Holloway

177 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

The Leader advised that the proceedings were being audio recorded and live streamed by the Council.

178 DECLARATIONS OF INTEREST FROM MEMBERS AND OFFICERS

Councillor L Brazier declared a Non-Registerable Interest in Agenda Item No. 13 – Transfer of Section 106 Open Space – off Site Sports Contribution to Ollerton Town Football Club – given he was the local Ward Member and his daughter played for Ollerton Town Football Club.

Councillor S Crosby and Councillor P Taylor declared Other Registerable Interests in Agenda Item No. 8 – Proposal to Adopt the Land and Ongoing Maintenance of the Middlebeck Phase One Development – as Members of Newark Town Council.

179 MINUTES FROM THE PREVIOUS MEETING HELD ON 10 SEPTEMBER 2024

The minutes from the meeting held on 10 September 2024 were agreed as a correct record and signed by the Chair.

180 PRIVATE SECTOR HOUSING GRANT AMENDMENTS (KEY DECISION)

The Business Manager - Public Protection presented a report which set out proposed amendments to the adopted standalone policy covering the administration and distribution of mandatory and discretionary Disabled Facilities Grants (DFG) and changes to the private sector housing Minor Works Grant (MWG) scheme. These grants were designed to provide adaptations to the home to allow people to continue to live in the community and were means tested.

The report sought approval for a number of amendments to both the DFG and MWG schemes which reflected feedback from service users and partner organisations over recent years, a recognition that building and labour costs had increased significantly since the last revisions made in 2021, plus the Council's commitment to the Armed Forces Covenant and assisting ex-service personnel and their families.

AGREED (unanimously) that Cabinet approve:

- a) the inclusion of the Armed Forces Covenant into the policy;
- b) the increase in the discretionary Disabled Facilities Grant funding from £20,000 to £30,000 to be funded through the Better Care Fund Allocation;
- c) the increase to the Minor Works Grant funding from £5,000 to £10,000 to be funded through the Better Care Fund Allocation;
- d) a review of the outcome of the amendments to the discretionary grant maximum amounts after 6 months of the policy update approval; and
- e) delegated authority to the Director – Communities & Environment, following consultation with the Portfolio Holder - Housing and the Leader of the Council to increase the discretionary grant by a further £10,000 without requiring a further report to the Cabinet, if considered appropriate, following the review.

Reasons for Decision:

To ensure that the Council can continue to deliver necessary adaptations to enable residents to live independently at home for longer.

Options Considered:

Do nothing – this would not allow inclusion of the Armed Forces Covenant in line with other Council policies, limit the number of disabled facilities grants that can be approved due to maximum limits reached and prevent additional minor works to be completed.

Consider differing funding limits – The proposed amended grant maximum have been based on the current costs of adaptations that are being managed by the team. There will always be a few cases that will exceed any limit but these levels represent the majority of cases.

181 NEWARK & SHERWOOD HEALTH AND WELLBEING STRATEGY 2022 - 2026 - YEAR 2 OUTTURN REPORT

The Senior Health Improvement Officer presented a report which gave a mid-point update on the Health & Wellbeing Strategy for 2022 to 2026. The Strategy helped the Council deliver against objective one in the Community Plan to 'Improve Health & Wellbeing' and aligned to the County Council's joint strategy. Appendix A to the report provided a detailed midterm update on the strategy at year two.

The Cabinet welcomed the update and the positive work the Council were doing in respect of health and wellbeing. It was suggested that the update could include the family hub in Ollerton and the work the Council does in respect of biodiversity such as the provision of play parks and outdoor fitness equipment. One matter which remained of concern was access to the provision of emergency care.

AGREED (unanimously) that Cabinet note the work delivered to date in line with the Health & Wellbeing Strategy for 2022 to 2026.

Reasons for Decision:

To share the progress made against the Health & Wellbeing Strategy for 2023-24.

Options Considered:

None, the Council had local priorities in respect of health and wellbeing.

182 PROPOSAL TO ADOPT THE LAND AND ONGOING MAINTENANCE OF THE MIDDLEBECK PHASE ONE DEVELOPMENT (KEY DECISION)

The Director – Planning & Growth presented a report which put forward a proposal that would see land from the first phase of the Middlebeck Development being maintained by the Council over the next 20 years through a commuted sum payment of £2million. It was reported that at the time land south of Newark was consented the Council agreed to take on the public open space as part of the new development, something it now does not normally do. However, there were practical advantages of the Council taking on the land which were set out in the report. The commuted sum of £2m was inclusive of maintenance costs and repairs and renewals which would be required over the 20-year period. It was noted that any agreement was dependent on Newark Town Council not wishing to take on the ownership of this land which they could do under the current devolution agreement.

AGREED (unanimously) that Cabinet:

- a) approve, subject to appropriate legal mechanisms and formal decision from Newark Town Council it does not wish to take on the land, the Council entering into a long-term arrangement to adopt and maintain the open space from the first phase of the Middlebeck development in Newark;
- b) approve the maintenance of the land in return for a £2million commuted sum agreed with the developer, Urban & Civic;
- c) agrees that, at the end of the 20-year period, ongoing maintenance of the land would be funded from the Council's own resources;
- d) approves that delegated authority be given to the Council's Directors - Communities & Environment and Planning & Growth, in consultation with the Portfolio Holders, to enter into an appropriate legally-binding contract with the developer Urban & Civic, as detailed at paragraph 2.6 of the report; and
- e) approves that Newark Town Council be formally approached for a decision about whether it wishes to take on responsibility for the future ownership and maintenance of the land in line with the principles set out in the Devolution Agreement.

Reasons for Decision:

The recommendations align with the Community Plan objectives in relation to biodiversity, the environment and climate change. As set out in the report, the development has the potential to help the Council meet objectives set out in the community plan, thereby offering value beyond the £2million commuted sum to maintain the open spaces.

Options Considered:

The existing S106 Planning legal agreements set out that the land will be passported to Newark & Sherwood District Council in stages when certain housebuilding milestones are reached. A management company option, which exist in some other parts of the district, is not deemed to be viable by the developer, with sales in the first phase not having this mechanism incorporated. Homeowners would understandably have an expectation that an additional charge in this regard would not be placed upon them. The Council could look to passport the land and the funding to the Town Council which does have precepting powers to fund the maintenance of the land once the commuted sum has been defrayed. This was envisaged in the devolution deal with the Town Council in that they would have the first option on any new space in their administrative boundary. The Middlebeck Open Space crosses town and parish boundaries, stretching beyond the devolution agreement. Moreover, Members may be aware of the financial challenges the Town Council faces, irrespective of the additional challenge that comes with an asset of the size and scale of future Open Space cumulatively across Middlebeck which incorporates open space in every phase and new country parks. Informal discussions with the Town Council have seen these concerns raised, but there is not yet a formal decision from the Town not to take on the land or otherwise.

183 CORPORATE ANNUAL BUDGET STRATEGY FOR 2025/26

The Business Manager - Financial Services presented a report which to set out the General Fund, Capital & Housing Revenue Account (HRA) Budget Strategy for 2025/26. The Strategy was considered by the Policy & Performance Improvement Committee at their meeting held on 24 June 2014 at which they recommended approval.

It was noted that the budget process would result in setting the budget and the Council Tax for 2025/26 and the HRA budget and the rent setting for 2025/26.

The Strategy took into consideration agreed financial policies on Budgeting and Council Tax, Reserves and Provisions, Charging, Value for Money and also a set of Budget Principles which set out the approach to be taken to the budget process. These policies had been reviewed and updated where necessary and were attached as appendices to the report.

The current Medium Term Financial Plan (MTFP) was approved on 7 March 2024. The report set out a summary of the financial forecast identified within the current MTFP assuming that Council Tax average Band D would increase by the same rate as in the 2024/25 financial year, namely 1.94%.

The report also set out a number of underlying assumptions which would be applied in compiling the draft budget for 2025/26 including staff costs, provision for inflation and fees and charges.

AGREED (unanimously) that Cabinet:

- a) approve the overall General Fund, Capital & HRA Budget Strategy for 2025/26;
- b) note the consultation process with Members;
- c) note that Budget Officers continue work on the assessment of various budget proposals affecting services for consideration in setting the Council's budget; and
- d) note that Budget Managers work with finance officers in identifying further efficiency savings, increasing income from fees and charges and in identifying new sources of income.

Reasons for Decision:

To enable the Council's budget process to proceed encompassing agreed assumptions.

Options Considered:

Not applicable, the Budget Strategy is required each year in accordance with the Council's Constitution.

184 COMMERCIAL PLAN UPDATE

The Business Manager - Financial Services presented a report which gave an update on the Commercial Strategy and action plan which demonstrated how the Council was responding to the anticipated reduction in funding by making strategic savings and generating additional income. From the MTF and subsequent Annual Budget Strategy this showed an anticipated £300,000 reductions in net expenditure in 2024/25 increasing in later years to £520,000.

The Council had identified areas where additional income could be made, or savings could be achieved without impacting the quality of service delivery. The report detailed projects and actions identified as generating income and/or achieving savings which were broken down into three categories.

AGREED (unanimously) that Cabinet note the update on the Commercial Plan.

Reasons for Decision:

To share how the Council is seeking to address our forecast financial deficit.

Options Considered:

None, this was an update report.

185 ANNUAL REVIEW OF EXEMPT ITEMS

The Business Manager – Elections & Democratic Services presented a report which detailed the exempt business considered by the Cabinet for period 11 July 2023 to date. The report set out those reports taken as exempt business and identified which items, in the opinion of report authors, could be released into the public domain.

AGREED (unanimously) that Cabinet:

- a) note the report, with any items being released into the public domain if considered no longer exempt by report authors; and
- b) the annual review of exempt items continues to be brought to the Cabinet going forward.

Reasons for Decision:

To review previous exempt reports considered by the Cabinet over the previous 12 months and to continue receiving this report in order to release reports into the public domain if appropriate.

Options Considered:

This report reviews previous exempt items of business considered by the Cabinet over the previous 12 months, in order to release any information into the public domain if appropriate.

Given the report only reviews confidential items over the previous 12 months it is limited in scope and an alternative approach to taking this report on an annual basis is to utilise the Freedom of Information regime which enables the public to request reports / information to be released at any time which would then be assessed on a case-by-case basis.

There is also provision under the Access to Information Procedure Rules for Members to request the Monitoring Officer to release exempt information into the public domain if there are substantive reasons to do so (paragraph 1.3 of the report refers).

186 NEWARK TOWNS FUND UPDATE (KEY DECISION)

The Business Manager - Economic Growth & Visitor Economy presented a report which provided an update for the Cabinet on the Newark Towns Fund Programme and sought approval to submit a Project Adjustment Request to the Government to redistribute the grant funding from the Gateway Project to the Newark Heart Project.

It was noted that the original Newark Cultural Heart project envisaged a £1.5m capital Towns Fund grant towards the visible transformation of Newark Market Place. The aspiration was that this would allow a space, with associated infrastructure that could accommodate a range of experiences from the markets to events, to al-fresco dining, to areas to relax and play. However, it was apparent that the current £1.5m budget would be insufficient to change the Market Place as originally hoped, given the level of reinforcement work required on infrastructure.

AGREED (unanimously) that Cabinet:

- a) note and welcome the progress on the Towns Fund Programme; and
- b) approve, subject to agreement from the Newark Town Board, the following:

- i. an increase to the Newark Cultural Heart delivery budget by £2,203,737 (made up of £2,110,000 from the Towns Fund Capital grant and £93,737 from the Towns Fund Revenue grant;
- ii. delegate to the Director - Resources, in consultation with the Director - Planning & Growth, authorisation to submit a Project Adjustment Request form to Government seeking authorisation to re-allocate the remaining £2,203,737 detailed at b) ii from the Newark Gateway scheme to the Newark Cultural Heart project; and
- iii. to undertake the Full Business Case and return to Cabinet for approval in late 2024.

Reasons for Decision:

Through the recent Newark Masterplan consultation, the Market Place continues to be a priority for the community. Additional grant will allow for a visible and impactful transformation of the space, enhancing the space for events and animation.

Options Considered:

The Council could return the grant earmarked for the Newark Gateway (SiSCLog) to Government. This has been discounted given the ability to enhance Newark Market Place as part of Newark Cultural Heart, another Town Fund project.

187 TRANSFER OF SECTION 106 OPEN SPACE - OFF SITE SPORTS CONTRIBUTION TO OLLERTON TOWN FOOTBALL CLUB

The Business Manager – Regeneration & Strategic Housing presented a report which sought Cabinet approval to transfer Section 106 contributions held by the District Council for open space off site sports to Ollerton Town Football Club for improvements at the Walesby Lane Sports Ground in Ollerton.

AGREED (unanimously) that Cabinet approve:

- a) the Section 106 contributions for open space off site sports held by the District Council be transferred to Ollerton Town FC for improvements at the Walesby Lane Sports Ground in Ollerton; and
- b) the Council’s Capital Programme for 2024/25 is increased by £59,696.76 financed by the Section 106 receipt reference AG924 held for open space off site sports improvements in Ollerton.

Reasons for Decision:

To enable Ollerton Town Football Club to deliver improvements to its sports ground in Ollerton which will deliver improved sporting, health and community benefits and outcomes for local residents.

Options Considered:

The Section 106 receipt held under this agreement must be spent on open space off site sports in Ollerton, therefore it is appropriate that the District Council transfers the receipt held to Ollerton Town Football Club in order that the Club, as long term

leaseholder and operator of site, can deliver much needed improvements to the sports ground for the benefit of local community groups which access and use the site.

The District Council is working closely with the Ollerton Town Football Club to improve the facilities at its ground in order to grow its capacity to accommodate increased active participation in sport and leisure activities at one of the communities most valuable assets and it is appropriate therefore to support the Club to deliver improvements at the site as part of a wider ambition to regenerate the site and protect it for future generations.

The Walesby Lane site was determined as the most appropriate site to invest in based on the recent growth in the numbers of teams based at the site particularly women and girls' participation and the scope the ground offers for further expansion of activity to meet the growing demand for football locally. The only other local sports club with its own outdoor facility has suitable provision to meet local demand.

Meeting closed at 6.56 pm.

Chair



Report to: Cabinet Meeting: 4 November 2024
 Portfolio Holder: Councillor Paul Taylor - Public Protection & Community Relations
 Director Lead: Matthew Finch, Director - Communities & Environment
 Lead Officer: Jenny Walker, Business Manager – Public Protection

| Report Summary | |
|---------------------------------------|---|
| Type of Report | Open Report / Key Decision |
| Report Title | Cost recovery for re-inspection under the National Food Hygiene Rating Scheme |
| Purpose of Report | The purpose of the report is to outline a charging system which can be implemented to enable a fee to be levied for a request for a re-score under the Food Hygiene Rating Scheme. |
| Recommendations | That Cabinet approve: a) the introduction of a flat fee charge of £176 for re-rating inspection visits on a full-cost recovery basis, with effect from 1 April 2025 in accordance with the fee calculations; and b) the incorporation of the new fee into the annual fees and charges review to be undertaken each year as part of the budget setting process to ensure the fee continues to be based on cost recovery. |
| Alternative Options Considered | Do nothing – Food businesses will continue to receive a re-score but this will be in line with the FHRs Brand guidance and will only be after at least 3 months has expired. |
| Reason for Recommendations | The re-inspections will provide businesses with an option to request a re-score visit after one month rather than wait for three months. This would be charged on a cost recovery basis and would allow businesses to improve their score quicker. |

1.0 Background

1.1 The Food Hygiene Rating Scheme (FHRS) was developed by the Food Standards Agency (FSA) to enable food consumers to compare the hygiene standards within different food outlets. A rating of five indicates a very good standard and zero indicates that urgent improvement is necessary. The scheme is popular amongst consumers with a survey conducted by the FSA revealing that 40% of respondents would definitely base their decision to eat out somewhere on the Food Hygiene Rating Score.

- 1.2 FHRs is seen as a key element of improving food safety. The Scheme, which operates in England, Wales and Northern Ireland, provides transparency about hygiene standards in food businesses at the time they are inspected to check their compliance with food safety legislation our Business Compliance team have been successfully administering the FHRs scheme for many years.
- 1.3 Displaying an FHRs sticker enables consumers to make an informed choice about where they choose to eat or shop for food. Widespread display of FHRs ratings gives consumers an instant indication of a food business's hygiene standards in comparison to its neighbours and peers.
- 1.4 The devolved Governments in Wales and Northern Ireland have already enacted legislation making the previously voluntary FHRs display scheme in their administration mandatory for all food businesses. Wales has been operating this way since November 2013 and Northern Ireland commenced in 2016.
- 1.5 The FSA has expressed an intention to extend mandatory display to England and they continue to build the case using evidence from Wales, where there has been a positive impact on hygiene standards compared with England since mandatory display was introduced. Increasing numbers of consumers use the scheme to help them make informed choices.
- 1.6 One of the key differences between the current English voluntary scheme and the two mandatory schemes is that both mandatory schemes enable a charge to be made for re-rating inspections whereas, until recently no provision was made in the English voluntary scheme for such charging.
- 1.7 The Brand Standard is the FSA's guidance for the operation of the FHRs in England and the council is required to apply this guidance in full in operation of the scheme. Following legal advice and a successful trial of charging for FHRs re-inspections the FSA has revised the national scheme conditions (the Brand Standard) for the FHRs and these were re-issued in March 2017. The change now allows local authorities in England to charge for a revisit to a food business to reassess them under the FHRs, when a request is received by a Food Business Operator between their regular routine inspections. The guidance makes clear that it is for each local authority to decide whether to use these charging powers and if so, to set the charge in line with their costs.
- 1.8 Any business that has obtained a rating of less than 5 can request a follow up re-rating inspection once they have made any improvements brought to their attention following the first inspection. The purpose of the re-rating is to establish if a higher rating can be obtained and displayed to the public. Without this, there would be no opportunity for another rating to be given to an improved business until the next planned full inspection.
- 1.9 The frequency of planned food safety inspections varies from every six months to three years. The frequency of inspection is determined by the risks posed by the food business and uses the national Food Law Code of Practice's scoring process to calculate this risk and any follow-up required. It is important to distinguish a re-rating inspection from other official control revisits that might be conducted as part of officer's usual food safety work.

- 1.10 Newark & Sherwood has around 1200 food businesses including pubs and clubs, newsagents, retailers, restaurants and takeaways that are subject to the Food Hygiene Rating Scheme. Each year the Business Compliance Team will undertake between 300 to 500 programmed food inspections, depending on the food inspection programme for the year.
- 1.11 For business that do not achieve the highest level 5 rating there are three possible options open to them which are known as safeguards:
- Appeal, if they do not agree with the score;
 - Submit a right to reply if they believe there were extenuating or mitigating circumstances;
 - Request a rescore once they have made improvements in the hope of an improved score on the second visit. Within the FHS Brand Standard, **3 months must have elapsed** from the initial inspection to consider the application and to arrange a revisit.
- 1.12 It is in the commercial interests of a food business to have a good rating so there is an incentive for them to want to improve hygiene following a poor inspection and request a rescore visit. However, rescore visits create an additional capacity demand and therefore have financial cost for the local authority. This is not a service that the local authority has a statutory duty to provide but the function is necessary in order to comply with the FSA Brand Standard. Whilst a business in England can still choose whether they wish to display a rating sticker in their premises or not under the current voluntary scheme, it is worth emphasising that all ratings are already published by the FSA on their ratings website, so consumers can easily view all the ratings throughout the UK via a PC, tablet or even on a smartphone.
- 1.13 The proposed fee will only apply to re-rating inspections and not if the Authority decide to conduct an official control revisit - e.g. to check on essential work /improvements we have required. Consequently, cost recovery from businesses would occur only where they request a re-rating inspection.
- 1.14 The introduction of charging for the revisit inspections will mean that businesses can request a re-inspection at any time – there will no longer be a three month “standstill” period during which they may not request such an inspection and the business can request any number of re-inspections. However, for each request for a re-inspection, the Council would be able to charge the agreed fee, if Members are minded to agree the recommendations in this report and the fee would be sought in advance of any re-inspection work.

