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**Monday, 9 January 2023**

**Chairman: Councillor D Lloyd**

**Members of the Cabinet:**

**Councillor K Girling  
Councillor Mrs R Holloway  
Councillor R Jackson  
Councillor P Peacock  
Councillor T Wendels**

**MEETING: Cabinet**

**DATE: Tuesday, 17 January 2023 at 6.00 pm**

**VENUE: The 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@newark-sherwooddc.gov.uk](mailto:Nigel.hill@newark-sherwooddc.gov.uk).**

## **AGENDA**

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1. Apologies for Absence	
2. Declarations of Interest from Members and Officers	
3. Notification to those present that the meeting will be recorded and streamed online	
4. Minutes from the previous meeting held on 6 December 2022	3 - 12
5. Chairman's Update	Verbal Report
<b>Strategy, Performance &amp; Finance Portfolio</b>	
6. Update on Disposal of Land at The Greenaway, Rolleston to Arkwood Developments Ltd	13 - 17
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8. Approval of National Portfolio Organisation - Detailed Plans	31 - 33
<b>Homes &amp; Health Portfolio</b>	
9. 2023/24 HRA Budget and Rent Setting (Key Decision)	34 - 47
<b>Cleaner, Safer, Greener Portfolio</b>	
10. Enviro-Crime Enforcement (Key Decision)	48 - 51
11. Exclusion of the Press and Public	
To consider resolving 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.	
12. Cyber Security Strategy Appendix	52 - 63
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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, 6 December 2022 at 6.00 pm.

PRESENT: Councillor D Lloyd (Chairman)

Councillor Mrs R Holloway, Councillor R Jackson, Councillor P Peacock and Councillor T Wendels

APOLOGIES FOR Councillor K Girling (Committee Member)

ABSENCE:

45 APOLOGIES FOR ABSENCE

46 DECLARATIONS OF INTEREST FROM MEMBERS AND OFFICERS

There were no declarations of interest.

47 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.

48 MINUTES FROM THE PREVIOUS MEETING HELD ON 1 NOVEMBER 2022

The minutes from the meeting held on 1 November 2022 were agreed as a correct record and signed by the Chairman.

49 CHAIRMAN'S UPDATE

The Leader and Chairman informed the Cabinet that the Council had secured Share Prosperity Fund monies of £3.1million, which was one of the highest allocations that had been across the County.

50 UPDATE TO THE MEDIUM TERM FINANCIAL PLAN 2022/23 TO 2025/26

The Leader and Portfolio Holder for Strategy, Performance and Finance presented a report which gave an update on the position of the current Medium Term Financial Plan (MTFP) 2022/23 to 2025/26. The report reflected on the delay in the fair funding review and the continuing uncertainty around local government funding, The agreement of the national pay award and rates of inflation and interest had also impacted on the Council's budget.

The report set out an updated position based on the increases in inflation set within the Budget Strategy, together with the assumption that changes in the local government finance system would not be brought in until 2025/26 at the earliest. Over the four-year period of the MTFP, £0.896m would need to be found in order to fund the budget. This was after the mitigations described in the report were realised

Detailed budgets were currently being produced which would give further clarification, and it was anticipated that the draft Local Government Finance Settlement would be released during December 2022. The MTFP would then be brought back to the Cabinet in February 2023 to be recommended on to the Full Council in March 2023 for approval, alongside the budget setting report for the 2023/24 financial year.

AGREED (unanimously) that the update to the Medium-Term Financial Plan be noted.

#### Reasons for Decision

To update Members on the current assumptions forecast in the Medium Term Financial Plan.

### 51 LOCAL AREA ENERGY PLANNING (KEY DECISION)

The Leader and Portfolio Holder for Strategy, Performance and Finance presented a report which informed Members of plans for Local Area Energy Planning (LAEP) across the East Midlands (East Midlands Mayoral Combined Authority geographical area) and sought approval for investing in a Local Area Energy Plan for Newark and Sherwood, as part of the wider work of the region. The Plan would enable the Council to work towards moving to its carbon reduction target to net zero by 2035. The report detailed how officers were exploring various funding sources to alleviate financial pressures for the required works for infrastructure and equipment to reduce emissions arising from energy use.

AGREED (unanimously) that Cabinet endorse progress with the LAEP to enable a focus on district wide carbon emissions across Nottinghamshire and Derbyshire.

#### Reasons for Decision

To help the Council deliver against its Carbon reduction target of net zero (direct emissions) by 2035, and to gather information to help the district determine potential pathways, technologies and scenarios, to achieving carbon net zero across the district. The Council have already made the commitment to reducing its own emissions. This is an opportunity to focus on the whole district and work towards a carbon net zero Newark and Sherwood.

#### Options Considered

The alternative option is to do nothing. In this situation the work will continue in partnership across the East Midlands without Newark & Sherwood District Council input, which will result in the need to gather this information independently, as required, likely for a greater cost.

## 52 COST OF LIVING RESPONSE

The Leader and Portfolio Holder for Strategy, Performance and Finance, presented a report which set out the Council's approach to supporting the District through cost of living challenges and sought to commission further work on potential projects to support delivery of activities to help those who are in need. The report outlined the measures the Council had taken to date in response to the cost of living challenges and how the Council were acting as a landing site for partner organisations to feed initiatives and to ensure timely signposting and support for residents.

A potential budget of £150,000 had been identified to support residents and businesses, and where possible, supporting community partners to deliver services in their neighbourhoods rather than direct delivery. The funding would enable the Council to react quickly as needed to provide targeted support for various projects.

AGREED (unanimously) that Cabinet:

- a) note how the Council has responded so far to the cost of living challenges, and approve further work on potential projects as set out, for example in paragraph 2.1.1 of the report with a view to the creation of a Cost of Living Response fund to support our community objectives of creating vibrant and self-sufficient local communities where residents look out for each other and actively contributing to the local area and to improve the health and wellbeing of local residents;
- b) note that a further report will be brought to Cabinet with costed proposals for consideration within a cost envelope of approximately £150,000; and
- c) grant delegated authority to the Portfolio Holder – Strategy, Performance & Finance after consultation with the S151 Officer and the relevant Portfolio Holder and the other Members on the Cabinet for any urgent individual allocations required in the interim period.

### Reasons for Decision

To provide practical support for residents and businesses through the cost of living challenges.

### Options Considered

Not to consider further projects to address cost of living challenges, however it is considered appropriate to support residents and businesses during this period.

## 53 ESTABLISHMENT OF NEWARK AND SHERWOOD COMMUNITY PARTNERSHIP

The Leader and Portfolio Holder for Strategy, Performance and Finance presented a report which sought to endorse the establishment of a Newark and Sherwood Community Partnership, which would help secure funding from national government by bringing together representatives from across the private, public and voluntary and community sectors.

It was noted that the requirement to produce a District-wide Investment Plan as part of the Shared Prosperity Fund had prompted the Council to take stock of current arrangements and in particular the need for a new partnership covering the whole of Newark and Sherwood. The proposed terms of reference for the Newark & Sherwood Community Partnership were set out in the report.

AGREED (unanimously) that Cabinet approve the establishment of Newark & Sherwood Community Partnership in accordance with the proposed Terms of Reference as set out in the report.

#### Reasons for Decision

To satisfy Government funding requirements and to develop and sustain good relationships between partners for the benefit of local residents and local businesses.

#### Options Considered

Cabinet could choose not to establish the proposed partnership or could vary its role and responsibilities.

### 54 INFRASTRUCTURE FUNDING STATEMENT (KEY DECISION)

The Portfolio Holder for Economic Development & Visitors presented a report which updated Cabinet on matters set out in the 2021/22 Infrastructure Funding Statement (IFS) and which sought to approve the process for spend of Section 106 developer contributions.

The 2021 IFS had been finalised and the report detailed the headline figures for Members. The IFS also included details of the Council's governance arrangements in relation to managing monies secured as part of Section 106 Agreements. It was a requirement to publish the IFS by 31 December 2022.

AGREED (unanimously) that Cabinet:

- a) approve the publication of the Infrastructure Funding Statement, which has been produced in accordance with the legislative requirements, before the end of the calendar year; and
- b) approve the proposed process for spend of Section 106 Developer Contributions set out at paragraph 2.3 of the report.

#### Reasons for Decision

To ensure that the District Council is operating in accordance with the requirements of the Community Infrastructure Regulations.

To set out clearly the governance arrangements for spend of Section 106 contributions.

### Options Considered

None, there is a requirement to publish the Infrastructure Funding Statement by the end of the calendar year.

#### 55 A46 NORTHERN TOWN BYPASS AND NEWARK TOWNS FUND

The Portfolio Holder for Economic Development & Visitors presented a report which provided an update on the A46 Newark Northern Bypass, including inter-dependencies with the Newark Towns Fund program. The report set out the latest progress in respect of the Newark Towns Fund projects, including the start ion site for the Air and Space Institute, and an update on the A46 Newark Northern Bypass statutory consultation which was now live with the deadline for consultation responses being 12 December 2022. It was noted that the Council's response had been delegated to the Leader of the Council and Portfolio Holder for Economic Development & Visitors, subject to strong support for the scheme being maintained, alongside the Council ensuring that its aspirations of the Towns Fund and retaining its lorry park provision for the Town were met.

AGREED (unanimously) that Cabinet note the update provided in the report.

### Reasons for Decision

To keep Members updated on the A46 Northern Town Bypass and the Newark Towns Fund Program.

### Options Considered

No alternatives are considered appropriate at this time. The A46 Newark Northern Bypass proposals have long been an important aspiration of this Council, an aspiration supported by a raft of partners including Midlands Connect, Nottinghamshire County Council, Lincolnshire County Council, and a number of highway, LEP, and Local Planning Authorities from the Humber Ports to Tewkesbury.

The development of the Newark Town Investment Plan and selection of priority Towns Fund projects was equally part of a significant assessment process undertaken by the Newark Towns Board, in consultation with a range of partners and industry, including this Council. The redevelopment of the Gateway site and relocation of the existing Newark Lorry Park remain an important part of this program.