2.0 Proposal/Details of Options Considered

- 2.1 Approval is sought to introduce to food businesses a fixed fee for re-inspection and associated re-score under the Food Hygiene Rating Scheme. The fee charged is based upon a cost recovery calculation. We anticipate that we would receive between 20 to 30 requests for this re-inspection per year.

- 2.2 The proposal to commence charging for re-scoring on a cost recovery basis will enable existing resources to be targeted towards the high risk food hygiene inspection programme. Finance have calculated that the initial re-inspection cost will be **£176** using a total of 4 hours of officer time for each revisit. The calculation is shown in **Appendix A**.
- 2.3 Officers have previously carried out a brief review of charges made by other Districts and Boroughs in Nottinghamshire and these include:
- Ashfield District Council £180
 - Bassetlaw District Council £150
 - Mansfield District Council £160; and
 - Rushcliffe Borough Council £201

Accordingly, Officers feel that our proposed charge is in accordance with other charges made by neighbouring Authorities.

3.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Data Protection

Accepting the recommendations will not increase the volume of data held by the Council. The data will be held and processed in accordance with the data protection principles contained in Schedule 1 to the Data Protection Act 1998.

Equality

The ability to charge for re- inspection, should the proposal be agreed, will result in a change of process. Whilst this is likely to be seen as an advantage to businesses as they will no longer have to wait a mandatory three months for a re-inspection, it is essential this change in process is communicated well. Any barriers to communications should be considered from an equalities perspective in respect of the protected characteristics.

Financial Implications FIN24-25/9793

These proposals will ensure that costs for non-statutory re-inspections are recovered and that the council is no longer subsidising activity that is in the commercial interests of food businesses. Under the Localism Act we are not able to profit from the inspections but we are allowed to charge for the cost of the service.

The calculations are based on Budgeted Salaries for 24.25 which include a 5% inflation pay award on 23.24 salaries. It is advised that this is the base for the proposed charge; inflation (as per the annual budget strategy) can be added for a maximum of 3 years before a recalculation is performed using the latest Salary figures.

The money received will only be used to cover the existing costs for this activity. An annual review will be completed by the Public Protection Business Manager and Finance to ensure the cost recovery of the service is calculated only to cover the services completed, and to ensure officer time and costs are reviewed for the process of food hygiene rescores.

In the short term these charges will only generate a modest income given the number of re-inspections that the team are currently asked to undertake. However, it is anticipated that these requests may increase in the future, particularly as there is a recommendation by the Food Standards Agency that the display of scores becomes mandatory as it is currently in Wales and Northern Ireland

Human Resources

There are no immediate human resources issues identified, however if any arose these will be dealt with under Human Resources policies and procedures.

Legal

Powers are available to local authorities in England under the Localism Act 2011 allowing for the recovery of costs of reinspections/re-visits made at the request of a Food Business Operator to re-assess their food hygiene rating. It is for each authority to decide to use these powers and set the charge in line with their costs. When setting the charge the authority has a duty to ensure that taking one financial year with another, income does not exceed the costs of providing the service.

Crime & disorder

These changes to the Brand Standard intend to continue to raise awareness of the food hygiene rating of food businesses in this area. The scores are regularly uploaded to the FSA website. The ability for customers to be able to make a conscious decision where to purchase their food, could help improve general hygiene standards in the district of Newark & Sherwood.

Background Papers and Published Documents

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

[Food Hygiene Rating Scheme Brand Standard](#)

Appendix A

Calculating the costs – rescoring FHRs rating following request using the following hourly overhead rate calculation:

Admin: £28.00

EHO: £46.00

Management: £57.00

| Process | Estimated time | Officer level | Rate | Cost |
|--|----------------|---------------|----------|-------------|
| Initial enquiry and supply of application forms or redirection to website. Scan form and send to MGMT | 0.25 | Admin | £28 | £7 |
| Check validation of FHRs rescore request by management | 0.25 | Management | £57 | £14.25 |
| Input application onto database and allocate to an officer | 0.25 | Admin | £28 | £7 |
| Liaison with Food Business Operator to confirm suitability of evidence and explain process/review case file of last inspection | 0.25 | EHO | £46 | £11.50 |
| Travel to and from business | 1.0 | EHO | £46 | £46 |
| Re-inspection or partial re-inspection | 1.0 | EHO | £46 | £46 |
| Completion of inspection report | 0.50 | EHO | £46 | £23 |
| Management validation of new score | 0.25 | Management | £57 | £14.25 |
| Update of file records and database, sending of letter and sticker | 0.25 | Admin | £28 | £7 |
| Totals | 4 hours | - | - | £176 |



Report to: Cabinet Meeting - 4 November 2024

Portfolio Holder: Councillor Paul Peacock - Strategy Performance & Finance
Councillor Claire Penny - Sustainable Economic Development

Director Lead: Matt Lamb - Director - Planning & Growth
Sanjiv Kohli - Deputy Chief Executive & Director - Resources

Lead Officer: Neil Cuttell - Business Manager, Economic Growth & Visitor Economy, Ext. 5853

| Report Summary | |
|--------------------------|--|
| Type of Report | Open Report, Key Decision |
| Report Title | Sherwood Levelling Up, Long Term Plan for Towns Fund and UKSPF / UKRPF Fund Update |
| Purpose of Report | To provide an update to Cabinet on the status of various grant funding streams including Newark Towns Fund, Levelling Up Fund 1, UK Shared Prosperity Fund, Long Term Plans for Towns and Levelling Up Fund 3. |
| Recommendations | <p>It is recommended that Cabinet:</p> <ul style="list-style-type: none"> a) notes the contents of the report, including the updates associated with each funding programme, as well as future anticipated updates detailed within this report; <p style="text-align: center;"><u>Levelling Up Fund 3 Grant from Government</u></p> <ul style="list-style-type: none"> b) delegates authority to the Director - Planning & Growth and Deputy Chief Executive and Director - Resources, to accept a potential future LUF 3 grant offer via an MoU, following a legal assessment of the terms and conditions of grant funding, in accordance with paragraph 1.20 of this report; <p>Ollerton Project:</p> <ul style="list-style-type: none"> c) approves an initial release of £500,000 of any LUF 3 grant when received in accordance with b) above, subject to a legal review of the terms and conditions of the grant funding and in accordance with paragraph 1.22 of this report; d) subject to b) above, delegates authority to the Business Manager - Economic Growth & Visitor Economy of additional spend from the approved Capital Budget beyond the £500,000 detailed in c) above, subject only to securing legal control of the required land, subject to planning, securing a match funding resolution to any funding gap, in accordance with paragraph 1.22 of this report; |

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| | <p>Clipstone Project:</p> <p>e) delegates authority to the Business Manager - Economic Growth & Visitor Economy to approve spend of the in principle capital budget for Clipstone Phases 1-3, subject only to: 1) receipt of the full LUF 3 grant from Government as detailed in b) above; 2) no demonstrable funding gap to deliver the scheme in accordance with the Council's approved Capital budget; and 3) all required land-take to deliver that phase of the scheme being secured or within control of the District Council in accordance with paragraph 1.23 of this report;</p> <p><u>Long Term Plan for Towns Fund</u></p> <p>f) delegates authority to the Director - Planning & Growth and Deputy Chief Executive and Director - Resources, in consultation with the Newark Town Board, to accept a future Long Term Plan for Towns Fund grant offer of up to £20 million, subject to a review of the terms and conditions, new guidance and the submission of the Investment Plan;</p> <p>g) delegates authority to Deputy Chief Executive and Director - Resources, in consultation with the Newark Town Board, to approve grant awards in accordance with the Newark Town Board's Assurance Framework and Long-Term Plan for Towns Investment Plan as detailed at paragraph 1.13 and Annex 1 of this report.</p> |
| <p>Alternative Options Considered</p> | <p>If LUF3 and LTPFT grant funding is forthcoming it remains open to this Council to refuse to accept it or engage. This would represent a missed opportunity to delivery genuine and impactful transformative change in the communities of Ollerton, Clipstone and Newark.</p> |
| <p>Reason for Recommendations</p> | <p>To ensure Members are aware of the recent updates and developments associated with key funding programmes and to enable funding streams to progress, despite delays with funding announcements to date, within Government timescales as required.</p> |

1.0 **Background**

- 1.1 Since 2020, Newark & Sherwood District Council have successfully secured over £90m of grant funding across various Government funding streams and initiatives to support local growth and regeneration. All funding awarded or provisionally allocated to the District Council over this period follows a competitive bidding exercise, or the development of a fund Investment Plan demonstrating local need and intent, against a pre-determined district allocation.
- 1.2 Locally, the four key funding programmes currently at various stages of their delivery and development include Newark Towns Fund, UK Shared Prosperity Fund and Rural England Prosperity Fund (UKSPF/REPF), Long Term Plans for Towns (LTPFT) and Levelling-Up Fund 3 (LUF 3). High level details of each fund are demonstrated below, in Table 1.

Table 1. Summary of Local Economic Growth and Regeneration Funding Programmes

| Funding Programme | Funding Period | Total Allocation | Status |
|--|-----------------------|---------------------------|--|
| Newark Towns Fund | 2021-2026 | £25.75 million | Live |
| Levelling Up Fund 1 – Southern Link Road | 2021- 2025 | £20 million | Under construction |
| UKSPF/REPF | 2022-2025 | £3.3m UKSPF £891k REPF | Live |
| LTPFT - Newark | 2025-2035 | Up to £20 million | Awaiting final confirmation of funding |
| LUF 3 – Ollerton/Clipstone | 2024 -2026 | £20 million | Awaiting final confirmation of funding |

1.3 Following the recent General Election in July 2024 and subsequent change in Government, the Department for Levelling Up, Housing & Communities (DLUHC) was renamed the Ministry of Housing, Communities and Local Government (MHCLG). MHCLG administrate and lead on all government funding streams described within this report, with the exception of REPF, which is a Department for Environment Food and Rural Affairs (DEFRA) initiative. This funding steam is however, also administered and monitored by MHCLG for the purposes of alignment and integration within UKSPF.

1.4 Newark Towns Fund and Levelling Up Fund 1

1.5 In July 2020, the Newark Towns Fund Board submitted the Newark ‘Town Investment Plan’ which outlined 9 priority projects (from a long list of thirty projects spanning the next 30 years) under 4 pillars of intervention, 1) Business & Skills, 2) Connectivity (Digital and Physical), 3) Town Centre Regeneration and 4) Town Centre residential growth. The government announced that this plan was accepted in May 2021 and a number of projects within the programme have since completed or are due to complete by March 2026. Key projects delivered by March 2026 include Newark Construction College Centre of Excellence, Newark Air and Space Institute (ASI), YMCA Community & Activity Village, 32 Stodman Street Redevelopment, Newark Cultural Heart (including transformation of Newark Market Place), Castle Gate House, 20 mile cycle town (in partnership with Brompton Bikes) and the addition of Southern Link Road which whilst a TIP project was funded by a successful Levelling Up Fund round 1 application for £20m grant. The relocation of the Police Station and Newark Gateway (SiSCLog) were removed from the Towns Fund programme since the initial Town Investment Plan. This programme is on track for completion in Spring 2026.

1.6 UKSPF/REPF

1.7 UKSPF was announced in July 2022 as part of the previous Governments wider ‘Levelling-Up’ agenda, seeking to replace former EU structural funds and compromising a 70/30 split revenue to capital. Shortly after the introduction of UKSPF, REPF was announced as a capital top up to UKSPF, specifically targeting growth in rural areas. The council received confirmation of £3.29m UKSPF funding and £891k of REPF

in Autumn 2022, available for three financial years until March 2025. All funding awarded is allocated to a variety of projects across three themes of communities and place, people and skills and supporting local businesses and due to complete by March 2025. This includes a combination of in-house delivery, grants to partner organisations and commissioning and procurement.

- 1.8 To date, there is no known continuation or replacement of UKSPF/REPF beyond March 2025. MHCLG have advised that any future funding that may be available through an extension of the existing programme or introduction of a similar alternative, is subject to the Government budget on October 30th, 2024, therefore Officers expect an update in the coming weeks.
- 1.9 It is also important to note the 2022 Devolution Deal agreed that any future UKSPF would be granted to the East Midlands Combined County Authority (EMCCA) in the first instance, with the opportunity of Local Authority allocation thereafter. EMCCA are currently consulting partners and Local Authorities across the region to discuss and develop further plans, priorities, and approaches to delivering this fund from April 2025 (should the Government confirm future replacement funding beyond the existing period). It is expected that an update will be provided from EMCCA regarding local plans for UKSPF, in the weeks following the October 30th budget.
- 1.10 Long Term Plan for Towns Fund (LTPFT)
- 1.11 In September 2023, Newark and Sherwood District Council were informed of an in-principle decision to award a £20 'endowment style' funding for Newark titled the Long-Term Plan for Towns Fund (LTPFT). It is required that a Town Board is set up for Newark, made from primarily community groups and local businesses to provide a 10-year vision for the town, alongside a 3 year investment programme and intervention, which must be submitted to Government by 1 August 2024.
- 1.12 The Board has been meeting monthly between March and July 2024 to bring together over 40 businesses, community organisations and government agencies to understand what research data identifies are the priorities for Newark, combined with the local knowledge of the group, to develop a vision for Newark and a list of priority projects to be delivered in the 3-year investment programme. This will be collectively known as the Long Term Plan for Towns Investment Plan – renamed locally the 'We Are Newark Investment Plan'.
- 1.13 On 19 July 2024, Central Government informed the Council and the Town Board that they are no longer expecting the submission of the Town Investment Plan by 31 July 2024. That has not stopped the Towns Board detailing its initial priorities for the first 3 years of any fund based on a previously published funding profile. On 23 July 2024, the Cabinet approved the delegation to the Portfolio holders for Strategy, Performance and Finance, and Sustainable Economic Development to endorse the final Town Investment Plan. These are detailed at Appendix 1. The Town Board is awaiting further detail and guidance from the Central Government before finalising any submission. Any funding will be subject to the requirement for matters such as an additional assurance framework and final approval from both the Towns Board and Council's s151 Officer acting on behalf of the Council as the accountable body.

- 1.14 Should the Council not receive confirmation of the funding on 30 October 2024 budget, Officers will continue to work with the Newark Town Board and project leads to further develop some of the projects so that they are as funding-ready as possible. It should be noted that the loss of this funding will mean some of these projects will not proceed in the short to medium term.
- 1.15 Should the Council receive confirmation of the funding on 30 October 2024 budget without any substantive amendments to guidance for the funds the 'We Are Newark Investment Plan' will be submitted to Government as soon as possible. Any substantive changes will be discussed with the Towns Board, with any revisions to the Investment Plan being reported back to Cabinet.
- 1.16 LUF 3
- 1.17 Newark and Sherwood District Council submitted a bid to the previous Government's LUF 2 funding programme in July 2022, to deliver the 'Shaping Sherwood's Rival' regeneration scheme. The bid sought £20m with projects costed in early 2022, with the funding period ending March 2026. The two projects within the local programme were Ollerton Town Centre regeneration and the development of Mansfield Road, Clipstone.
- 1.18 In November 2023, the council received notification from Government of a successful 'in-principle award' of £20m towards the original LUF 2 submission, via the LUF 3 programme (the latest funding tranche, recently announced at the time). Final confirmation of the award is subject to project validation and departmental sign off, considering changes to the original bid, subsidy control and other key conditions and requirements of the grant. Whilst the validation process for Newark and Sherwood was completed by Officers and confirmed in writing by the Civil Service in May 2024, prior to the calling of an election, final sign off and receipt of a Memorandum of Understanding (MoU) is still outstanding given the calling of the election before any formal paperwork was given to the Council to execute. Following the general election, the council were advised of an ongoing review by the new Government. It remains a significant risk that final approval may not be granted, coupled with a risk, that even through approval the timelines and costs of delivery would need to be re-evaluated. An update on the future of LUF 3 funding is anticipated to be announced on or before the Government budget on 30th October 2024.
- 1.19 Both the Ollerton and Clipstone projects have continued to advance over the last 12 months through the use of capacity funding and dedicated budgets to support progression. This includes developments through the RIBA stages, value engineering, advances with potential future tenants, and the completion of public consultation exercises. It should however be noted that it was agreed previously by Cabinet in July 2024 to pause further investment towards both LUF projects (beyond budget and work strands already started), until receipt of an MoU from Government and confirmation of the £20m LUF 3 funds. This means remobilising and moving into the next stages of RIBA will take additional time and will have delayed further the original intended timeline for delivery.

- 1.20 Should Newark and Sherwood District Council receive confirmation of LUF 3 funds, it is expected that both projects will continue to progress. Nonetheless, with consideration of the delays experienced, a 12- month extension to the original spend deadline set by Government would be required (extending from March 2026 to March 2027), in order for both projects to be able to meet the spend conditions of any future grant. It is therefore recommended that joint delegated authority is granted to the Director of Planning & Growth and the Deputy Chief Executive and Director of Resources, to review the conditions of any future MoU (to the value of £20m) and confirm acceptance on behalf of the District Council, following an assessment of deliverability against the grant requirements, and a legal review of the terms and conditions,
- 1.21 In addition to the absence of the LUF 3 grant, it is important to consider other key risks associated with both Ollerton and Clipstone schemes in their current form, such as outstanding land acquisition, planning permission and gaps in match funding to progress both projects in full. It is expected that further updates will be provided to Cabinet on all risks, mitigations and critically how fundings gaps may be closed, in December 2024. It should also be noted by Cabinet, that an agreed resolution to current outstanding match funding requirements, and the legal finalisation of land acquisition associated with the Ollerton scheme are both essential, prior to planning application submission.
- 1.22 In order for the Ollerton scheme to meet an anticipated March 2027 spend deadline, whilst progressing with RIBA stage 3 works and finalising the land acquisition, it is recommended that a sum of £500,000 is established from the in principle approved Ollerton capital project budget of £20,909,757. The contribution of £500,000 would be financed by LUF 3, and available upon receipt of an MoU from Government. This recommendation is also subject to a legal review of the terms and conditions of the potential Government grant, considering the risk to further investment at this stage of project development, to ensure any LUF 3 expenditure remains eligible. In order to manage and help mitigate risk further, it is proposed that any additional spend, financed by LUF 3 or match, associated with the Ollerton scheme (beyond the value of £500,000) is paused, until legal completion of the land acquisition and a resolution to outstanding match funding. An update will be reported back to Cabinet in December 2024 to confirm the status of all grant and match funding and next steps.
- 1.23 There remains potential land acquisition risks with respect to the Clipstone scheme particularly around Phases 2 and 3. However, Clipstone Holdings and the new Visitor Centre scheme (Phase 1&3) can progress within landholdings currently in the control and/or ownership of the District Council. In any event, the new visitor centre scheme can also only progress to a planning application if funding is secured to deliver the scheme in accordance with the Council's Capital Programme.
- 1.24 Any additional updates in relation the above funding streams that may be made available shortly before the date of this Cabinet meeting, will be provided verbally to Members.

2.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

2.1 Legal Implications

The execution of a memorandum of understanding by Government for any funding streams noted within this report would provide assurance to the Council regarding funding commitment, although it does not create a legal obligation.

2.2 Financial Implications (FIN24-25/6148)

Towns Fund

2.3 Priority projects identified for the Towns Fund are listed in the below. There is a mixture of revenue and capital monies.

2.4 The SIScLOG project has been removed from the list and the grant funding reallocated to 32 Stodman Street, Castle Gatehouse and Cultural Heart projects.

2.5 Spend to date against the grant as at the end of September 2024 is £20,863,373 (£870,330 + £19,993,043), with £4,886,627 left to spend before March 2026.