#### 56 HERITAGE AND CULTURE NATIONAL PORTFOLIO ORGANISATION STATUS AND STRATEGIC DEVELOPMENT (KEY DECISION)

The Portfolio Holder for Economic Development & Visitors presented a report which updated the Cabinet on Heritage & Culture's successful application to become an Arts Council England National Portfolio Organisation, provided an update on the Business Unit's recovery post-covid, and in light of the cost of living challenges, reflected on the continuing challenges in the heritage sector and its effect on the museum service.

Given the success of the National Portfolio Organisation process and the funding this would release, it was proposed to set up a working group of the Cabinet to oversee the development of a refreshed strategy for Heritage and Culture, setting out the strategic objectives and identifying opportunities and options for future service delivery.

AGREED (unanimously) that Cabinet:

- a) recognises the success of the National Portfolio Organisation application and that the agreed grant amount of £309,000 annually be added to the budget for the three years of the funding agreement from April 2023, to be drawn down from the Arts Council in stages, in line with their funding agreement;
- b) approve the addition of three new funded roles to the establishment for the three years of the funding agreement from April 2023;
- c) approve the establishment of an Independent Board, as previously agreed through Policy & Finance Committee in March 2022, to meet the requirements of the National Portfolio Organisation status;
- d) approve a Cabinet Working Group to be set up to oversee the development of a refreshed strategy for Heritage & Culture as outlined in the report;
- e) approve that a budget of £20,000 be set aside in 2023-24 to undertake an options appraisal to support delivery of an agreed future strategy for Heritage & Culture; and
- f) support the National Civil War Centre continuing to offer free entry to residents during school holidays and for key, targeted activity and events, supporting residents to access welcoming, engaging and warm spaces over the winter period through the cost of living crisis and to interact with our heritage and cultural offer.

#### Reasons for Decision

These recommendations align to the Community Plan by clearly defining and evaluating Heritage & Culture's remit and scope to:

Deliver inclusive and sustainable economic growth through skills, educational development and the visitor economy;

Improve the health and wellbeing of residents by responding to their needs through cultural engagement and outreach; and

Create vibrant and self-sufficient local communities where residents actively contribute to their local area through co-creation via the NPO investment principles and activity.

#### Options Considered

Do nothing, service delivery would continue, but this option does not acknowledge the challenge currently being seen in town centres and with visitor admissions and will therefore not enable a pro-active response to ensure our service remains relevant and fit for purpose and reflects value for money for the Council.



57 NEWARK & SHERWOOD HEALTH AND WELLBEING STRATEGY 2022 - 2026 (KEY DECISION)

The Portfolio Holder for Homes & Health presented a report which sought approval to adopt the Newark & Sherwood Health and Wellbeing Strategy 2022-2026. The Council had previously adopted a Health & Wellbeing Partnership Plan 2019-2022 which outlined its commitment to delivering the aims and objectives of Nottinghamshire's Health & Wellbeing Strategy 2018-2022.

The County Council had recently agreed and shared their new Joint Health & Wellbeing Strategy 2022-26, so in line with this, the Council have developed a new strategy which sets out how the Council proposed to 'Improve the health and wellbeing of our local residents', one of the Community Plan objectives. The proposed Newark & Sherwood Health and Wellbeing Strategy 2022-2026 was attached as an appendix to the report.

One of the key emphasis within the Strategy was the difference in life expectancy across the District. The Strategy set out how the Council would work to address this with a variety of agencies and key partners.

AGREED (unanimously) that Cabinet:

- a) approve and adopt the Newark & Sherwood Health and Wellbeing Strategy 2022-2026; and
- b) approve the detailed Health Improvement Action Plan to be endorsed by the Strategic Health Partnership and the Portfolio Holder for Homes & Health.

Reasons for Decision

To ensure that the Council and its partners have a strategy that drives health and wellbeing improvements across the district.

58 RESPONSIVE AND PROGRAMMED WORKS - ADDITIONAL PROGRAMME

The Portfolio Holder for Homes & Health presented a report detailing information on the current number of Responsive and Programmed repairs works in the system and set out recommendations to complete these, and the future management of works going forward. The report advised that through the pandemic, the Council had restricted repairs service to cover emergencies and some external planned works until restrictions and risk assessments allowed a return to normal arrangements. This resulted in around 800 repairs in the system which had been caught up within existing resources. However, combined with an increase in demand and a reduced resource to service them due to challenges with recruitment, there was now a further high number of newer repairs outstanding.

It was estimated that no more than £300k was required to clear the repairs on the system in full. In order to commence works, an additional £100k was required within the current financial year. The works would be distributed to several contractors currently working for the Council.

AGREED (unanimously) that Cabinet:

- a) approve an additional £100k be added to this year's budget funding from the HRA Newark and Sherwood Homes Merger Transfer reserves; and
- b) note that any additional funding will be included in 2023/24 budget setting process.

Reasons for Decision

To support the Repairs Team to ensure tenants homes are well maintained whilst we make improvements to our service delivery.

Options Considered

To continue to use existing resources to gradually reduce repairs workload.

59 ADOPTION OF A NEWARK & SHERWOOD DISTRICT COUNCIL TREE STRATEGY (KEY DECISION)

The Portfolio Holder for Cleaner, Safer, Greener presented a report which sought the adoption of a Tree Strategy for the District. The proposed Tree Strategy for Newark & Sherwood had been developed by the Environmental Services Team in conjunction with the Planning Development and Planning Policy and Infrastructure teams to establish the Council's objectives towards trees in the District, and to provide an action plan setting out the pathway to achieve those objectives. The objectives for the strategy and the actions to achieve those were detailed in the report. It was noted that the proposed strategy had been considered and supported by the Policy & Performance Improvement Committee at their meeting held on 28 November 2022.

It was noted that officers were working with Nottinghamshire Wildlife Trust to encourage landowners to put forwards areas of land for mass planting and wetland habitat creation.

AGREED (unanimously) that:

- (a) the draft Tree Strategy be shared with key partners (Sherwood Forest Trust, RSPB, Woodland Trust & Nottinghamshire Wildlife Trust) and reviewed before being released for public consultation via the Council's website; the outcome of the consultation to be reported back to Cabinet for consideration prior to formal adoption of the final draft Strategy; and
- (b) the proposal to fund the increase in budget as set out in paragraph 3.2 of the report for essential tree survey and maintenance work be approved.

Reasons for Decision

To support the Council's green ambitions to 'Enhance and protect the district's natural environment', as stated in the community plan.

### Options Considered

Not to progress the Strategy at all, or to progress the Strategy but with a greater or lesser allocation of budget. On balance the recommendation is to progress a Strategy, subject to the outcome of consultation, in order to contribute to the Council's carbon reduction plan, and that the budget proposed is proportionate.

#### 60 NEWARK SAFER STREETS 4 SCHEME AND THE RURAL CRIME AND PREVENTION PROGRAMME (KEY DECISION)

The Portfolio Holder for Cleaner, Safer, Greener presented a report which updated Cabinet on the Safer Streets 4 initiative and the Rural Crime and Prevention Programme, and sought to agree funding for the projects. The success of the Safer Streets 4 bid builds on the previous work that had been undertaken from the successful completion of previous Safer Streets funded projects. Over the past 4 years there had been investment of over £1 million in schemes to reduce crime. In addition to the Home Office funded Safer Streets 4 project, the Community Safety Partnership had also been successful in securing funding from the Police and Crime Commissioner's Target Hardening Safer4All Grant fund for a Rural Crime and Prevention Programme for Bassetlaw and Newark & Sherwood. The project would use the same governance structure as Safer Streets 4 with the police as the responsible accounting body administering any grant monies.

In July it was announced by the Home Office that the Nottinghamshire bid for the Safer Streets 4 Programme had been successful and an award of £750,000 had been made to deliver the actions set out in the bid. The District Council share if this was £374,000. The project had to be completed by 30 September 2023 and the report provided an update on all the projects which would be funded, which included increased CCTV and environmental improvements.

AGREED (unanimously) that Cabinet:

- (a) note the progress in the implementation of the Safer Streets 4 project and Rural Crime and Prevention Programme;
- (b) approve the use of the overage for match funding the schemes;
- (c) approve the addition of £305,000 to the Capital Programme for Safer Streets 4;
- (d) approve the addition of £49,500 to revenue budgets for Safer Streets 4; and
- (e) approve the addition of £39,000 to the Capital Programme for the Rural Crime and Prevention Programme.

### Reasons for Decision

By delivering the Safer Streets and rural crime initiative the Council will contribute to reducing crime and anti-social behaviour.

### Options Considered

The alternative option is to find alternative to the match funding identified in the report.

Meeting closed at 7.10 pm.

Chairman



Report to: Cabinet Meeting – 17 January 2023

Portfolio Holder: Councillor David Lloyd, Strategy, Performance & Finance

Director Lead: Suzanne Shead, Director – Homes, Health & Wellbeing

Lead Officer: Kevin Shutt and Mark Eyre, Business Manager - Corporate Property, Extensions 5670 and 5440

Report Summary	
Type of Report	Open, Non-Key Decision
Report Title	Update on Disposal of land at The Greenaway, Rolleston to Arkwood Developments Ltd.
Purpose of Report	To update the Cabinet following objections received in response to the statutory consultation process regarding the proposed disposal of a plot of land to Arkwood Developments Ltd, enabling the delivery of three market sale residential units adjacent to a HRA development of five affordable units.
Recommendations	<p>That Cabinet:</p> <ul style="list-style-type: none"><li>(a) consider the objections to the proposed land sale and development of the land at The Greenaway, Rolleston; and</li><li>(b) given on balance no issues are raised of sufficient significance to change the Cabinet's previous decision, that the disposal to Arkwood Developments Ltd proceed, subject to full planning permission being granted.</li></ul>
Alternative Options Considered	Cabinet could decide not to proceed with the sale in light of objections received, but this is not considered necessary in the circumstances.
Reason for Recommendations	The redevelopment of the land will contribute to the Council's Community Plan objective to create more and better quality homes through our role as landlord and developer.

## 1.0 Background

- 1.1 A piece of HRA land has been identified at The Greenaway Rolleston, for potential development as part of the HRA development programme. The land is owned by NSDC,

it currently has 2 semi-detached pre-fabricated bungalows on the site of which 1 has been vacant for a long period.

- 1.2 The site also includes an area of grass that is leased to the village hall; it is used as an occasional over spill parking facility by the village hall. The access road to the village hall also runs through the site.
- 1.3 An earlier report to cabinet 07.06.22 Disposal of land at The Greenaway, Rolleston to Arkwood Developments Ltd received approval to sell the land for the proposed development of 3 market sale houses.

## **2.0 Proposal/Details of Options Considered**

- 2.1 Following the approval of the recommendation to progress the land for development, including the sale of land for the 3 market sale properties. Part of the land in question forms public open space and in accordance with S123 (2A) of the Local Government Act 1972 an advertisement was placed in the Newark Advertiser on 28 July 2022 for two consecutive weeks in order for objections to be received by no later than 10 August 2022.
- 2.2 We have received 3 objections from local residents in relation to the proposed sale of land and development of housing on the land, and 1 query about any historic restrictions in relation to any proposed development of the land (a copy of an historic conveyance was supplied in relation to the latter).
- 2.3 A summary of the objections received are as follows:
  - the notice identifies the land as 'Greenway' rather than 'Greenaway' and this may cause confusion.
  - the notice does not make any reference the proposed use being the subject of planning permission.
  - any planning application would be in direct conflict with the development plan
  - the only community amenity or facility in Rolleston is the Village Hall.
  - whilst further formal assessment would be required, suspect that any development would have detrimental impact of the success and viability of the Village Hall.
  - the land provides benefit to the village hall and surrounding community with no known issues that could not be otherwise mitigated.
- 2.4 Some of the objections received from residents are in relation to the proposed development and the impact that would have on the village hall and residential properties along with how such a development would be contrary to the special policies and development plan. These latter matters are planning considerations that will be considered in full as part of the planning process. Any disposal of the land would be contingent on the successful grant of planning permission.
- 2.5 We have also received a letter of objection from Rolleston Village Hall Management Committee. A summary of the objections are as follows:
  - The land is used for overflow parking for the village hall and many events such as weddings, funeral wakes etc. exceed the available space immediately adjacent to

the hall for parking. The only alternative available parking is Staythorpe road which is a main throughfare and would cause serious traffic congestion.

- Tankers attend the pumping station at the corner of the land to relieve blockages which has caused serious problems within the village.
- The development can potentially give rise to surface water flooding.
- There is no evidence to suggest intense development of this space will address the housing needs of the village.

2.6 The letter of objection which was received from the Rolleston Village Hall Management Committee contains an objection raised relating to loss of amenity.

2.7 The letter of objection from the Rolleston Village Hall Management Committee states that there would be a loss of amenity if the land sale and development were permitted:

**Relevant extract from the letter.**

**4. Amenity**

- a. Currently the Village Hall is situated in open space, with views over the countryside, and makes it an attractive site for celebrations, including wedding parties. Housing development next to the hall will reduce the visual appeal of the hall and its surroundings.
- b. If the hall is to be financially sustainable there is a considerable risk that the significant income from weddings and other parties will be lost.
- c. During the period of building of the proposed housing it is extremely likely that vehicular access to the hall will frequently be denied by builders' vehicles and delivery of building materials. This will result in loss of income during the building period, with is potentially 12 months.
- d. Rolleston has no outdoor amenities other than the Village Hall and Holy Trinity Church. Any diminution of facilities, whether through parking or access problems will seriously affect the village which presently has a lively and caring community.

2.8 A summary of the Council officer's response to the points of objection are detailed in paragraph 2.9-2.11 below:

2.9 **Point A Visual Appeal of the hall.** The hall has a natural backdrop on to open fields to the main rear elevation of the hall. The majority of the windows and a patio garden area, look out on to this elevation which would be unaffected by the proposed development. The elevation of the hall which looks out towards the proposed development, has no view of the proposed development. It is a brick gable end wall. There is also a hedge row that separates the hall from the proposed site. The access road to the village hall passes a number of 1950s ex-local authority houses, 2 prefabricated bungalows and a sewage pumping station. The proposed development would be an extension of the existing developments along the access road to the hall.

2.10 **Point C Access to the Hall during construction.** The construction would be carried out in a manner which would not, prevent access to the hall during the construction period. The contractor would maintain access to the village hall. The works to lay new utilities would cause some minor temporary road working to the access road. However, this would be no different than normal utility road works.

2.11 **Point D No other outdoor amenities.** This statement is correct as in the village outdoor amenities are located around the village hall and the Holy Trinity Church. However, the main outdoor amenity area of the village hall, is located on the rear elevation of the village hall, which has a large outdoor play park. The play park also leads on to a large open field which it is believed is currently used by the village hall

## 2.12 **Aerial View of the Village Hall**



2.13 The Above objections to the proposed land sale and development of the site need to be considered by Cabinet and a decision is requested in relation to the land sale proceeding, to enable the proposed development to take place.

2.14 For completeness, it should be noted that the land is allocated as Housing Revenue Account (HRA) land and as such any disposal is subject to Section 33 of the Housing Act 1985. This means that consent of the secretary of state is required for disposal. Some general consents for disposal of HRA land are given by the secretary of state in the General Housing Consents Order 2013; if applicable this means that specific consent for the individual disposal is not required. For this disposal the Council can rely on A3.2 of the General Housing Consents 2013 as the land is vacant land, therefore specific consent is not required before proceeding.



### **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.

#### **Equalities Implications**

- 3.1 The proposed development would contribute to the council's equalities commitments by providing level access to all ground floor new build properties on the proposed site. In addition, all ground floor accommodation on the development would benefit from level access bathing facilities as standard specification for the new build programme.

#### **Financial Implications (FIN22-23/7416)**

- 3.2 Decisions have already been taken by Cabinet (7 June 2022) with regard to the disposal of the land. Therefore, there are no further financial implications arising from this report.

#### **Background Papers and Published Documents**

07.06.22 Cabinet Report, Disposal of land at The Green, Rolleston to Arkwood Developments Ltd.  
Advert in the Newark Advertiser



Report to: Cabinet Meeting - 17 January 2023

Portfolio Holder: Councillor Keith Girling, Organisational Development & Governance

Director Lead: Sanjiv Kohli, Deputy Chief Executive / Director – Resources / S151 Officer

Lead Officer: Dave Richardson, Business Manager - ICT & Digital Services, Ext. 55405

Report Summary	
Type of Report	Open Report (with an exempt appendix), Non-Key Decision
Report Title	Cyber Security Strategy
Purpose of Report	To present Newark & Sherwood District Council's Cyber Security Strategy.
Recommendations	That Cabinet approve the adoption and wider communication of the Cyber Security Strategy.
Alternative Options Considered	Not to adopt a cyber security strategy, but this would be contrary to best practice.
Reason for Recommendations	To raise awareness of the Cyber Security agenda and obtain buy-in to the implementation plan, providing assurance to our residents, businesses, and external stakeholders.

## 1.0 Background

- 1.1 Cyber Security Updates have been a regular item on the Senior Leadership Team's (SLT) agenda with many an update providing an overview of the organisation's posture and resilience. This has included implementation of a cyber incident response plan and setting the scene for a proposed Cyber360 pilot review by the Local Government Association (LGA).
- 1.2 SLT have been made aware of emerging risks and actions plan to mitigate and control these risks, this is all part of the cyber security lenses and culture that we aim to promote further in order to protect stakeholders data and information assets from a range of threats.
- 1.3 The national strategy, LGA and the Cyber Security Centre (NCSC) acknowledge board level responsibility in the event of Cyber Incident, which our SLT have recognised with the further acceptance that a pilot Cyber360 review by the LGA would be beneficial.

- 1.4 During a Cyber360 pilot review of another Local Authority, ICT & Digital Services Business Manager participated and acknowledged that Newark & Sherwood District Council had a gap in the suite of strategies, albeit assurance that controls and actions are being implemented.
- 1.5 Since the recent update to SLT, ICT & Digital Services have developed a Cyber Security Strategy and implementation plan that aligns to the National Strategy and yet is appropriate for our employees, elected members and partners that utilise the Council's infrastructure.
- 1.6 The Strategy outlines key themes and is presented in the separate document Cyber Security Strategy 2022 to 2026:
- Purpose
  - Scope
  - The Challenge we face
  - Threats
  - Vulnerabilities
  - Risk
  - Approach, Principles and priorities
  - Implementation Plan
  - Critical Success Factors
  - Roles and Responsibilities
- 1.7 This strategy should provide a level of assurance to our stakeholders that the Council takes Cyber Security, data protection and information security seriously, notwithstanding acknowledge the challenging and changing global threat landscape.

## **2.0 Proposal/Details of Options Considered**

- 2.1 The acceptance and implementation of the strategy will ensure that we deliver a vision and plan to managing cyber security threats whilst reducing risk, protecting residents and stakeholder data from misuse and cyber threats.
- 2.2 Therefore, the proposal is that the Council adopt the Cyber Security Strategy.
- 2.3 Once adopted, ICT & Digital Services will communicate important messages and actions from the Strategy to key stakeholders including elected members and employees across the Council, Active4Today and Arkwood Developments Ltd.
- 2.4 This includes but is not limited to: cyber awareness training for colleagues and councillors, supply chain due diligence and awareness of the Cyber Incident Response Plan.
- 2.5 ICT & Digital Services will also support residents and local business by liaising with Corporate Communications to provide information about cyber security practice, and by offering signposting support in response to incidents and queries.

- 2.6 The Cyber Security Strategy implementation plan is not a public facing document due to the sensitive nature of information contained within it, which would create a risk to the Council's security if published. It is therefore included in a separate **exempt appendix** on this agenda. However, the strategy without the implementation plan is high level enough to be a public facing document and is attached to this report at the **appendix**.

### **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.

#### **Background Papers and Published Documents**

None.



## Cyber Security Strategy 2022-26

“Protecting residents and stakeholders data from misuse and cyber threats”

ICT & Digital Solutions

# Introduction

This document sets out Newark and Sherwood District Council's application of information and cyber security standards to protect our information systems, the data held on them, and the services we provide, from unauthorised access, harm, or misuse.