The table below does not include all the funding sources, only Newark Towns Fund.

| Project | Accelerated Funding Allocation | Revenue Allocation | Capital Allocation | Revenue Spend to September 2024 | Capital Spend to September 2024 | Total available to spend/Committed by March 2026 |
|---------------------------------|--------------------------------|--------------------|--------------------|---------------------------------|---------------------------------|--|
| IASI | 77,000 | | 10,600,000 | | 10,677,000 | - |
| Castle Gatehouse | | | 3,310,000 | | 747,043 | 2,562,957 |
| Stodman Street | 284,000 | | 3,980,000 | | 3,980,000 | 284,000 |
| Cultural Heart | | 693,737 | 3,610,000 | 462,290 | 2,000,000 | 1,841,447 |
| SIScLog | | 106,263 | | 106,263 | - | - |
| YMCA Community Activity Village | | | 2,000,000 | | 2,000,000 | - |
| 20 Min Cycle Town | | | 200,000 | | 200,000 | - |
| Construction College | 389,000 | | | | 389,000 | - |
| Project Management | | 500,000 | | 301,777 | | 198,223 |
| | 750,000 | 1,300,000 | 23,700,000 | 870,330 | 19,993,043 | 4,886,627 |

Levelling Up Fund 1

- 2.6 The Council was awarded £20m LUF 1 to support the delivery of the Southern Link Road, with the addition of £6m LEP, £3m NCC and £5m of NSDC funds is a total contribution of £34m to the £83.3m project. NSDC are currently awaiting receipt of the £3m contribution from NCC. This is currently profiled over 2024/25 and 2025/26 to be passed over to Urban & Civic.

UK Shared Prosperity Fund and Rural England Prosperity Fund

- 2.7 The UKSPF and RESPF has supported a number of projects across the district within 3 themes of communities and place, people and skills and supporting local businesses. This includes a combination of in-house delivery, grant funding to local organisations and commissioning and procurement.

| Spend | 2022/23 | 2023/24 | 2024/25 (forecast) | Total |
|---------------|-----------------|-------------------|-------------------------------|-------------------|
| UKSPF Capital | £20,000 | £170,000 | £781,263 | £971,263 |
| REPF Capital | | £236,730 | £654,977 | £891,707 |
| UKSPF Revenue | £303,412 | £691,890 | £1,324,161 | £2,319,463 |
| TOTALS | £323,412 | £1,098,620 | £2,760,401 | £4,182,433 |

Levelling Up Fund 3

Ollerton

- 2.8 It is recommended that following Legal review of the grant terms and conditions a budget be made available of £500,000 in the Capital Programme if the MOU is received and the grant terms and conditions can be met. This expenditure would be financed by the grant, meaning there would not be any additional financial implications at this stage.
- 2.9 Further spend would only be incurred beyond the £500,000 once the match funding is resolved and reported back to a future Cabinet meeting, detailing the timescales and firmed up costings and future revenue implications from the full business case to ensure the viability of the scheme.

Clipstone

- 2.10 There are no additional financial implications at this stage. Further detail on the scheme will be brought back to December Cabinet at which point the financial implications can be considered.

Long Term Plan for Towns (LTPfT)

- 2.11 Once the Council have confirmation of the LTPfT Grant funding, detailed financial implications for all projects approved by the Towns Board which are Council led, will be presented for consideration at Cabinet, ensuring a robust approach to the viability and sustainability of each project.

Background Papers and Published Documents

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

UK Shared Prosperity Fund

UK Shared Prosperity Fund Prospectus, 2022

Levelling Up Fund Round 3

Levelling Up White Paper, 2022

Levelling Up Fund Prospectus and Guidance, 2022

Sherwood Levelling Up Bid, July 2022

Cabinet Report, Levelling Up Submission and UK Shared Prosperity Fund, June 2022

Cabinet Report, Sherwood Levelling Up Fund Update, November 2022

Cabinet Report, Ollerton Hall, July 2023

Cabinet Report, Ollerton Town Centre Regeneration and Bank purchase, December 2023

Cabinet Report, Sherwood Levelling Up 3 Update – Ollerton & Clipstone, March 2024

Cabinet Report, Sherwood Levelling Up 3 Update 2 – Ollerton & Clipstone, June 2024

Cabinet Report, Levelling Up Fund (LUF) 3 Update, July 2024

Towns Fund and Long Term Plan for Towns

- Town Investment Plan, July 2020

- Newark Town Board meeting reports

- [27 March 2024](#)

- [30 May 2024](#)

- [27 June 2024](#)

Cabinet/ Committee reports:

- Economic Development Committee

o 19 January 2022

[Newark Towns Fund Update](#)

- Policy & Finance Committee

o 27 January 2022

[Newark Towns Fund Update and Approvals](#)

o 17 March 2022

[Newark Towns Fund Update](#)

o 23 March 2022

[Towns Fund Projects Update](#)

- Cabinet

o 14 May 2024

[133. Newark Towns Fund Update](#)

o 23 July 2024

[11. 32 Stodman Street Development](#)

Long Term Plan for Towns [Guidance](#)

Annex 1 – Long Term Plan for Towns 3 Year Investment Plan Priority Projects

| Recommended Projects | Lead Organisation | Capital | Revenue |
|--|---|---------|---------|
| <p>Transforming Newark Market Place To carry out improvements to improve public realm, including consideration of market stall refresh, greening, water play and public art. It will also include infrastructure upgrades including electricity network, lighting and wayfinding. It will transform the Market Place to allow for more adaptable uses and welcoming alfresco eating and dining.</p> | Newark and Sherwood District Council Newark Town Council Nottinghamshire County Council | £0.3m | |
| <p>New CCTV Control Room NSDC has made the decision to leave the existing partnership which currently provides CCTV to Newark due to a number of concerns regarding speed of information shared and aging technology. The Council is proposing a new CCTV control room to provide live monitoring of Newark and to increase CCTV coverage to tackle crime and ASB.</p> | Newark and Sherwood District Council | £0.35m | |
| <p>Riverside Regeneration/ Dry Dock/ Parnham Island Canal and River Trust currently owns and operates the country's largest inland Dry Dock and surrounding facilities at Parnhams Island. The proposal will deliver a feasibility study for the dry dock to provide a viewing gallery and learning space to attract visitors and provide skills and learning opportunities for local young people and adults. It will also attract more visitors to the Riverside Area and improve moorings, lightings, bridges and signage to attract visiting boats and encourage longer stays in the town</p> | Canal and River Trust | £0.45m | £0.055m |
| <p>Targeted Upper Floor Residential Conversion Grant The upper floor of the Town Centre, especially in the Market Place is underused and presents a great opportunity for conversion to residential. As the town centre is primarily in private and fragmented ownership, the only way to incentivise these conversions is to provide a grant. The increase of residential properties within the town centre will also provide an increased footfall within the town centre, especially in the evening.</p> | Newark and Sherwood District Council | £0.8m | |
| <p>Newark Information Point/ 14 Market Place The Town Council proposes an information point using an existing premise under Council ownership. It will pull together a range of stakeholders (including Councils, YMCA, Newark College and others) to form a central information point and community support hub to link visitors and residents with cultural events, museums, galleries, music, sports, recreation, tourism and hospitality offer within the town.</p> | Newark and Sherwood District Council | £0.09m | |

| | | | |
|--|--|---------------|----------------|
| <p>Town Centre Events To coordinate, and to deliver events within the Newark Town Centre.</p> | <p>Newark and Sherwood District Council Inspire Newark Town Centre Partnership</p> | | <p>£0.4m</p> |
| <p>Feasibility Development Grants The creation of new funding to assist with the development of large-scale capital projects supported by the Newark Town Board.</p> | <p>Newark Town Board</p> | | <p>£0.2m</p> |
| <p>Community Grants The creation of a Newark based Community Grant Programme to build capacity within community organisations in Newark and to deliver various smaller projects</p> | <p>Newark Town Board</p> | | <p>£0.316m</p> |
| <p>Project Management Costs</p> | <p>Newark and Sherwood District Council</p> | | <p>£0.150m</p> |
| <p>TOTAL</p> | | <p>£1.99m</p> | <p>£1.121m</p> |



Report to: Cabinet Meeting – 4 November 2024

Portfolio Holder: Councillor Claire Penny - Sustainable Economic Development
Councillor Susan Crosby – Health, Wellbeing and Leisure

Director Lead: Suzanne Shead, Director - Housing, Health & Wellbeing
Matt Lamb, Director - Planning & Growth

Lead Officer: Cara Clarkson, Business Manager – Regeneration & Housing Strategy, Ext.5293
Ellie Buchanan, Senior Regenerator Officer, Ext. 5238

| Report Summary | |
|---------------------------------------|---|
| Type of Report | Open Report, Key Decision |
| Report Title | Active Travel Feasibility Report |
| Purpose of Report | To provide an update on the progress made on the feasibility report and gain approval to adopt the report as a formal component within the Council’s evidence base. |
| Recommendations | <p>That Cabinet note the contents of this report and agrees:</p> <ul style="list-style-type: none"> a) to adopt the feasibility report (as at Appendix A which has been published separately to the main agenda) as a key component of our evidence base to support future funding applications; provide strength to our S106 pipeline of projects; enhance policy development, and heighten the role of NSDC and its ongoing commitment to the active travel agenda; and b) to endorse ongoing partnership work with Nottinghamshire County Council, Active Travel England and relevant partners to support early exploratory work through future feasibility studies within the recommended priority areas where funding for these has been secured. |
| Alternative Options Considered | That the feasibility report is not formally adopted by Members. This approach has been dismissed due to the strength the feasibility report provides for future work on the priority areas (in partnership with Nottinghamshire County Council as Highway Authority), and the strengthened position of the Council should future funding opportunities present themselves through the East Midlands Combined County Authority (EMCCA) and newly appointed Mayor, by having a broad concept of projects at the ready for further feasibility work. |

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| <p>Reason for Recommendations</p> | <p>Adopting the feasibility study will allow NSDC and partners to make informed decisions on shaping and enhancing the district through physical infrastructure improvements. This improved connectivity will not only enable communities to move more through walking, wheeling and cycling opportunities, in line with the Council’s Community Plan; but it will also support and improve the physical and mental wellbeing of our communities; and contribute towards the reduction in vehicular congestion and emissions across the district.</p> |
|--|---|

1.0 Background

- 1.1 The Active Travel project was formed following the successful allocation of funds from the UK Shared Prosperity Fund, to fund a feasibility study for partners across Newark and Sherwood (including NSDC) to identify opportunities to improve the district’s infrastructure, to enable communities to walk, wheel and cycle more often.
- 1.2 The brief for the feasibility report was developed through a partnership approach, with project team member’s including Active Notts, Active4Today, NHS, Canal & River Trust, Sustrans, Nottinghamshire County Council, Nottingham Disabled People’s Movement, alongside colleagues across NSDC from teams including Planning Policy, Health Improvement, Community Development, and Regeneration.
- 1.3 The purpose of the feasibility report is to strengthen our evidence base to support future regeneration activities, policy development and the agenda of long-term development plans produced by the Planning Policy team, such as the Local Transport Plan and Core Strategy. It will also underpin the identification of potential S106, EMCCA and other pipeline spend as a key piece of evidenced need.
- 1.4 Phil Jones Associates (PJA) were appointed as the consultant to undertake this piece of work and are one of the country’s leading authorities on Active Travel, having been a lead author on the Local Cycling and Walking Infrastructure Plans (LCWIP) guidance and Local Transport Note 1/20 for the Department of Transport.

1.5 Focus Areas

The project team and PJA took an evidence-based approach to identifying the key focus areas, analysing a range of evidence and data available including: Travel to Work patterns; Distance Travelled to Work; Car Ownership; and Index of Multiple Deprivation, which presented the initial areas of focus for cycling and walking connections around Ollerton; Edwinstowe; across to Clipstone and Mansfield; down to Southwell; and across to Newark. Further linkages between Yorke Drive and the town centre were also included, aligning the key work strands of the wider Regeneration and Housing Strategy business unit and Community Plan, whilst offering a more holistic approach to connectivity.

- 1.6 Due to the existing focus and work being carried out in Newark’s town centre through the Town Centre Masterplan, Design Code, Newark Cultural Heart and other activities as part of the Towns Fund agenda (including Active Travel initiatives), it was agreed by Member’s to focus the energies of PJA (and avoid duplication), to the southern periphery of Newark instead, ensuring connectivity with the large strategic residential housing sites, as well as the proposed Southern Link Road.

1.7 Consultation and Engagement

To ensure the initial focus areas were correctly identified through the early evidence-based work, a range of engagement sessions were held to test and validate the emerging recommendations. This included:

- a) A Member's Briefing Session, September 2023. This session agreed the direction and focus areas for the feasibility work ensuring close alignment to the Council's strategic objectives.
- b) Online Stakeholder Session, December 2023. Recommendations were made on where improvements could offer the greatest benefit (based upon the local experiences and knowledge of key stakeholders, of problematic areas). The suggestions were captured within the emerging recommendations and refined accordingly. A list of the stakeholder attendees can be found at Appendix B.
- c) Community Survey, January 2024. The survey was available to all members of the community and received 612 responses. The responses confirmed PJA's recommendations. A summary of the responses received can be found at **Appendix C**.

1.8 It is also worth noting that through the Community Survey, due to the high level of responses received, we were able to capture the thoughts and views of communities far extending the tight focus areas, offering a real insight into the perceptions of Active Travel at a district level. It also provided information to enable the project team to verify anecdotal theories and gather qualitative data on how our communities perceive the notion of walking, wheeling and cycling more; whether it's important to them; and the impacts that physical movement has on their mental health. Overall, active travel was portrayed as a positive concept and a healthy lifestyle choice.

1.9 How Will the Council Use the Feasibility Study?

The long-term ambition for Active Travel is to create a network of new and enhanced cycling and walking routes across the district to enhance connectivity through improved infrastructure. New active travel infrastructure will be designed with the needs of disabled residents at the fore to ensure accessibility for all. It is important to note at this stage however, that this study represents an evidence base and is not a funded delivery plan. Whilst a degree of prioritisation of projects has been undertaken at a desktop level, a significant amount of refinement will be needed to progress any recommendation, alongside Nottinghamshire County Council who hold the statutory responsibility for Highways. Further work needed will include (to name but a few), community engagement/consultation; detailed feasibility and engineering work; and consultation with VIA. Costs for delivering the next step feasibility for any project can be estimated at least 5% of the proposed construction costs, detailed in **Appendix D** of the feasibility study.

1.10 The immediate value of the feasibility study is in a strengthened evidence base to support regeneration activities, policy development and the agenda of long-term development plans produced by the Planning Policy team. It will also support the identification of potential S106 pipeline spend as a key piece of evidenced need. NSDC

are keen to continue working with NCC (our Highways Authority), to bring forward shared priorities, but also to enable NSDC the opportunity to help lobby, influence and shape areas that are variants of the D2N2 priorities. Continued collaboration and communication is vital to ensuring the Active Travel Report remains a consideration of NCC.

- 1.11 Having a robust feasibility study will also support NSDC in applying for potential future funding streams as they present through the Levelling Up and Regeneration Act. We are in a strong position now to act quickly to these opportunities, which will provide confidence to grant providers that we are committed to deliver against our ambitions and aspirations. It is important to note, that NCC are the Highways Authority and have the ultimate decision-making power in advancing any future routes and/or improvements. Of particular interest and where support would be most favourably provided by NCC, is where the recommendations for both NSDC and D2N2 align. Within the Active Travel Report, **Appendix E** Route Prioritisation – Scoring, highlights the recommendations that best align with NCC’s ambitions and priorities, and ultimately, would be most supported for further feasibility work (as and when funding sources become available). The recommendations that do not currently align with the D2N2 priorities will be amongst the more challenging routes to progress.
- 1.12 As routes are brought forward, the council will work with local groups and representatives with local knowledge to explore the proposed and potential alternative route options available for any one destination journey.

2.0 Proposal

The strategic, high-level recommendations for network implementation, presented in the feasibility report (subject to more design work to confirm their engineering feasibility), and detailed within Appendix C of the study, are:

- a) Stronger east-west links between Ollerton and Edwinstowe – especially for school travel and links to retail and employment opportunities.
- b) Greenway links especially around the Sherwood area aim to provide improved active travel connections for leisure activities, particularly linking Ollerton and Edwinstowe to the Sherwood Pines area – reducing the need for people to drive to the forest.
- c) Improved connections to the popular Southwell Trail, especially from Newark, via a new bridge connection over the River Trent at Farndon. This link would also significantly benefit access to the Staythorpe Power Station from Newark, allowing workers to use a much more direct route from residential areas south of Newark.
- d) Improved orbital connections around the south of Newark, linking key amenities, schools and providing for short local journeys.
- e) Improvements of radial routes to the south of Newark, particularly Farndon Road and London Road, bringing cycle infrastructure up to a higher standard. A new bridge over the A1 to link to the Fernwood development would reduce severance and bring the local amenities of Balderton within easier reach of Fernwood residents.

A full copy of the report and appendices are located in Appendix A (published separately to the main agenda).

2.1 Support from Nottinghamshire County Council and Active Travel England

The Active Travel Feasibility Study has been developed in accordance with the D2N2 Local Cycle and Walking Infrastructure Plan and officers within the Local Transport Plans and Programme Development Team at Nottinghamshire County Council have been involved throughout the process, adding valuable commentary and guidance towards the emerging recommendations.

2.2 The Transport and Environment Cabinet Member at County Council is supportive of the NSDC Active Travel Report, with Nottinghamshire County Council providing the below supporting statement:

“The County Council supports Newark & Sherwood District Council’s aspiration to increase levels of active travel (which aligns with the Nottinghamshire Plan), and (as and when funding becomes available) will continue to develop those routes within Newark & Sherwood which have been identified as priorities within the D2N2 LCWIP 15-year programme, but at this stage the County Council is unable to comment on, or offer a view around, the other (non-D2N2 LWCIP) prioritised schemes until further feasibility work has taken place.”

2.3 Active Travel England were also involved in the development of the feasibility report, including their role as ‘critical friend’ on the draft report. Their feedback was very positive, and included recognition of the report as:

- I. Comprehensive LCWIP with a strong evidence base;
- II. Well balanced between modes suitable for walking, wheeling and cycling;
- III. Positive links to large development sites;
- IV. Good links to areas of higher deprivation and lower car ownership;
- V. Vital to link in with the Highways Authority; and
- VI. Active Travel expected to form a key part of the EMMCA.

2.4 A full copy of the Active Travel England statement can be found at Appendix D.

3.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Equalities Implications

3.1 The Active Travel project identifies a range of opportunities to increase physical connectivity and support accessibility for all, through walking, wheeling and cycling. When referring to ‘wheeling’, as defined in Sport England’s latest Active Design guidance (May 2023), it includes ‘assistive wheeled mobilities such as wheelchairs, mobility scooters or similar. It can also include pushchairs or buggies for children.’

- 3.2 As PJA are amongst the country's leading authorities on Active Travel, having been a lead author on the Local Transport Note (LTN) 1/20 for the Department of Transport, which is the current design guidance for England and Northern Ireland, accessibility for all has been at the forefront of all their work. LTN 1/20 sets out clear criteria that explicitly supports the need for inclusive and accessible design for cycle infrastructure.
- 3.3 LTN 1/20 is clear in its aim to provide accessible active travel for all, recognising cycles as mobility aids, referring to all cycle types and ensuring that designs and management cater for a full range of users.
- 3.4 All considerations and recommendations made by PJA in the Active Travel Report are compliant with standards and guidance set out in LTN 1/20.

Environmental

- 3.5 The Active Travel project will support the net zero and nature recovery objectives by identifying opportunities to improve the cycling and walking offer across the district, helping the Council to tackle some of the most challenging issues: improving air quality and reducing congestion and noise pollution on our roads.

Financial Implications FIN 24-25/870

- 3.6 There are currently no direct financial implications arising from this report. Future financial implications will need to be assessed once proposals for the next stages of the feasibility study, and the community engagement/ consultation process, have been defined.