It is our security commitment to both internal and external stakeholders; and emphasises the importance of security in their role.

## **What is cyber security and why is it important?**

Cyber security is the practice of ensuring the confidentiality, integrity, and availability (CIA) of information.

- **Attacks on Confidentiality** – Accessing Information without authorisation
- **Attacks on Integrity** – Altering data or systems with the aim of corrupting, damaging, or destroying information
- **Attacks on Availability** – Limiting or preventing access to data and/or services

In this document we will refer specifically to Cyber security, however this will represent both cyber and information security in a wider scope.

Cyber security refers to the body of technologies, processes, and practices designed to protect networks, devices, programs, and data from attack, damage, or unauthorised access. Cyber security may also commonly be referred to as information technology security.

Cyber security is important because to effectively deliver services, Newark and Sherwood District Council collects, processes, and stores large amounts of data on computers and other devices. A significant portion of this data is sensitive information, including financial data, personal information, or other types of data for which unauthorised access or exposure could have negative consequences.

NSDC transmits sensitive data across networks and to other devices while providing services. Cyber security is the discipline dedicated to protecting this information and the systems used to process or store it.

## Purpose

The NSDC Digital Strategy (2021-2024) sets out NSDC's ongoing digital ambition, including how technology will be used to progress the areas of focus and priority programs set out in the Community Plan.

The council seeks to deliver its digital strategy through transforming Newark and Sherwood into a digital place, digital community, and a digital Council. The scale of transformation represents an unprecedented culture shift for the stakeholders. With this digital transformation comes an element of risk and therefore the introduction of the cyber security strategy.

Furthermore, the Cyber Security Strategy is a new strategy, introduced in response to the increasing threat from cyber criminals and several successful and high-profile cyber-attacks on public and private organisations, alongside the ambitious digital strategy.

This Strategy underpins the delivery of the Digital Strategy and the Community Plan by providing a framework for NSDC to securely harness the benefits of digital technology for the benefit of all stakeholders. It is essential to the efficient running and evolution of the council.

The purpose of the strategy is to give assurance to stakeholders of the council's commitment in delivering robust information security measures to protect resident and stakeholder data from misuse and cyber threats, and to safeguard their privacy through increasingly secure and modern information governance and data sharing arrangements - both internally and with our partners.

Through delivery of this strategy, we will align our ways of working with industry standards, best practices, and audit requirements, including, but not limited to, [Cyber Essentials](#) and [ISO27001](#).

## Scope of the Strategy

This strategy is intended to cover all of NSDC's information systems, assets and supply chain, the data held on them, and the services they help provide. It aims to increase cyber security for the benefit of all stakeholders; helping to protect them from cyber threats and crime.

## Asset Types

The primary aim of Cyber Security is to protect the organisation's ICT and digital assets, which can be categorised as following.

**Data** – Any form of information stored in a digital system. Data may be stored in the council's internal systems, or by 3<sup>rd</sup> parties. The data falling under the council's remit could include resident's personal information, staff records and IT system passwords.

**Software** – Systems, tools and programs used by council employees, members, and residents to carry out specific tasks. These could be programs installed on devices, (Microsoft Word and Outlook), systems running on our servers (Housing Management, Printer Management), or cloud-based tools (HR/Payroll System, Council Website).

**Hardware** – Physical equipment used by the council to deliver digital services, including user phones and laptops, communication and audio visual devices, and server room equipment.

**People** – NSDC's operations are made possible by people, and their knowledge, skills and behaviours are valued as we would with more tangible assets.

## Stakeholders

This strategy applies to all stakeholders for the Council's Cyber Security: Employees, Councillors, Residents, Service Users, Businesses, Partners, Suppliers.



## The challenge we face as a council

Newark and Sherwood District Council is using an increasing range of technology, from endpoints to complex digital services. Much of our business is done online such as corresponding with residents and local businesses, carrying out case work, and reviewing reports and papers for council meetings.

Horizon scanning suggests that we have multiple big issues to consider that affect Cyber Security, these include, but are not limited to:

- Global warming
- Pandemics
- Economic instability
- Political elections
- Insurrections
- Civil unrest
- Armed conflict

These global scale issues can increase the Cyber Security risk as the number of threat actors seeking political or financial gain increases. As a local authority, we can expect to see patterns in these behaviours reflected in our own experiences. For instance, local authorities have been targeted in recent years by ransomware, with the aim of extorting money from them.

Technology horizon scanning has identified emerging digital trends which should be considered in relation to Cyber Security:

- Cloud computing
- Software Defined Networking
- Zero-Trust Networks
- Internet of Things
- Artificial Intelligence
- Smart Cities
- Digital Ethics

This direction of travel is expected to continue and accelerate; making effective cyber security ever more crucial in protecting against new types of threats, risks and vulnerabilities.

## Threats

The council faces several types of threat as a UK public authority; each has different behaviours, aims, likelihood and potential impact.

These threats are considered and assessed in all stages of our Cyber Security actions to ensure we are reacting appropriately to the current threat landscape.

**Cyber Crime** – Malicious digital activity carried out primarily for financial gain; common attacks such as phishing and ransomware are usually attributed to Cyber Crime activities

**Insider Threats** – The risk posed by council employees, through both intentional and unintentional acts causing loss, manipulation, or exposure of data

**Physical** – Digital assets are at risk of damage or loss through physical threats such as fire, flood, and power loss

**Hacktivism** – Politically motivated activity aimed at causing reputational damage or promoting a cause

**Terrorism** – Terrorist groups are increasingly carrying out cyber activities in their operations, causing major disruption to critical systems and/or enabling physical attacks

**Espionage** – UK government organisations are subject to intelligence gathering by foreign governments

# Vulnerabilities

Vulnerabilities are weaknesses or other conditions in an organisation that a threat actor, such as a hacker, nation-state, disgruntled employee, or other attacker, can exploit to adversely affect data security.

Cyber vulnerabilities are typically in the IT software, hardware, systems, and processes an organisation uses or has its data held within.

**System Maintenance** – IT systems should be updated and checked regularly and effectively. It is essential that the systems are fully updated and appropriate fixes are applied. Poor setup, mismanagement, or other issues in the way an organisation installs and maintains its IT hardware and software components is a threat.

**Zero Days** – Previously unknown technological threats and weaknesses which could be exploited by attackers and could be missed by anti-virus and monitoring tools due to never being seen before.

**Legacy Software** – To ensure that legacy systems have sufficient user and system authentication, data authenticity verification, or data integrity checking features that prevent uncontrolled access to systems.

**Training and Skills** – It is crucial that all employees have a fundamental awareness of cyber security and to support this.

**Supply Chain** – Third party products and services may be exposed or attacked, outside of the control of the organisation. The system maintenance, software updates and training is the joint responsibility of both the organisation and supplier.

## Risks

Cyber Risk Management is a fundamental part of the broader risk management to ensure cyber security challenges are fully documented across the council and appropriate action is carried out to mitigate the risk.

The Council's response to Cyber Risk has seen the creation of a Cyber Incident Response Plan (CIRP).

A CIRP is formulated by an enterprise to respond to potentially catastrophic, computer-related incidents, such as viruses or hacker attacks. The CIRP includes steps to determine whether the incident originated from a malicious source — and, if so, to contain the threat and isolate the enterprise from the attacker.

Cyber risk is governed within the realm of the Corporate Information Governance Group, which assess operational risk on a 6 weekly basis and strategic risk on a quarterly basis.

## Our approach, principles, and priorities

To mitigate the multiple threats we face, and safeguard our interests in our remit, we need a strategic approach that underpins our collective and individual actions in the digital domain. This will include:

- Maintaining the Cyber Essentials scheme, working towards ISO27001 controls, and conforming to appropriate frameworks to ensure that the council will be able to identify, mitigate and protect against information security risks in a prioritised and resourceful fashion.
- Utilising available technical resources to maintain and improve our Cyber Security capabilities. This could include keeping existing systems up to date with vulnerability fixes, implementing new software tools, and enrolling in training courses and materials
- Maintaining a council wide risk management framework to help preserve a risk aware culture within the council, ensuring staff understand how to identify and manage risks.
- Cyber Awareness training to help mitigate insider threats, understand supply chain risks and ensure all employees and elected members understand the issues and their responsibilities.

## **Glossary**

**NSDC** – Newark and Sherwood District Council

**NCSC** – National Cyber Security Centre. The NCSC acts as a bridge between industry and government, providing a unified source of advice, guidance, and support on cyber security, including the management of cyber security incidents.

**Cyber Essentials** – A self-assessed UK government scheme that helps organisations protect themselves against common cyber attacks by defining security controls and standards which should be implemented.

**ISMS** – Information Security Management Systems. The implementation of security controls and risk management across an organisation's operations.

**ISO27001** – An industry standard for Information Security Management Systems, recognised worldwide used by organisations to protect information from security attacks. Recognised worldwide, with certification giving confidence to 3<sup>rd</sup> parties in our Cyber Security standards.



Report to: Cabinet Meeting - 17 January 2023

Portfolio Holder: Councillor Rhona Holloway, Economic Development & Visitors

Director Lead: Matthew Finch, Director - Communities & Environment

Lead Officer: Carys Coulton-Jones, Business Manager - Heritage & Culture, Ext. 5773

Report Summary	
<b>Type of Report</b>	Open, Non-Key Decision
<b>Report Title</b>	Approval of National Portfolio Organisation - Detailed Plans
<b>Purpose of Report</b>	To seek formal approval for the Activity Plan, Investment Principles Plan and Budget for year one of NSDC's National Portfolio Organisation funding.
<b>Recommendations</b>	That Cabinet: <ul style="list-style-type: none"> <li>a) formally approves the Activity Plan, Investment Principles Plan and Budget for year 1; and</li> <li>b) agrees that in years 2 and 3, responsibility for considering the Plans will sit with the National Portfolio Organisation Board, with authority for approval being delegated to the Portfolio Holder for Economic Development &amp; Visitors who will also be a member of the Board.</li> </ul>
<b>Alternative Options Considered</b>	None. The approval of the plans is a requirement of the Arts Council England's funding agreement
<b>Reason for Recommendations</b>	The proposals will contribute to the creation of vibrant and self-sufficient local communities, working directly with communities and disadvantaged groups to create cultural value. This will help improve the health and wellbeing of local residents through targeted participatory activity, and the plans will support the Heritage and Culture business unit to deliver inclusive and sustainable economic growth as it further cements its position as a cultural destination and hub for the town and district.

## 1.0 Background

- 1.1 In March 2022, Policy and Finance Committee approved the Heritage and Culture Business Unit to submit an application to the Art Council England (ACE) to become a National Portfolio Organisation (NPO). That report highlighted ACE's 10 year strategy

and its stated outcomes for all funded activity. It also identified the importance of embedding ACE's four Investment Principles of Ambition & Quality, Inclusivity & Relevance, Dynamism and Environmental Responsibility into the application.

- 1.2 Whilst the detailed plans were still under development at that time, the report outlined the approach that the business unit would take to create activity that supported the aims and objectives of the funding, and identified the expected funding level. For the full application, which was submitted in May 2022, a proposed Activity Plan, Investment Principles Plan and Budget were submitted using ACE's mandatory templates.
- 1.3 ACE have now requested that all NPOs must resubmit their Activity Plan, Investment Principles Plan and Budget by 20<sup>th</sup> January 2023, taking into account any inflationary changes that may reduce the level of activity being delivered, and reflecting on any specific feedback provided by the ACE relationship manager regarding the application. To fulfil our funding agreement, these plans must be formally approved by the NPO Board, however as the Board will not be in place until April it has been agreed that the plans for year one can be approved by Cabinet and presented to the Board at their first meeting. Unfortunately, due to the timescales set by ACE and the level of detail required within the plans, they will not be available until 13 January 2023 and will therefore be published after the agenda for the meeting is issued.

## **2.0 Proposal/Details of Options Considered**

- 2.1 It is proposed that Cabinet endorses and approves the Activity Plan, Investment Principles Plan and Budget for year one of the NPO funding agreement. It is also proposed that responsibility for considering the plans will sit with the NPO Board in years two and three, in line with ACE's funding agreement and terms of the grant. To ensure a cohesive, strategic approach to cultural delivery and appropriate oversight of this function of the Heritage and Culture Business Unit, the Portfolio Holder for Economic Development and Visitors will be allocated a place on the NPO Board.

## **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 (FIN22-23/7835)**

- 3.1 Key decisions have already been taken by Cabinet (6 December 2022) to add the agreed NPO funding of £309,000 to the budget for the three years of the funding agreement, and to add the three new, funded roles to the establishment.

The plans being submitted with this report provide further detailed information about the activity, costings and cashflow for year 1 of the agreement within the bounds of these decisions and are being completed in conjunction with NSDC's Finance team, who will also support the Heritage and Culture team in preparing the quarterly monitoring forms for ACE. Therefore, there are no further implications.



### **Background Papers and Published Documents**

None.



Report to: Cabinet Meeting - 17 January 2023

Portfolio Holder: Councillor Tim Wendels, Homes & Health

Director Lead: Sanjiv Kohli, Deputy Chief Executive / Director – Resources / S151 Officer  
Suzanne Shead, Director – Housing, Health & Wellbeing

Lead Officer: Nick Wilson, Business Manager – Financial Services, Ext. 5317  
David Price, Business Manager – Housing Income & Leasehold Management, Ext. 5538

Report Summary	
<b>Type of Report</b>	Open, Key Decision
<b>Report Title</b>	2023/24 Housing Revenue Account (HRA) Budget and Rent Setting
<b>Purpose of Report</b>	<ul style="list-style-type: none"> <li>a) Examine the proposed income and expenditure on the HRA for the 2023/24 financial year, in accordance with Section 76 (Duty to prevent debit balance on the Housing Revenue Account) of the Local Government and Housing Act 1989;</li> <li>b) Provide indicative amounts of income and expenditure for the 2024/25 to 2026/27 financial years; and</li> <li>c) Set rent levels and service charges for 2023/24 (with effect from the first Monday in April 2023)</li> </ul>
<b>Recommendations</b>	<p>That Cabinet recommend to Council at its meeting on 7 February 2023:</p> <ul style="list-style-type: none"> <li>a) the HRA budget for 2023/24, as set out in Appendix A1 to this report be approved</li> <li>b) an increase of 5% in the 2022/23 rents of all properties in the HRA as at 31 March 2023 be applied from 1 April 2023</li> <li>c) a rent increase for all relets of 11.1%</li> <li>d) the 2023/24 service charges, as set out in Appendix C, to this report be approved and</li> <li>e) that a fund of £300,000 be created, funded by the Newark and Sherwood Homes Transfer Reserve to fund initiatives to support tenants impacted by the increased charges including a tenant welfare fund.</li> </ul>

<b>Alternative Options Considered</b>	<p>Various modelling was undertaken to assess the impact of different rent levels on the viability of the HRA 30-year business plan to arrive at the recommendation above.</p> <p>Consideration was also given to varying increases between general needs and supported (sheltered and extra care) accommodation but no rationale was found to support this, alongside the equitable nature of any decision to do so.</p>
<b>Reason for Recommendations</b>	To advise Members of the proposed HRA budget and charges in rent and service charge levels for 2023/24 and for these to be recommended to Council at its meeting on 7 <sup>th</sup> February 2023.

## **1.0 Background Information**

- 1.1 The setting of the HRA budget and the approval of rent levels must be completed within the required time to notify tenants of proposed changes to rents in accordance with legislation.
- 1.2 The key dates in the budget setting timetable are detailed in the table below:

Council determination of HRA budget and rent setting	7 February 2023
Newark & Sherwood District Council update of rent systems	10 February 2023
Generation of rent cards and letters to notify tenants of variation of their rent levels (tenants are required to be given four weeks' notice of the changes).	By end of February 2023

- 1.3 Any slippage from these key dates would jeopardise the implementation of rent increases from the first Monday in April 2023, and as a consequence, pose a risk to the sustainability of the 30-year HRA Business Plan (BP).

## **2.0 Proposal/Details of Options Considered**

### Statutory Duty

- 2.1 Section 76 of the *Local Government and Housing Act 1989* requires local housing authorities to set a budget annually for their HRA, and that implementation of the budget proposals will not result in a debit balance (deficit position) at year-end.
- 2.2 Following housing financing reforms (self-financing) in April 2012 the council's HRA has been operating within a 30-year business plan. The inputs and assumptions in the Business Plan are key to setting the HRA budgets annually for each year of the HRA's four-year medium-term financial plan (MTFP).
- 2.3 We continue to experience supply problems for a wide range of products in the building and maintenance trade which has already led to significant increases in costs this year. The impact of price rises in materials has been further extended post covid due to the cost-of-living challenges. As an example, the cost of timber has risen from pre-pandemic levels around 70% and steel around 100%. There is also no appetite within the building trade for fixed price tenders. All suppliers are now looking at cost plus, effectively setting their

overheads and profit on top of direct costs. Contracts renewed in the last year have also seen significant increases e.g. gas servicing.

### **Rent Standard 2020**

- 2.4 In February 2019, the Secretary of State for Housing, Communities & Local Government published a Direction to the Regulator of Social Housing (RSH) to set a Rent Standard which would apply from 2020. This was published alongside a Policy Statement on Rents for Social Housing 2018 (Rent Policy Statement) for the Regulator to have regard to when setting its Rent Standard.
- 2.5 The Rent Standard 2020 specifies that rents must be set in accordance with the Rent Policy Statement. The government's Rent Policy Statement allows annual rent increases to social rent and affordable rent properties for at least five years, up to (and including) the Consumer Price Index (CPI) rate published for September of the preceding financial year plus 1%.

### **Cap on social housing rent increases consultation**

- 2.6 Given the high rate of inflation experienced since the start of 2022, concerns were raised about the impact on affordability of implementing the CPI plus 1% policy. As a result, The Department for Levelling up, Housing and Communities (DLUHC) launched a consultation to seek views on implementing a rent increase cap for 2023/24 at 3%, 5% and 7% and what accommodation should be exempt.
- 2.7 After considering the responses to the consultation and the CPI rate as at September 2022 reaching 10.1%, therefore permitting a possible 11.1% increase, it was announced during the Autumn Statement that a ceiling of 7% would be applied (with an exemption offered for certain accommodation including supported housing) to all existing social and affordable rent tenancies as at 31.3.23.
- 2.8 Subsequently on 14th December 2022, the Regulator of Social Housing (RSH) published a direction on the Rent Standard 2023, setting out the policy for 1 April 2023 onwards following the decision to implement a rent increase ceiling of 7% in the Autumn Statement.
- 2.9 The table below shows the increase in rent according to the % increase on the average rent.

Number of Bedrooms	Average Rent 22/23	Average Proposed Rent 23/24	Average Weekly Increase 23/24	Average Proposed Rent 23/24	Average Weekly Increase 23/24	Average Proposed Rent 23/24	Average Weekly Increase 23/24
		3% Increase		5% Increase		7% Increase	
1	£68.19	£70.24	£2.05	£71.60	£3.41	£72.96	£4.77
2	£76.31	£78.60	£2.29	£80.13	£3.82	£81.65	£5.34
3	£87.56	£90.19	£2.63	£91.94	£4.38	£93.69	£6.13
4+	£95.34	£98.20	£2.86	£100.11	£4.77	£102.01	£6.67
<b>Average</b>	£84.49	£87.02	£2.53	£88.71	£4.22	£90.40	£5.91

- 2.10 The rent policy ceiling does not apply to supported accommodation, relets or new build homes. To ensure all tenants are treated equally, it is proposed to apply the same rent increase to all properties (both general needs and supported accommodation). When a property becomes empty, there is an option to apply the full policy formula of 11.1% or something less.
- 2.11 In considering the recommendation put forward around relets, a review of current rents in operation shows over 3000 of our current tenancy rents are below the formula rent. This is the result of previous decisions made around the setting of rents in previous years and also any directives from central government. Notwithstanding, relative to other rented housing options in the district, the Council's housing stock remains excellent value when compared to both the private sector and other private registered providers.