Background Papers and Published Documents

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

None

Appendix B – Stakeholder Attendees

Attendees from the Online Stakeholder Session, 12 December 2023, includes:

Sustrans

NSDC Councillor

Ollerton and Boughton Town Council

Nottinghamshire Area Ramblers

VIA East Midlands

West Nottinghamshire College

ATTFE College

Nottinghamshire County Council

Nottinghamshire Family Hub Network

Newark & Sherwood CVS

Newark College and the Air & Space Institute

Active 4 Today

Newark Town Council

Cycling UK Newark

Sutton Community Academy

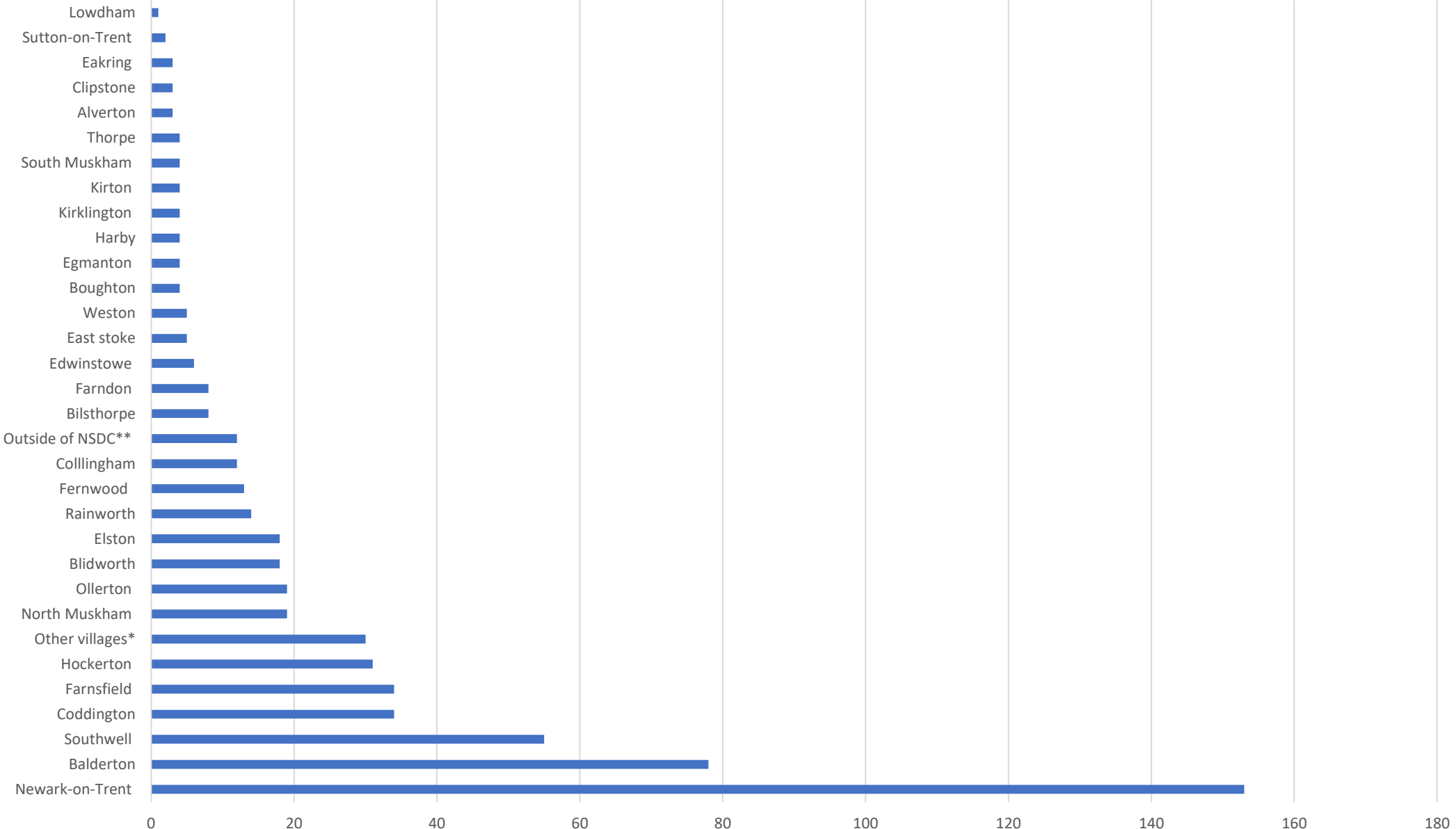
Newark & Sherwood Active Travel Advisory Group

Active Travel Resident's Survey

Agenda Page 36



Q1) Please tell us which village or town you live in.



Q1) Please tell us which village or town you live in-areas of focus.

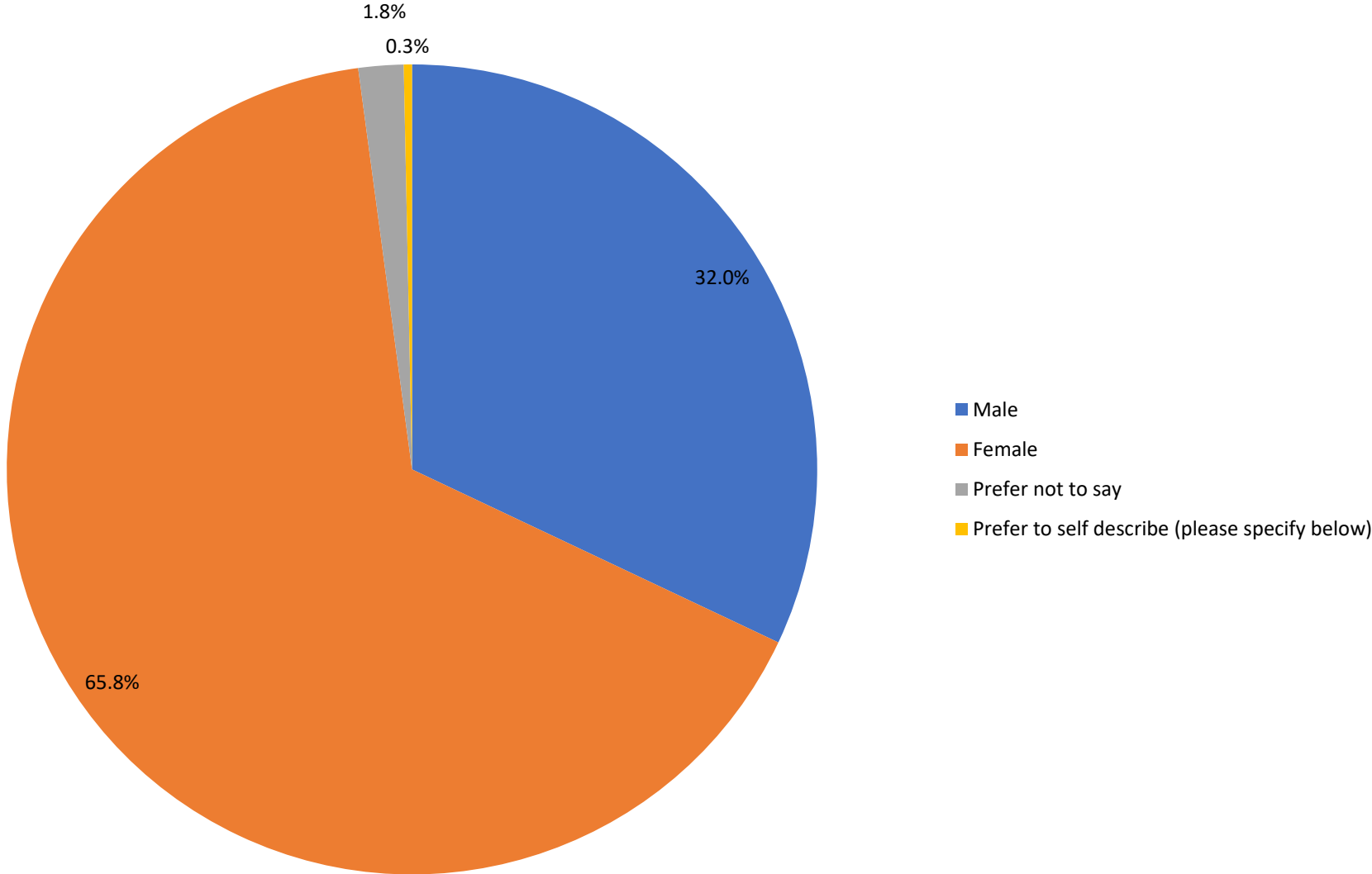
| Area of Focus | Responses |
|-----------------|-----------|
| Newark-on-Trent | 153 |
| Balderton | 78 |
| Southwell | 55 |
| Ollerton | 19 |
| Fernwood | 13 |
| Edwinstowe | 6 |
| Clipstone | 3 |

Q1) Please tell us which village or town you live in.

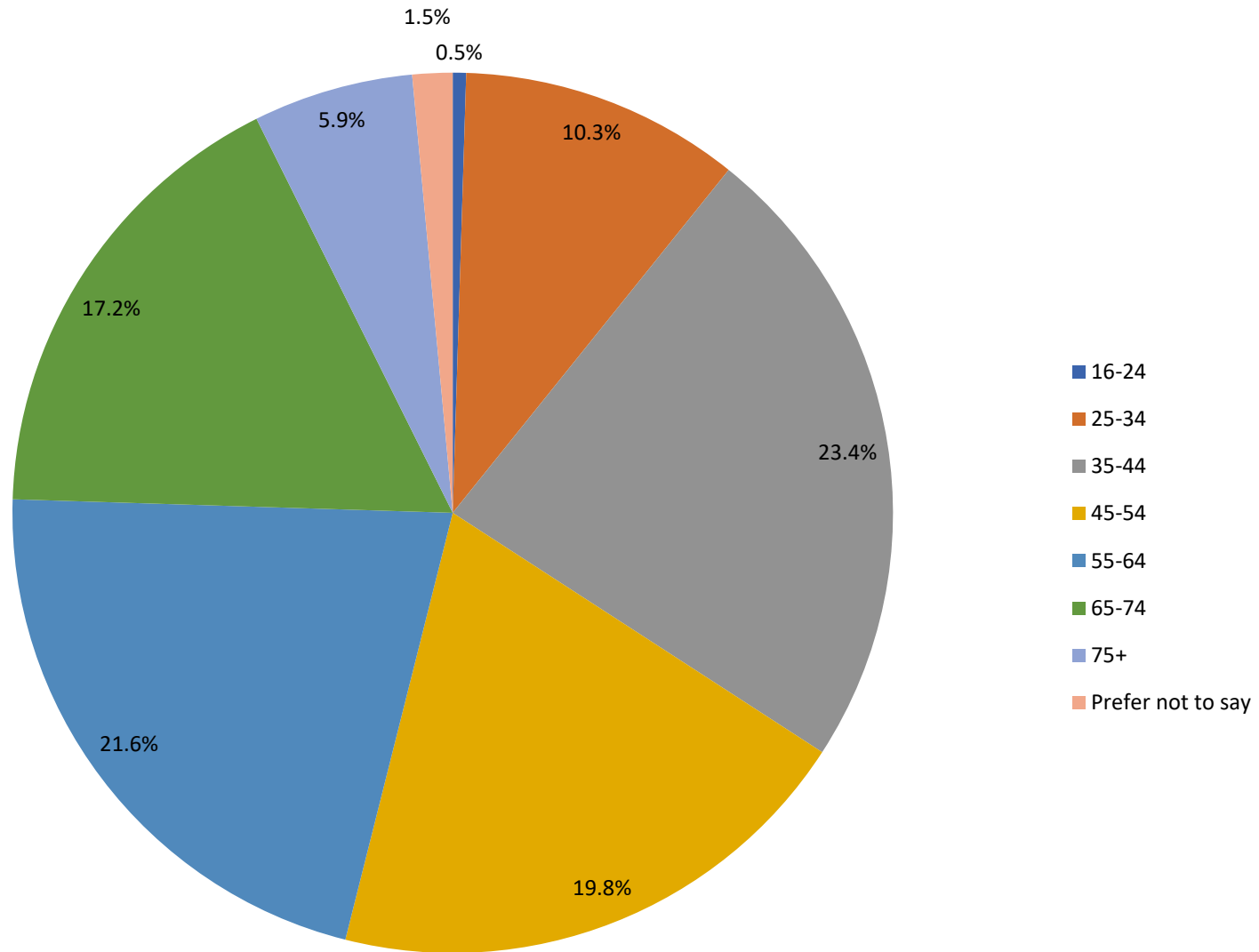
| Other Villages | Responses |
|------------------|-----------|
| Bleasby | 2 |
| Caunton | 2 |
| Cromwell | 2 |
| Hawton | 2 |
| Kelham | 2 |
| Oxton | 2 |
| Upton | 2 |
| Averham | 1 |
| Budby | 1 |
| Carlton on Trent | 1 |
| Edingley | 1 |
| Fiskerton | 1 |
| Flintham | 1 |
| Grassthorpe | 1 |
| Halam | 1 |
| Halloughton | 1 |
| Holme | 1 |
| Maplebeck | 1 |
| Rolleston | 1 |
| Sibthorpe | 1 |
| South Clifton | 1 |
| Walesby | 1 |
| Winthorpe | 1 |

| Location | Responses |
|----------------|-----------|
| Grantham | 2 |
| Nottingham | 2 |
| Beckingham | 1 |
| Braintree | 1 |
| Heighington | 1 |
| Retford | 1 |
| Tuxford | 1 |
| West Bridgford | 1 |
| Woodborough | 1 |
| Mansfield | 1 |

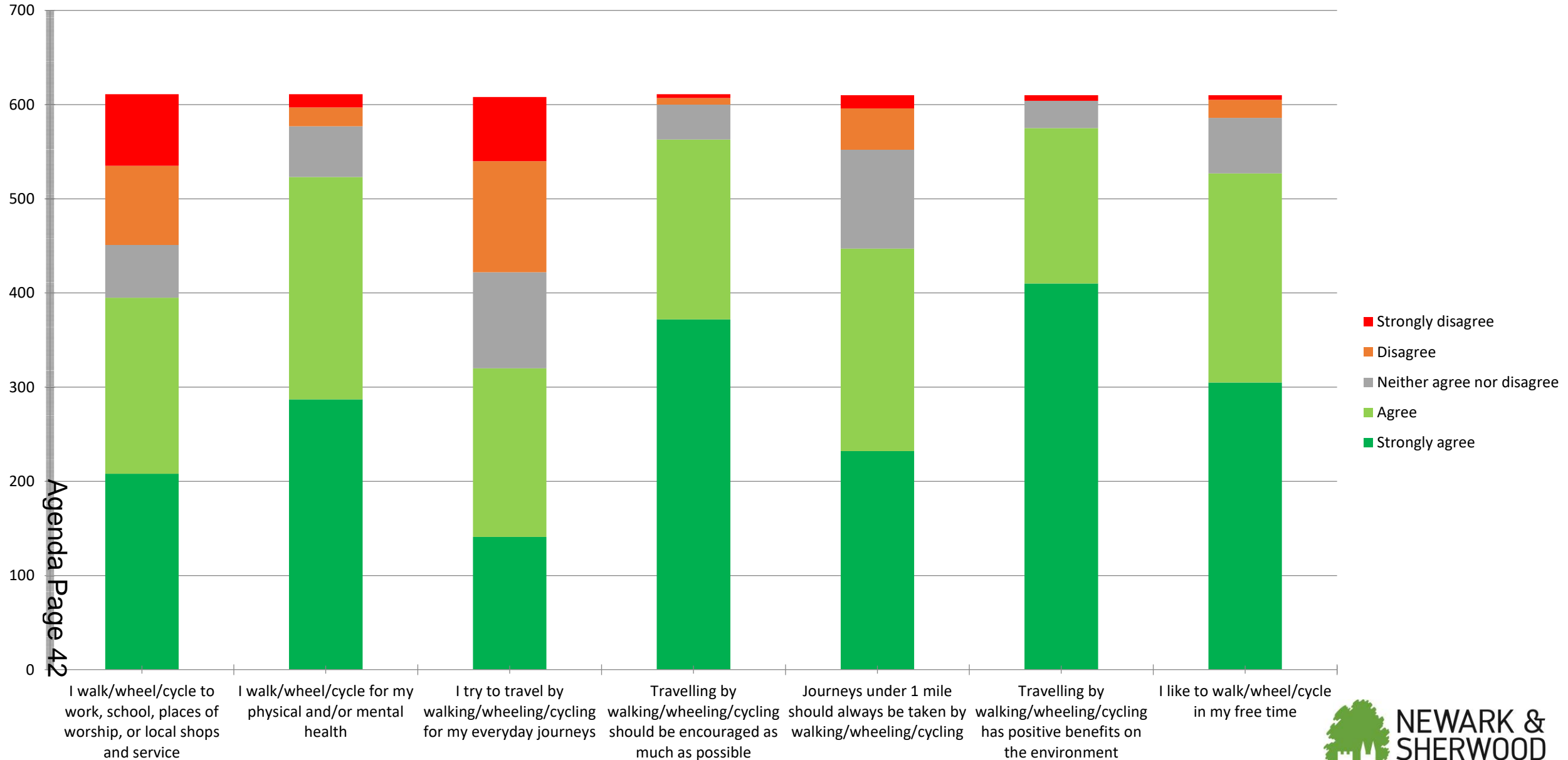
Q2) Please select your gender.



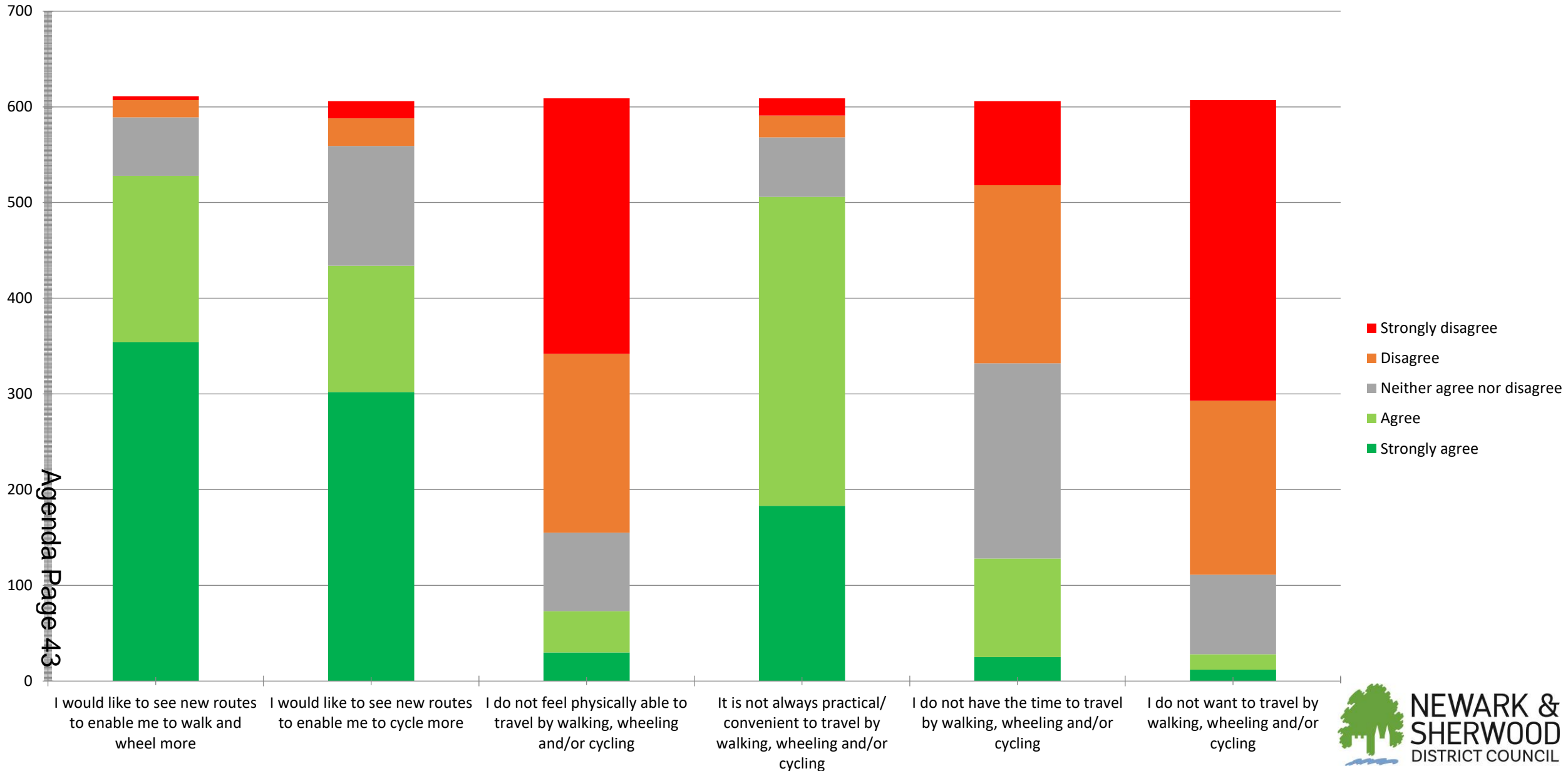
Q3) Please select your age group.



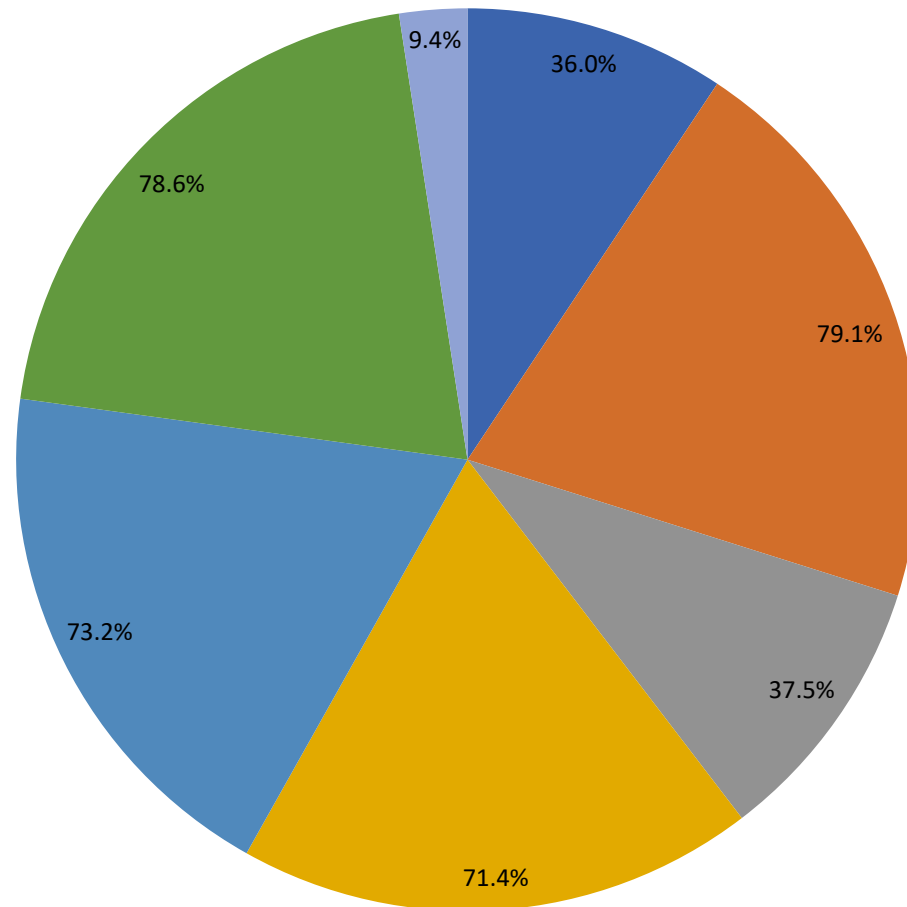
Q4) To what extent do you agree or disagree with the below statements on walking, wheeling and cycling.



Q5) When thinking about Active Travel (being able to travel by walking, wheeling and/or cycling), to what extent do you agree or disagree with the below statements.



Q6) Which of these would apply to your aspirations to travel to local services and facilities by walking, wheeling and cycling, within your local area. Please select all examples that apply to you including those you already participate in.

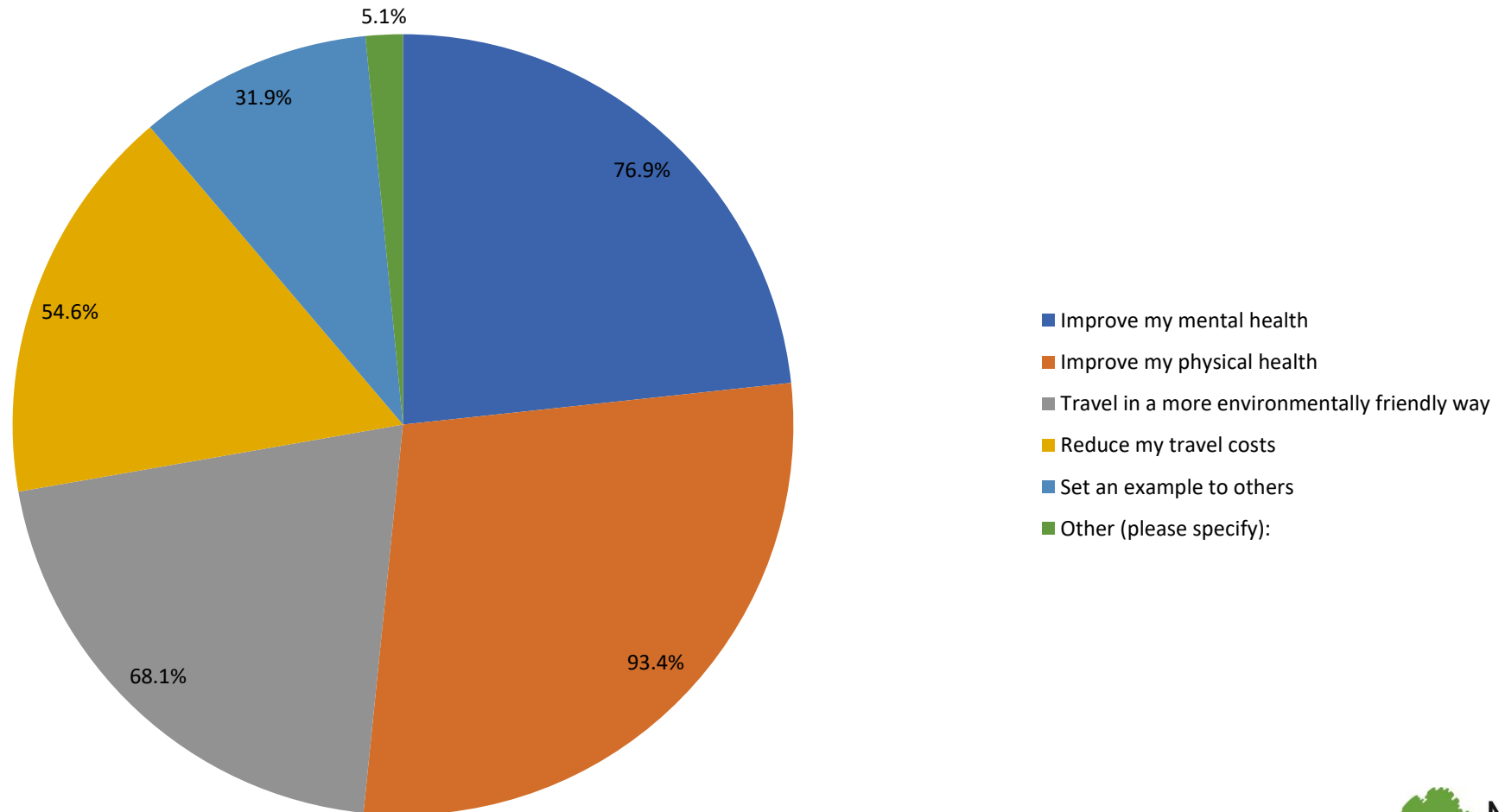


- I would like to walk/wheel/cycle from home to work
- I would like to walk/wheel/cycle to nearby shops and services (this includes places of worship)
- I would like to walk/wheel/cycle my child/ children to school
- I would like to walk/wheel/cycle to meet a friend or family member
- I would like to walk/wheel/cycle to access leisure facilities
- I would like to walk/wheel/cycle to access outdoor recreational spaces
- Other (please specify):

Q6) Other comments placed into common categories.

| Category | Responses |
|--|------------------|
| Quality of the roads/cycle infrastructure/paths | 11 |
| To visit local facilities/other cities/towns | 8 |
| Leisure | 8 |
| Health | 6 |
| Public transport and horse travel | 6 |
| N/A | 6 |
| Distance | 4 |
| Lack of suitable cycle/walking routes/secure cycle parking | 4 |
| Total | 53 |

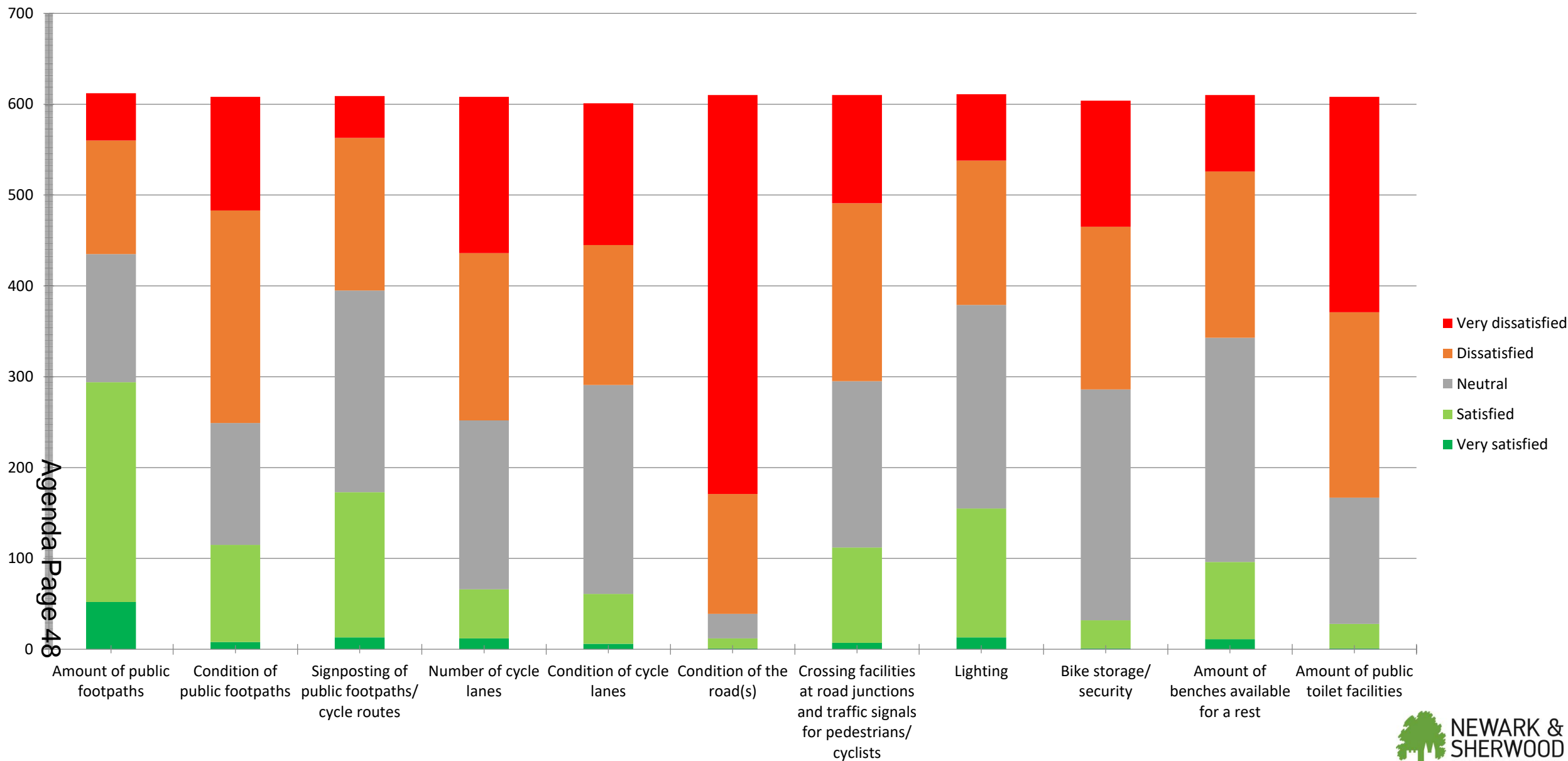
Q7) Are there any other reasons why you would want to travel more by walking, wheeling or cycling? Please select all examples that apply to you.



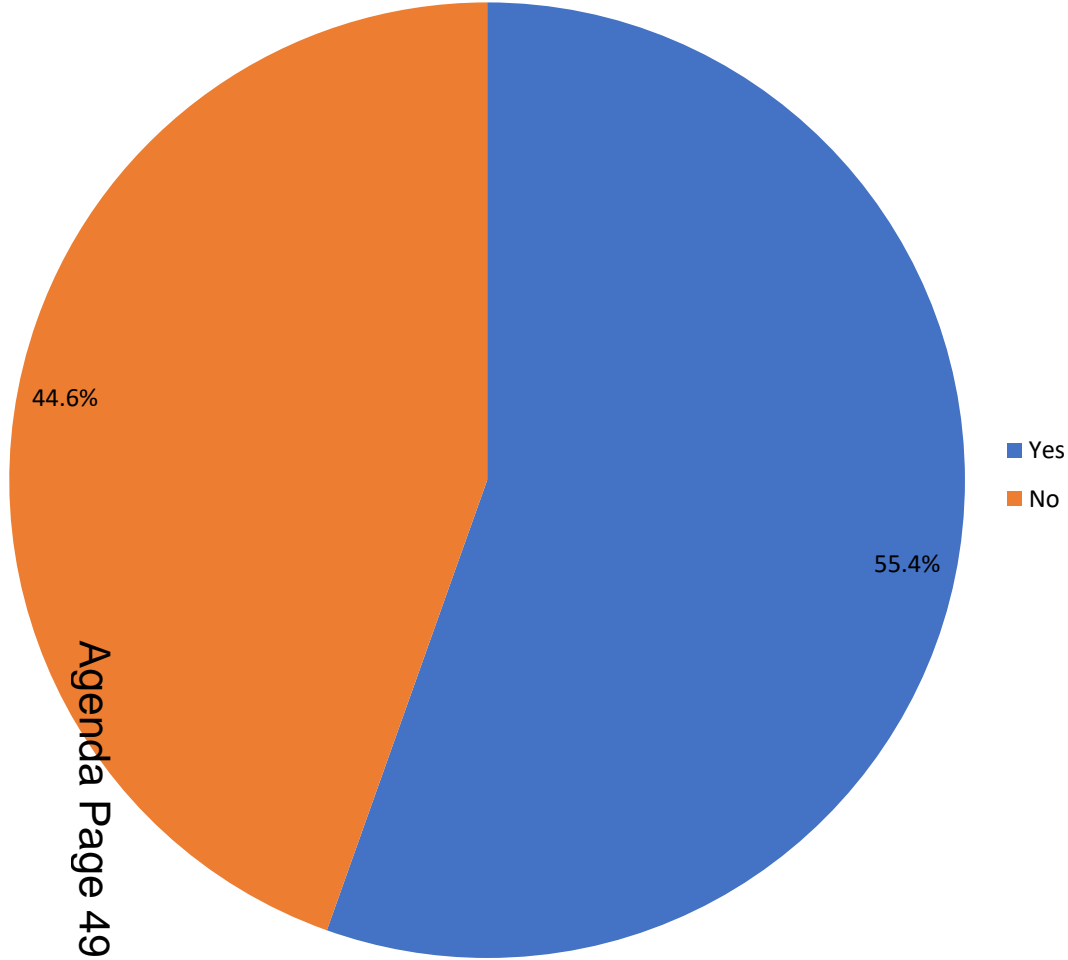
Q7) Other comments placed into common categories.

| Categories | Responses |
|---|------------------|
| Social/family/nature/hobby | 9 |
| Health/independence/mobility | 5 |
| N/A | 5 |
| Environmental | 4 |
| Public transport and horses | 3 |
| Unable to drive/access car | 2 |
| Quality of the roads/cycle infrastructure/paths | 2 |
| Total | 30 |

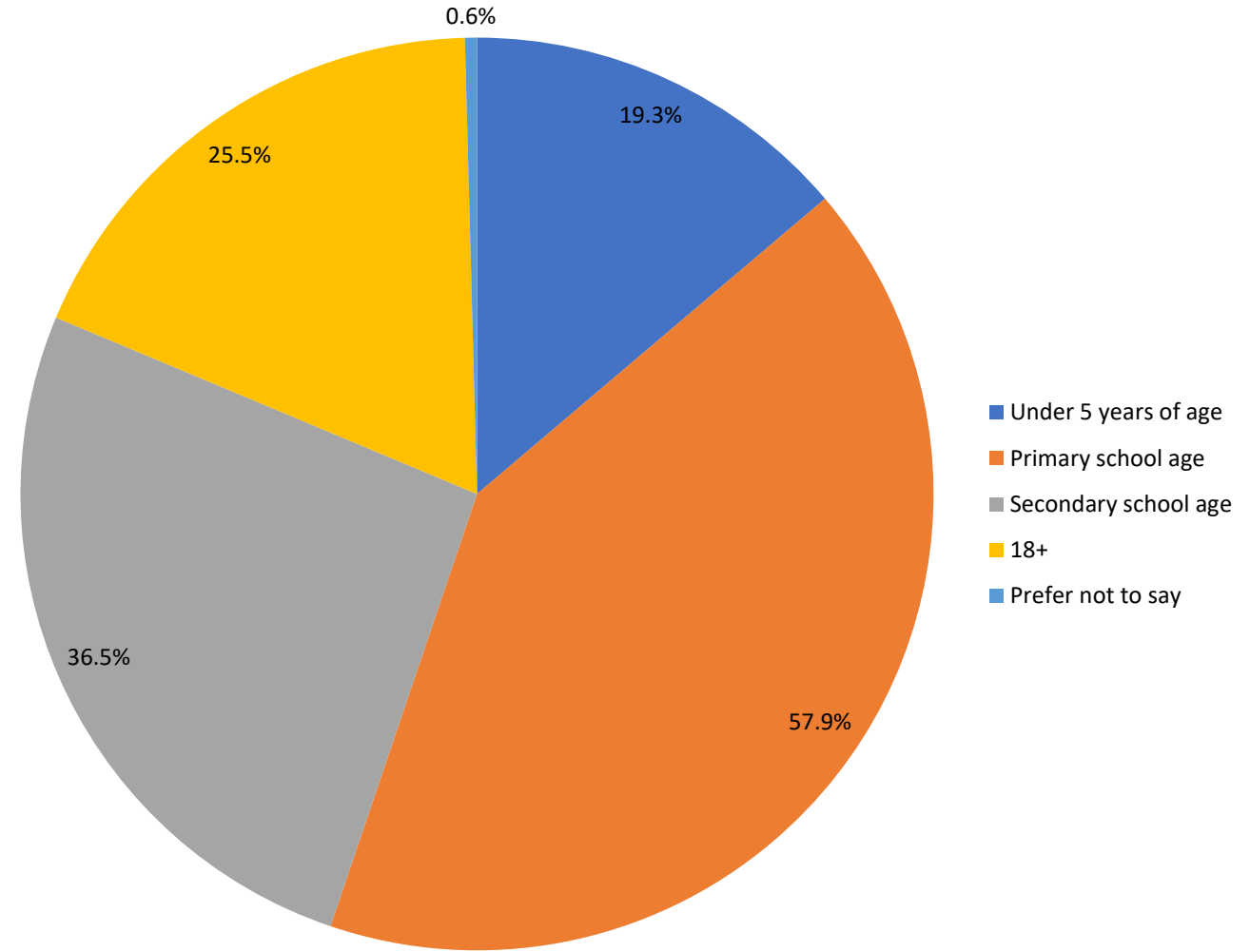
Q8) Please rate your satisfaction with each of the following when walking, wheeling and/or cycling in your local area. Please think of your local area as within 15 minutes of where you live.



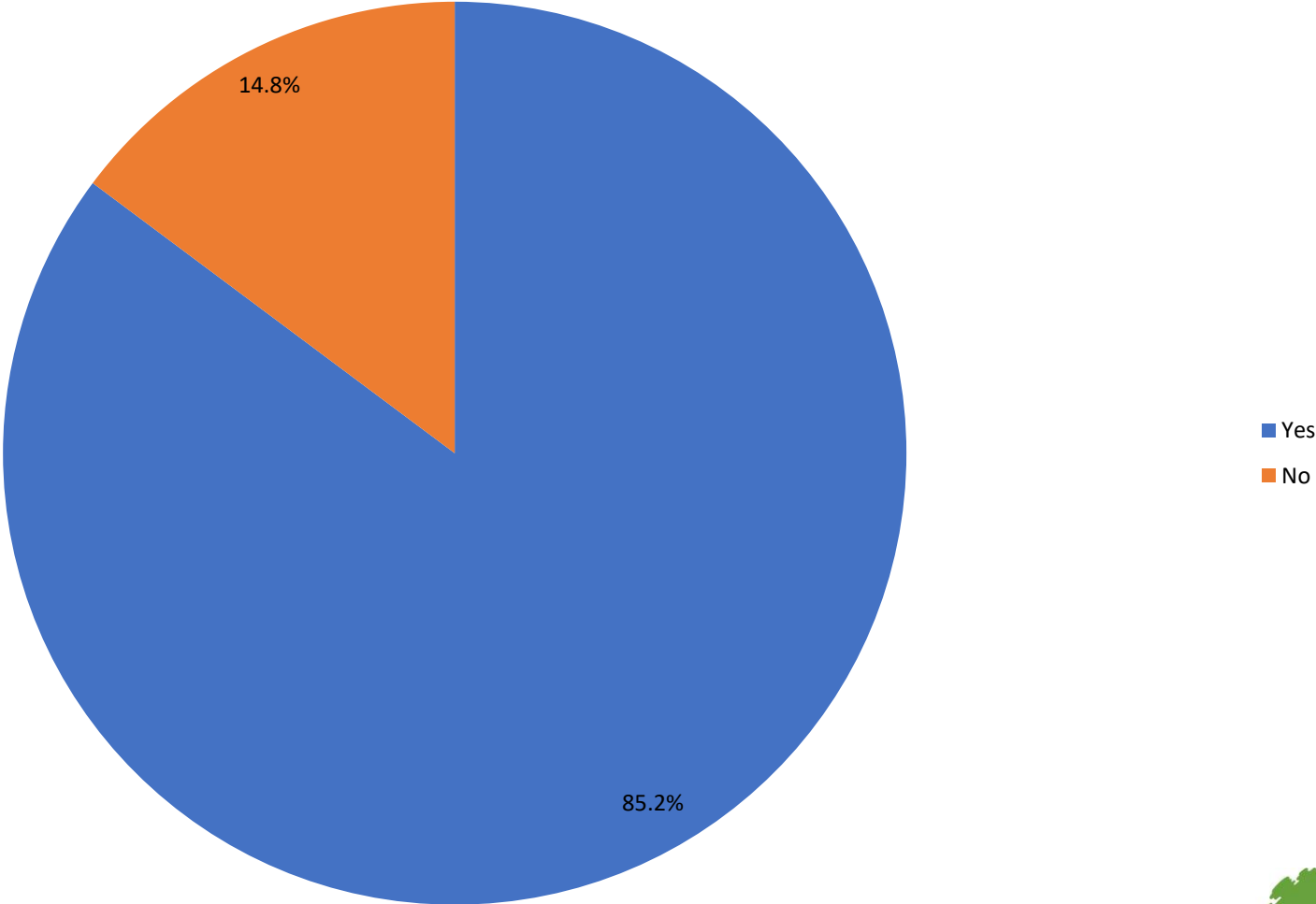
Q10) Do you have a child/children.



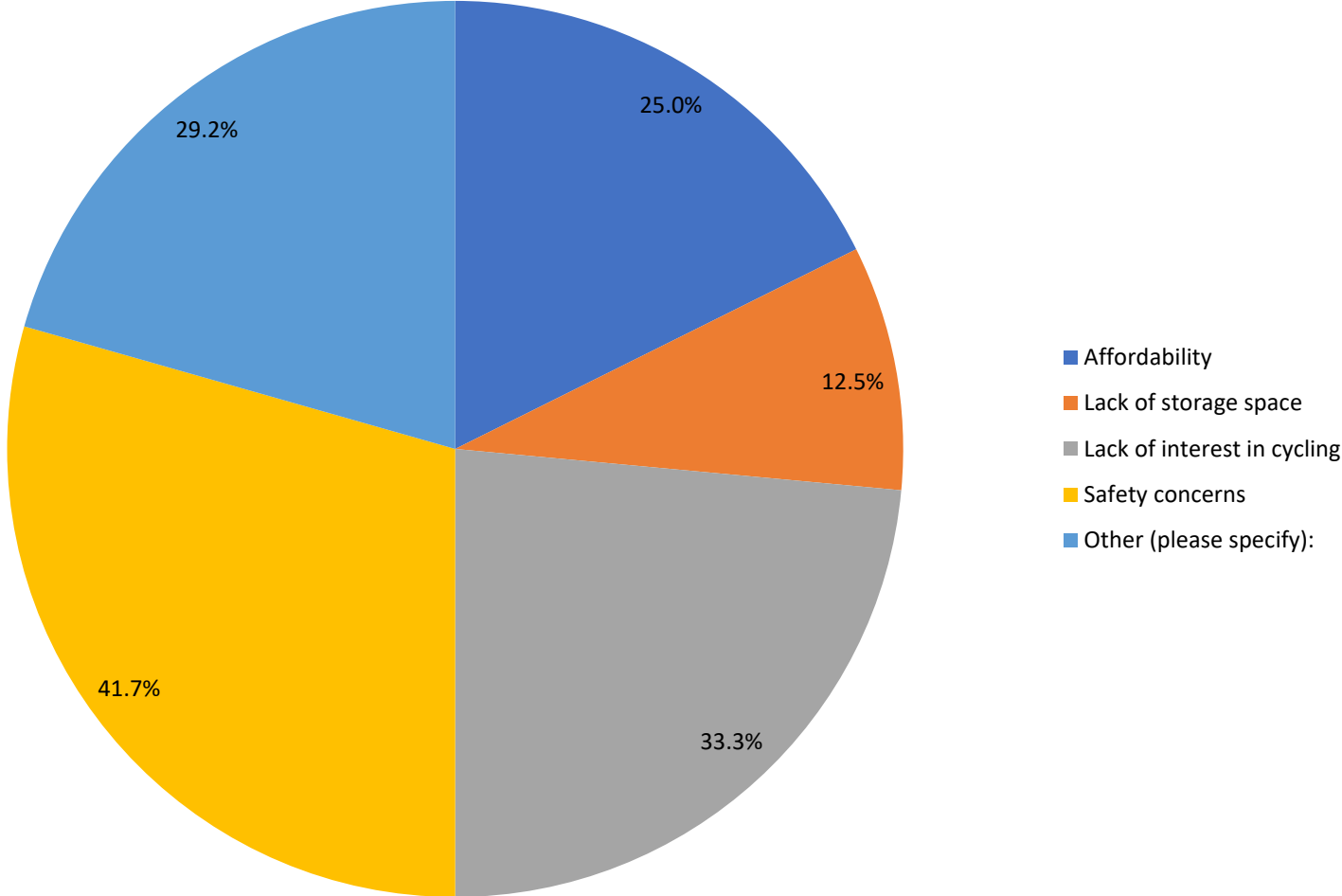
Q11) Please tell us the age group of your child/ children? Please tick all those which apply.



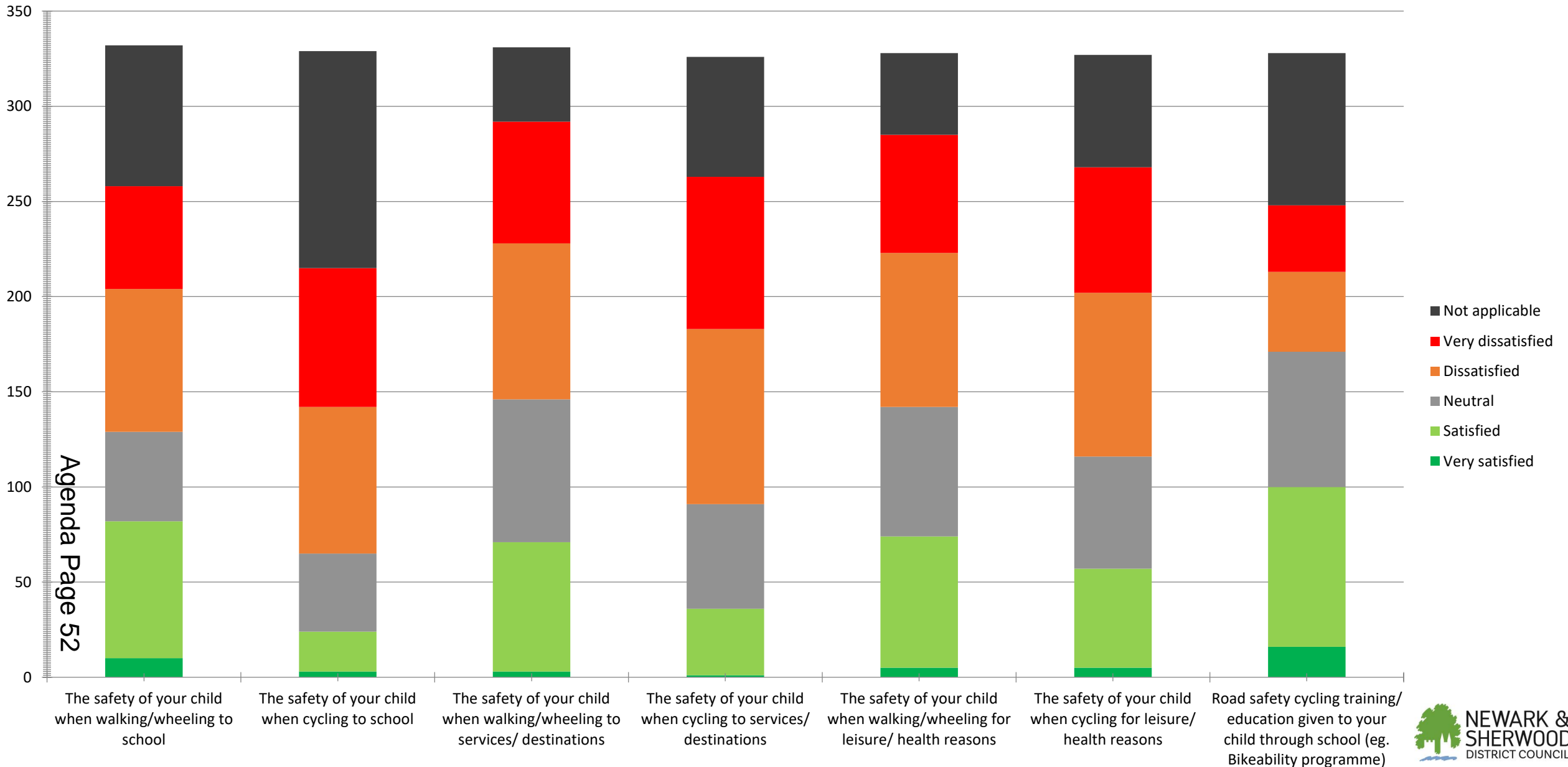
Question 12) Does your child/children own a bike?



Question 13) If your child/ children does not own a bike, please tell us why.



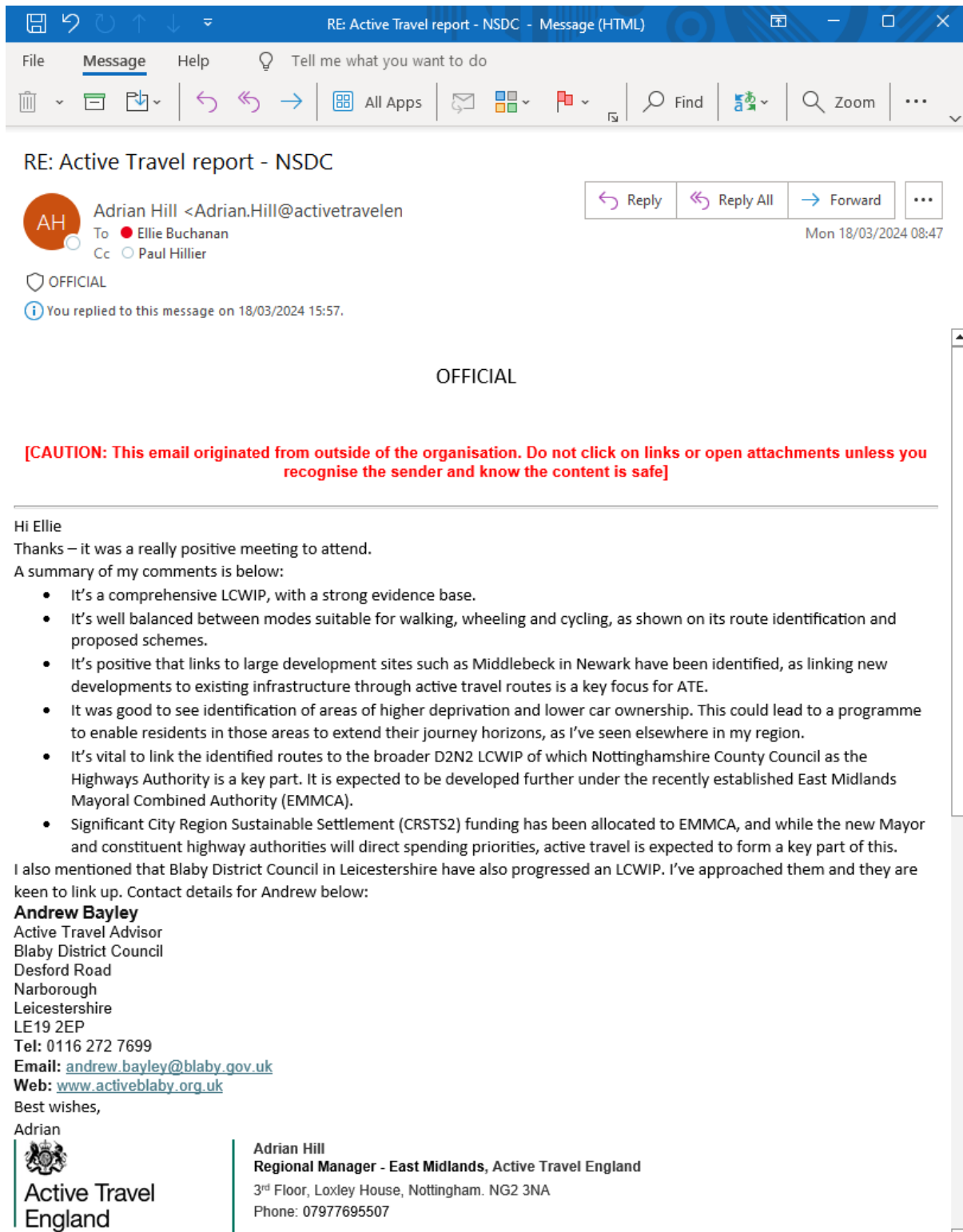
Q14-Please rate your satisfaction with each of the following. Please note, walking/wheeling and cycling have been separated out in this question to better understand specific barriers.



Question 16) Do you have any further comments on walking, wheeling and cycling in Newark and Sherwood? The more information you can provide, the better

- Largely repetition of comments already submitted for previous questions
- New comments which did emerge from this question include:
 - Anti-social behaviour concerns
 - Members of the public who do not support active travel and do not want to see further investment made

Appendix D – Active Travel England comments






RE: Active Travel report - NSDC - Message (HTML)

File Message Help Tell me what you want to do

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RE: Active Travel report - NSDC

 Adrian Hill <Adrian.Hill@activetravelen>
To:  Ellie Buchanan
Cc:  Paul Hillier

Reply Reply All Forward ⋮

Mon 18/03/2024 08:47

OFFICIAL

[CAUTION: This email originated from outside of the organisation. Do not click on links or open attachments unless you recognise the sender and know the content is safe]

Hi Ellie

Thanks – it was a really positive meeting to attend.


A summary of my comments is below:

- It's a comprehensive LCWIP, with a strong evidence base.
- It's well balanced between modes suitable for walking, wheeling and cycling, as shown on its route identification and proposed schemes.
- It's positive that links to large development sites such as Middlebeck in Newark have been identified, as linking new developments to existing infrastructure through active travel routes is a key focus for ATE.
- It was good to see identification of areas of higher deprivation and lower car ownership. This could lead to a programme to enable residents in those areas to extend their journey horizons, as I've seen elsewhere in my region.
- It's vital to link the identified routes to the broader D2N2 LCWIP of which Nottinghamshire County Council as the Highways Authority is a key part. It is expected to be developed further under the recently established East Midlands Mayoral Combined Authority (EMMCA).
- Significant City Region Sustainable Settlement (CRSTS2) funding has been allocated to EMMCA, and while the new Mayor and constituent highway authorities will direct spending priorities, active travel is expected to form a key part of this.

I also mentioned that Blaby District Council in Leicestershire have also progressed an LCWIP. I've approached them and they are keen to link up. Contact details for Andrew below:

Andrew Bayley
Active Travel Advisor
Blaby District Council
Desford Road
Narborough
Leicestershire
LE19 2EP
Tel: 0116 272 7699
Email: andrew.bayley@blaby.gov.uk
Web: www.activeblaby.org.uk

Best wishes,
Adrian

 **Active Travel England**

Adrian Hill
Regional Manager - East Midlands, Active Travel England
3rd Floor, Loxley House, Nottingham. NG2 3NA
Phone: 07977695507



Report to: Cabinet Meeting - 4 November 2024

Portfolio Holder: Councillor Paul Peacock, Strategy, Performance & Finance

Director Lead: Sanjiv Kohli, Deputy Chief Executive & Director - Resources

Lead Officer: Nick Wilson, Business Manager - Financial Services, Ext. 5317
Phil Ward, Business Manager – Revenues & Benefits, Ext. 5347

| Report Summary | |
|---------------------------------------|---|
| Type of Report | Open Report, Non-Key Decision |
| Report Title | Localised Council Tax Support Scheme 2025/26 |
| Purpose of Report | To confirm the continuation of the Localised Council Tax Support Scheme for 2025/26 with minor changes in accordance with the annual uprating amounts applied by the Department for Works and Pensions. |
| Recommendations | That Cabinet recommends to Full Council the uprating of the applicable amounts, premiums, state benefits and disregard criteria in accordance with the annual uprating amounts applied by the Department for Works & Pensions (DWP); whilst continuing the current Localised Council Tax Support Scheme for 2025/26 financial year. |
| Alternative Options Considered | An alternative option would be to increase the maximum award of 80% - the cost of doing this has been considered within the financial implications section in the report. |
| Reason for Recommendations | To ensure the Council discharges its responsibilities to agree its Council Tax Support scheme by 31 January 2025. |

1.0 Background

- 1.1 As part of the 2012 Welfare Reform Act the national Council Tax Benefit scheme was abolished and in accordance with the Local Government Act 2013 local authorities were required to introduce Localised Council Tax Support schemes from 1 April 2013.
- 1.2 Government funding for the new schemes was reduced by approximately 10%, for Newark & Sherwood claimants and this amounted to around £1m.
- 1.3 Support for Council Tax is now offered as reductions within the council tax system with claimants of state pension age receiving a discount of up to 100% thereby ensuring that they receive no reduction in support as a direct result of the reform.

1.4 Localisation provided local authorities with the flexibility to design Council Tax Support schemes for working age claimants taking into account the needs of vulnerable groups and the importance of supporting work incentives. Our current scheme provides the following:

- a) A maximum award of 80% of the liability that Council Tax Support would cover for properties in Bands A and B.
- b) A maximum award of the liability that Council Tax Support would cover equivalent to a council tax band A charge for properties in Bands C to H.
- c) No entitlement to Council Tax Support where claimants have in excess of £16,000 in capital.
- d) A work incentive entitlement that maintains the current rate of council tax support for six weeks when moving into employment.
- e) Providing additional support to vulnerable groups by applying the annual uprating of income and disregard criteria in accordance with the annual uprating amounts applied by the Department for Works and Pensions.

2.0 Proposal

2.1 Council Tax Support is calculated by comparing the claimant's earned weekly income and notional capital to the applicable amount. The applicable amount is a notional figure made up of amounts set by the DWP each year and is a measure of someone's basic living requirements.

2.2 Earned income is the average weekly amount you earn after deductions for income tax, national insurance and half of any pension contributions.

2.3 There are two rules regarding notional capital, depending how old you are:

- If you are of working age (aged 18 to below pensionable age), notional income is calculated as £1 for every £250 of capital that you have that is over £6,000. For example, if you have £6,500 of savings, this would equate to £2 per week notional income. This is calculated by disregarding the first £6,000 and taking £1 per week for every £250 remaining (£500).
- If you are of pensionable age, notional income is calculated as £1 for every £500 of capital that you have that is over £10,000. For example, if you have £8,000 of savings, no notional income would be taken into account in the calculation
- If you are in receipt of guaranteed pension credit, no capital is taken into account as notional income.

2.4 The applicable amount is made up of one or more of the following; dependent upon the makeup of the household:

- An amount for the claimant/partner known as a personal allowance.
- An amount for any dependant children – your children's personal allowance.
- An amount for any qualifying premiums such as the disability living premium or carers benefit.

- 2.5 By comparing the claimant(s) income and capital to the applicable amount a decision can then be made on the amount of any Council Tax Support entitlement.
- 2.6 This report asks Cabinet to recommend to Full Council uprating the applicable amounts, premiums, state benefits and disregard criteria in accordance with the annual uprating amounts applied by the Department for Works and Pensions (DWP); whilst continuing the current Localised Council Tax Support Scheme for 2025/26 financial year.
- 2.7 In consideration of the obligation to consider vulnerable groups within the design of our local scheme Child Benefit, War Pensions, Personal Independence Payments, Disability Living Allowance and Attendance Allowance continue to be disregarded as income and the disability premiums are retained to protect families with children and people with disabilities.
- 2.8 By applying the annual uprating of income and disregards to the 2025/26 scheme the Council will continue to maintain the current level of support to all Council Tax Support claimants and ensure that the scheme continues to benefit the most vulnerable and low -income households using nationally recognised rates of DWP income rather than continuing with the 2024 rates that are being used in the current scheme.
- 2.9 Should the Council decide not to uprate the income and disregards in line with the annual uprating amounts applied by the DWP, this would then penalise claimants as where their income increases their applicable amount would remain the same as the current year. This would then potentially lead to a reduction in Council Tax support awarded.

3.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Financial Implications

- 3.1 As at the end of August 2024, the number of working age claimants eligible for Council Tax Support was 3,868 and the number of pensioners eligible for Council Tax Support was 2,850.
- 3.2 The value of support awarded to date for the 2024/25 year is £7,602,000, in line with the forecast expenditure for the scheme. This would be forecast to increase for 2025/26 but will be dependent on the total Council Tax bill including preceptors, which at the time of writing this report are not available. The implications of an 80% award will be built into the Council Tax base in order to prepare the budget for 2025/26.
- 3.3 The additional estimated cost of moving to a maximum (working age) award of up to 90% would be approximately £954,000 of which the cost to Newark and Sherwood District Council would be £110,000.

3.4 The additional estimated cost of moving to a maximum (working age) award of 100% would be £1,909,000 of which the cost to Newark and Sherwood District Council would be an additional £221,500.

Background Papers and Published Documents

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

None



Report to: Cabinet Meeting - 4 November 2024
 Portfolio Holder: Councillor Rowan Cozens – Heritage Culture & the Arts
 Director Lead: Matt Finch – Director - Communities & Environment
 Lead Officer: Carys Coulton-Jones – Business Manager - Heritage & Culture, Ext. 5773

| Report Summary | |
|---------------------------------------|--|
| Type of Report | Open Report, Non-Key Decision |
| Report Title | Music Development – Heritage, Culture & the Arts |
| Purpose of Report | To update Members on the progress of this element of the Community Plan and seek approval to deliver the proposed plan using the budget previously identified. |
| Recommendations | That Cabinet: a) approve the proposal for music development through use of the existing community plan objectives budget within the Heritage & Culture Business Unit; and b) acknowledge the requirement for a carry forward into 2025/26 to complete delivery of the proposals |
| Alternative Options Considered | The revised Community Plan, 2023-27, placed an increased emphasis on music in the district and this was supported with additional, non-recurring money in 2024/2025. Doing nothing was therefore not deemed to be a viable option, whilst the nature of the funding meant it was not possible to recruit permanent resources. |
| Reason for Recommendations | These recommendations align to objective 7 of the Community Plan – to celebrate and invigorate community spirit, pride of place and a sense of belonging – and in particular the actions to ‘champion and promote the arts, culture and heritage through the enjoyment of music and arts’ and to ‘explore opportunities for having themed music and art events that focus on individual communities that celebrate diversity in the district’. |

1.0 Background

- 1.1 In 2023, the creation of the new Portfolio for Heritage, Culture & the Arts and the revised Community Plan Objectives placed increased emphasis on music as a way of showcasing excellence in the district, bringing communities together and supporting wellbeing and increased civic pride.

- 1.2 During the budget setting process, in light of this revised remit, an additional £80,000 was included in the budget for Heritage and Culture for additional activity in this area, endorsed by Cabinet in February 2024 and approved by Full Council in March. Whilst most community plan objective budgets have been allocated in future years, this budget was only committed for 2024/25 to enable a period of testing and piloting.
- 1.3 In May 2024 the first 'Alive with Music' event was programmed. The purpose of this event was to bring music professionals, community musicians and music groups together and start the conversation around how the future of music development could be shaped through partnership working. The evening included speakers with different perspectives on the role music can play in community and commercial settings and as a career and performances from musicians from across the district. At the end of the event, guests were consulted on their ideas for the development of the music agenda and feedback forms were collected.
- 1.4 This feedback was collated and reviewed by the Heritage & Culture Business Unit team and five themes were identified for further development. Desk research was undertaken to provide a view of the existing offer before developing a costed plan for the next six months.
- 1.5 A follow up 'Alive with Music' event was programmed for October 2024. Hosted at the Palace Theatre and therefore having a larger capacity, this was an opportunity to open the event up more widely and a social media campaign encouraged music providers from across the district to get involved. At the event, the Business Manager for Heritage & Culture presented the draft proposal and asked guests to feedback their views. This feedback will be analysed and fed into the detailed plan going forward.

2.0 Proposal/Details of Options Considered

- 2.1 The draft proposal is attached at **Appendix A**, with indicative costings at **Appendix B**. Key elements include the recruitment of a temporary freelance music network co-ordinator to drive this piece of work forward at an operational level over the next six months. Creation of a Newark & Sherwood Music Forum will both help to emphasise the importance of music and bring interested parties together to co-create opportunities for collaboration. This forum should be open to everyone, community-led and would sit alongside other existing groups such as Newark Heritage Forum, the Tourism Action Group and Newark's Cultural Consortium, all of which have input from or are led by NSDC officers. Over the period, existing budget will be available to test the feasibility of initiatives, delivered by the Music Network Co-ordinator and overseen by the Business Manager - Heritage & Culture.
- 2.2 The current proposal covers a six-month period, therefore will extend into 2025/26 and the cost plan also includes some pre-existing commitments to support the expansion of the theatre programme through two pilot classical music performances and the first time a West End touring production (Blood Brothers) has visited Newark. The costs over six months are estimated at £51,010, leaving £28,990 uncommitted at this stage. Members should note that any underspend has been pre-approved to be carried forward in to 2025/26 to allow the Music Network Co-ordinator at least six months in post, with the potential to extend this role if there is evidence of need and to give more time to develop the plans further. During 2025/26 a further report will consider the longer-term plan for this remit based on the experience and data gained by the co-ordinator and the updated Community Plan.

3.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Financial Implications FIN24-25/4490

- 3.1 The approval has been made for the extension of time delivery through a Management Carry Forward of unused budget from 2024.25 to 2025.26 up to the original amount of £80,000.
- 3.2 There are no financial implications that affect the General Funds MTFP, relating to this request.

Background Papers and Published Documents

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

None

Theme: Strategic Music Development

Feedback included requests for a central resource for bands and choirs to collaborate, avoid event clashes, and share ideas. They also propose a central venue for live music collaboration and jamming/workshop/lesson space. The importance of Newark's grassroots music scene was highlighted.

Existing Activity:

- Newark Festival – a Hustle including local bands performing across the town and at the Castle
- Various town centre pop up music events through Newark Town Council, Newark Cultural Consortium and Inspire
- Open Doors events such as Musicworks at Vicar Water
- Lots of individual choirs and bands performing in local settings
- Southwell Music Festival
- Southwell Minster programme
- Palace Theatre Programme
- Thriving community of Brass Bands with regular concerts

Proposed Actions:

- Fund a temporary freelance Music Co-ordinator to deliver the initial proposals on the action plan
- Create a Music Forum for people to network, share updates and collaborate, facilitated by NSDC and community-led (similar to Newark Cultural Consortium and Newark Heritage Forum).
- Encourage use of NSDC's new event webpages (in development) to showcase the many varied events.
- Explore opportunities to develop Newark Festival across the year, perhaps through mini-Hustles, supporting local bands.

Theme: Foster more choirs and music groups across the district

Feedback included identification of existing groups and events, including The Gate to Southwell Music Festival in Kirklington, and suggestions of music ensembles.

Existing Activity:

- Numerous community choirs and music groups across the district
- A thriving Brass Band scene
- Festivals such as Gate to Southwell and Lost Village

Proposed Actions:

- Map all current providers and identify gaps
- Collaborate through Music Forum, encourage use of NSDC's new event webpages to maximise promotion, identify opportunities to showcase local talent
- Explore feasibility of growing / expanding community-led music in areas with few or no active groups

Theme: Develop partnerships with music venues and providers

Feedback included increased use of venues like Clipstone Headstocks to enhance collaborative event planning and increase the frequency of music events.

Existing Activity:

- Plenty of venues across the town and district, including Southwell Minster, St Mary Magdalene, Palace Theatre, the Market Square, Vicar Water, Newark Castle Gardens. A number of these already working collaboratively through Newark Cultural Consortium.

Proposed Actions:

- Develop collaborative music event planning through Forum, linking venues to performers
- Explore options for more, accessible pop-up music events across the district

Theme: Support for youth engagement

Feedback included suggestions to foster local talent, showcase young grassroots bands and provide performance opportunities, including becoming a 'small band hub'.

Existing Activity:

- Inspire Music Hub operates in schools and at events, linked by Newark Cultural Consortium and Inspire at the Buttermarket.
- NSDC Open Doors Programme
- Palace Theatre 'Our Past, Your Future' scheme offers an annual grant to young people who are undertaking a course in the creative industries.
- Newark Festival offers opportunities for young musicians.

Proposed Actions:

- Showcase young grassroots bands through potential expansion of the Hustle model and link to existing events through Forum and Cultural Consortium.
- Collaborate to provide opportunities for young people to perform in venues as identified above.

Theme: Support for music education in schools

Feedback highlighted a desire for free access to musical education, specialist teachers and free instrument loans and suggested the need to provide opportunities for school groups to perform.

Existing Activity:

- Inspire operates the Music Education Hub in Nottinghamshire, funded by Arts Council England and DfE.
- Open Doors delivers a number of free sessions in schools and is piloting a project to place Artists in Schools to work with students and teachers, developing creative skills, including music, but is limited by capacity and funding (funded by Arts Council England).

Proposed Actions:

- Map and promote existing provision and encourage opportunities for collaboration to ensure maximum participation within existing resources

| Actions | Responsible | Estimated Cost |
|--|---|----------------|
| Theme - Strategic Music Development | | |
| Fund a Music Co-ordinator until March 2025 to deliver the initial proposals on the action plan | Heritage and Culture BM | £21,000 |
| Create and facilitate a Music Forum for people to network, share updates and collaborate, facilitated by NSDC and community-led | Music Co-ordinator | £1,000 |
| Encourage use of NSDC's new event webpages (in development) to showcase the many varied events. | NSDC, Music Co-ordinator | £0 |
| Explore opportunities to develop Newark Festival across the year, perhaps through mini-Hustles, supporting local bands. | Music Co-ordinator with NTC | £10,000 |
| | | |
| Theme: Develop partnerships with music venues and providers | | |
| | | £0 |
| Develop collaborative music event planning through Forum, linking venues to performers | Music Co-ordinator | £0 |
| Explore options for more, accessible pop-up music events across the district | Music Co-ordinator with Open Doors team | £10,000 |
| | | |
| Theme: Foster more choirs and music groups across the district | | |
| Map all current providers and identify gaps | Music Co-ordinator | £0 |
| Collaborate through Music Forum, encourage use of NSDC's new event webpages to maximise promotion, identify opportunities to showcase local talent | Music Co-ordinator | £0 |
| Explore feasibility of growing / expanding offer into areas with few or no active groups | Music Co-ordinator | £1,000 |
| | | |
| Theme: Support for youth engagement | | |
| | | |
| Showcase young grassroots bands through potential expansion of the Hustle model and link to existing events through Forum and Cultural Consortium (included in cost of 'Developing Newark Festival' above) | Music Co-ordinator | £0 |
| Collaborate to provide opportunities for young people to perform in venues as identified through Forum. | Music Co-ordinator with learning and Open Doors teams | £1,000 |
| | | |
| Theme: Support for music education in schools | | |
| | | |
| Map and promote existing provision and encourage opportunities for collaboration to ensure maximum participation within existing resources | Music Co-ordinator with learning and Open Doors teams | £0 |
| Travel and Expenses for Music Co-Ordinator | Music Co-ordinator | 2000 |
| TOTAL COST | | £46,000 |

Other H&C Community Plan objectives budget costs

| Activity | | Cost |
|--------------------------------------|--------------------------------|--------|
| 2 x classical programmes, piano hire | Operations Manager Programming | £2,410 |
| Blood Brothers operational costs | Operations Manager Programming | £2,600 |

TOTAL

£51,010



Report to: Cabinet Meeting - 4 November 2024
 Portfolio Holder: Councillor Lee Brazier, Housing
 Director Lead: Suzanne Shead, Housing, Health & Wellbeing
 Lead Officer: Cara Clarkson, Business Manager - Regeneration & Housing Strategy, Ext. 5293

| Report Summary | |
|--------------------------|--|
| Type of Report | Open Report, Key Decision |
| Report Title | Yorke Drive – Equity Loan Offer |
| Purpose of Report | To seek approval for an equity loan model as part of the decant strategy to facilitate the Yorke Drive regeneration scheme. |
| Recommendations | <p>That Cabinet:</p> <ul style="list-style-type: none"> a) approve, in principle, the equity loan model detailed at Appendix 1 with delegated authority being granted to the Director - Housing, Health & Wellbeing in consultation with the Section 151 Officer and the Assistant Director - Legal & Democratic Services to finalise the final terms and form of agreement; and b) grant delegated approval to the Director - Housing, Health & Wellbeing, in consultation with the Section 151 Officer, to enter into individual equity loan agreements in accordance with the principles detailed in the Appendix. c) Re-confirm that authority is granted to the Director of Housing Health and Wellbeing, in consultation with the Director of Resources and the Assistant Director Legal & Democratic Services, to acquire privately owned properties, or enter into option agreements for their acquisition, where essential for land assembly to deliver the Yorke Drive regeneration project. |

| | |
|--|---|
| <p>Alternative Options Considered</p> | <p>A range of alternative shared ownership/ equity models were considered and consulted upon with residents; detail on the alternative options considered can be found at section 2.3.3.</p> <p>It remains an option for each homeowner to agree a straightforward sale to the Council, and this will still be offered to homeowners as an alternative to the equity loan arrangement, including provision for ‘option agreements’ – which allow the homeowner and Council to enter into a legally binding arrangement for the sale to be finalised at an appropriate time in the future.</p> <p>If the Council fails to reach agreement with any homeowner the alternative is compulsory purchase.</p> |
| <p>Reason for Recommendations</p> | <p>To continue the delivery of the Yorke Drive Regeneration Programme, a key action within the Community Plan and delivering overarching transformation for the Bridge Ward.</p> |

1.0 Background

- 1.1 As part of the Yorke Drive regeneration scheme, Newark & Sherwood District Council committed through its Yorke Drive Decant Policy (approved November 2019), to provide a shared ownership option for existing homeowners on the estate whose property fell within the demolition zone.
- 1.2 The offer recognises that in the depressed housing market of Yorke Drive, residents are unlikely to realise a property value through the sale of their property (to the council) that will enable them to buy either a similar property on the open market or one of the new build properties on the estate, without support. This offer will allow Yorke Drive owners to remain in home ownership and on the estate should they wish.
- 1.3 The Yorke Drive Decant Strategy states:
- i. *Resident owner occupiers will receive compensation equivalent to the market value of their homes plus a home loss payment of 10% of the market value. An independent valuation will be necessary and paid for by NSDC.*
 - ii. *Where a resident owner wishes to stay on the Yorke Drive estate, there will be the opportunity to purchase one of the newly built homes either outright or on a shared ownership / equity basis. The full purchase price of their property plus any Home Loss Payment should be invested into meeting part of the value of a new home.*
 - iii. *Alternative options for re-housing may include:*
 - *Reverting to a tenancy (only where it is evidenced that the resident cannot afford to purchase a new home outright or on a shared equity basis)*
 - *A swap to another NSDC property of similar value*
 - *A bespoke and equitable solution based on the resident’s individual needs*
- 2.0 When developing the shared option, several alternatives were initially considered with, and discounted by, residents:

- i. A true “Shared Ownership” offer whereby the resident owns a proportion of the property and pays rent on the remaining proportion. This was discounted following feedback from residents who would not accept a financial position whereby they were paying rent (when some are currently mortgage free).
- ii. NSDC entering a shared/ joint mortgage with the resident in the purchase of their home. As above, resident feedback when discussing options included a strong refusal to ‘part-own’ their home – favouring an outright ownership with clear roles and responsibilities for maintenance and repairs.
- iii. NSDC providing a mortgage to the resident – something councils can legally provide but with significant administrative burden.

2.1 The model now proposed is an equity loan model, whereby the council will loan the homeowner the difference between the cost of their new (like for like) property and the value they have realised from the sale of their existing property (including the 10% home loss compensation). Further details of the offer can be found in Appendix 1.

3.0 Potential Uptake of the Equity Loan Model

3.1 Five owner-occupied properties remain within the demolition zone on Yorke Drive. It is proposed that a loan be made available on a maximum of five properties, to bridge the gap between the value realised by the sale of the original home (inclusive of Home Loss payment) and the market value of a new similarly sized property. All properties in question are three beds.

3.2 Market research has indicated that the sales values for a three-bedroom property in the new development will range from £231,000 to £267,750 depending on house type. It is proposed that the offer of replacement is limited to two, three bed semi-detached property types (rather than a detached or 2.5 storey property type) at a maximum value of £241,500.

3.3 The most recent valuations on the five owner occupied properties estimate the total value at £475,000 however, these valuations will be recast given the delays in the project and are therefore likely to increase.

3.4 At a property valuation of £475,000 plus 10% Home Loss at £47,500 the difference between five properties at £241,500 per property (£1,207,500) would be a maximum loan value across all properties of £685,000.

4.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Financial Implications FIN24-25/8838 -

- 4.1 The above equity loan model would be treated within the Council's accounts as a Capital Debtor and as such would not need budget attributable to it. As the Council would receive the funds back at a point in time in the future, the debt would sit on the Council's Balance Sheet until such time that the debt is settled.
- 4.2 As no interest payments would be required, due to a zero percent interest rate, the Council would therefore lose out on any interest it could generate should it have not given the loan originally.
- 4.3 The Council will have to treat the loan as a soft loan (due to the loan being below market rate) for accounting purposes, but there are no financial implications attributable to this, other than the loss of interest described above.
- 4.4 The maximum overall debt liability would be £685,000 as per paragraph 3.4 above. The maximum individual liability would amount to £158,500.
- 4.5 Should all five properties need the maximum amount of loan (hence the £685,000), based on the current average interest rate that the Council is receiving, this would be a loss in interest of £29,000 per annum.
- 4.6 Where any of the loans defaulted at the point of repayment, due to insufficient equity in the sale value of the property, the difference would need to be financed by the Council at that point in time.

Legal Implications

- 4.7 The Council has the power under section 17 of the Housing Act 1985 to acquire properties for housing purposes and under section 120 of the Local Government Act 1985 the Council may also acquire properties for any purpose authorised by that Act or any other act (including for housing purposes).
- 4.8 Section 12 of the Local Government Act 2003 provides that the Council may invest for any purpose relevant to its functions under any enactment and Section 1 of the Localism Act 2011 gives the Council power to do anything that individuals generally may do. Therefore, the Council can provide the equity loans as outlined in this report subject to the terms and conditions being agreed.
- 4.9 Conventionally, an equity loan would constitute the provision of credit to a consumer which would be caught by the Consumer Credit Act 1974 however local authorities are exempt from the 1974 Act meaning that the loan would not be a regulated agreement.
- 4.10 The offer of any equitable loan will be subject to the resident homeowner disposing of their property to the Council for its value, purchasing a new property and the loan then being secured as a legal charge at HM Land Registry against the new property acquired with that loan by the homeowner.

- 4.11 Where the Council is securing the repayment of the loan through the use of a second legal charge ranking behind a first qualifying lending institution (i.e. the homeowner's mortgage company or bank), there will be no Financial Conduct Authority concerns and the loan will not constitute a 'regulated mortgage contract' for the purposes of the Financial Services and Markets Act 2000. The Council will not therefore carry on a regulated activity by lending, administering, advising on or arranging such equity loans.
- 4.12 Any form of 'overage' imposed upon a homeowner's new property needs to be considered carefully. Overage usually arises where a commercial property seller reserves for themselves a slice of any increase in value of the sold property where the buyer has improved the property. Any improvements to the new property upon which the Council has a charge may not amount to improvements but merely be maintenance work – for example, things like roof replacement. The fairness of this will need to be considered as does whether a sophisticated form of agreement identifying what amounts to value enhancing improvements can be drafted. It might be that the Council needs to seek external advice on this aspect. The initial quote received for this is in the region of £7,000. It is anticipated that any provisions will be similar to statutory arrangements under the Housing Act 1985 regarding the right-to-buy process; meaning any increase in value attributable to home improvements as opposed to maintenance following purchase will be disregarded.
- 4.13 Compulsory purchase – the legally enforced purchase of privately owned property in the public interest - is considered a last resort as it is a costly and time-consuming process, and it is preferable to reach an amicable agreement with homeowners.
- 4.14 There is a risk of non (or reduced) repayment where the value of a property goes down or if a property is re-possessed by a mortgage company. This risk is minimised by the registration of a legal charge in favour of the Council. The risk is considered acceptable as the alternative may be the cost and delay of compulsory purchase and associated delay and risk to delivery of the Yorke Drive scheme. The maximum exposure is set out in the Financial Comments section of this report.

Background Papers and Published Documents

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

All Member Update workshop – April 2024

All Member Update workshop – June 2023

All Member Update workshop – June 2022

Yorke Drive Decant Strategy – November 2019

Appendix 1 – Equity Loan Model Principles

| LOAN DETAILS | |
|---|--|
| Who is eligible for the Homeowner Rehousing Loan | <ul style="list-style-type: none"> • A resident homeowner who has lived in the property being acquired as their only or main address for at least 12 months. • The homeowner is prepared to invest the full value of the sale of their existing property and their 10% home loss payment into the purchase of their new property. • The outstanding value of any existing mortgage on the property is transferred to the new property. |
| Amount of loan/ ownership levels | <ul style="list-style-type: none"> • Amount of loan to be calculated as: Loan Value = New Property Value – (Value of current property + Homes Loss Compensation) • The loan will allow households to retain 100% ownership of the property. • The maximum loan will be based on a like for like property i.e. 3 bed for 3 bed. • The maximum loan value will be the difference between the independent valuation of the homeowner’s property and the value of a property with the same number of bedrooms being developed as part of the regeneration scheme. • The loan will be secured as a charge against the property and be registered with the Land Registry. |
| How is the loan provided and repaid? | <ul style="list-style-type: none"> • The interest free secured loan will be granted when the purchase of an alternative property has been agreed and paid at the time the property transfers to the resident homeowner. • The loan and repayment are based on the value of the property. • As part of the loan agreement NSDC will defer repayment of the loan until: <ul style="list-style-type: none"> ○ owner wishes to pay NSDC back ○ sale or transfer of the property ○ death of the homeowner, or whichever occurs first. • The homeowner will repay, as a minimum, the full value of the loan on the date it was secured. • On sale/ transfer of the property the proceeds of the sale will be split according to NSDC/homeowners’ ownership percentages at the time the loan was entered into. <p>Example:</p> <ul style="list-style-type: none"> • Mr. and Mrs. Smith’s new home is valued at £100,000 Their current property value is £75,000 (75%) They take up a loan of £25,000 (25%) <p>Their Loan to Value on their new property is 25% In 10 years time the house is valued at £160,000 Mr and Mrs Smith wish to repay the 25% loan. The loan repayment £25,000 Share of equity (25% of £60,000) = £15,000 Total repayment = £40,000 Mr and Mrs Smith retain = £120,000</p> |

| | |
|--------------------------|---|
| | <ul style="list-style-type: none"> • The loan can be reduced through part payments or can be repaid in full without selling the property. • Part payments will be accepted at a minimum of 10% of the original loan – using the example above - £2.5k minimum transaction – this is to minimise administrative burdens associated with part payments. • An independent valuation must be undertaken at the homeowner’s expense when reducing or repaying the loan. The value of the repayment to be made will be calculated by reference to the current market value at the time of repayment as in the above example. • A mechanism for dispute resolution to be included within the loan terms. |
| Exempt Disposals | Homeowners will be allowed to pass the property on through inheritance to a spouse or civil partner – detailed provisions will mirror as closely as possible the right-to-buy arrangements in the Housing Act 1985 for ‘exempt disposals’. |
| Interest | <ul style="list-style-type: none"> • Interest is not being charged on the loan. |
| Home Improvements | <ul style="list-style-type: none"> • The council will not benefit from any increase in the value of the property that is because of any significant home improvements made by the owner. • Home improvements should be recorded, and receipts kept securely and shared with the council for record so that these can be discounted is appropriate when the property is finally valued. Improvements will only be discounted where these continue to add value to the property. • The value added by any improvement will be considered by an independent valuation agreed at the time of sale. |



Report to: Cabinet Meeting - 4 November 2024

Portfolio Holders: Councillor Paul Peacock, Strategy, Performance & Finance
 Councillor Emma Oldham, Climate and the Environment
 Councillor Claire Penny, Sustainable Economic Development

Director Leads: Matthew Finch, Director - Communities & Environment
 Matt Lamb, Director - Planning & Growth

Lead Officer: Andrew Kirk, Business Manager, Environmental Services, Ext 5577

| Report Summary | |
|--------------------------|--|
| Type of Report | Open Report (with exempt appendix), Key Decision |
| Report Title | Fernwood Open Space |
| Purpose of Report | To update Members on the various developments which form the Greater Fernwood Strategic Urban Extension (SUE) site and to recommend proposals to secure Open Space within Fernwood North (Barratt David Wilson, BDW) being transferred into public ownership via Newark & Sherwood District Council (NSDC) or Fernwood Parish Council (FPC). |
| Recommendations | That Cabinet: <ul style="list-style-type: none"> a) continue to support the approach to securing a ‘No ManCo’ (Management Company) approach for future Open Spaces coming forward as part of Fernwood North (BDW) and Fernwood Central (Allison Homes). This approach shall be secured by S106 variations for both Phases, the details of which shall be delegated to the Director – Planning & Growth in consultation with the Assistance Director Legal Services. S106 Agreements shall be subject to standard due diligence clauses covering design, implementation and handover of Open Spaces; b) delegate to the relevant Director and Assistant Director – Legal & Democratic Services authority to seek and secure S106 legal agreements from Fernwood Parish Council and Barratt David Wilson (BDW) to enter into arrangements to secure the future public ownership, management and maintenance of Open Space on the Fernwood North (Barratt David Wilson, BDW) Phases, subject to the terms set out in Exempt Appendix A save for an additional caveat which allows Fernwood Parish Council (FPC) to take ownership, management and maintenance of Open Space |

| | |
|--|---|
| | <p>at any time (including prior to any initial land transfer), subject to requisite notice (such period to be agreed) to the District Council;</p> <p>c) Should FPC elect to own and manage Open Space in accordance with recommendation b) at any time that the relevant Directors be authorised to underscore the importance of all Open Space across Fernwood (Fernwood Central – Allison Homes, Fernwood North – Persimmon, and Fernwood West (Business Park and Residential) being in a single ownership in order to ensure continuity of responsibility and consistency of service standards across the Parish; and</p> <p>d) Should FPC elect not to agree the terms detailed in recommendation b) that a further report and implications be brought to a future Cabinet (no later than January 2025).</p> |
| <p>Alternative Options Considered</p> | <p>The existing S106 Planning legal agreements for Fernwood North (Barratt David Wilson, BDW) and Fernwood Central (Allison Homes) are clear that there will be a Management Company for the respective development sites, with each homeowner being subject to an annual charge to pay for the management and maintenance of Open Space.</p> <p>Fragmentation of ownership, responsibility, and some areas operating under a Management Company has been problematic within Original Fernwood and the Council has previously negotiated with the developers to remove this possibility.</p> <p>To date both developers have done what was asked and are selling new homes without levying a Management Company charge. To ensure this remains the case the Open Space for each phase of the development must be transferred into public ownership without delay.</p> |
| <p>Reason for Recommendations</p> | <p>The recommendations align with the Community Plan objectives in relation to access to green spaces, biodiversity, the environment and climate change.</p> |

1.0 Background

1.1 Members will be aware of the Greater Fernwood Sustainable Urban Extension (SUE). Broadly the Fernwood SUE can be split into 5 parts:

1. Fernwood Original – just over 1000 homes, local centre, open spaces and primary school which are largely on the original footprint of the former Balderton Hospital.
2. Fernwood North – the site being developed by Barratt David Wilson Homes (BDW) for 1050 new homes, a school expansion and formal and informal Open Space, as defined in the S106 Agreement which accompanies the planning permission

3. Fernwood Central – the site being developed by Allison Homes (formally Larkfleet Homes) for 350 new homes and open space
4. Fernwood South – the site being developed by Persimmon Homes for 1800 new homes , a new school, a new local centre and formal and informal Open Space
5. Fernwood East – the site of the Fernwood Business Park (Tawny Owl, Suthers School, etc) and land which runs south to the A1 to accommodate further employment land expansion and an additional c300 new homes.

Management and Maintenance of Open Space

- 1.2 Members will be aware that new major residential developments are accompanied by on site public open space(s). Such space(s) can range in size and function from informal grassed areas, play areas, new sports pitches, and new country parks. Historically the District Council has taken on the maintenance of such spaces after the development (or each phase) is completed, alongside a one-off ‘commuted sum’ payment to cover an initial ‘x’ years maintenance.
- 1.3 For some years now there has been a trend by developers to decline any agreement for the District Council to take on maintenance of open space, negating any requirement to provide a ‘commuted sum’. The replacement maintenance vehicle has been a Management Company (ManCo). Typically a ManCo will be paid for by each house on a new development paying an annual charge which covers its running costs of maintaining land to a minimum standard. Many ManCo’s are run ethically having an annual charge to household which are directly attributable to the costs of maintaining the open space in question on an ongoing basis. Some ManCo’s are perceived to operate less ethically, which has resulted in residents being dissatisfied, raising concerns with charges levied for issues such re-mortgaging (given that ManCo’s are interested parties to the freehold of land) and seeking permission for the erection of conservatories or satellite dishes.

The Fernwood Approach

1.4 Original Fernwood

- 1.4.1 Original Fernwood is largely subject to a ManCo, save for Phase 1. In simple terms residents in Phase 1 are perceived to not pay for the management and maintenance of Open Space. It is true to say that there are historical and current concerns from local residents with the current Fernwood ManCo. The Fernwood Residents Association continue to voice concerns regarding the ManCo costs and services received within Original Fernwood for example.
- 1.4.2 Original Fernwood is within the ownership of the developer, BDW, but the land is long-leased to the ManCo. There is no straightforward ability to undo the current ManCo. Fernwood Parish Council have considered accepting as a gift from BDW the freehold of land which is subject to the ManCo lease but elected not to take up this offer given the reality that this would not change anything until such time as the lease expired for the ManCo.

1.5 Fernwood North & Central

1.5.1 Planning permissions for Fernwood North and Central were granted planning permission at a time when the developers were continuing promote a ManCo model, something which remains a legitimate practice but where NSDC now encourage a different approach. Since 2019 this Council has worked alongside Fernwood Parish Council with the aim of avoiding more ManCo's across Fernwood with a view that a single ownership, control, custodianship, management regime, and maintenance schedule is optimum for civic pride and place-making.

1.5.2 This is challenging given the extant legal position for both BDW and Allison Homes is to have a ManCo. That said, as detailed in Open and Exempt reports to the then Policy and Finance Committee of this Council negotiations have taken place to ensure that no ManCo should progress. BDW have been at the forefront of this agreement, as captured at the time:

“Following negotiation (and approval under an urgent item from the Leader, Deputy Leader, and Leader of the Opposition) the Council and BDW have agreed that there will not be a Management Company for this phase of the development. As an alternative BDW has agreed, under terms captured separately as an exempt item, that after each phase of development (subject to an appropriate handover mechanism to ensure the open space is fit for purpose prior to transfer) the open space associated with that development will be transferred to the Council for it to maintain. Fernwood Parish Council have been informed of this agreement, and wholly supportive and welcoming of this solution, which will mean no ManCo for the next phase of development.”

Policy & Finance Committee, November 2019

1.5.3 BDW are now selling houses and have stuck to their deal to not sell with a ManCo clause included for new homeowners. A similar agreement has been struck with Allison Homes. At the time of writing, no S106 legal agreement has been signed between NSDC and the developers to formally agree transfer of the Open Space to NSDC, notwithstanding this is agreed.

1.5.4 Separate to this decision the Council has been trying to reengage with Fernwood Parish Council following a change in leadership for both the Chair and Clerk. There is now an ongoing dialogue, as detailed below.

1.6 Other Land Parcels

1.6.1 It is important to note that Fernwood South was granted planning permission in 2024 and therefore Officers have negotiated and agreed with Persimmon Homes that there will be no ManCo for this phase of Fernwood. This is captured legally in the accompanying Section 106 agreement which includes for a 'tradition' commuted payment from the developer to the District Council in accordance with an agreed schedule of costs (plus indexation) for each open space or public realm type (for example arid grassland will be £ Y/per square metre). There remains a provision for Fernwood Parish Council to take on management and maintenance of the land at a later date. No other land parcel has yet gained planning consent but a 'No ManCo' principle will be adopted for these phases also.

2.0 Proposal/Details of Options Considered

2.1 Fernwood North - BDW

- 2.1.1 There remains an agreement and resolution of this Council to take on the ownership, management, and maintenance of Open Space which comes forward within this land (on a phased approach). This was to be subject to a separate agreement with Fernwood Parish Council as detailed in the November 2019 Exempt Report (reproduced at Exempt Appendix A). For the avoidance of doubt Officers at the District Council are clear that those terms remain acceptable.
- 2.1.2 The now Clerk and Chair of Fernwood Parish Council (FPC) have advised that there is no record of Fernwood Parish Council having agreed to such terms. FPC are not stating that such terms will be unacceptable to them, rather they wish to undertake due diligence work on what open spaces will be provided, when they will be provided, and what the costs of management and maintenance will be. They also wish to consider how and when they may be able to take ownership of the land.
- 2.1.3 As Members will be aware the process for taking on open spaces in new developments is a standard one. The amount and type of space that must be provided is defined in the S106 Agreement, as are the triggers (normally linked to the number of units build within each phase) that dictate when the space transfers to a Council (irrespective of whether this is District or Parish). Given the open space was never intended to transfer to a Council no such triggers exist in terms of transfer and checking of the Open Space to be transferred. This will be incorporated into any new S106 agreement, noting the stipulation that the developer should not absorb such costs as we are asking them to deviate from their extant legal position. That does not mean that the developer will not use best endeavours to support the provision, design, and ultimately transfer of open space.
- 2.1.4 It is recommended that Members that the District Council sets out for FPC a timetable to undertake due diligence work and come to a view as to whether now, or in the future, to take on the Open Space across Fernwood North. NSDC remain comfortable that it can and will take on the Open Space in accordance with the original terms agreed, again repeated in Exempt Appendix A and the recommendations contained within this report.
- 2.1.5 Proposed actions:
1. That NSDC re-shares with FPC the original S106 for the Fernwood North Development which sets out the types and quantum of Open Space that shall be provided as part of the development on a phased basis;
 2. That NSDC formally set out the terms in Exempt Appendix A for FPC to consider, subject to a review by NSDC, BDW and FPC of the specification and plans of all Open Space in Phase 1 of the Fernwood North site
 3. That NSDC request that FPC conclude any due diligence work required in association with 1. above in order to inform NSDC of their intentions regarding future funding and/or management and ownership of Open Space no later than 6 January 2025;

4. That NSDC progress with BDW an addendum S106 to secure the principle of transferring all Open Space that would have originally been subject to a ManCo to the District (and if agreed either up-front or in due course the Parish Council) in accordance with a phasing scheme (and standard design, implementation, and pre-and-post handover checks) as soon as practicable and subject to 3 above;

2.1.6 It is recommended that similar actions are mirrored for Fernwood Central – Allison Homes, noting this is a smaller site.

2.2 Alternative Options Considered

2.2.1 It remains an option for the District Council to simply execute a S106 Agreement with BDW and not involve Fernwood Parish Council at all. This seems a missed opportunity and is contrary to the originally envisaged approach detailed in Exempt Appendix A.

3.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Financial Implications (FIN24-25/7403)

3.1 The agreement between NSDC and BDW (and latterly Allison Homes) to avoid a Management Company (a 'No ManCo') will require Officer time to undertake due diligence in ensuring appropriate Open Space is provided, subject to an agreement with FPC in accordance with the terms set out at Exempt Appendix A. If this is not agreed, it is noted that a further report will be brought to Cabinet at which time further legal implications will be provided.

3.2 If the land is transferred to the District Council, it will need to be valued in order for it to be added to the Council's Asset Register. The cost of this can be contained within exiting budgets.

Legal Implications

3.3 A variation to the current S106 agreements for both Fernwood North (BDW) and Fernwood Central (Allison Homes) is required. Both variations are currently instructed and reflect the terms envisaged in Exempt Appendix A. Subject to agreement from Fernwood Parish Council (FPC) to such terms the legal agreements can be concluded as soon as possible in accordance with the recommendations contained within this report.

Background Papers and Published Documents

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

- Policy & Finance Committee: 28 November 2019, Council Management of Open Space at Fernwood (open report)
- Policy & Finance Committee: 28 November 2019, Council Management of Open Space at Fernwood (exempt report)

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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