#### Borrowing Cap

- 2.12 As part of the HRA self-financing reforms introduced in April 2012, the government set a maximum amount of housing debt that each local authority could have. In subsequent years, the government awarded some local authorities limited increases to their housing borrowing limits. On 29 October 2018, the Limits on Indebtedness (Revocation) Determination 2018 revoked all previous determinations that specified limits on local authority housing indebtedness.
- 2.13 Though councils are no longer restricted in how much they can borrow in their HRAs, there is still the requirement for councils to make sure that all borrowing is affordable and proportionate within the context of their 30-year HRA business plan (BP). The council has used the expert external advice it obtained on the assumptions in the BP to monitor the affordability of future indebtedness. Anticipated future levels of indebtedness are currently viable within the plan.
- 2.14 The Council are currently undertaking a significant refresh of property data through undertaking stock condition surveys and once this is completed, the assumptions of the BP will be revisited.

#### 30-year HRA Business Plan (BP)

- 2.15 The BP summarises the viability of the council's plans to fulfil its management, maintenance and investment responsibilities to its HRA assets over the next 30 years. Key assumptions are made in the BP based on the council's strategic priorities and policies, detailed stock data and other factors.
- 2.16 The assumptions in the BP are key to setting the HRA budgets annually for each year of the HRA's four-year MTFP. The main assumptions that are fed into the HRABP were noted by the Policy, Performance and Improvement Committee on 28<sup>th</sup> November 2022.
- 2.17 Officers monitor relevant government policy announcements and model the implications of these on the HRA BP. Recently these have included increased legislation around building safety, including the Building Safety Act 2022, Fire Safety Act 2021, Regulatory Reform (Fire Safety Order 2005) and Regulatory Reform (Fire Safety Order 2005). The Social Housing Bill (which is currently progressing through the House of Commons) is expected to bring further changes to the regulatory framework the Council operates within changes to consumer

standards, increased scrutiny on accountability to tenants, performance, a refresh of the Decent Homes Standard, embedding the priority of decarbonisation and the proposed enhanced regulation of the sector also have implications for the long-term viability of the plan. Officers will model the impacts of these changes on the BP as further details become available and this will be refreshed when any rent standard is considered for future years.

- 2.18 The effect of increasing rents by 3%, 5% and 7% has been reviewed as part of the production of this report and the impact these rent increases would have over the life of the 30 year business plan. Whilst imposing a rent increase of 7% would be most beneficial to the plan and our ability to service all debts and future investment plans, we recognise the impact of this on tenants and accept a reduction in income over the period of the plan in order to mitigate the impact on tenants who self-fund (as pensions and benefits have increased by 10.1% for 23-24).
- 2.19 At 3%, there would be an increased need to borrow earlier in the plan which would limit the amount of resources available for future investment in the housing services. As a responsible landlord, we must ensure we can balance our current and future responsibilities around service and improvement – particularly around health and safety and decency of homes whilst ensuring the affordability of rents for tenants. On this basis, we have not considered any increase below 3% for modelling purposes.
- 2.20 Therefore, a rent increase of 5% on current tenants, across all stock types is recommended in this report.
- 2.21 Currently the assumptions made within the BP together with future forecasts of income and expenditure (both capital and revenue) are affordable and sustainable within the 30-year plan, based on the recommendations within this report.
- 2.22 Priorities remain the safety and decency of council homes, decarbonisation, modernisation of service delivery and future development of new homes to replace those lost through Right to Buy.

#### Rent Cycle

- 2.23 Rent is currently charged over 48 weeks, giving tenants four “rent free weeks” albeit that the full years rent charge is the same as if charged across 52 weeks. The non-charge weeks for 2023/24 will be weeks commencing 29 May 2023, 28 August 2023, 25 December 2023 and 25 March 2024.

#### Affordability Considerations

- 2.24 This section provides information regarding the impact of the proposed changes to rent and services charges, as well as data on how tenants pay their rent and the support they receive from Housing Benefit and Universal Credit.

## Rent level Comparable Data

- 2.25 *Table 1* compares 2021/22 data on average rent levels for the private rented sector (PRS) in Newark and Sherwood and in England to the council's average social housing rents for general needs tenants.

**Table 1: Comparison of data on weekly average rent levels for the PRS in Newark and Sherwood, the PRS in England, and NSDC's social rented stock**

	Newark and Sherwood Private Rented (mean as at 31/03/2022)	England Average Private Rented (mean as at 31/03/2022)	NSDC General Needs Social Rented Stock (mean as at August 2022)
One Bed	£108.00	£179.08	£68.19
Two Bed	£134.31	£200.54	£76.31
Three Bed	£160.15	£229.85	£87.56
Four Bed plus	£261.00	£393.46	£95.34
<b>Average for all categories</b>	<b>£145.15</b>	<b>£213.69</b>	<b>£84.49</b>

- 2.26 For all sizes of accommodation, the council's average social housing rents for general needs tenants are significantly lower than those in the private rented sector.
- 2.27 *Table 2* compares 2021/22 data on average rent levels for Private Registered Providers (PRPs) in Newark and Sherwood to the council's average social housing rents, split for each by whether properties are for general needs tenants or supported housing tenants.

**Table 2: Comparison of 2021/22 data on average rent levels for PRPs in Newark and Sherwood and NSDC's social housing rents, split by general needs tenants and supported housing tenants**

Type of accommodation	Social Rent: General Needs		Social Rent: Supported Housing/Housing for Older People	
	NSDC	Private Registered Providers	NSDC	Private Registered Providers
Non-self-contained	-	-	-	£155.14
Bedsit	£58.62	£66.62	£57.28	£111.68
1 bedroom	£65.75	£77.10	£71.92	£95.12
2 bedrooms	£73.33	£91.30	£80.34	£92.55
3 bedrooms	£84.07	£93.44	£87.87	£111.33
4 bedrooms	£91.25	£103.26	-	-
5 bedrooms	£97.14	£97.90	-	-
<b>Average: excluding non-self-contained</b>	<b>£81.17</b>	<b>£89.26</b>	<b>£76.82</b>	<b>£96.03</b>

<b>Average: all accommodation types</b>	<b>£81.17</b>	<b>£89.26</b>	<b>£76.82</b>	<b>£110.03</b>
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- 2.28 For all sizes of accommodation, the council's average social housing rents are lower than those of the PRPs. It should be noted that direct comparisons can only be made between the accommodation types for general needs tenants, due to variation in the type and nature of accommodation provided for supported housing tenants/housing for older people.
- 2.29 The average 2021/22 social rent levels of £89.26 (general needs tenants) and £110.03 (supported housing tenants) by Newark and Sherwood PRPs in *Table 2* excludes service charges. *Table 3* shows the average 2021/22 service charges for these groups.

*Table 3: average 2021/22*

*Net rent, service charge and gross rent charged by PRPs in Newark and Sherwood to general needs tenants and supported housing tenants*

<b>Type of tenant</b>	<b>Net rent</b>	<b>Service charge</b>	<b>Gross rent</b>
<b>All amounts are average amounts per week</b>			
General Needs	£89.26	£4.79	£91.97
Supported Housing/Housing for Older People	£110.03	£72.19	£182.06

- 2.30 It should be noted in *Table 3* that the gross rent equals the sum of the net rent and service charge only for supported housing tenants: not for general needs tenants. This is because the average service charge relates only to those properties with service charges, and as all properties for supported housing tenants have service charges whereas not all properties for general needs tenants have service charges.
- 2.31 Further information on the council's limited range of service charges is provided in the 'Service Charges' section below.

### ***Housing Benefit (HB) and Universal Credit (UC)***

- 2.32 A snapshot of data taken in November 2022 shows that of the 5,441 current tenants, 3,529 (65%) received help from benefits towards paying their rent. 2,032 (37%) were in receipt of Housing Benefit and 1,497 (28%) were in receipt of Universal Credit. The remaining 1,912 (35%) of tenants paid their rent without receiving help from benefits.
- 2.33 Universal Credit (UC) is the Government's working-age benefit which combines six means-tested ('legacy') benefits, including Housing Benefit (HB), into a single monthly payment. UC was a central feature of the government's *Welfare Reform Act 2012*. The Government started rolling out UC in 2013, with the full service commencing in 2018 across Newark and Sherwood.
- 2.34 Since 2018, there has been a significant increase in the number of council housing tenants claiming UC, increasing from 95 to 1,497 between June 2018 and November 2022. Of these 1,497 UC claimants, around 36% have their rent paid directly to the council, either due to being in arrears or due to a vulnerability. Over 76% of UC claimants are general needs tenants.



- 2.35 UC cases increased significantly during 2020 due to the COVID-19 pandemic but have since stabilised as people have moved off the benefit. It is anticipated that over 2,000 tenants will be claiming UC once all relevant households have transferred to UC.
- 2.36 As the number of council housing tenants claiming UC is increasing, the number claiming Housing Benefit (HB) as a standalone ('legacy') benefit is decreasing. Around 2,179 of council households had tenant(s) in receipt of legacy HB in December 2021, compared to the 2,032 currently receiving legacy HB.
- 2.37 Despite the trends outlined above, a significant number of council housing tenants will continue to receive legacy HB even after all relevant households have transferred to UC. This is because eligible adults of all ages (including older people) can claim legacy HB, whereas only eligible adults of working-age can claim UC. Around 47% of the council's social housing stock is designated for older people.
- 2.38 Around 1,331 of the 2,032 households, or just under two-thirds, are entitled to the maximum amount of HB, and around 701 households entitled to partial HB.

### ***Supporting Tenants***

- 2.39 We offer a range of support to tenants to help them meet their housing costs and will be seeking to provide additional support to during the current cost of living challenges.
- We continue with our commitment to not move to evict tenants for rent arrears as long as they continue to engage with us to address their debt with us.
  - We recognise the importance of supporting tenants at an early stage to sustain their tenancies, especially around rent collection, benefit entitlement and arrears management.
  - Our established support mechanisms to help sustain tenancies include the Starting Well and Targeted Arrears support projects which form part of the Community Plan. We also promote the use of Discretionary Housing Payments (DHP's) where appropriate and refer tenants to partner advice agencies for specialist financial support and advice.
  - We are implementing new initiatives such as the Helping Hand Fund which looks to promote positive engagement with tenants through matching arrears payments.
- 2.40 We will also look to implement further initiatives through establishing a budge of £300,000 to support initiatives such as a Tenant Welfare Fund which will provide support to those tenants in need. For example, those do not receive additional support from HB or UC towards their increase in rent or who are ineligible for other funding streams due to limited qualification e.g. couples and single people.

### **Service Charges**

- 2.41 In addition to rent, local authorities can charge for other services they provide (service charges). Section 93 (Power to charge for discretionary services) of the *Local Government Act 2003* requires charges to be set such that taking one financial year with another, the income from charges for a service does not exceed its costs of provision.

- 2.42 The Policy Statement on Rent for Social Housing (February 2019) sets out an expectation that service charge increases remain within the limit of rent charge of CPI + 1% in order to keep service charges affordable. **Appendix C** details the current (2022/23) and proposed (2023/24) service charges, with proposed increases to current charges of 5%. Subsequent paragraphs provide details about the services that tenants are charged for.

#### ***Housing-Based Services for Supported Housing and Extra Care Services***

- 2.43 The main housing-based support service provided is a community alarm service, to help tenants live more independently. Tenants with lifeline units in their properties can raise an alarm call from anywhere in the home if they require this. Around half of the council's social housing properties have these lifeline units.
- 2.44 Tenants in properties with lifeline units currently pay £1.85 per week for the community alarm service and this report proposes to increase that charge by 9 pence a week to a weekly charge of £1.94 per week. This represents an increase of around 4.86% per week. This charge is mandatory, in line with the terms of their tenancy agreement. This charge is not eligible for housing benefit.
- 2.45 In addition to these support services, tenants in the extra care housing schemes receive additional housing management and housing-related services due to their specialist needs. The council currently has four extra care housing schemes. These are at Gladstone House, The Broadleaves, Vale View and the Bilsthorpe Bungalows.

#### ***Other Housing-Based Services***

- 2.46 Other weekly service charges applied to tenants are for the costs of water and sewerage provided to properties at Vale View (£4.23 per week) and for the costs (where appropriate) of landscaping, lighting and drainage provided to 79 general needs properties.
- 2.47 The council provides a number of housing-related services for which it does not currently recover the cost of provision through service charges, therefore resulting in costs being met through rent income. Such services include communal cleaning, communal lighting and grounds maintenance. It is proposed that work is undertaken to identify these costs and how they might be separated from the rent charge and identified as distinct service charges. This would help to meet the cost of provision, increase transparency and meet the expectations of the Regulator.

#### ***Non-Housing Based Services***

- 2.48 Officers manage the garages, garage ports (or car ports/parking spaces) and garage plots (or parking plots) within the council's HRA. Garages and garage ports are structures owned by the council, fully enclosed and partially enclosed respectively, whereas garage plots are pieces of land on which tenants supply their own garage structure. The charges for garages (garage rents) and garage plots are weekly, whilst those for garage ports are annually. All garage-based charges exclude standard rate value-added tax (VAT) if let to council housing tenants and include VAT if let to non-council housing tenants.
- 2.49 Officers continue to identify existing and redundant garage sites which could be suitable for inclusion in the council's approved housing development programme.

### 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.

#### Digital Implications

- 3.1 There are no digital implications directly arising from this report.

#### Equalities Implications

- 3.2 The proposed rent increase would apply to all occupied council social housing, rather than to the tenants themselves or to tenants in specific properties. The proposed rent increase is therefore not expected to discriminate against any of the characteristics protected under the *Equality Act 2010*.
- 3.3 The proposed rent and service charge increases are not expected to adversely impact tenants in receipt of benefits. The government's increase of 10.1% in State Pension and working-age benefits for 2023/24 is more than the 5% proposed increase in rent and most service charges for next year.
- 3.4 As outlined in the report, working-age council housing tenants claiming benefits in need of help with housing costs can request a Discretionary Housing Payment (DHP) from the council. The Government has not yet announced how much DHP it will be giving councils for 2023/24. Officers recognise the importance of supporting tenants of all ages to sustain their tenancies.

#### Financial Implications

- 3.5 The majority of the financial implications are set out in the body of this report or its **appendices**. The financial implications of tenants' Right to Buy (RTB) are covered in further detail below.

#### Right to Buy (RTB)

- 3.6 The council signed a Retention Agreement with the Secretary of State to use 40% of its retained receipts (1-4-1 receipts) from properties sold under the RTB scheme on the provision of replacement social housing. The one-for-one replacement of RTB sales with new affordable rent homes is at the national level.
- 3.7 If the council is unable to spend its retained receipts within three years of receiving them, it must return these to Government with interest of 4% above the base rate (currently 3.5%).
- 3.8 As at the time of writing this report, all 1-4-1 receipts currently received have been either spent or allocated to future projects, which will ensure that they have been utilised by each of the individual deadlines.

- 3.9 Officers closely monitor spend against the council's approved HRA development programme to ensure that 1-4-1 receipts are used as appropriate.
- 3.10 The number of RTB sales affects how much the council receives in 1-4-1 receipts, and thus how much the council must spend on replacement social housing from its own resources or borrowing, though also affects the number of properties from which the council receives weekly rent.
- 3.11 Officers consider current and prospective local and national trends in RTB sales when setting the HRA budget annually.

#### **Community Plan – Alignment to Objectives**

- 3.12 The implementation of the proposals in this report will directly support the council's HRA to meet multiple objectives of the Community Plan 2020-2023, such as to:
- a) *"Create vibrant and self-sufficient local communities..."*; and
  - b) *"Create more and better quality homes..."*.
- 3.13 Some of the actions the council is taking to achieve the Community Plan objectives are:
- enhancing the quality of empty homes when let;
  - exploring & developing carbon neutral initiatives to upgrade properties and improving fuel efficiency;
  - encouraging tenancy success in a home through delivery of the 'Starting Well' service;
  - supporting the regeneration of a central estate and improving local amenities through delivering Yorke Drive Regeneration Project; and
  - modernising our services through procuring a new housing management system including a customer portal.

#### **Background Papers and Published Documents**

None

SUMMARY	2023/24 BASE BUDGET £	2024/25 BASE BUDGET £	2025/26 BASE BUDGET £	2026/27 BASE BUDGET £
<b>INCOME</b>				
Rents: dwellings	(24,950,730)	(26,198,270)	(26,984,220)	(27,793,750)
Rents: non-dwellings	(159,850)	(167,840)	(172,880)	(178,070)
Charges for services	(1,263,030)	(1,223,590)	(1,259,630)	(1,296,750)
Contributions to expenditure	(1,304,250)	(1,384,640)	(1,418,210)	(1,452,710)
<b>Sub Total - Income</b>	<b>(27,677,860)</b>	<b>(28,974,340)</b>	<b>(29,834,940)</b>	<b>(30,721,280)</b>
<b>EXPENDITURE</b>				
Repairs & maintenance	5,536,050	5,492,590	5,628,930	5,769,080
Supervision & management	6,627,780	6,734,140	6,885,040	7,063,880
Rents, rates, taxes & other charges	1,042,320	1,078,620	1,112,070	1,146,720
Depreciation & impairment	5,994,430	6,138,500	6,138,500	6,138,500
Debt management costs	25,000	25,000	25,000	25,000
Efficiency savings: prospective revenue initiatives	368,000	0	0	0
<b>Sub Total - Expenditure</b>	<b>19,593,580</b>	<b>19,468,850</b>	<b>19,789,540</b>	<b>20,143,180</b>
<b>NET COST OF SERVICES</b>	<b>(8,084,280)</b>	<b>(9,505,490)</b>	<b>(10,045,400)</b>	<b>(10,578,100)</b>
Interest payable/(receivable)	3,619,000	3,933,410	4,049,180	4,049,200
(Profit)/loss on sale of non-current assets	27,300	27,300	27,300	27,300
<b>NET OPERATING EXPENDITURE</b>	<b>(4,437,980)</b>	<b>(5,544,780)</b>	<b>(5,968,920)</b>	<b>(6,501,600)</b>
<b>APPROPRIATIONS</b>				
(Profit)/loss on sale of non-current assets	(27,300)	(27,300)	(27,300)	(27,300)
Pension-related costs	114,750	119,250	123,750	127,460
Revenue contribution to/(from) Major Repairs Reserve	4,850,530	5,452,830	5,872,470	6,401,440
Contributions to/(from) earmarked reserves	(500,000)			
<b>HRA (SURPLUS)/DEFICIT FOR YEAR</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
WORKING BALANCE brought forward (b/f)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)
WORKING BALANCE carried forward (c/f)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)

	SUMMARY	2023/24 BASE BUDGET £	2024/25 BASE BUDGET £	2025/26 BASE BUDGET £	2026/27 BASE BUDGET £
	STORES	122,540	126,330	130,010	133,810
	CENTRAL CHARGES INCL SLA'S	3,548,770	3,627,870	3,688,860	3,774,790
	HOUSING CHOICE	331,570	341,910	351,270	360,870
	INCOME MANAGEMENT	669,590	657,040	676,950	697,510
	INVESTMENT TEAM	45,000	45,000	45,000	45,000
	COMMUNITY CENTRES	291,720	302,770	312,410	322,420
	VALE VIEW	161,080	265,050	272,080	279,320
	STREET WARDENS	139,390	143,860	148,530	153,350
	VOIDS MAINTENANCE	1,028,190	1,059,840	1,087,500	1,115,850
	RESPONSIVE REPAIRS	2,454,510	2,323,480	2,386,020	2,450,460
	TENANCY & ESTATES	1,234,780	1,262,080	1,297,470	1,334,210
	GLADSTONE HOUSE	(240,510)	(261,850)	(270,260)	(278,890)
	COMPLIANCE SERVICES	1,143,780	1,178,060	1,205,030	1,232,710
	BOUGHTON EXTRA CARE SCHEME	(118,820)	(130,190)	(134,350)	(138,650)
	CARELINE SERVICES	355,530	350,940	360,990	371,370
	CPOOL/SEWAGE EMPTYING/REPAIRS	25,080	25,980	26,740	27,530
	YORKE DRIVE SCHEME	345,000	345,050	351,950	358,990
	HOUSING REVENUE ACCOUNT	(19,621,480)	(21,168,710)	(21,981,600)	(22,818,750)
	<b>NET COST OF SERVICES</b>	<b>(8,084,280)</b>	<b>(9,505,490)</b>	<b>(10,045,400)</b>	<b>(10,578,100)</b>

**Newark and Sherwood District Council (NSDC) proposed Housing Revenue Account (HRA) charges for 2023/24**

5.00%

Service charge	2022/23 Charge (£)	Proposed 2023/24 charge (£)	Frequency	Other information
<u>CareLine service</u>				
Lifeline alarm monitoring. Advice, contact of next of kin or emergency service if required by tenant	1.85	1.94	per week	All tenants
Lifeline installation fee	25.00	26.25	one-off	General needs tenants only
Sensor rental and monitoring for two to five sensors	1.61	1.69	per week	All tenants. Lifeline customers only
Lifeline plus two to five sensors installation fee	36.52	38.34	one-off	New general needs tenants only
5 x 5 minute calls at times agreed between 6am - 8pm	3.66	3.84	per week	All tenants. Lifeline customers only
Additional Tenancy Assistance (opt-in service)	5.36	5.62	per week	
<u>Gladstone House</u>				
Support Charge	1.85	1.94	per week	
Intensive Housing Management Charge	72.08	75.68	per week	
TV Licence	0.21	0.21	per week	
Meal Charge	35.12	36.87	per week	
<u>Broadleaves</u>				
Support Charge	1.85	1.94	per week	
Intensive Housing Management Charge (Apartment)	72.76	76.39	per week	
Intensive Housing Management Charge (Bungalow)	60.71	63.74	per week	
TV Licence	0.27	0.27	per week	
Meal Charge	42.17	44.27	per week	
<u>Vale View</u>				
Intensive Housing Management Service	89.97	94.46	per week	
Support Charge	1.85	1.94	per week	
Water Charge	4.03	4.23	per week	
<u>Extra Care Bungalows, Bilsthorpe</u>				
Intensive Housing Management Service	106.91	112.25	per week	
Support Charge	1.85	1.94	per week	
<u>Other charges relating to dwellings or tenants</u>				
New build landscaping, lighting and drainage	1.95 - 7.37	2.04 - 7.73	per week	
<u>Garages</u>				
Garage Rent	9.36	9.82	per week	VAT added if let to non-council tenant
Garage Plot	46.40	48.72	annually	VAT added if let to non-council tenant
Garage Port	4.18	4.38	per week	VAT added if let to non-council tenant



Report to: Cabinet Meeting – 17 January 2023

Portfolio Holder: Councillor Roger Jackson, Cleaner, Safer, Greener

Director Lead: Matthew Finch, Director – Communities & Environment

Lead Officer: Alan Batty, Business Manager – Public Protection, Ext. 5467

Report Summary	
<b>Type of Report</b>	Open, Key Decision
<b>Report Title</b>	Enviro-Crime Enforcement
<b>Purpose of Report</b>	For Members to consider the future provision of enviro-crime enforcement using a via third party enforcement company.
<b>Recommendations</b>	<p>That:</p> <ul style="list-style-type: none"> <li>(a) final approval be given for the Council to procure environmental enforcement services in relation to the management of fixed penalty notices for littering and dog fouling for a 3-year period;</li> <li>(b) delegated authority be granted, following oversight by the Policy &amp; Performance Improvement Committee, to the Director Communities &amp; Environment to agree terms for the contractual arrangement in consultation with the Assistant Director Legal &amp; Democratic Services; and</li> <li>(c) the current pilot be extended for a further five months to allow procurement of a suitable contractor.</li> </ul>
<b>Alternative Options Considered</b>	<p>Doing nothing – rejected due to the need to improve the district and meet the community plan objective.</p> <p>Undertaking the service in-house – rejected due to the need for Community Protection Officers to undertake a wider range of duties.</p>
<b>Reason for Recommendations</b>	To enable effective dog fouling and litter enforcement to be introduced into the district and to support the objectives of the Community Plan.



## **1.0 Background**

- 1.1 In September 2021 Leisure & Environment Committee agreed to a one year Enviro-crime enforcement pilot with a third party company, Waste Investigations, Support and Enforcement (WISE).
- 1.2 WISE have been undertaking enforcement relating to littering and enforcement of breaches of Public Space Protection Orders relating to dog control. It was originally envisaged that fly tipping would form part of the pilot, however, this was not possible for a number of operational reasons.
- 1.3 The pilot has been a really useful exercise in identifying the potential benefits and the dis-benefits of such an arrangement. Clearly the increase in environmental enforcement and the raising awareness that this had produced has been a major outcome. Since the start of the contract and up to the 31<sup>st</sup> December there have been 3,713 fixed penalty notices issued. The majority of FPNs issued have been for cigarette related littering.
- 1.4 During the running of the pilot the Council has seen an increase in Customer Comments. The majority of these have been related to the attitude and forthright nature of the enforcement staff. Only a few have actually challenged the issue of the fixed penalty notice.
- 1.5 The agreement with WISE allows the Council to receive a percentage return on the income from FPNs issued. Based on current activity, the estimate is that the Council will receive approximately £10,000 from WISE over the period of the pilot contract.
- 1.6 The numbers of fixed penalty notices issued by WISE have met the expectation of the Council, this despite difficulties in recruiting and retaining enforcement staff. Any agreement for the future would need to set a specified number of staff or patrol hours per week.
- 1.7 Members will recall that an extension of 3 months on to the original 12 month pilot project (to end 25 January 2023) was approved by Cabinet in July 2022. The main reason for this was to allow a representative number of cases to be processed through the court system so that this could inform the contract specification in relation to preparing cases and the allocation of associated costs. The trial was progressing well, and it was therefore agreed for work to begin on a procurement exercise in the meantime, with a view to a seamless transition into a longer-term contract (with the successful bidder) at the end of the trial period.
- 1.8 The Council's legal team has been processing the no-payment cases through the court system since June 2022. As of the end of December 2022 there have been 110 cases prepared and sent to court for decision, and all of these are still awaiting a court hearing.
- 1.9 The learning from the pilot will shape the specification for any future agreement.

## **2.0 Proposal/Details of Options Considered**

- 2.1 The one year pilot agreement with WISE ran up to the 25 October and was extended for a further 3 months. Members will need to consider whether they want to continue with and externalised enviro-crime enforcement approach.
- 2.2 It is proposed that a procurement process offering a concession for the delivery of an enviro-crime enforcement scheme is undertaken to secure a third party company to undertake this activity for the council. Any agreement will seek to maximise any benefits to the council whilst maintaining the activity level currently being achieved. the production of additional income not the primary focus of the concession.
- 2.3 The littering legislation allows for any income from environmental enforcement to be reinvested in environmental related expenditure such as additional litter bins, fly tipping campaigns etc.
- 2.4 In terms of the legal process for unpaid fixed penalty notices, the deterrent value is a maximum fine of £2,500 (which is paid to the Court system rather than the Council). It takes approximately 2 hours' legal officer time to process each court application. The team is currently processing 5 a week. Approximately 10 hours' additional legal officer time will be taken if a matter goes to trial. If successful at trial, the Council can apply to reclaim legal costs. If costs are awarded but not paid by the defendant, then the debt would be processed through the Council's sundry debt process.
- 2.5 This means that the external management of fixed penalty notices nonetheless has a resource impact on the Council's internal legal and, in all likelihood, sundry debt services, depending on the volume processed. To date the impact on the legal service has been absorbed, but this may need to be reviewed in future, particularly if the Council is minded to process a higher volume, and also if a significant number of prosecutions go to trial. For an initial period of time the service processed 10 a week, but this proved unworkable due to the impact on other workstreams. It is not yet possible to estimate the impact on the sundry debt service.
- 2.6 It is anticipated that the Council will seek a three-year concession contract for the provision of the service. As part of the concession a range of offences will be included as part of the contract including litter and the enforcement of dog control offences (including dog fouling) through the Public Space Protection Orders within the District. The contractor appointed will issue FPNs at the time of the offence or as soon as possible after the event where necessary and will collect payments and respond directly to appeals from persons wishing to appeal to the issuing of any FPN.
- 2.7 The enforcement of environmental offences is a district-wide response and the contractor may be directed to hotspots in the district and is expected to patrol all areas of the District as well as the main urban areas or commercial areas of Newark. They may also be required to tackle littering/dog fouling outside or near known hotspots such as fast-food restaurants and parks.
- 2.8 The Policy & Performance Improvement Committee has requested oversight of the detail of the arrangement prior to contracts being entered into. It is on the agenda for 30 January 2022, subject to Cabinet's approval of this report.

### **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.

#### **3.1 Financial Implications (FIN22-23/4853)**

Since October 2021 up to September 2022 Wise issued £178,725 of fixed penalty notices of which Newark and Sherwood has received £8,936 which equates to the 5% contract value.

£10,000 has been budgeted for the year 2023/24 which includes an element of fixed penalty notices that are issued by Newark and Sherwood District Council for which the council retains 100%.

#### **3.2 Equalities Implications**

The specification of the service required will require the service provider to make appropriate arrangements to ensure those with protected characteristics such as age and disability are not adversely affected and that reasonable adjustments are made where necessary.

#### **3.3 Data Protection**

The third party company employed by the council will hold personal data and therefore a suitable data processing agreement will need to be put in place as part of contractual arrangements.

#### **3.4 Crime and Disorder**

The enforcement of enviro-crime has positive implications for the Council's Cleaner, Safer, Greener agenda and is supporting the community plan objectives.

### **Background Papers and Published Documents**

Cabinet Report 12 July 2022

Leisure and Environment Committee 21 September 2021

Newark & Sherwood District Council's Enforcement Policy

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

Document is Restricted

By virtue of paragraph(s) 1, 3, 5, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted