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**Thursday, 19 January 2023**

**Chairman: Councillor R White**  
**Vice-Chairman: Councillor Mrs P Rainbow**

**Members of the Committee:**

**Councillor L Brailsford**  
**Councillor L Brazier**  
**Councillor Mrs B Brooks**  
**Councillor S Carlton**  
**Councillor M Cope**  
**Councillor D Cumberlidge**  
**Councillor Mrs L Dales**  
**Councillor P Harris**  
**Councillor S Haynes**  
**Councillor Mrs L Hurst**  
**Councillor J Kellas**  
**Councillor N Mison**  
**Councillor M Pringle**

**Substitute Members:**

**Councillor M Brock**  
**Councillor Mrs R Crowe**  
**Councillor L Goff**  
**Councillor T Wildgust**  
**Councillor Mrs Y Woodhead**

**MEETING: Policy & Performance Improvement Committee**

**DATE: Monday, 30 January 2023 at 6.00 pm**

**VENUE: Civic Suite, Castle House, Great North Road, Newark,  
Nottinghamshire, 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 Helen Brandham on [helen.brandham@newark-sherwooddc.gov.uk](mailto:helen.brandham@newark-sherwooddc.gov.uk).



## AGENDA

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Review of Community Plan Performance Targets for 2023/24

Monitoring & Evaluation Update Newark Town Investment Plan

Final Recommendations from Customer Strategy Working Group

Cabinet Decisions Made

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Policy & Performance Improvement Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Monday, 28 November 2022 at 6.00 pm.

PRESENT: Councillor R White (Chairman)  
Councillor Mrs P Rainbow (Vice-Chairman)

Councillor L Brazier, Councillor Mrs B Brooks, Councillor S Carlton,  
Councillor Mrs L Dales, Councillor P Harris, Councillor S Haynes,  
Councillor Mrs L Hurst, Councillor J Kellas, Councillor M Pringle,  
Councillor L Goff and Councillor T Wildgust (Substitute)

IN ATTENDANCE: Councillor D Lloyd

APOLOGIES FOR ABSENCE: Councillor M Cope (Committee Member), Councillor D Cumberlidge (Committee Member) and Councillor N Mison (Committee Member)

### 37 DECLARATION OF INTEREST BY MEMBERS AND OFFICERS

Agenda Item No. 8 – Newark & Sherwood District Council’s Tree Strategy  
Councillor Carlton raised a personal interest as a Director of Sherwood Forest Trust

Agenda Item No. 9 – Community Plan Performance A2  
Councillor Carlton raised a personal interest as a Director of Active4Today.

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

The Chairman advised that the proceedings were being recorded by the Council and that the meeting was being livestreamed and broadcast from the Civic Suite, Castle House.

### 39 MINUTES OF THE MEETING HELD ON 17 OCTOBER 2022

AGREED that the minutes from the meeting held on 17 October 2022 were a correct record and signed by the Chairman.

### 40 NEWARK TOWN INVESTMENT PLAN AND TOWN DEAL

The Committee considered the report of the Director – Planning & Growth which sought to update Members of the following: the work undertaken in developing the Town Investment Plan (TIP); the delivery of identified priority projects in the TIP through the Newark Town Deal (NTD); the report on the assurance of the Towns Fund and Levelling UP Fund Round 1; and related future interventions and opportunities.

The report set out the process for creating the Newark Town Investment Plan (TIP), together with details of the identified 10 priority projects and noted that there was also a list of some 30 potential future projects which may emerge and/or be priorities beyond the initial 10, setting a possible 30-year time frame for activity and focus. The financial position of the projects was detailed in the report together with project outputs and risks with paragraph 2 setting out the next steps for the projects.

In considering the report, Members raised a number of queries. In relation to the 78 students having progressed through the Construction College, Members queried how many had secured subsequent employment. Officers advised that some of the courses on offer were sponsored by industry and the students undertaking the courses were on work placement. Officers advised that a report would be brought to a future meeting providing further information.

In relation to the high-speed fibre broadband, a Member noted that fibre broadband had been installed in Newark some 15 years previously but had not been rolled out to some villages in the district. In response, the Director acknowledged that some previous aspirations for fibre broadband had not been realised but there was potential to lobby to have provision in other areas of the district.

In response to what action might be taken should apprentices at the YMCA not complete their courses, the Director advised that there would be regular monitoring and evaluation meetings which would enable any worrying trends to be spotted and corrected, if necessary. Further details on numbers would be brought back to a future meeting of the Committee.

The Member also queried as to whether any other qualification would be included in the prospectus for the Air & Space Institute, specifically those which did not require further or higher education, that could be done either part-time or by attending night-school. The Director advised that there would be pathways to alternative education routes, both higher and further education which could be undertaken either full or part-time. He advised he would speak with the Programme Manager and project sponsors about the issue raised.

In relation to the 20 Minute Cycle Town, a Member queried as to the current usage figures. The Business Manager – Economic Development & Visitors advised that there were currently 3 docks in the town with a 4<sup>th</sup> one planned and there were approximately 267 users. Discussions were being held with Brompton Bikes' marketing team to target local employers who may want to partner with the scheme. It was noted that advanced discussions were also being held with Newark Hospital. Members would be kept informed of numbers as the project progressed.

AGREED (unanimously) that:

- (a) the process followed in the development of the Town Investment Plan be noted; and
- (b) the progress made in the delivery assurance and monitoring of the Town Deal and other proposals within and related to the Town Investment Plan be noted and welcomed.

#### 41 CLIMATE EMERGENCY UPDATE

The Committee considered the report and presentation of the Environmental Policy & Projects Officer which sought to provide an update to Members on the progress of the Climate Emergency Strategy and associated Action Plan.

The report set out the background to the declaration of a Climate Emergency in 2019 and the work undertaken since that time resulting in the Council's agreed target for carbon reduction and the development of the Action Plan to deliver the vision outlined in the Climate Emergency Strategy. Details were provided in relation to the initiatives which the Council were committed to which included: the Green Rewards App; Carbon Reduction Support; Solar PC Installation; Decarbonisation Plan; Brunel Drive Master Plan; Climate Awareness Training; LAD2 Energy Efficient Improvements to Homes; and Tree Planting. Paragraph 3 of the report provided detailed information as to the monitoring and measuring of the Council's carbon emissions and how this would assist in being accountable to residents. It also enabled identification of areas with high carbon emissions suitable for targeted action.

In considering the report, a Member queried whether anything was being done to enable the recycling of milk carton lids and what incentives were in place to encourage residents to recycling glassware. The Environmental Policy & Projects Officer advised she would confirm this with Environmental Services that milk carton lids could go in the grey recycling bin.

In relation to the Green Awards app., a number of Members queried how this had been advertised and whether it could be promoted again in an attempt to encourage additional people to sign up. In response, Members were advised that it had been promoted on social media and a promotional stall had been present at an event held at Sherwood Forest. There was also cross promotion with other local authorities. She added that there was a target of 100 per quarter for people to sign-up. Members suggested this was promoted through parish councils who could assist with encouraging take-up of the App.

A Member queried what lessons had been learned from the use of electric vehicles by the Council's Community Protection Officers. He advised that this issue had formed part of discussions at the ASB Review Working Group around whether electric or hybrid vehicles would be a better solution. In response, the Officer advised that the charging points at Castle House were not sufficiently powerful to quickly charge the existing vehicles and acknowledged that a hybrid vehicle would be a better option in some situations. She added that the next procurement cycle was in 2025/2026 and all relevant information about electric vehicles would be fed into the Brunel Drive Master Plan.

In relation to tree planting and access to free trees by residents, Members queried how many residents had already expressed an interest. In response they were informed that 441 residents had already signed up for a free tree. These sign-ups were as a result of the offer for a free tree for those who completed the residents survey. This was in addition to the usual annual promotion of the scheme which would be undertaken early next year.

A Member queried whether any data was available in relation to the LAD2 scheme to enable comparisons to be drawn as to whether the programme of works had resulted in energy efficiencies. The Environmental Policy & Projects Officer advised she would speak with the relevant Officer and ask for a written response to be provided.

AGREED (unanimously) that:

- (a) the inclusion of Southwell Leisure Centre and new Council services in our net carbon neutral target and incorporated into the annual carbon footprint calculation going forwards be endorsed; and
- (b) the progress on the action plan and its key targets be noted.

42 NEWARK & SHERWOOD DISTRICT COUNCIL'S TREE STRATEGY

The Committee considered the joint report of the Director – Communities & Environment and Development Manager – Environmental Services which provided Members with the opportunity to review the Tree Strategy and the implications thereof.

The Leader of the Council was in attendance at the meeting and presented the report to Committee, endorsing the recommendations that they forward the report to Cabinet for consideration. He provided a summary of the background to the development and proposal to adopt the Tree Strategy and the options considered together with the financial implications as detailed in paragraph 3 of the report. He added that it would be the intention to consult with key partners (Sherwood Forest Trust; RSPB; Woodland Trust; and Nottinghamshire Wildlife Trust) prior to releasing the strategy to the public for consultation.

In considering the report, Members agreed that it was a document that the Council could take pride in. It provided information as to the importance of trees both nationally and within the Newark & Sherwood district; what the current situation was locally; how the Council protected the trees within its district; clear objectives for tree planting in the district; how local communities would be engaged; and how the Council maintained its tree stock.

In relation to existing working partnerships and joint working, a Member queried whether partnership working was the 'direction of travel' for the Council and whether this was cost effective. In response, Officers advised that the Council were looking to become part of existing well-established partnerships with private landowners and that a proportion of the work undertaken to-date had been grant funded.

A Member raised issues surrounding planning developments and what, if anything, could be done to ensure that developers did not damage or remove trees during their works. Officers advised that other than planning regulations there was nothing further that the Council do. The Leader advised that there had been an increase in Tree Protection Orders to protect trees from developers, but that help was also needed from the community to identify trees at risk.

In relation to the damage mature trees could do to public pavements, it was noted that these had been planted many years previously and that the lessons learned was that the right tree must be planted in the right place. In acknowledging the right tree in the right place comment, a Member suggested that future public engagement must include information to ensure that communities knew the importance of that statement. Officers advised that a Green Champion Scheme would hopefully be launched in the new year and that the Council would be seeking to identify Green Ambassadors.



AGREED (unanimously) that Cabinet be recommended to:

- (a) support the Council's green ambitions to 'enhance and protect the district's natural environment' as stated in the Community Plan;
- (b) support the release of the Tree Strategy to the public for consultation via the Council's website; and
- (c) support and approve the proposal to fund the increase in budget for essential tree survey and maintenance work.

Councillor Harris left the meeting and did not participate in the remainder of the meeting.

#### 43 COMMUNITY PLAN PERFORMANCE Q2

The Committee considered the report presented by the Transformation & Service Improvement Officer which sought to present to Members the Quarter 2 Community Plan Performance Report (July-September 2022). Members were asked to review the Community Plan Performance Report attached as Appendix 1 together with supplementary documents (Appendices 2-4) which highlighted customer feedback and also to consider the Council's performance against its objectives.

In response to questions submitted, the Transformation & Service Improvement Officer advised that:

The Newark & Sherwood Community Lottery, whilst experiencing a slight decline, was still performing well. It continued to be promoted on social media and nationally by the promoter;

Repairs undertaken at first visit had declined by 10% but work was ongoing to improve the efficiency of tradesmen; reactive repairs had improved from the previous year but were still above target. It was reported that the way in which priorities were listed had been amended;

The length of time taken to answer a call had risen by 17 seconds in comparison to the previous year. This was noted as being partly due to the increase in the number of calls being received which was a direct result of queries relating to energy rebate grants, household support fund and the first council tax recovery run of the financial year.

In noting the contents of the Performance Report, Members welcomed the inclusion of Southwell Leisure Centre into the facilities run by Active4Today. They also thanked residents for organising their own litter picks, thereby contributing to the cleanliness of their communities. Members also welcomed the improvement of visitors to the National Civil War Centre and the Palace Theatre.

In noting the previous comment about the Community Lottery, a Member queried whether it was possible to widen the way in which a ticket could be purchased as, at present, this could only be done by committing to a monthly direct debit. In response, it was advised that this method of purchasing a ticket had been adopted following advice from Gambling Aware but enquiries as to possible changes would be made.

In relation to fly tipping, a Member queried whether a trial had been run at the Newark Household Waste Recycling Site that permitted the use by small vans and what the outcome of that trial had been. The Officer advised he would refer the request to the Waste – Environment Team for a written response.

In noting the 6.8% of Town Centre retail premises vacant across the district being better than the 9% target, a Member requested that, if possible, comparable data with other similar town centres be included in future reports.

The Member also queried what measures could be put in place to better communicate with tenants the process that has to be followed in relation to reactive repairs and that the Council's response time was improving. The Director – Housing, Health & Wellbeing, who was in attendance at the meeting, advised that repairs would be an area of focus during the next financial year and that the Tenant Annual Report would have a 'spotlight' on all services.

In relation to the improvement of health and wellbeing of local residents, specifically those residents that smoked, a Member queried what measures were being carried out to promote a reduction in the current numbers. The Director advised that Cabinet were to receive the updated Health & Wellbeing Strategy for consideration in December and that the Council had signed-up to a non-smoking proposal, together with the work undertaken with businesses who had a prevalence of employees who were smokers.

AGREED (unanimously) that the Community Plan Performance report and supplementary documents be noted.

#### 44 GAS SERVICING UPDATE

The Committee considered the verbal report of the Director – Housing, Health & Wellbeing which sought to update Members on the latest position with the gas safety programme for Council owned housing.

The Director advised that at the end of September the percentage of compliant properties was 87.96%, which had led the Council to refer themselves to the Regulator of Social Housing. The Regulator had found the Council to be in breach of the acceptable level but were now content with progress to remedy the issue. The Council were to undertake an audit of the service and refer this to the Regulator for scrutiny. When the findings of the audit were accepted by the Regulator the Order would be removed. The Director assured Members that the issue remained her top priority and that she would continue to hold daily and weekly meetings until it was satisfactorily resolved.

In considering the update, Members welcomed the progress made in increasing the percentage of compliant properties to 98.96%. They queried whether it was possible to put a clause in tenancy agreements which required the tenant to allow the Council into their property to carry out such safety checks. The Director advised that such a clause was already included but that work was ongoing to strengthen it and also to widen it to include electrical safety checks.

The Director further advised that the Tenant Engagement Board were looking, in depth, at the issue in an attempt to understand the barriers and reluctance of tenants to allow Council contractors access to carry out such checks.

AGREED (unanimously) that the verbal report be noted.

#### 45 FINANCIAL PERFORMANCE REPORT Q2

The Committee considered the report of the Director – Resources/Deputy Chief Executive which sought to update Members on the forecast outturn position for the 2022/2023 financial year for the Council’s General Fund and Housing Revenue Account revenue and capital budgets. The report also provided Members with information as to the performance against the approved estimates of revenue expenditure and income and on major variances from planned budget performance, in accordance with the Council’s Constitution.

Details were provided as to the current position (as at 30 September 2022): variances. Table 1 showed the General Fund Revenue Outturn with a projected unfavourable variance against the revised budget of £0.655m on service budgets. Table 2 provided an overview of projected Housing Revenue Account Outturn for 2022/23 with an unfavourable variance against the revised budget of £0.194m. Details were also provided as to the Capital Programme.

AGREED (unanimously) that the Committee note the following:

- (a) the General Fund projected unfavourable outturn variance of £0.655m on services;
- (b) the Housing Revenue Account projected unfavourable outturn variance of £0.194m on services; and
- (c) the capital outturn position of £67.109m.

#### 46 REVIEW OF HRA BUSINESS PLAN ASSUMPTIONS

The Committee considered the report of the Director – Resources/Deputy Chief Executive which sought to provide Members with an overview of the key assumptions made within the production for the 30-year Housing Revenue Account (HRA) Business Plan.

The report set out the background to the development and maintenance of the HRA Business Plan, setting out some of the key assumptions which would affect the Plan from an external perspective. These external factor assumptions would then be considered when looking at internal factors e.g. setting of rent, capital improvements or revenue services. The agreed assumptions would then be fed into the overall HRA Business Plan which in turn would form the basis of the HRA Budget and Rent Setting report.

AGREED (unanimously) that the assumptions presented to be utilised in the update of the 30-year HRA Business Plan be endorsed.

Councillor Goff did not participate in the above vote as he had temporarily left the meeting room.

47 MEMBERS DIGITAL TOOLS WORKING GROUP

The Committee considered the joint report of the Director – Resources and Director – Customer Services & Organisational Development which sought to provide Members with a summary of the review undertaken by the Members Digital Tools Working Group.

The report was presented by the Chairman of the Working Group, Councillor Simon Haynes, who provided Members with a brief outline of the work undertaken by the Group which had led to the recommendations set out in paragraph 3 of the report, that following the District/Parish Elections in May 2023, all Members would be offered a laptop as standard, or a windows tablet as an alternative option, on request.

AGREED (unanimously) that the recommendations of the Working Group in relation to the provision of hardware, software and training for the new cohort of Members elected in May 2023 be endorsed, for a final decision to be taken by the Portfolio Holder for Organisational Development and Governance.

48 ANTI-SOCIAL BEHAVIOUR REVIEW MEMBER WORKING GROUP

The Committee considered the report of the Director – Communities & Environment which sought to present to Members the findings of the Anti-Social Behaviour (ASB) Working Group.

The report was presented by the Chairman of the Working Group, Councillor Ronnie White, who provided Members with a brief outline of the detailed work undertaken by the Group which had led to the recommendations as reported in paragraph 4.0, with details of the financial implications, should the recommendations be endorsed, being provided in paragraph 5.0.

In considering the report a Member commented that in the past he recalled that speakers had been attached to columns e.g. lampposts or CCTV cameras, in areas such as parks. This enabled the CCTV operator to speak to an individual who may be acting in an anti-social way in an attempt to deter them. In response, the Business Manager – Public Protection advised that he could not recall the use of speakers. He added that replacing existing cameras was being considered and as part of that such things as flashing blue lights were included. He advised he would raise the Members' query but noted that continued use of any deterrent would eventually lose its impact.

In noting that many individuals who participated in ASB had existing mental health problems, a Member queried what could be done to help them. The Director – Organisational Development & Governance advised that most known individuals would have existing mental health support. For anyone who did not, then they would be signposted to the most appropriate source of help.

In relation to the range of mileage that an electric vehicle could travel and whether their use was appropriate for Community Safety Officers, the Business Manager advised that current mileage was approximately 150 but this did not account for variable speeds, traffic conditions, idling in traffic etc. so a figure of 90 miles was used before the vehicle required charging.

AGREED (unanimously) that:

- (a) the proposed recommendations as summarised in paragraph 4.0 of the report that aim to reduce ASB and ultimately help make residents feel safer in the district be endorsed; and
- (b) the recommendations of the Working Group be forwarded to Cabinet for consideration.

49 CUSTOMER STRATEGY WORKING GROUP

NOTED that the Membership of the Customer Strategy Working Group as follows:

Councillor Peter Harris (Chairman)  
Councillor Lydia Hurst (Vice-Chairman)

Councillor Betty Brooks  
Councillor Rita Crowe  
Councillor Donna Cumberlidge  
Councillor John Lee  
Councillor Mike Pringle

Dale Shaw (Tenant Engagement Board Representative)

50 CABINET FORWARD PLAN (NOVEMBER 2022 TO FEBRUARY 2023)

NOTED the Forward Plan of the Cabinet for the period November 2022 to February 2023.

51 MINUTES OF CABINET HELD ON 4 OCTOBER 2022

NOTED the Minutes of the Cabinet meeting held on 4 October 2023.

52 ITEMS FOR FUTURE AGENDAS

NOTED the items listed for future meetings.

Meeting closed at 8.13 pm.

Chairman



Report to: Policy & Performance Improvement Committee Meeting – 30 January 2023

Director Lead: Matthew Finch Director – Communities and Environment

Lead Officer: Alan Batty – Business Manager Public Protection tel. 655467

Report Summary	
<b>Report Title</b>	Activity Report and Future Proposals Relating to the Enviro-Crime Enforcement Pilot Project
<b>Purpose of Report</b>	To provide Members with an update on the enviro –crime activity undertaken by WISE as part of the enforcement pilot and to seek views on the criteria to be included in any future contract specification.
<b>Recommendations</b>	That the Policy & Performance Improvement Committee: (a) note the enforcement activity of the Enviro-crime pilot to date; and (b) identify any areas of service activity or performance to be included in the specification when finalised.

## 1.0 Background

1.1 In October 2021 an enforcement pilot authorising Waste Investigations Support & Enforcement Limited (WISE) to undertake enforcement activity for a range of environmental crimes, largely under various sections of the Environmental Protection Act 1990 was launched. This would cover littering and dog controls within Public Space Protection Orders

1.2 WISE collect and collate a range of indicators and performance measures that are made available to the Council. Set out below are a number of these that demonstrate their activities to date.

Litter type	Issued	Paid	Outstanding	Cancelled
Alcoholic Drinks	3	3	0	0
Bottle	3	3	0	0
Bottle Top	3	3	0	0
Chewing Gum	93	92	1	1
Cigar	6	6	0	0
Cigarette Butt	2908	2022	530	384
Confectionary Packs	6	5	0	1
Discarded Food	11	10	1	1
Dog Fouling (PSPO)	44	41	1	5

Fast Food Related	26	26	0	0
Food Wrapper	37	37	0	0
Littering (Vehicle)	2	0	2	0
Non-Alcoholic Drinks Related	7	5	1	1
Other Litter	35	28	1	7
Packaging	88	83	3	2
Printed Literature	45	42	0	4
Rolled up cigarette	246	181	27	41
Scratch Card	32	32	0	0
Snack Packs	13	13	0	0
Soft Drink Bottle	6	6	0	0
Soft Drink Can	46	42	0	4
Sweet Wrapper	10	9	1	0
<b>Total:</b>	<b>3680</b>	<b>2692</b> <b>(73%)</b>	<b>575</b> <b>(27%)</b>	<b>451</b> <b>(12%)</b>

- 1.3 Members will see that the majority of FPNs issued have been for cigarette related littering. Whilst this is not always the most obvious form of litter it is the promoting of environmental enforcement and the impact this has in changing attitudes that is important.
- 1.4 As can be seen from the table 73% of the FPNs issued have been paid. 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.
- 1.5 The data collected can also be broken down to illustrate the enforcement actions taken in the wards of the Council. The table below shows this.

<b>Ward</b>	<b>Number issued</b>	<b>Patrol Hours</b>
Balderton North & Coddington	146	188
Balderton South	60	98
Beacon	472	586
Bilsthorpe	7	19
Boughton	11	2
Bridge	1167	2091
Castle	855	1715
Collingham	6	55
Devon	236	456
Dover Beck	2	353
Edwinstowe & Clipstone	72	214
Farndon & Fernwood	13	227
Farnsfield	1	4
Lowdham	1	14
Muskham	10	167
Ollerton	564	821
Rainworth North & Rufford	7	1

Rainworth South & Blidworth	12	25
Southwell	6	36
Sutton-on-Trent	9	120
Trent	13	70
<b>Totals</b>	<b>3680</b>	<b>7,276 hours</b>

- 1.6 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.
- 1.7 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.
- 1.8 It is anticipated that the procurement of a three-year concession to undertake enviro-crime enforcement across Newark & Sherwood will be initiated within the next few weeks.

## **2.0 Proposal/Options Considered**

- 2.1 It will be important that any future specification for the delivery of enviro-crime enforcement service sets out the key elements of a professional, cost effective, fully resourced legally operating enforcement service.
- 2.2 The preparation of the specification is still being developed with colleagues from Public Protection, Environmental Services and Legal Services. It is anticipated that the following details will form part of the specification:
- Days and Hours of operation – identify days when the service may not operate (e.g Christmas day) the hours of operation
  - Uniform and authorisation/identification – what officers are expected to wear when on duty and the authorisation they are required to carry.
  - Training - minimum level of training for anyone delivering the service.
  - Staff resource – how many officers will be used on the contract. All staff used will be expected to be of good character, polite, confident and able to converse successfully with all sections of society. Enforcement Officers will be expected to be issued with body worn cameras and be familiar with the protocol for their correct use.
  - Duties- the offences covered by the service. It is considered likely for this to be littering and enforcement of dog control Public Space Protection Orders
  - Revenue Share – this will form part of the evaluation process
  - Operational meetings - regular meetings (1 per quarter) to review practices, performance and to highlight any concerns
  - Tasking meetings – probably weekly to identify and operation issues and provide local intelligence and deployment information.



- Performance – the specification will make it clear that quotas will not be set with regard to the numbers of FPNs to be issued and all enforcement staff are salaried.
- Complaints – All complaints will in the first instance be the responsibility of the contractor to investigate. The Council has the discretionary authority to cancel any FPNs issued.
- Sharing Data – a data sharing and processing agreement will be agreed and signed by both parties.
- Operational data – Performance indicators and performance monitoring data will be required from the contractor. Such as:
  - Investigation Hours
  - Hours spent in each Town / Ward Area
  - Investigations completed by Town / Ward
  - FPN's issued by Town / Ward
  - FPN's broken down by offence
  - FPN paid by offence
  - Payments rates overall and by offence
  - Appeals / Representations
  - FPN withdrawn – reason
  - FPN cancelled by Council
  - FPN – where offender resides
  - Verbal warnings – offence / number / area
  - Complaints Received

### **3.0 Implications**

#### **3.1 Data Protection**

A data processing/data sharing agreement will be required to allow personal data to be shared between the council and the contractor.

#### **3.2 Financial Implications**

There are no financial implications arising from this report.

#### **3.3 Equality and Diversity**

The contractor providing the service will be expected to comply with the council's enforcement policy and the council will retain the ability to cancel any fixed penalty notice issued if it feels the vulnerability of an individual has not been taken into account.

3.4 Once a provider is identified an equalities impact assessment will be undertaken.

#### **3.5 Legal Implications**

Legal Services are assisting with the development of the specification and will oversee the wording of any contract agreement.

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

None



Report to: Policy & Performance Improvement Committee Meeting 30.1.2023

Director Lead: Sanjiv Kohli, Deputy Chief Executive and S151 Officer

Lead Officer: Mark Eyre, Corporate Property

Report Summary	
<b>Report Title</b>	Briefing on Property Compliance across the Corporate Estate
<b>Purpose of Report</b>	This report updates Members of PPIC on Compliance Management across the Estate, focusing on the Corporate Estate and Tenanted Properties
<b>Recommendations</b>	Note the content of the report and acknowledge the work being done across the Corporate Estate

## 1.0 Background

- 1.1 This report provides a high level overview of the core elements of the compliance related activities undertaken by the Corporate Property Business Unit across the corporate and commercial tenanted estate. It also highlights the software applications used and proposed for the monitoring of compliance and the importance of the application in the management of building compliance.
- 1.2 In addition to the 25 directly managed sites, 58 commercial industrial units, 12 retail shops and 18 retail studios are visited and audited.
- 1.3 The 2022/23 Q3 KPI reporting notes that across the commercial (industrial & retail) estates we are at 100% tenant occupancy, with Sherwood Arts and Crafts Centre also at 100%. The Newark Beacon is at 92.8%, with Heads of Terms offered in January 2023 which would bring occupancy in Q4 to 99%.
- 1.4 Budgeted rental income receipts for 2022/23 across the commercial portfolio is currently projected at circa £1.6M. Some of our commercial sites benefit from a service charge, which assists in the offsetting of operational costs. The projected figure for 2022/23 is circa £49K.

## 2.0 **Proposal**

2.1 Some examples of compliance servicing and repairs throughout the Corporate Property Estate-

**Fire Safety**- Fire alarms, disable refuge, fire extinguishers, smoke vents, fire hydrants, fire suppression system, fire dampers.

**Gas Safety**- Gas safety inspections, boilers, heaters, cookers.

**Electrical Safety**- EICR, PAT testing, emergency lighting.

**Legionella**- Monthly temperature monitoring, water sampling, calorifier inspections, de-scale showers, flushing, TMV servicing, system disinfection, storage tank cleans.

**Asbestos**- Asbestos register, management/ R&D Surveys, annual inspection of ACMs.

**Air Conditioning Systems**- Servicing and F-gas leakage testing.

**Lifts & Lifting Equipment**- Servicing and repairs.

**Fall Arrest Systems**- Inspection and testing.

2.2 Compliance servicing is carried out as per legislative and regulatory requirements. Next inspection dates are currently inputted into the compliance spreadsheet/ any repair works, this is regularly updated. Service sheets and records are saved into the relevant compliance folders. It is intended that this method of date recording will move to Concerto by the beginning of the 23/24 financial year.

2.3 On a quarterly basis the following items are reported at the risk management group:  
**Legionella**- No more than 6 legionella non-conformities per month. All non-conformities to be resolved within 3 working days of the issue been reported to the corporate property team.

**Asbestos**- Annual Inspection of ACMs, 100% of inspections must be completed each year, in line with the inspection due dates.

**Fire Risk Assessment's**- Annual review, 100% of annual reviews must be completed each year.

**Gas Boiler Service**- Annual Inspection. 100% of inspections must be completed each year, in line with the inspection due dates.

**Electrical Inspection Condition Report**. 100% of inspections must be completed in line with the inspection due dates.

To demonstrate compliance performance, the 2022/23 Q3 Assurance Report (General Fund) is attached (Appendix 1) with noted actions from Q2 fully resolved or in progress. Housing compliance is conducted through the HRA and is reported separately.

2.4 We also carry out the following annual reviews-  
We review all of our Fire & Legionella Risk Assessments at least every 12 months to ensure the risk assessment is still sufficient for the building.

We also carry out an annual review of our Asbestos Management Plan this checks that inspections regimes are sufficient and highlights any changes in materials or operations.

2.5 **Software for monitoring:**

2.6 Concerto is a computer aided facilities management software application that is used by Council officers to manage the General Fund corporate and tenanted estates. It is a bespoke web-based application that has been populated to reflect the Council's

asset registers and provide an integrated database and central source of information for officers. It is the foundation of our asset knowledge, providing a single interface in which all aspects of compliance, planned and reactive repairs, maintenance and estates management are managed and controlled. The application allows officers to recognise, through the live dashboard (Appendix 2), outstanding and upcoming work streams to ensure that, for example, aspects relating to compliance and lease agreements are dealt with in good time, fully documented and evidenced. Managers can monitor these work streams and therefore able to support officers, ensuring timely interjections where required. Concerto allows managers and officers to visualise, prioritise and allocate resources more effectively. Through Concerto, 25 separate sites are directly managed for compliance under the landlord's duty of care. These sites are detailed within Table 5 in Appendix 1 and comprise corporate, retail, community, leisure, office, industrial, visitor and amenities sites.

- 2.6 We now use the software SFG20, it is a library of compliance maintenance schedules. This software helps maintain compliance and keep up to date with ever changing regulations. We are using this software alongside Concerto to migrate our existing records and regimes onto our new Concerto compliance database (This is currently in progress).
- 2.7 Zetasafe is a compliance software that enables checks to be recorded by scanning the QR code on the relevant assets. Data is received back real time so at any point the data can be viewed to check compliance. The implementation of Zetasafe is set to commence in January 23. This will see the traditional fire logbook on site replaced for the electronic system, Zetasafe. This system will be a more robust way of ensuring compliance, with its powerful reporting system that highlights real-time compliance.
- 2.8 Tenant compliance monitoring details.  
Under The Health and Safety At Work Act (1974) and subordinate legislation, a duty of care passes from the landlord to the incoming tenant to maintain all aspects of health and safety, including mandatory compliance. Our commercial leases also capture a requirement of the tenant to maintain the property to a standard as defined in the schedule of condition (Appendix 3), which forms part of the lease. The Council, as landlord, ensures that the property is fully compliant and in good repair and condition before handover. To support this, a potential tenant is informed of their responsibilities during negotiation and a copy of the Council's Tenant handbook (Appendix 4) is presented to them when they are offered Heads of Terms. The handbook is a guide for those who wish to lease commercial premises from the Council and these obligations are included. All our existing tenants have received a copy of the handbook.
- 2.9 The estates management team conduct regular visits and audits (Appendix 5) to tenanted properties. As part of these visits, compliance and basic condition checks are undertaken to ensure the tenant is maintaining the property as defined by legislation and lease requirements. Concerto provides a back up to our visits, given the database holds dates of compliance renewals and requirement, for example, to carry out a mandatory five-year fixed wiring electrical test or to internally decorate the property. Where the required duty of care is evidenced as falling short of the required standards,

the estates management team will serve, where appropriate, informal, and formal notices of improvement and monitor through an action plan until close out.

- 2.10 At the end of a lease or activation of a break clause, a full property survey (Appendix 6) is taken 3 months prior to departure and the tenant informed as to what improvements, including compliance are required to bring the property back to the documented schedule of condition. Any shortfalls form the basis of the dilapidation report, to which the tenant is legally obliged to rectify. Whilst the Council as landlord is not obliged to maintain compliance in a property under the passing of duty of care to the tenant, it is nonetheless good estates management to do so with these robust processes and monitoring in place.

**3.0 Implications**

None other than those mentioned in the body of this report.

## Assurance Report

### COMPLIANCE

Currently, we review 25 commercial sites to provide assurance that they are compliant in 5 key areas. This table summarises the issues identified this quarter (1 October 2022 – 31 December 2022). The full list of sites can be found at the end of this report. Please note this report does not include assurance for the housing assets. These sites are reported separately.

**Table 1 - Summary of Compliance**

Area of Compliance	Frequency	Inspections/ Reviews Undertaken	Outstanding Inspections/ Reviews	Actions Identified for this quarter	Actions beyond target date
Legionella testing	Monthly testing – Quarterly Reporting	2,865	0	0	0
Legionella Risk Assessments	Annual review	25	4	0	0
Asbestos – condition survey and annual review	Annual	0	0	0	0
Fire Risk Assessment	Annual Review	24	1	1	12
Gas Boiler Service	Annual	6	0	2	0
Electrical Inspection condition report	Inspection Regime as Per Building	0	0	1	1

**Table 2 - Compliance Issues identified in Quarter 2 2022/23**

Site	Type of Issue (Legionella, Fire, Electrical)	Detail of Issue	Action to resolve	Named lead from Assets
All sites	Legionella Risk Assessment	Review of all sites undertaken. commissioned a number of risk assessments following this review. 4 of which have not been agreed due to technical inaccuracies.	Site visits undertaken and unsuitable Risk assessments subsequently returned to Contractor for review /refresh	Gareth Goddard
Fire Risk Assessments Various Sites	Fire	12- Outstanding actions from the existing fire risk assessments.  (This report excludes the new FRA for SLC, these actions are reported direct to SLT by Mark Eyre)  8 High risk actions outstanding. 7 of which are for Southwell LC (to be incorporated within next assurance report.		

Table 2 - Compliance Issues identified in Quarter 2 2022/23

Site	Type of Issue (Legionella, Fire, Electrical)	Detail of Issue	Action to resolve	Named lead from Assets
		<p>Remaining items - DLC fire door improvement works</p> <p>4 Medium actions outstanding.</p> <ol style="list-style-type: none"> <li>1. Depot Building D, high level compartmentation work</li> <li>2. NSFC – Fire dampener repairs identified from recent survey</li> <li>3. NSFC Fire door repairs &amp; renewal</li> <li>4. Depot building C – Line marking to escape exit</li> </ol>	<p>(Estimated completion end Jan 23)</p> <p>Quote received. Discussion with Contractor re certification (Estimated completion end Feb 23)</p> <p>Seeking quotes, work in excess of 10k. (estimated completion end Mar 23)</p> <p>Waiting for contractor to start on site (estimated completion end Feb 23)</p> <p>Waiting for contractor to start on site (estimated completion end Jan 23)</p>	<p>Stephen Young</p> <p>Stephen Young</p> <p>Gareth Goddard</p> <p>Stephen Young</p> <p>Stephen Young</p>
Fire Risk Assessment Annual Review	Fire	1x Outstanding fire risk assessment review at the Gilstrap Toilet. We do not have a fire risk assessment for the Gilstrap toilets.	The estates and corporate property team are investigating the responsibilities detailed within the lease documents. This will help identify who is responsible for providing the fire risk assessment for the Gilstrap toilets. (estimated completion end Jan 23)	Pete Preece Gareth Goddard
Hawtonville Community Centre	Gas	2x Gas Boilers fail gas safety checks due to corrosion on the flue joints. The boilers have been classified as at risk and they have been isolated until they are safe to use again.	Due to the age of the boilers, we are seeking quotations to replace the boilers and costs to repair them.	Gareth Goddard
Castle House	Electrical	EICR now complete and is now issued as a satisfactory test report. Limitations have been recorded on the report when testing the server room, this is due to the massive impact of shutting down the servers and equipment.	Requirement is for us to undertake testing of all electrical safety equipment, whilst this testing has not been possible, further advice is being sought from professional bodies	Gareth Goddard

## List of sites covered within this assurance report

Table 5. Commercial Sites assured upon for Compliance

NSDC Commercial Site List	Site Use
Blidworth Leisure Centre	Leisure
Bridge Community Centre	Community
Buttermarket Shopping Centre	Retail
Castle House	Office
Church Farm Business Centre	Office
Depot Building A-MOT	Industrial
Depot Building B- Waste	Industrial
Depot Building C- Pest Control	Industrial
Depot Building D- Museum Store	Industrial
Dukeries Leisure Centre	Leisure
Farrar Close	Office
Gilstrap Centre Public Toilet	Amenities
Hawtonville Community Centre	Community
National Civil War Centre	Visitor
Newark Beacon Innovation Centre	Office
Newark Castle	Visitor
Newark Lorry Park & The Ranch Café	Amenities
Newark Palace Theatre	Visitor
Newark Sports And Fitness Centre	Leisure
Ollerton Housing Office	Office
Queens Sconce Visitor Centre	Leisure
Sherwood Forest Arts & Crafts Centre	Visitor
Southwell Leisure Centre	Leisure
The Tom Mann Pavilion	Leisure
Vicar Water Visitor Centre	Leisure



Options	UPRN	Address	Postcode	Owner	Lease type	Lease start	Lease end	Annual rent	Term	Latest annual rent
Options	010008172346	Newark Beacon	LE1055	Lowther Forestry Group Ltd	Lease	21 Jan 2023	01 Dec 2022	£4,260.00		
Options	100032111764	Church Farm Workshops	LE 873	[Redacted]	Lease	18 Mar 2023	18 Dec 2022	£10,700.00	3 years	

### Agreement details

Party	[Redacted]
Purpose/Demise	Unit 5 & 6 Church Farm Business Centre
Commencement date	18 Mar 2020
Expiry date	18 Mar 2028
Next review	18 Mar 2023
Period	Quarterly
Latest annual rent	£10,700.00
Status	Current

### Sites

UPRN	Site
100032111764	Church Farm Workshops

### Audit trail

Input date	Audit note	Input by
20 Sep 2022 15:15	Unit 5CFB Unit 5, Church Farm Business Centre, Edwinstowe addedUnit 6CFB Unit 6, Church Farm Business Centre, Edwinstowe added	[Redacted]
08 Sep 2022 15:50	Service Charge charge record edited. Lease charge record edited. The rental frequency changed from Yearly to Monthly.	[Redacted]
08 Sep 2022 15:50	Who agreed the initial rent has changed from NSDC to blank. Is order to income changed from Yes to No.	[Redacted]

**Schedule of Condition**

Date: 28/11/2022

Address: Unit 2, Church Farm Business Centre, Edwinstowe,  
NG21 9NU

Tenant:

Page: 1 of 4



Front elevation



Front Elevation Internal



East Wall Internal



North Wall Internal



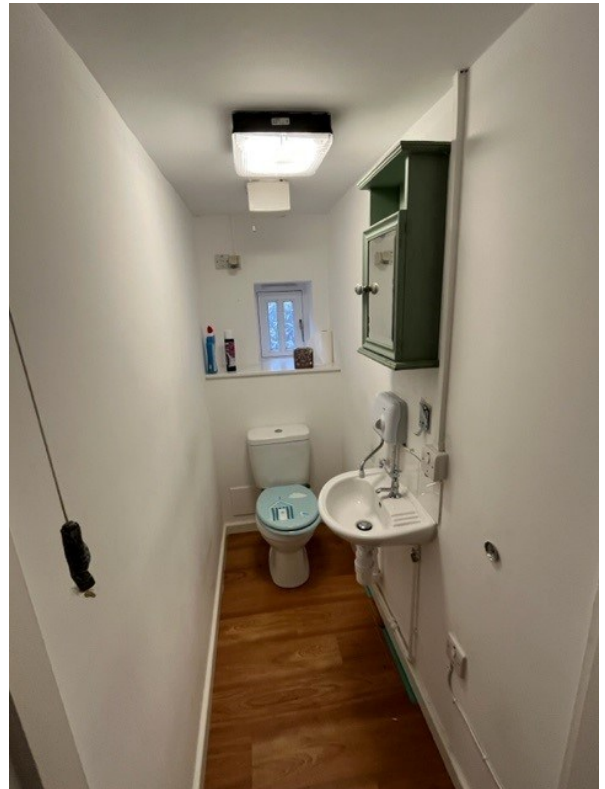
West Wall Internal



Kitchenette South



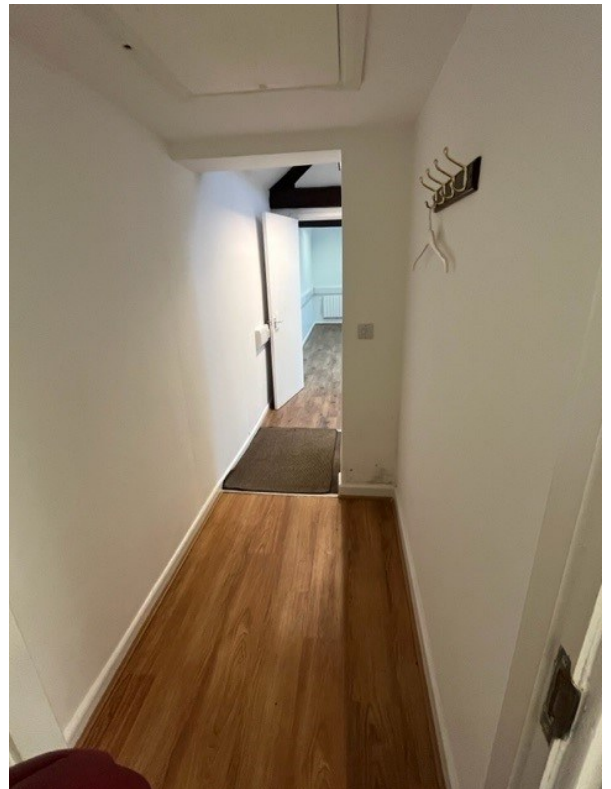
Kitchenette North



Toilet South



Toilet North



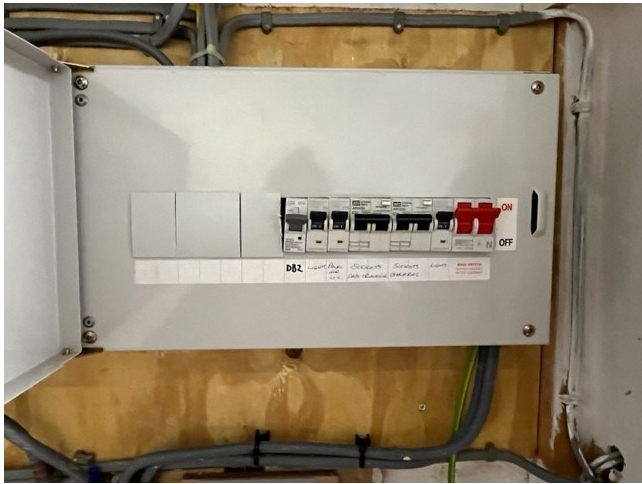
Passage to East



Passage to West



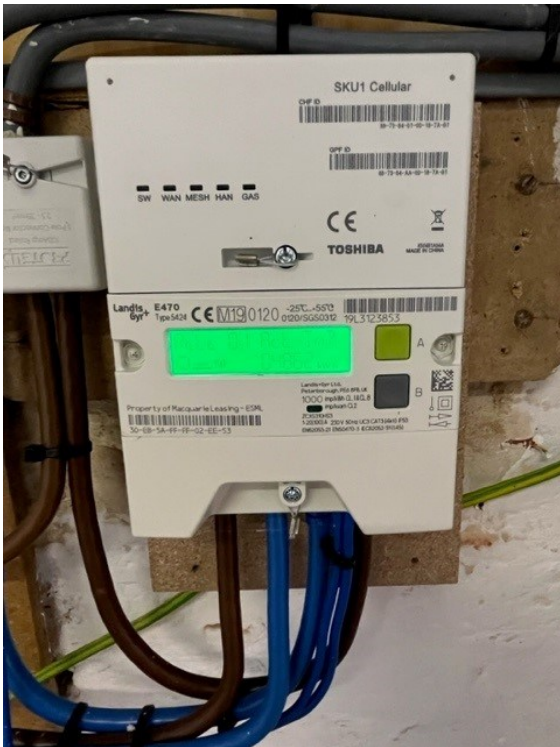
Electrics



Distribution Board 1



Distribution Board 2



Meter Read 28 11 22  
04862 kWh

Notes: insert additional sheets as required

The unit is in good condition both internally and externally. There is some localised damp (not serious) that has lifted the emulsion paint from walls. Where the new radiators have been fitted (2022) requires painting behind. There is some minor filling required to the front door where a Ring type door bell system has been removed. The extractor in the kitchen is fully functional, as are the water heaters in the kitchenette and toilet. It is noted that some of the light fittings require new lamps and these will be replaced by the landlord before handover. New electric radiators were fitted in 2022, the tenant will be provided with an instruction booklet.

The electric meter reading was noted at 04862, this, along with the water meter reading will be captured on date of handover.

**Schedule of condition prepared by:**

Name Peter Preece

Position Estates Manager

Newark and Sherwood District Council

**Schedule of condition agreed with:**

Name: .....

Signed: .....

On behalf of: .....

Date \_\_\_\_\_



**NEWARK &  
SHERWOOD**  
DISTRICT COUNCIL

# Tenant Handbook

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A guide for tenants who lease commercial premises from Newark and Sherwood District Council.



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## Welcome

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Welcome to your business premises and thank you for choosing Newark and Sherwood District Council.

We are one of the leading and most flexible commercial landlords in the county and are committed to supporting local businesses.

Whether you are an established business, or this is your first venture, we will help you with your property needs and signpost you to other support available to you.

Good luck and please do not hesitate to contact us if you require our assistance.

## About this handbook

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This handbook has been produced to give general guidance for both existing and new tenants who hold a lease in respect of commercial premises owned by Newark and Sherwood District Council.

We are aware that some of the applications we receive are from people starting a new business or who have little experience of leasing business premises. We have therefore designed this handbook to help answer the questions that are most frequently asked and to clarify the role and responsibilities of both yourself as the tenant and the Council as a landlord. This information refers to a number of common features that you are likely to find in our lease agreements.

However, it is important for you to appreciate that the terms of your own lease apply to you and although you can use this handbook as a general guide, it does not override the terms of your own lease. You should also be aware that when renting a property for your business you have some responsibilities by law; more details regarding this can be found on the gov.uk website: [www.gov.uk/renting-business-property-tenant-responsibilities](https://www.gov.uk/renting-business-property-tenant-responsibilities)

This handbook should not be considered in any way to be a substitute for independent professional advice and we strongly recommend that you obtain appropriate independent advice so you can fully understand the implications of your lease.

The Council aims to be a flexible and understanding landlord and welcomes suggestions as to how its services can be improved.

Corporate Property

For and on behalf of Newark and Sherwood District Council  
October 2022



## Important information

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### Landlord Consent

Please note that where Landlord Consent is required under the terms of your lease this is in addition to other consents such as licencing and planning consent which may also be needed, albeit that these other consents may also be required from Newark and Sherwood District Council as the local authority. Newark and Sherwood District Council has various statutory functions, for example The Council's role as the planning authority is entirely distinct from that acting in its capacity as a land owner.

It is your responsibility as the tenant to ensure you have identified and obtained all the necessary consents required for your occupation and use. Please note that there may be additional costs for such consents.

### When should I get professional advice?

We recommend that you seek independent legal advice on the following occasions:

- When first considering taking on a lease
- When nearing the end of your lease
- If you want to assign your lease
- For any other matters relevant to the lease e.g. alterations, change of use etc.
- For general advice on your legal position

Details of local lawyers can be obtained from the Law Society, Chartered Institute of Legal Executives (CILEX) or Council for Licensed Conveyancers.

We also recommend that you appoint a chartered surveyor to act for you during rent reviews, lease renewal and when discussing your repairing and maintenance liabilities.

### Accuracy

Whilst every care has been taken in the preparation of this guide, the accuracy cannot be guaranteed. Property law can and does change so this guide may become out of date.

**We recommend that you obtain professional advice when dealing with all matters regarding your lease to satisfy yourself of your obligations, and do not rely on this guide as your sole source of information.**

The latest version of this handbook can be found on the District Council website:

[www.newark-sherwooddc.gov.uk/businessunitstorent/](http://www.newark-sherwooddc.gov.uk/businessunitstorent/)

## **Your contact details**

Why do you need my information?

As your landlord we need to have your most up-to-date contact details so we can keep you informed about your tenancy and the property you occupy. Please let us know if you change your telephone number, preferred postal address or email address. The information you provide will be used for the likes of:

- Invoicing
- Arranging or notification of repairs and maintenance (where applicable)
- Providing you with updates

## **Data Protection**

---

### **Who will control my data?**

The Data Controller for all the information you provide on this form is: Newark and Sherwood District Council, Castle House, Great North Road, Newark on Trent, Nottinghamshire, NG24 1BY.

### **Who else will you share my information with?**

We will only use this information in conjunction with your occupation of the premises you lease from Newark and Sherwood District Council.

Your data will be held within the Newark and Sherwood District Council secure network and premises and will not be processed outside of the UK.

Access to your information will only be provided for authorised members of staff in relation to managing your lease and to any sub-contractor(s), i.e. legal services, maintenance contractors, external surveyors etc. who maintain the same levels of security that we do which are set out in the contract we have with them.

### **How long will you keep my information for?**

Six years after the date your lease ends.

### **Your Data Rights**

Your personal information belongs to you and you have the right to:

- Be informed of how we will process it;
- Request a copy of what we hold about you. If you provided this to us electronically for automated processing, we will return it in the same way;
- Have it amended if it's incorrect or incomplete;
- Restrict how we process it;
- Object to us using it for marketing or research purposes;
- Object to us using it in relation to a legal task or in the exercise of an official authority;
- Request that a person reviews an automated decision.

### **How do I exercise these rights?**

If you would like to access any of the information we hold about you or have concerns regarding the way we have processed your information, please contact:

The Information Governance and Data Protection Officer by emailing [freedom@newark-sherwooddc.gov.uk](mailto:freedom@newark-sherwooddc.gov.uk) or calling 01636 650000.

### **There's something I don't understand?**

If you need help in understanding how we process your data, please contact:

The Information Governance and Data Protection Officer by emailing [freedom@newark-sherwooddc.gov.uk](mailto:freedom@newark-sherwooddc.gov.uk) or calling 01636 650000.

### **What if I don't agree with something?**

We would prefer any complaints to be made to us initially so that we have the opportunity to see if we can put things right. However, if you are unhappy with the way we have processed your information or how we have responded to your request to exercise any of your rights in relation to your data, you can raise your concerns directly with the Information Commissioner's Office by visiting their website: <https://ico.org.uk/>

Website: [www.newark-sherwooddc.gov.uk/re-useofpublicsectorinformationregulations](http://www.newark-sherwooddc.gov.uk/re-useofpublicsectorinformationregulations)

Telephone: **01636 650000** and ask for Information Governance

Please note that the Information Commissioner will not make an independent investigation into your complaint unless you have exhausted our own complaints procedure.

### **Data Protection Registration Number (DPRN)**

The Council's DPRN is Z4973840

### **Before you move in**

---

The Council will offer a prospective tenant a set of Heads of Terms. This is the Landlord's offer to the tenant, capturing the headline terms including rent, term length, break notice, rent reviews, service charges and costs. Whilst Heads of Terms are not legally binding, they will form the basis of the lease and you should seek legal advice before agreeing. Once you have agreed and returned signed Heads of Terms, our legal team will draft the lease. It is the Council's policy to require tenants to contract out of The Landlord and Tenant Act 1954 and you will be asked to sign either a simple or statutory declaration confirming acceptance. In doing so, the tenant relinquishes the right to security of tenure. Once these are accepted, you will be invoiced for the Council's costs and deposit guarantee which must be paid, along with the signing the lease, before handover. Please note that this can be a lengthy process which must be considered to achieve the required handover and term start date. Recurring billing for rent, insurance, service charge, etc. will commence from the term start date, subject to any agreed rent free period.

## Moving in

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We will provide you with keys to your property along with a copy of this handbook and all applicable compliance documentation.

In addition to keeping these safe you should be aware of the following:

As the occupier of a commercial property, you have a responsibility to comply with a number of legal and health and safety requirements. We have set out those that are most important and indicated where you can find more important information (See 'Health and Safety Requirement' page).

**This information is provided as a guide only and you are responsible for ensuring you are adhering to all applicable legal and health and safety requirements.**

### Schedule of Condition

At the start of your tenancy we will arrange for a photographic Schedule of Condition to be prepared which will form part of your lease agreement.

The schedule of condition evidences the state of repair of the property when you take occupation, and the standard to which you have to maintain and repair the property, or improve on depending on the terms of your lease, during the course of your occupation.

## Insurance

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### Do I need to insure the building?

The terms of your lease will determine the responsibility for building insurances. Generally the Council will insure the building, to which the full or proportionate amount will be charged to the tenant. **Please note:** The District Council does not insure tenant property or for business continuity.

If your lease requires you to insure the building and/or common parts, a copy of the policy should be sent to Corporate Property annually:

Email: [property@newark-sherwooddc.gov.uk](mailto:property@newark-sherwooddc.gov.uk)

### What other insurance do I need?

You are responsible for ensuring that you have adequate insurance cover for the following:

- Glass breaking (if applicable only as it is possible that the property does not have windows or the windows are not glass)
- Loss of damage to the property caused by theft or attempted theft
- Contents (these are the items brought into the premises by you)
- Any improvements you make to the property e.g. the addition of internal offices
- Public Liability Insurance
- Employers' Liability Insurance (if applicable)

You should ensure that you have appropriate insurance cover in place when you move into the property. You must also be prepared to confirm that appropriate cover is in place, at any time, by showing us details when we ask.

**If the Council is responsible for insuring the building, what is covered?**

Where it is the Council's responsibility to insure the building and any common parts, the main insured risks are:

- Fire
- Lightning
- Aircraft
- Explosion
- Escape of water from any tank apparatus or pipe
- Earthquake
- Flood
- Terrorism
- Malicious persons (vandalism)
- Impact by any road vehicle subsidence.

The District Council recovers the building insurance premium as per the frequency set out in your lease. You do not need to purchase additional building insurance.

In the case of substantial damage to the property, which means that you can no longer occupy it, the lease may be terminated.

It is your responsibility as the tenant to make suitable arrangement for business continuity. The District Council is not liable for arranging this for you (See 'Business Continuity Planning' page for further information).

It is your responsibility under the Lease to not take any action which will invalidate Newark and Sherwood District Council's insurance. The District Council has the right to inspect your property to ensure compliance with this responsibility.

**How do I claim against the District Council's insurance?**

Please email full details of the claim including the address of the property, photographs and your contact details to our Insurance Team and Corporate Property:

Email: [insurance@newark-sherwooddc.gov.uk](mailto:insurance@newark-sherwooddc.gov.uk)

Email: [property@newark-sherwooddc.gov.uk](mailto:property@newark-sherwooddc.gov.uk)

## Utilities

---

You should arrange for the gas, electricity and water meters to be read on the first day of your tenancy, even if you are not moving in until later. You are responsible for notifying the utilities companies that you will be occupying the premises. Our Corporate Property Team can help you to identify the current supplier.

On moving into the property, please take the time to identify the position of:

- The water stopcock;
- The mains electricity switch;
- The fuse box;
- The gas isolator valve (if applicable).

You are responsible for the direct payment of charges for all utilities including: water, gas, electricity, telephone and similar services consumed on the premises, including any standing charges unless an alternative arrangement is expressly set out in your lease.

Utility charges for common parts will be paid by the District Council, and recovered as part of your service charge/maintenance rent (if applicable).

## Business Rates

---

Non Domestic Business Rates (NDBR) are the means by which businesses and others who occupy non-domestic property make a contribution to the cost of local services. It is your responsibility to ensure the rates applied are correct and to pay any amounts that are due.

Further information, including whether you are eligible for Small Business Rate Relief, can be found at:

Website: [www.newark-sherwooddc.gov.uk/your-business/business-information/](http://www.newark-sherwooddc.gov.uk/your-business/business-information/)

Website: [www.gov.uk/correct-your-business-rates](http://www.gov.uk/correct-your-business-rates)

## Stamp Duty Land Tax (SDLT)

---

Stamp Duty Land Tax (SDLT) is payable in respect of lease transactions. The amount of stamp duty payable is dependent on a number of factors. Your solicitor will be able to advise you of the amount payable.

Further information and SDLT calculator can be found on the gov.uk website: [www.gov.uk/stamp-duty-land-tax](http://www.gov.uk/stamp-duty-land-tax)

## Land Registry

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If your lease is for more than seven years, then you will have to register it at the Land Registry. It is the tenant's responsibility to register and it is recommended that a solicitor is commissioned to do so on the tenant's behalf.

## **Paying your rent**

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You are responsible for paying your rent and we are responsible for monitoring and recording all payments.

You must make sure that your rent is paid, including VAT if applicable, immediately when it becomes due. The terms of your lease will determine the frequency and when your rent is payable.

Rent is payable whether or not an invoice is received.

Should you fail to receive an invoice or have a query regarding an invoice please contact our Sundry Income Team:

Email: [sundry.income@newark-sherwooddc.gov.uk](mailto:sundry.income@newark-sherwooddc.gov.uk)

Telephone: **01636 650000** and ask for Sundry Income

We do recommend to pay by Direct Debit as this is the most convenient way to ensure your rent is paid on time. Your lease will detail if payment by Direct Debit is a requirement of your occupation. On the back of Newark and Sherwood District Council invoices, it sets out how the rent can be paid. The various methods are summarised as follows:

### **Direct Debit**

Email or call us to discuss this option:

Email: [sundry.income@newark-sherwooddc.gov.uk](mailto:sundry.income@newark-sherwooddc.gov.uk)

Telephone: 01636 650000 and ask for Sundry Income

### **Online**

Please follow the online payment link to 'invoice you have been sent by the Council'. You will need your invoice number.

Website: [www.newark-sherwooddc.gov.uk/paymentstotheCouncil/](http://www.newark-sherwooddc.gov.uk/paymentstotheCouncil/)

### **Credit/debit card**

Please call and have your invoice number available:

Telephone: 01636 650000

### **BACS**

Please instruct your bank to pay the money into the following bank account:

A/C name: Newark Sherwood District Council

A/C number: 56587619

Sort code: 60-21-37

Ref: [insert invoice number and customer number]

### **PayPoint**

Bar coded invoices can be paid at all shops displaying the Pay Point logo or at any Post Office. Take your invoice with you when making this payment.

**In person**

For details of our local offices please telephone 01636 650000 or the visit [Newark and Sherwood District Council website](#).

**VAT**

The District Council charges VAT in respect of certain asset types and estates. At the time of agreeing terms you will have been advised if VAT is applicable. If VAT is currently not applicable you will be notified if this changes.

**Problems paying your rents?**

If you are having difficulty paying your rents you should contact Sundry Income immediately: [sundry.income@newark-sherwooddc.gov.uk](mailto:sundry.income@newark-sherwooddc.gov.uk) or call 01636 650000 and ask for Sundry Income.

If the tenant fails to pay the rents due under the lease, the Council may take the following action:

- Commercial rent arrears recovery.
- Appoint enforcement agents to collect the rent.
- Forfeiture.

In exceptional cases you can ask us about surrendering your lease. We will assess your financial circumstances and the efforts you have made to ease the situation (for example trying to assign the lease, see page 14). However, the Council is not obligated to accept surrender of the lease and each case is individually considered. If the Council does agree to the surrender, you will be required to pay a fee for ending the lease early.

Please do not assume that you can surrender your lease simply by returning the keys or abandoning the property. Your lease is a legally binding contract and will continue regardless of these actions.



## During your lease

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### **Will the rent be increased during my term of occupation?**

The terms of your lease will determine if and when your rent will increase. A rent increase occurs in the following circumstances:

- If the terms of your lease state a change in the rent payable during the period of your lease
- On receipt of a notice should your lease include a term that enables the rent to be reviewed during the period of your lease

If rent is fixed during the period of the lease it cannot be changed. In these cases the rent will be reviewed at the end of the lease period as part of the negotiations for a new lease.

### **Part of my premises is in need of repair/decoration. What do I do?**

The terms of your lease will determine who is responsible for repairing and maintaining both internal and external parts of the premises.

All tenants are responsible for minor works and repairs including but not limited to:

- Replacing light bulbs
- Unblocking drains
- Arranging the replacement of broken window glass
- Replacing broken door locks
- Decoration internally and externally
- Cleaning and tidying

We expect tenants to take reasonable precautions to prevent frozen and burst pipes inside their property in the event of extreme cold weather.

### **I think it is the District Council's responsibility. What do I do?**

You must let the Council know promptly when any repair for which it is responsible for needs to be carried out (see 'Reporting Repairs' page). If you are unsure who is responsible for the repair, we will check the lease to confirm.

If the Council is responsible, an order will be placed for a contractor to undertake the repair as soon as possible. The work will be triaged and prioritised by the maintenance team.

### **If I am responsible, why should I pay for repairs when I already pay rent to the Council?**

Unless otherwise stated in your lease, the tenant is responsible for the maintenance and upkeep of the premises which includes all statutory compliance and servicing requirements. This includes legionella checking, maintaining the asbestos log book, 5 year fixed wiring electrical safety check and periodic roller shutter door inspection and service. These form part of the tenant's legal obligations. The Council has a works improvement programme for the refurbishment or replacement of capital items for a property subject to condition and legal requirement. The tenant is responsible for maintaining regardless of this.

## Reporting a repair

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### How do I report a repair?

To report a repair that the District Council is responsible for, please contact us at:

Email: [property@newark-sherwooddc.gov.uk](mailto:property@newark-sherwooddc.gov.uk)

Telephone: **01636 650000** and ask for Corporate Property

Our staff are trained to obtain all relevant information concerning the repair. Our contractor arrangements enable the Council to react quickly to repair and maintenance issues, and sets us apart from the other commercial landlords.

**I have reported a repair and no one has been out yet, or I am unhappy with the repair.**

### What do I do?

If you are unhappy with a repair please let us know so we can investigate the matter. Do not stop paying the rent as this could give the District Council grounds for taking proceedings against you. Please contact Corporate Property so we can investigate the matter:

Email: [property@newark-sherwooddc.gov.uk](mailto:property@newark-sherwooddc.gov.uk)

Telephone: **01636 650000** and ask for Corporate Property

## Signage

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### Can I erect signage?

The terms of your lease will determine exactly what signage you can erect and where. As a rule of thumb, most tenants are permitted to erect and alter the signage on the property, subject to first obtaining the Council's consent and subject to obtaining any necessary statutory consent (if applicable).

When applying for consent you will need to confirm the size, shape, font, font size, text and location of any signage to the Council. If consent is granted it is important for you to remember that when you vacate the property you will be liable for removing the signage and making good any damage caused.

### Can I change an existing estate sign board?

If you lease a property on an estate that benefits from a communal landlord's estate sign board, you are prohibited from making amendments to this. The Council will add your name to the estate sign board, free of charge on completion of the lease (logos are not permitted). If during the term of your lease you would like the name changed, you must contact Corporate Property who will confirm if the change is permitted:

Email: [property@newark-sherwooddc.gov.uk](mailto:property@newark-sherwooddc.gov.uk)

Telephone: **01636 650000** and ask for Corporate Property

**Please note, you will be liable for the costs incurred in arranging and making the change to the estate sign board whether or not matters proceed to completion.**

## Permitted use

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Your lease will state what the property can be used for.

The District Council tries to maintain a balance of trade across its units but it does not grant sole trading rights to any tenant.

### **I want to change or extend the permitted use of my business. What do I do?**

If you want to extend or change the use you need to make a written request to Corporate Property stating the changes you wish to make.

Please send this to: Newark and Sherwood District Council, Castle House, Great North Road, Newark on Trent, Nottinghamshire, NG24 1BY or email [property@newark-sherwooddc.gov.uk](mailto:property@newark-sherwooddc.gov.uk)

Your request will be considered and the decision dependent on several factors, including whether your lease permits the use to be changed and whether there will be a conflict with the use of adjacent occupiers.

**Please note, you will be liable for the Council's professional fees associated with any request whether or not matters proceed to completion.**

## Assignment of lease

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The lease terms will determine whether or not you are able to assign (i.e. you are permitted to transfer all rights under your lease to another party). Before you do anything it is recommended that you obtain your own legal advice.

### **I want to sell my business/assign my lease. How do I go about this?**

If you want to sell your business/assign your lease and your lease terms permit this, you must:

- find someone who is willing to pay the rent and take over the other obligations in the lease, and;
- Request and obtain formal approval from the Council.
- In order to consider the request, the following information from the person/business taking over your lease (the assignee) will be required as a minimum:
  - Full name and address. This information will be used to carry out credit checks;
  - Proof of identity;
  - New businesses/individuals must complete a Property Application Form, which can be requested from Corporate Property at: Newark and Sherwood District Council, Castle House, Great North Road, Newark, Nottinghamshire, NG24 1BY or email: [property@newark-sherwooddc.gov.uk](mailto:property@newark-sherwooddc.gov.uk)
  - Written agreement to pay rent monthly in advance by direct debit;
  - An appropriate rent/damage deposit (normally the higher of three month's rent or £1,000) to be held throughout the remaining term of the lease and any statutory continuation (if applicable).

**Please note, the District Council reserves the right to ask for additional information and set supplementary conditions to those referenced as a guide in this handbook.**

The Landlord may refuse consent to the assignment on a number of grounds such as, in the Landlord's opinion (acting reasonably) the prospective assignee, together with any guarantor, is not of sufficient financial standing to comply with the lease obligations.

If the District Council agrees to the assignment it will be subject to a number of conditions such as:

- The Council's legal and surveyor costs are paid.
- All rent is paid up to date including the insurance premium and maintenance rent/service charge.
- Entering into an Authorised Guarantee Agreement.
- Any identified repair/decoration works are completed.
- Any outstanding rent reviews are actioned.
- All tenant obligations under the terms of the lease with regards to regulatory compliance are valid and up to date.

Subject to the receipt of satisfactory references and confirmation of the above items, the Council's legal services will be instructed to prepare a licence to assign. When we confirm our agreement to an assignment and/or the licence has been issued, this does not mean that the lease has been transferred - you must arrange this with your assignee and notify the District Council.

Until legal formalities are completed, you will continue to be the tenant of the premises and liable for the rent.

#### **What if the proposed assignee cannot supply adequate references?**

If satisfactory references cannot be provided, the Council will not consent to the assignment, unless the assignee is able to identify a guarantor who is willing to guarantee the payment of rent and compliance with the lease terms on their behalf. The guarantor will be subject to, and must pass, the same reference checks.

#### **I want to allow another business to occupy part or the whole of my premises. How do I go about it?**

The lease terms will determine whether or not you are able to sub-let part or the whole of the premises or share occupation of the premises.

**Before you do anything it is recommended that you obtain your own legal advice.**

If you consider you have the right to sub-let or share occupation with a third party, you need to make a written request to Corporate Property at: Newark and Sherwood District Council, Castle House, Great North Road, Newark, Nottinghamshire, NG24 1BY or email:

[property@newark-sherwooddc.gov.uk](mailto:property@newark-sherwooddc.gov.uk)

**The proposed assignee/subtenant wants to use the unit for a different purpose. Is this allowed?**

If the assignment/sub-letting involves a change of permitted use, this will require separate formal consent.

**Please note, you will be liable for the Council's professional fees associated with any request whether or not matters proceed to completion.**

## **Alterations, Inclusions and Improvements**

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The terms of your lease will determine whether you can carry out alterations, inclusions or alterations to the property, please refer to this in the first instance.

**I want to make changes to the premises. What should I do?**

If you consider you are permitted to make changes to the premises under the terms of your lease, you must seek the Council's written consent before doing so. You must provide all supporting evidence and documents required by us in order for your request to be considered.

If we approve the works, you will be provided with a licence to alter and a fee will be payable for any specialist advice, surveyors and legal costs in connection with this.

If consent is granted, this will be in the Council's capacity as landlord only and you will still need to apply for any applicable consents including (but not limited to) planning, building control and, if appropriate, listed building permission (see page 4).

It will be a condition of the grant of landlord's consent to the changes that the premises are reinstated to their original condition prior to termination of the lease. We will discuss this with you should notice be given to terminate or prior to ending of the lease.

**Please note, you will be liable for the Council's professional fees associated with any request whether or not matters proceed to completion. Please note that as a tenant, you are fully responsible for all compliance matters once the lease commences. This is in relation to both the property at the time of letting and in relation to any alterations, inclusions or improvements made to the property by you as tenant.**

## **Parking**

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Parking is often limited and not guaranteed so please don't assume there will be somewhere for you to park when you move into your new premises. Where we have allocated you parking, it is imperative that you only park in your allocated space(s). If we have not allocated spaces, then you must only park in the designated areas, on a first come basis, and not on grassed areas or verges.

**Please note, some leases prohibit parking at the Property or on the Estate completely.**

All occupiers should be able to enjoy free access to their property and we ask all our tenants to co-operate to achieve this. Access roads and other units must not be obstructed at any time.

Unless you have consent to do so, the parking/storing of the likes of trailers, boats, caravans, static homes, shipping containers, skips and vehicles that are not roadworthy etc is strictly prohibited.

## **Abandoned vehicles**

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An abandoned vehicle is one that appears not to be in regular use and has been in the same place for a period of time, usually three weeks or more. Consideration should also be given to the condition of the vehicle.

If you consider a vehicle to be abandoned please notify us:

Email: [property@newark-sherwooddc.gov.uk](mailto:property@newark-sherwooddc.gov.uk) or call 01636 650000 and ask for Corporate Property.

We will need to know:

- The location of the vehicle
- When it was first parked at the location
- Its condition
- If it appears anyone has visited it
- Vehicle's make and model
- Colour
- Registration number

We will make contact with neighbouring occupiers to establish whether the vehicle is connected to them or if they have further information about the vehicle.

If the vehicle is considered abandoned, we will report it to the District Council's Public Protection Team who will investigate further.

The costs for removal, destruction or storage of abandoned vehicles is recovered from the last known keeper. Non-payment will result in action being taken in the County Court.

## **Neighbour Nuisance**

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We want all our tenants to be able to carry on their business peacefully and without annoyance or disturbance from other occupiers.

Actions that are likely to cause nuisance, annoyance or disturbance include:

- Inconsiderate parking
- Playing loud music
- Dumping or burning rubbish
- Using foul and abusive language

### **I wish to make a complaint about an adjacent property/tenant**

It is important to be a good neighbour and show consideration to others, but if there are instances of disagreement, we would expect tenants to first discuss this between themselves and come to an amicable solution.

If you cannot resolve the matter between yourselves and the other tenant is a District Council tenant, please contact Corporate Property who will assist you. Complaints relating to other issues should be referred to the appropriate agency e.g. environmental health, planning services.

### **Anti-Social and Unlawful Behaviour**

For anti-social or unlawful behaviour beyond that of general nuisance, which includes physical threats, property damage, arson and drug use, the Police should be notified without delay.

### **Waste**

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Tenants are normally required to arrange their own waste and recycling collections. You will need to use a registered commercial waste contractor, or if you are a registered waste carrier, you can take your own waste to a licensed disposal or treatment site.

Some of our sites have shared waste and recycling arrangements, use of which will be subject to a service charge.

You are required to keep the area around your property clean, tidy and free from rubbish at all times.

No skips or external storage containers are allowed on site except where there is a designated bay. Skips or external storage containers will be subject to a separate licence agreement, if permitted.

Waste bins should be kept inside the unit and only put out on the day of collection unless there is a designated storage area.

With the exception of waste bins awaiting collection as above or in a designated area, you are not permitted to store rubbish outside the property as this represents a fire and health and safety risk.

Where the property has common areas such as common corridors, service yards and car park spaces, tenants are asked to ensure that these areas are kept neat and tidy and clear of rubbish for the benefit of all occupiers.

## **Intruder alarms**

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The District Council does not, by default, provide intruder alarms, although one might already be in place or have been left by a previous occupier. The provision of security measures is your responsibility, and the installation and maintenance of any additional security systems will be at your expense and subject to Landlord's prior written consent (see 'Alterations and improvements', page 15). This will allow tenants to provide the level of security appropriate to their business.

## **CCTV**

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You can use CCTV to protect your property but you will need to seek the District Council's consent to install this which is classed as an alteration (See page 15). You must also meet the requirements of the Data Protection Act 2018 and the UK GDPR. This means you must:

- Display a sign to let people know that CCTV is being used and why.
- Keep images only as long as your business needs them.
- Be able to respond to a subject access request for images or recorded footage that is retained.
- Share images with the authorities, where there is a lawful basis e.g. the Police, legal professionals, insurance companies.

Further guidance on how to use CCTV can be found on The Information Commissioner's Office website: <https://ico.org.uk/for-organisations/dp-at-the-end-of-the-transition-period/overview-data-protection-and-the-eu/>

## **Animals**

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Unless permitted under the terms of your lease, animals are prohibited on the estate and premises except for Guide/ Assistance Dogs.

## **Gritting**

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There is no provision for gritting of the District Council's commercial estates. Should you want to grit your area, you are permitted to arrange this yourself as long as it does not cause a nuisance, annoyance or disturbance to any other tenant.

## **Cleaning**

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All tenants are responsible for cleaning the areas included in their lease.

### **Who is responsible for cleaning communal areas?**

The Council is responsible for cleaning all communal areas. If you are unsure if the area is communal or to report concerns as to the quality and/or frequency of cleaning of communal areas, please refer to your lease or contact us at: [property@newark-sherwooddc.gov.uk](mailto:property@newark-sherwooddc.gov.uk) or call 01636 650000 and ask for Corporate Property.



## Grounds Maintenance

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### Who is responsible for grounds maintenance?

All tenants are responsible for the grounds maintenance of any external areas included in their lease. It is a condition of all leases that your areas must be kept clean and tidy at all times.

### Who is responsible for the grounds maintenance of communal areas?

The District Council are responsible for the grounds maintenance of all communal areas. If you are unsure if the area is communal or have concerns as to the quality and/or frequency of maintaining, please refer to your lease or contact us at:

[property@newark-sherwooddc.gov.uk](mailto:property@newark-sherwooddc.gov.uk) or call 01636 650000 and ask for Corporate Property.

## Service charge

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A service charge is the method by which a landlord recovers the costs incurred in providing services in communal areas (that is, the parts of the site that are shared between various tenants) at a multiple let estate/building.

### What items of expenditure are included in the service charge?

The services provided vary at each estate or building. For example, multi-let offices normally have communal corridors, meeting rooms, welfare facilities and a kitchen that all the tenants can use. The provision of such services has costs associated with them, for example, cleaning, utility (i.e. electricity) charges, repairs and maintenance.

If a building does not have any internal communal areas, there are still costs which are covered by a service charge, for example grounds maintenance, clearing of gutters, pest control, security, etc. The service charge includes management and other fees for administering these services, details of which set out annually in a separate schedule along with an estimate of the charges. For any further information regarding service charges, contact us at: [property@newark-sherwooddc.gov.uk](mailto:property@newark-sherwooddc.gov.uk) or call 01636 650000 and ask for Corporate Property.

## Health and Safety Requirements

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Newark Sherwood District Council is responsible for letting a property which is compliant with current Health and Safety regulations, this responsibility passes to you as tenant when the lease commences.

All tenants should keep themselves updated and should satisfy all of their own health and safety responsibilities and requirements.

You are responsible for the health and safety of, and have a duty of care for, everyone affected by your business and its activities. This includes both employees and visitors to the premises e.g. customers, contractors etc. Newark and Sherwood District Council is only

responsible for compliance of any Health and Safety legislation that relates to the communal parts of multi-let buildings or areas and, as a tenant, you must not utilise these common areas outside of your leasehold without formal approval from the Council. You, as an employer, are responsible for all Health and Safety legislation that relates to the area demised under your lease. Further information as to your obligations can be found here: [www.gov.uk/renting-business-property-tenant-responsibilities](http://www.gov.uk/renting-business-property-tenant-responsibilities)

You should conduct a thorough assessment of the risks your business faces. Risk is the chance, high or low, that someone or something could be harmed by a hazard. Hazard means anything that can cause harm, e.g. chemicals, electricity, a slippery floor. You must have a policy for how you look after health and safety. If you employ five or more people, this policy must be in writing. Further information is available on the HSE website: [www.hse.gov.uk](http://www.hse.gov.uk)

## **Fire Safety and Fire Risk Assessments**

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The Regulatory Reform (Fire Safety) Order 2005 applies to all non-domestic premises in England and Wales. The law applies to you if you are responsible for business premises, an employer or self-employed with business premises, a charity or voluntary organisation.

Under the Order, the responsible person must take steps to:

- Identify and control fire risks
- Carry out a fire safety risk assessment
- Implement and maintain a fire management plan

As the occupier of premises, you must undertake a fire risk assessment and, where appropriate, link the risk assessment into a wider assessment in respect of larger premises, which should be co-ordinated by the premises manager. A written record must be made if you employ five or more people, or a licence is in force for the premises, such as one for the sale of alcohol or providing entertainment.

If requested, you must provide a copy of your fire risk assessment to the Council within five working days of any request. The Council will undertake fire risk assessments for common areas.

Guidance and information regarding fire safety including how to undertake the fire risk assessment can be found at: [www.hse.gov.uk/toolbox/fire.htm](http://www.hse.gov.uk/toolbox/fire.htm)

## **Electrical Safety**

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The Electricity at Work Regulations 1989 impose health and safety requirements with respect to electricity at work. You must assess the risks of your use of electricity at work and take steps to control these risks, ensuring that electrical installations, fixed and portable appliances are tested and safe, incorporating preventative maintenance and ensuring safe systems of work.

We strongly recommend you seek independent professional advice in regard to electrical safety as individual requirements differ depending on the type of commercial premises being occupied and your use.

At the commencement of your lease you will be provided with an up to date EICR electrical test certificate for the installed hard wired supply in the property. It is your responsibility to keep this updated and to ensure any subsequently identified works are carried out. Any work must be completed by a registered and competent electrician who can provide the requisite electrical test certificate.

If requested, you must provide a copy of any electrical certificates to the Council within five working days of any request.

For the avoidance of doubt, the Council as Landlord is not responsible for Portable Appliance Testing (PAT Testing). You as tenant are fully responsible.

Further information on electrical safety at work can be found at: [www.hse.gov.uk/electricity/](http://www.hse.gov.uk/electricity/)

## Gas Appliances

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In the event of your premises having any form of gas appliances and/or flues, they must be tested in accordance with the Gas Safety (Installation and Use) Regulations 1998. In commercial premises it is the tenant's responsibility to undertake the tests.

The Gas Safety (Installation and Use) Regulations 1998 require that:

- A gas boiler is serviced annually by a registered contractor;
- Gas catering equipment is serviced annually by a registered contractor;
- All gas appliances have an annual gas safety check carried out by a registered contractor.

The Gas Safe Register is the official gas registration body for the United Kingdom and operates under an agreement with the Health and Safety Executive.

Further information can be found here: [www.hse.gov.uk/toolbox/gas.htm](http://www.hse.gov.uk/toolbox/gas.htm)

At the commencement of your lease, you will be provided with an up to date Landlord's Gas Safety Certificate. It is your responsibility to keep this updated and to ensure any subsequently identified works are carried out.

If requested, you must provide a copy of your Gas Safety Certificate to the District Council within five working days of any request.

## Water Supply

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Employers who manage premises with hot/cold water services and/or wet cooling systems (e.g. evaporative condensers) must understand the health risks associated with legionella and how to control those risks.

There is a requirement to notify Environmental Protection of all wet cooling towers. Further information and an online notification form can be found on the website.

For the technical detail on how to manage and control the risks in your system, you should consult the Approved Code of Practice (ACOP) and guidance "The Control of Legionella Bacteria in Water Systems" and "Legionnaires Disease: A Brief Guide for Duty Holders", which are available on the HSE website: <https://www.hse.gov.uk/legionnaires>

Newark and Sherwood District Council is responsible for the control of Legionnaires Disease for services that fall within the communal parts of multi-let buildings. You as employer are responsible for the control of Legionnaires Disease that relate to the area demised under your lease and you must have suitable control measures in place.

## Asbestos

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Whoever is responsible for maintaining all or part of a business premises (or any building or premises that is not a private dwelling) has a legal duty to manage any asbestos in that premises.

Depending on the terms of the lease, this could be you as the tenant or the Council as the landlord. In the event that maintenance responsibilities are not clearly specified, the legal duty rests with the party which has the greatest degree of control over the premises. In most circumstances the responsibility lies with you as the tenant.

Where you are the legal duty holder, you must comply with current legislation which includes but is not limited to:

- Taking reasonable steps to determine the location and condition of materials likely to contain asbestos;
- Presuming materials contain asbestos unless there is strong evidence that they do not;
- Keeping an up-to-date record of the location and condition of the asbestos-containing materials (ACMs) or presumed ACMs in the premises;
- Assessing the risk of the likelihood of anyone being exposed to fibres from these materials;
- Providing information on the location and condition of the materials to anyone who is liable to work on or disturb them;
- Preparing a plan setting out how the risks from the materials are to be managed;
- Taking the necessary steps to put the plan into action;
- Reviewing and monitoring the plan periodically.

Remember that even if you are not legally responsible for managing asbestos risks in your premises, you have a legal duty to co-operate with the party who is; this is known as the 'duty to assist'.

Tenants, for example, must allow the landlord access to the premises to conduct inspections (if applicable). If the tenant has the responsibility, a landlord must disclose relevant information to both current and new tenants.

Where the Council has undertaken an asbestos survey of the premises, this does not infer any legal responsibility or liability. A copy of the asbestos survey will be passed to the tenant relating to the area occupied as part of the 'duty to assist'.

Anyone undertaking any work to the premises must check the asbestos survey before commencing.

At the start of your lease you will have been provided with an up to date Asbestos Management Plan. In accordance with statutory legislation you are responsible for arranging for the Asbestos Management Plan to be updated every 12 months (as a minimum) in accordance with the Control of Asbestos Legislation Regulations 2012.

If requested, you must provide a copy of your Asbestos Management Plan within five working days of any request.

Further information is available here: <https://www.hse.gov.uk/asbestos/>

## Smoking

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Smoke-free legislation was introduced in England in 2007, banning smoking in nearly all enclosed workplaces and public spaces.

Businesses must:

- Display 'no smoking' signs in all workplaces and vehicles;
- Make sure people don't smoke in enclosed work premises or shared vehicles;
- Not provide staff smoking rooms. All smokers must go outside.

Please ensure any staff or visitors that smoke:

- Smoke outside away from any buildings;
- Do not cause a nuisance to any occupiers or members of the public;
- Dispose of cigarettes responsibly.

Please note, disposing of cigarette butts and similar on the floor or grounds of the estate is strictly prohibited.

Businesses can be fined up to £2,500 if they don't stop people smoking in the workplace or up to £1,000 if they don't display 'no smoking' signs. Further information can be found here: <https://www.hse.gov.uk/contact/faqs/smoking.htm>

## Regulatory Compliance

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The information above is included in this Handbook as guidance only.

Newark and Sherwood District Council is only responsible for compliance of any Health and Safety legislation that relates to the communal parts of multi-let buildings.

You as employer are responsible for all Health and Safety legislation that relates to the area demised under your lease.

No reliance can be placed on the information in the above section. The list is not exhaustive and you as the tenant are fully responsible for obtaining your own independent advice about compliance.

## Ending Your Tenancy

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### What happens at the end of my lease - will I be granted a new lease?

A commercial lease usually continues until its end date unless a termination clause has been included. Before your current lease ends, we will contact you six months prior and discuss options with you.

Please note that the District Council is not always obligated to renew your lease. Reasons for not renewing your lease include, but are not limited to:

- You have rent arrears
- You have not maintained or repaired the premises to an acceptable standard
- You have not maintained mandatory compliance standards
- Anti-social behaviour

### How do you decide the terms of my new lease?

We will contact and discuss the terms of your new lease with you. If you want to discuss a renewal at any point, please do not hesitate to contact Corporate Property:

Email: [property@newark-sherwooddc.gov.uk](mailto:property@newark-sherwooddc.gov.uk)

Telephone: 01636 650000 and ask for Corporate Property

### Notice periods

If your lease permits you to terminate before the end date, you must give the required amount of notice as specified in your lease. Notice must be given in writing as set out in your lease; a telephone call or email is not sufficient.

Notice must be served on the District Council for the attention of Corporate Property at:

Newark and Sherwood District Council, Castle House, Great North Road, Newark,  
Nottinghamshire, NG24 1BY

### **Repair, decoration and condition**

Before you leave, you must provide the District Council with full vacant possession and leave the premises in good condition, repair and compliant as set out in your lease. The premises must be handed back in the same layout as when you took occupation. Reference will be made to the Schedule of Condition carried out at handover to you.

### **What do I need to do before moving out?**

All your goods, fixtures and fittings, including any tenants' improvements or alterations to the property, must have been removed from the premises and any damage caused by their removal must be made good. The repair, decoration and compliance requirements under the lease must be complied with. Any additions to the standard electrical fit-out must also be removed.

The property must be left clean and tidy and suitable for immediate occupation. You must also provide us with a photograph of your final utility meter readings.

You will also need to provide us with up-to-date compliance documentation including Electrical Safety Certificate, Gas Safety Certificate, Legionella log book and updated Asbestos Management Plan etc. We will advise what documentation is required to be presented when notice has been given.

### **What are dilapidations?**

Dilapidations are those works which, in the opinion of a landlord, are necessary to ensure a tenant has complied with their repairing decoration and maintenance obligations under the terms of the lease.

In assessing your dilapidations liability, we will have regard to the photographic schedule of condition attached to your lease (if applicable).

The District Council will exercise the right to inspect the premises, prior to the expiry or termination of the lease, and will, if necessary, serve notice on you of those matters which require to be rectified to ensure compliance with your maintenance obligations. In some circumstances, the Council reserves the right to instruct a third party specialist to assist with this process.

Usually you will be notified of your dilapidations responsibility by being sent a document called a 'Schedule of Dilapidations'. If you do not undertake the work within a specified time, the Council reserves the right to arrange for the work to be undertaken and to recover the costs from you. The Council may also seek to claim loss of rental income on the grounds of failure to comply with the lease obligations if this has delayed the letting of the property to another tenant.

### **Clearing the property**

As well as carrying out any repairs we consider necessary, you must make sure that all your goods and equipment are removed from the property and it is left clear, clean and tidy. If you leave any items in the property, we will give you reasonable notice that they

must be removed. If you do not remove the items within the time frame indicated in the notice, the Council will deem these as abandoned and we reserve the right to sell or dispose of anything you have left. You will be responsible for any costs we incur, and we will use the proceeds of any sale towards any outstanding payments due to us. If we have to clear the building, we will not accept responsibility for loss caused as a result of the removal of any item from the property.

## **When you leave**

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On the date you leave you will need to:

- Read all utility meters and provide us with a photograph of the reading that also includes the serial number of the meter;
- Notify utility suppliers of your departure;
- Notify the suppliers of your telephone, fire alarm, security alarm etc.
- Provide us with evidence that any gas and electrical appliances have been regularly serviced and maintained under a service agreement;
- Provide up-to-date and valid compliance certifications such as electrical/gas/asbestos certificates and confirmation that any identified faults have been rectified. In the absence of this, the Council will commission such certificates and we reserve the right to recover the cost of the report and the cost of rectifying the defects;
  - Secure the property and return all keys to Corporate Property. Please note that returning the keys before the agreed vacation date will not terminate your liability unless previously agreed in writing by the Council.

## **Additional information**

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Set out below is additional information we hope you find helpful.

### **Energy Performance Certificate**

An EPC is required on the sale, rental or construction of most commercial buildings.

This will include the assignment or sub-letting of premises. In these circumstances, the responsibility for obtaining the certificate rests with the tenant, as you will be selling your interest in the premises. Before arranging an EPC you must obtain the Council's prior written consent to do so.

The certificate is valid for ten years, providing there have been no material changes.

An EPC is required for buildings that have a roof and walls and use energy to condition the indoor climate (i.e. heating system, air conditioning or mechanical ventilation).

Further information can be found on the gov.uk website: [www.gov.uk/energy-performance-certificate-commercial-property](http://www.gov.uk/energy-performance-certificate-commercial-property)



## **Business Continuity Planning**

Business Continuity Planning is the means by which organisations plan to maintain their business in the event of adverse impact to critical elements of that business. It is the process of planning for the unexpected.

An effective plan will provide you with procedures to minimise the effects of unexpected disruptions. The plan should enable your business to recover quickly and efficiently, with minimum disruption to your day to-day activities.

It is your responsibility as the tenant to make suitable arrangement for business continuity. The Council is not liable for arranging this for you and it is not covered by the Council's buildings insurance policy.

## **Equality Act**

Equality law applies to everyone responsible for running a business or who might do something on its behalf, including staff if you are an employer.

Further information can be found on the Equality and Human Rights Commission website: <https://www.equalityhumanrights.com/en>

## **Feedback**

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Your feedback is important to us and we welcome all comments.

### **Your views**

If you have any comments or suggestions about this guide please send them to us at: [property@newark-sherwooddc.gov.uk](mailto:property@newark-sherwooddc.gov.uk)

We aim to deliver our services efficiently, fairly and politely. If you are not satisfied with our work regarding property management issues please contact us: [customerservices@newark-sherwooddc.gov.uk](mailto:customerservices@newark-sherwooddc.gov.uk)

### **Equality and diversity**

We value the diversity of people in NSDC and are committed to ensuring equality of access to all our services.

Further information can be found on the District Council's website: [www.newark-sherwooddc.gov.uk/equality/](http://www.newark-sherwooddc.gov.uk/equality/)

### **Complaints and compliments**

We aim to provide our customers with good services, but sometimes things go wrong. When this happens, we want you to tell us so that we can put these things right.

If you have ideas about how to improve our service, or if you are pleased about the service you have received, we would also like to hear from you.

Further information about the District Council's corporate complaints procedure and how to provide feedback can be found on the Council's website: [www.newark-sherwooddc.gov.uk/contactus/](http://www.newark-sherwooddc.gov.uk/contactus/)

## **Useful contacts**

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### **Corporate Property**

For help with your property and lease agreement:

- Lease agreement
- Giving notice
- Rent reviews and lease renewals
- Common area issues including parking, lighting, maintenance
- Consents for signage, alterations, inclusions and improvements
- Capital upgrades

Email: [property@newark-sherwooddc.gov.uk](mailto:property@newark-sherwooddc.gov.uk)

Telephone: 01636 650000 and ask for Corporate Property

### **Income and Payment**

For help with your rent and other payments:

- Rent payments or arrears
- Deposits

Email: [sundry.income@newark-sherwooddc.gov.uk](mailto:sundry.income@newark-sherwooddc.gov.uk)

Telephone: 01636 650000 and ask for Sundry Income

### **Business Rates and Grants**

For help with your business rates and grants:

- Non Domestic Business Rates (NDBR)
- Small business rate relief
- Rate payments
- Rate arrears
- Rate assessments
- Grants

Email: [business.rates@newark-sherwooddc.gov.uk](mailto:business.rates@newark-sherwooddc.gov.uk)

Telephone: 01636 650000 and ask for Revenues

### **Business Regulatory Support**

For wider regulatory and consent matters:

- Licensing
- Food Safety
- Health and Safety
- Trading Standards
- Fire Safety
- Planning/ Building Control
- Environmental Consultancy
- Pest Control

Email: [environmental.health@newark-sherwooddc.gov.uk](mailto:environmental.health@newark-sherwooddc.gov.uk)

Telephone: 01636 650000 and ask for Environmental Health

### **Growth Hub**

For free and confidential business advice:

- Business planning
- Skills development
- Investment and support

Website: [www.investnewarksherwood.co.uk](http://www.investnewarksherwood.co.uk)

Email: [economic.growth@newark-sherwooddc.gov.uk](mailto:economic.growth@newark-sherwooddc.gov.uk)

Telephone: 01636 650000 and ask for Economic Growth

**NEWARK AND SHERWOOD DISTRICT COUNCIL – CORPORATE PROPERTY  
PROPERTY INSPECTION FORM**

**ADDRESS:**

**TENANT NAME:**

**COMPANY NAME:**

**TELEPHONE:**

**EMAIL:**

**REASON FOR INSPECTION: VACATION/NEW TENANT/3 MONTH NOTICE/AUDIT INSPECTION**

**INSPECTION BY:**  
(NSDC - Landlord) \_\_\_\_\_

**DATE:** \_\_\_\_\_

**PROPERTY CONDITION**

<b>ELEMENT</b>	<b>WORK REQUIRED Y/N</b>	<b>DETAILS</b>	<b>WORK TO BE COMPLETED BY</b>
DECORATION/ PAINTWORK			
INTERNAL WALLS			
CEILINGS			
FLOORING/CARPET			
WINDOWS/FRAMES BLINDS			
DOORS/FRAMES			
ROLLER SHUTTER DOORS			

LIGHTING/FIXTURES			
HEATING			
KITCHENETTE AND WELFARE			
TOILET BLOCK			
ELECTRICS			
INTERNAL CLEANLINESS			
EXTERNAL CLEANLINESS			
GUTTERS AND GULLEYS			
EXTERNAL BRICKWORK			
EXTERNAL ROOF			
DRIVEWAY			
MISCELLANEOUS			
<b>TENANTS FIXTURES AND FITTINGS</b>		<b>DETAILS</b>	

<b>TENANCY ISSUES</b>		<b>DETAILS</b>	
FIRE RISK ASSESSMENT	YES/NO		
ASBESTOS REGISTER	YES/NO		
LEGIONELLA LOGBOOK/TESTING	YES/NO		
EICR ELECTRICAL SAFETY CERTIFICATE	YES/NO		
BUILDING REGULATIONS AND CERTIFICATES	YES/NO		
EMERGENCY LIGHTIING	YES/NO		
OTHER ISSUES			
<b>UTILITIES</b>	<b>FINAL READINGS</b>	<b>METER NUMBER</b>	
ELECTRICITY			
WATER			
GAS			

**PHOTOGRAPHS**

Insert picture into table, put text below, add as required

Front Elevation/Driveway	Rear Elevation/Driveway
Side Elevation	Side Elevation
Roof Front	Roof Rear
Internal Front Elevation	External Side Elevation
Internal Side Elevation	Internal Side Elevation
Internal Roof Front	Internal Roof Rear
Kitchenette	Toilet
Distribution Board	Electric Meter (Current Reading)
Other	Other

**TENANT:**

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

**NSDC - LANDLORD:**

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

**NEWARK AND SHERWOOD DISTRICT COUNCIL – CORPORATE PROPERTY  
PROPERTY INSPECTION FORM**

**ADDRESS:** Unit 6, Woodland Close, Clipstone, Notts NG

**TENANT NAME:**

**COMPANY NAME:** LIS

**TELEPHONE:** 07971 063420    **EMAIL:**

**REASON FOR INSPECTION:** ~~VACATION/NEW TENANT/3 MONTH NOTICE/AUDIT INSPECTION~~

**INSPECTION BY:** Stuart Sheardown  
(NSDC - Landlord)

**DATE:** 17/08/22

**PROPERTY CONDITION**

<b>ELEMENT</b>	<b>Work Required Y/N</b>	<b>DETAILS</b>	<b>WORK TO BE COMPLETED BY</b>
DECORATION/ PAINTWORK	Y	Walls require decorating	Tenant
INTERNAL WALLS (any damage)	Y	Internal partitions are in a very poor state.	Tenant (remove office)
CEILINGS/ROOF	Y	Ceiling to unit is ok. Ceilings to partitions are artex and could contain asbestos and in a very poor condition.	Tenant (remove office) Asbestos survey report NSD/MA/JC/1079 0 notes no asbestos present
FLOORING/CARPET (damage/stains)	N	Concrete floor.	
WINDOWS/FRAMES /VERTICAL BLINDS	N		
DOORS/FRAMES/ ROLLER SHUTTERS	N		



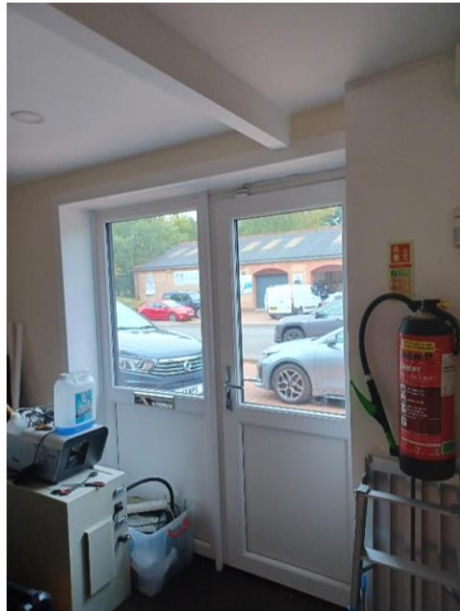
LIGHTING/FIXTURES	Y	No evidence regarding electrical checks.	Tenant
HEATING	Y	Gas heater in workshop/store. No evidence of recent service.	Landlord/Tenant
ELECTRICS	Y	Test required	Tenant
WATER HEATER	N	Water heaters appear to be working ok.	
KITCHEN UNIT	Y	Kitchen unit quite old and due for replacement	Landlord
TOILET/BATHROOM	N	Clean	Tenant
CLEANLINESS OF UNIT	Y	Unit full of stock and needs general tidy up	Tenant
EXTERNAL CLEANLINESS	N		
GUTTERS	N		
EXTERNAL BRICKWORK	N		
MISCELLANEOUS	Y	Offices built by tenant in a very poor state with items stored on the roof. Beam providing support to internal office roof does not appear to have a large enough bearing.	Tenant (remove office)
<b>TENANTS FIXTURES AND FITTINGS</b>		<b>DETAILS</b>	
Offices/chattels		As above	Tenant
<b>TENANCY ISSUES</b>		<b>DETAILS</b>	

FIRE RISK ASSESSMENT	<del>YES</del> /NO	FRA required for tenant operations, no evidence seen of Landlord FRA	Landlord
ASBESTOS REGISTER	YES/ <del>NO</del>	NSDC has copy on file	Landlord
LEGIONELLA LOGBOOK/TESTING	<del>YES</del> /NO	Tenant has not maintained, Landlord to pick up duty upon handover	Landlord
EICR ELECTRICAL SAFETY CERTIFICATE	<del>YES</del> /NO	Tenant has duty, landlord will pick up duty upon handover	Landlord
BUILDING REGULATIONS AND CERTIFICATES	<del>YES</del> /NO	Offices and internal structures not certified, tenant to remove	Tenant
OTHER ISSUES			
<b>UTILITIES</b>	<b>FINAL READINGS</b>	<b>METER NUMBER</b>	
ELECTRICITY			
WATER			
GAS			

**PHOTOGRAPHS**



**Front Elevation**



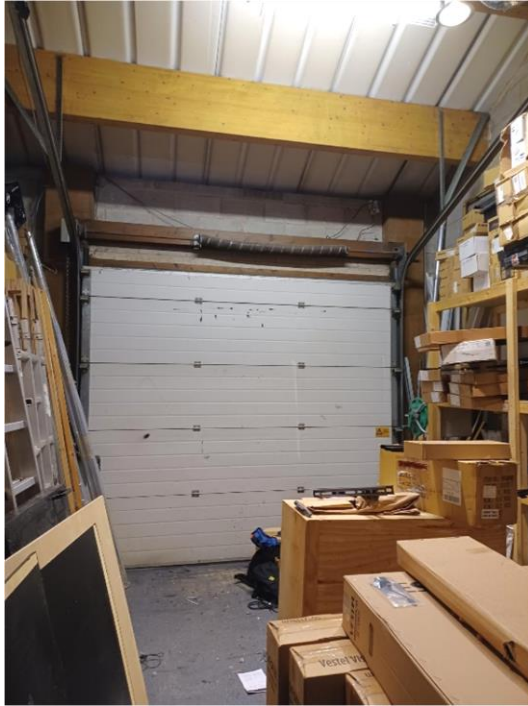
**Inside Front Door**



Office



Office



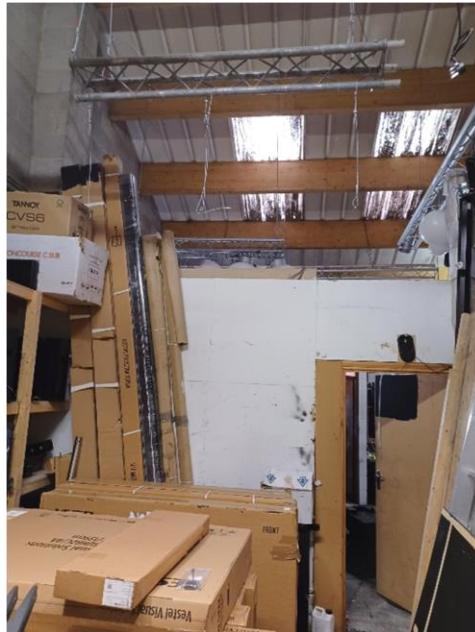
Inside front roller shutter



Storage



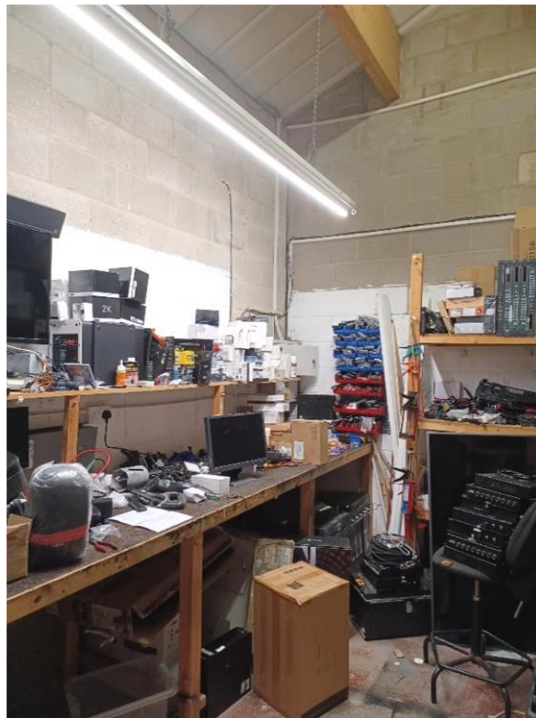
**Office timber stud wall**



**Door to office**



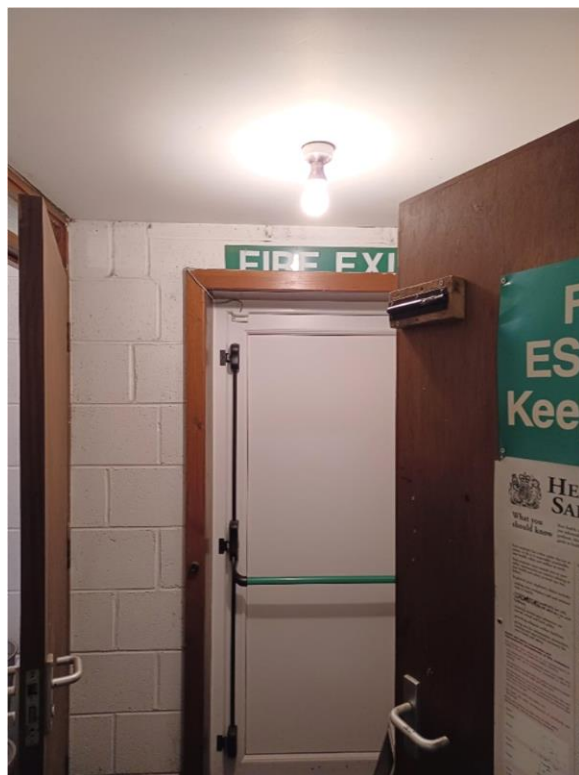
**Kitchen Area**



**Workshop Store**



Door to WC





Rear fire exit door



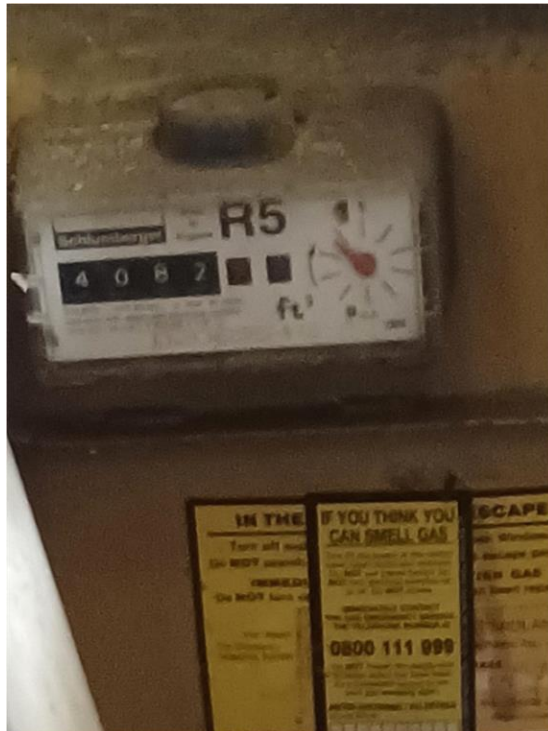
WC



Consumer Unit



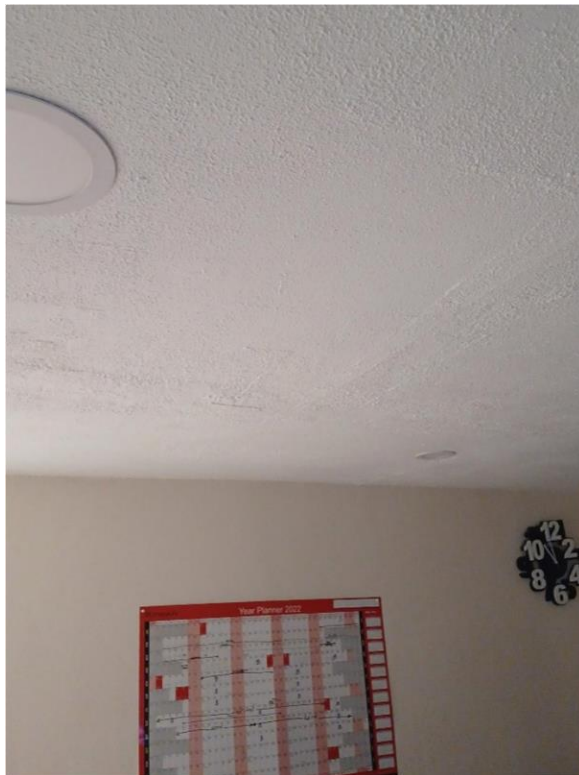
Electric meter read



Meter Read



Gas Heater



Ceiling to office

**TENANT:**

**Signed:** \_\_\_\_\_ **Print Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**NSDC - LANDLORD:**

**Signed:** \_\_\_\_\_ **Print Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_



Report to: Policy & Performance Improvement Committee – 30 January 2023

Director Lead: Sanjiv Kohli – Deputy Chief Executive and Director - Resources

Lead Officer: Nick Wilson, Business Manager – Financial Services, Ext. 5317

Report Summary	
<b>Report Title</b>	Update to the Medium-Term Financial Plan 2022/23 to 2025/26
<b>Purpose of Report</b>	To update Members on the position of the currently approved Medium Term Financial Plan
<b>Recommendations</b>	Members note the update to the Medium-Term Financial Plan

## 1.0 Background

1.1 The current Medium Term Financial Plan (MTFP) was set at Council on 8 March 2022 for the period 2022/23 to 2025/26.

1.2 The tables below are extracts from that report and show the forecasted financial position of the authority at that point in time.

<b>Table 1</b>	<b>2022/23 (£m)</b>	<b>2023/24 (£m)</b>	<b>2024/25 (£m)</b>	<b>2025/26 (£m)</b>
Net Service Expenditure (less capital charges)	14.388	14.517	14.900	15.343
Total Other Expenditure	1.172	1.877	1.874	1.898
<b>Total Expenditure</b>	<b>15.560</b>	<b>16.394</b>	<b>16.774</b>	<b>17.241</b>
Business Rates: receivable annually	(6.744)	(4.413)	(5.082)	(5.639)
Business Rates: other adjustments	0.341	0.000	0.000	0.000
Council Tax: receivable annually	(7.646)	(7.966)	(8.299)	(8.646)
Council Tax: surpluses/(deficits)	(0.333)	0.000	0.000	0.000
Council Tax: other adjustments	0.047	0.000	0.000	0.000
Other Grants	(0.568)	(0.568)	(0.464)	(0.475)
<b>Contribution (to) or from Reserves</b>	<b>0.657</b>	<b>3.447</b>	<b>2.929</b>	<b>2.481</b>

<b>Table 2</b>	<b>2022/23 (£m)</b>	<b>2023/24 (£m)</b>	<b>2024/25 (£m)</b>	<b>2025/26 (£m)</b>
<b>Contribution (to) or from reserves</b>	<b>0.657</b>	<b>3.447</b>	<b>2.929</b>	<b>2.481</b>
Contribution (to) or from reserves other than MTFP reserve	(0.096)	0.200	0.200	0.200

<b>Contribution (to) or from MTFP reserve, before proposed mitigations below</b>	<b>0.561</b>	<b>3.647</b>	<b>3.129</b>	<b>2.681</b>
Use of MTFP reserve to offset contributions from reserves in future years	0.039	(2.947)	(1.979)	(0.635)
Contribution from Nottinghamshire Business Rates Pool	(0.600)	-	-	-
Dividends from Arkwood Developments Ltd	-	(0.500)	(0.500)	(0.500)
Savings from service reviews	-	-	(0.100)	(0.100)
Savings/efficiencies from making business processes more efficient	-	(0.100)	(0.200)	(0.200)
Increased income from the council becoming more commercial	-	(0.100)	(0.200)	(0.200)
Rental income from town centre regeneration	-	-	(0.150)	(0.150)
<b>Contribution (to) or from MTFP reserve, after proposed mitigations above</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>	<b>0.896</b>

- 1.3 The tables showed that over the four-year period of the MTFP that £0.896m would need to be found in order to fund the budget. This was after the mitigations described in Table 2, which are yet to be realised.
- 1.4 The national context around future local government funding is uncertain. At the time of writing the MTFP in January 2022 it was expected that a consultation paper would be published during Spring/Summer 2022 (prior to the Summer Recess) on the Fair Funding Review which would seek to rebalance the funding formula used to assess resource needs for local authorities.
- 1.5 The Budget Strategy presented to Cabinet on 12 July 2022 suggested that Civil Servant and Ministerial time has been diverted from the review of local government funding onto other activities (Omicron, War in Ukraine, Increase in the cost of living etc) and hence it is inevitable that a delay in the local government funding reforms until after 2023/24 will occur. The modelling in the table above assumed that the reforms would be implemented during 2023/24 and hence, as this is now unlikely, there will be a positive impact on the Councils current MTFP.
- 1.6 Officers have forecast for some time that changes based on the Fair Funding Review and the reset of the baseline funding levels for Business Rates will come into force. Originally these changes were meant to be implemented from the 2020/21 financial year, although Brexit was the main cause of the first delay. Since that point the pandemic has pushed the timetable backwards. Secretary of State Michael Gove (whilst he took that position over the summer period) described at the LGA conference that the Local Government Finance Settlement for the 2023/24 financial year would be a two-year financial settlement, which would give ministers the time in order to properly consider the changes and the impacts on local authorities, whilst also giving local authorities the certainty of funding for a two year period.

1.7 Due to this Officers have used the assumptions set within the Budget Strategy and liaised with our external advisors regarding future government funding to complete a desktop review and revise the MTFP.

1.8 The tables below show the updated position based on the increases in inflation set within the Budget Strategy, together with the assumption that the changes in the local government finance system will not be brought in until 2025/26 at the earliest.

<b>Table 3</b>	<b>2023/24 (£m)</b>	<b>2024/25 (£m)</b>	<b>2025/26 (£m)</b>
Net Service Expenditure (less capital charges)	15.733	16.027	16.573
Total Other Expenditure	1.954	1.951	1.975
<b>Total Expenditure</b>	<b>17.687</b>	<b>17.978</b>	<b>18.548</b>
Business Rates	(8.474)	(9.430)	(7.722)
Council Tax	(7.966)	(8.299)	(8.646)
Other Grants	(0.568)	(0.420)	(0.316)
<b>Contribution (to) or from Reserves</b>	<b>0.679</b>	<b>(0.171)</b>	<b>1.864</b>

<b>Table 4</b>	<b>2023/24 (£m)</b>	<b>2024/25 (£m)</b>	<b>2025/26 (£m)</b>
<b>Contribution (to) or from reserves</b>	<b>0.679</b>	<b>(0.171)</b>	<b>1.864</b>
Contribution (to) or from reserves other than MTFP reserve	0.244	0.256	0.262
<b>Contribution (to) or from MTFP reserve</b>	<b>0.923</b>	<b>0.085</b>	<b>2.126</b>
Use of MTFP reserve to offset contributions from reserves in future years	0.177	1.665	(0.976)
Contribution from Nottinghamshire Business Rates Pool	(0.600)	(0.600)	0.000
Dividends from Arkwood Developments Ltd	(0.500)	(0.500)	(0.500)
Savings from service reviews	0.000	(0.100)	(0.100)
Savings/efficiencies from making business processes more efficient	0.000	(0.200)	(0.200)
Increased income from the council becoming more commercial	0.000	(0.200)	(0.200)
Rental income from town centre regeneration	0.000	(0.150)	(0.150)
<b>Contribution (to) or from reserves, after proposed mitigations above</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>

1.9 As can be seen from the two tables, the overall impact has had a positive impact over the revised MTFP. The gap of £0.896m in 2025/26 will be funded should all of the initiatives as described in Table 4 be implemented.

1.10 Should the initiatives identified in the table above not be implemented, this would require a contribution from the MTFP reserve in order to fund the budget.

- 1.11 The detailed budgets are currently being produced which will give further clarity over budget requirements going forward. The draft Local Government Finance Settlement will be released during December 2022, which will give clarity over the Councils' funding together with the parameters for any increases in Council Tax.
- 1.12 The MTFP will then be brought back to Cabinet in February 2023 to be recommended on to Council in March 2023 for approval, alongside the budget setting report for the 2023/24 financial year.

## **2.0 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**

Medium Term Financial Plan 2022/23 to 2025/26



## Forward Plan

For the Period January 2023 - April 2023



### What is the Plan?

This Forward Plan sets out all of the Key Decisions that are expected to be taken during the period referred to above. The Council has a statutory duty to prepare this document, in accordance, with the Local Government Act 2000 (as amended). The Plan is published monthly and will be available on the [Council's Website](#).

### What is a Key Decision?

The decisions listed in this plan are 'Key Decisions'. A Key Decision is one that is likely to:

- (a) Result in the Council spending or making savings of over £150,000 revenue or £300,000 in capital, or;
- (b) Where the impact of the decision would be significant in terms of its impact on communities living or working in two or more Wards.

Under the Council's Constitution, Key Decisions are made by the Cabinet, Portfolio Holders, or officers acting under delegated powers.

### Exempt Information

The plan also lists those 'Exempt' Key Decisions which are going to be taken over the next four months. Exempt Key Decisions are those decisions which have to be taken in private. This is because they involve confidential or exempt information which cannot be shared with the public.

Agenda papers for Cabinet meetings are published on the Council's website 5 working days before the meeting [here](#). Any items marked confidential or exempt will not be available for public inspection.

Any background paper listed can be obtained by contacting the Responsible Officer. Responsible officers can be contacted on 01636 650000 or [customerservices@newark-sherwooddc.gov.uk](mailto:customerservices@newark-sherwooddc.gov.uk)

<b>Decision to be taken / Report title and Summary</b>	<b>Decision maker</b>	<b>Date Decision to be taken</b>	<b>Responsible Portfolio Holder</b>	<b>Responsible Officer</b>	<b>Exempt y/n and Grounds for exemption</b>	<b>Date decision can be implemented</b>
2023/24 HRA Budget and Rent Setting	Cabinet	17 Jan 2023	Leader - Portfolio Holder Strategy, Performance and Finance, Portfolio Holder - Homes and Health	Nick Wilson, Business Manager- Financial Services Nick.Wilson@newark-sherwooddc.gov.uk, Suzanne Shead suzanne.shead@newark-sherwooddc.gov.uk	Open	23 Jan 2023
Environmental Enforcement	Cabinet	17 Jan 2023	Portfolio Holder - Cleaner, Safer, Greener	Alan Batty, Business Manager - Public Protection alan.batty@newark-sherwooddc.gov.uk	Open	23 Jan 2023
Final 2023/24 General Fund and Capital Budget	Cabinet	21 Feb 2023	Leader - Portfolio Holder Strategy, Performance and Finance	Nick Wilson, Business Manager- Financial Services Nick.Wilson@newark-sherwooddc.gov.uk	Open	27 Feb 2023
Medium Term Financial Plan 2023/24 to 2026/27	Cabinet	21 Feb 2023	Leader - Portfolio Holder Strategy, Performance and Finance	Nick Wilson, Business Manager- Financial Services Nick.Wilson@newark-	Open	27 Feb 2023

Decision to be taken / Report title and Summary	Decision Maker	Date Decision to be taken	Responsible Portfolio Holder	Responsible Officer	Exempt y/n and Grounds for exemption	Date decision can be implemented
				sherwooddc.gov.uk		
Empty Homes Premium	Cabinet	21 Feb 2023	Leader - Portfolio Holder Strategy, Performance and Finance	Nick Wilson, Business Manager- Financial Services Nick.Wilson@newark-sherwooddc.gov.uk	Open	27 Feb 2023
Cost of Living Response	Cabinet	21 Feb 2023	Leader - Portfolio Holder Strategy, Performance and Finance	Suzanne Shead suzanne.shead@newark-sherwooddc.gov.uk	Open	27 Feb 2023
Stodman Street Update	Cabinet	21 Feb 2023	Leader - Portfolio Holder Strategy, Performance and Finance	Mark Eyre, Business Manager- Corporate Property Mark.Eyre@newark-sherwooddc.gov.uk	Part exempt	27 Feb 2023
Consultation Feedback and the proposal for a Kerbside Glass Recycling Service in Newark & Sherwood	Cabinet	21 Feb 2023	Leader - Portfolio Holder Strategy, Performance and Finance	Andrew Kirk, Business Manager - Environmental Services Andrew.Kirk@newark-sherwooddc.gov.uk	Open	27 Feb 2023

Decision to be taken / Report title and Summary	Decision Maker	Date Decision to be taken	Responsible Portfolio Holder	Responsible Officer	Exempt y/n and Grounds for exemption	Date decision can be implemented
A46 Northern Bypass, Newark Gateway and Lorry Park	Cabinet	21 Feb 2023	Portfolio Holder- Economic Development and Visitors	Matt Lamb, Director - Planning and Growth Matt.Lamb@newark-sherwooddc.gov.uk	Open	27 Feb 2023
Amended Allocations and Development Management DPD Representation Period and Gypsy, Roma Traveller Site Provision and Delivery	Cabinet	21 Feb 2023	Portfolio Holder- Economic Development and Visitors	Matthew Norton, Business Manager - Planning Policy matthew.norton@newark-sherwooddc.gov.uk	Part exempt	27 Feb 2023
Edwinstowe Forest Corner Project	Cabinet	21 Feb 2023	Portfolio Holder- Economic Development and Visitors	Neil Cuttell Neil.Cuttell@newark-sherwooddc.gov.uk	Open	27 Feb 2023
Tenancy Agreement Review	Cabinet	21 Feb 2023	Portfolio Holder - Homes and Health	Julie Davidson, Business Manager- Housing and Estates Julie.Davidson@newark-sherwooddc.gov.uk	Open	27 Feb 2023
Lorry Park Investment	Cabinet	21 Feb 2023	Portfolio Holder - Cleaner, Safer, Greener	Matt Finch, Director- Communities & Environment Matthew.Finch@newar	Open	27 Feb 2023

Decision to be taken / Report title and Summary	Decision Maker	Date Decision to be taken	Responsible Portfolio Holder	Responsible Officer	Exempt y/n and Grounds for exemption	Date decision can be implemented
				k-sherwooddc.gov.uk		
Arkwood Developments Business Plan	Executive Shareholder Committee	21 Mar 2023	Leader - Portfolio Holder Strategy, Performance and Finance	Suzanne Shead suzanne.shead@newark-sherwooddc.gov.uk	Fully exempt <i>Commercially Sensitive information</i>	27 March 2023
Supporting Future Business Growth	Cabinet	4 Apr 2023	Leader - Portfolio Holder Strategy, Performance and Finance	Nick Wilson, Business Manager- Financial Services Nick.Wilson@newark-sherwooddc.gov.uk, Neil Cuttell Neil.Cuttell@newark-sherwooddc.gov.uk	Open	12 April 2023
Customer Strategy	Cabinet	4 Apr 2023	Deputy Leader - Portfolio Holder Organisational Development and Governance	Jill Baker, Business Manager - Customer Services Jill.baker@newark-sherwooddc.gov.uk	Open	12 April 2023
Communications Strategy	Cabinet	4 Apr 2023	Leader - Portfolio Holder Strategy, Performance and Finance	Sarah Lacey, Communication and Marketing Manager Sarah.lacey@newark-	Open	12 April 2023

Decision to be taken / Report title and Summary	Decision Maker	Date Decision to be taken	Responsible Portfolio Holder	Responsible Officer	Exempt y/n and Grounds for exemption	Date decision can be implemented
				sherwooddc.gov.uk		
Options for Brunel Drive and Farrar Close	Cabinet	4 Apr 2023	Portfolio Holder- Economic Development and Visitors	Mark Eyre, Business Manager- Corporate Property Mark.Eyre@newark-sherwooddc.gov.uk	Part exempt <i>Commercially sensitive information</i>	12 April 2023
Castle Gatehouse - Delivery Application	Cabinet	4 Apr 2023	Portfolio Holder- Economic Development and Visitors	Carys Coulton-Jones, Business Manager- Heritage, Culture and Visitors Carys.Coulton-Jones@newark-sherwooddc.gov.uk	Part exempt	12 April 2023
Promotion of Tourism	Cabinet	4 Apr 2023	Portfolio Holder- Economic Development and Visitors	Neil Cuttell Neil.Cuttell@newark-sherwooddc.gov.uk	Open	12 April 2023
Housing Strategy 2022-2027	Cabinet	4 Apr 2023	Portfolio Holder - Homes and Health	Cara Clarkson, Strategic Housing cara.clarkson@newark-sherwooddc.gov.uk	Open	12 April 2023

## 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, 1 November 2022 at 6.00 pm.

PRESENT: Councillor K Girling, Councillor Mrs R Holloway, Councillor R Jackson, Councillor P Peacock and Councillor T Wendels

ALSO IN ATTENDANCE: Councillor Mrs B Brooks, Councillor L Goff, Councillor J Lee, Councillor Mrs S Michael, Councillor Mrs P Rainbow and Councillor Miss R White

APOLOGIES FOR ABSENCE: Councillor D Lloyd (Chairman)

### 34 DECLARATIONS OF INTEREST FROM MEMBERS AND OFFICERS

There were no declarations of interest.

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

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

### 36 MINUTES FROM THE PREVIOUS MEETING HELD ON 4 OCTOBER 2022

The minutes from the meeting held on 4 October 2022 were agreed as a correct record and signed by the Chairman.

### 37 CHAIRMAN'S UPDATE

The Deputy Leader and Chairman reflected on the recent news regarding Robert Woodhead Construction Limited which had ceased trading and extended his sympathies to all those affected. He advised that Robert Woodhead had been working with the Council building 39 homes across 7 sites, all of which were at various stages of completion and he confirmed the Council had plans in place to make sure those homes were completed with minimal disruption. In addition, Arkwood Developments had been working with Robert Woodhead on their housing development at Bowbridge Road, Newark and they were in the process of appointing a new contractor to complete the remaining homes.

### 38 EXECUTIVE SHAREHOLDER COMMITTEE

The Deputy Leader and Portfolio Holder for Organisational Development and Governance presented a report which sought to establish an Executive Shareholder Committee which would have oversight of the two Council owned companies, Active4Today and Arkwood Developments. The Committee would have the same composition as the Cabinet, meeting approximately once per quarter. The remit and Terms of Reference for the Committee were detailed in the report.

AGREED (unanimously) that Cabinet establish an Executive Shareholder Committee in accordance with the proposals contained in Section 2 of the report.

#### Reasons for Decision

To ensure appropriate decision making in respect of the two Council wholly owned companies.

#### Options Considered

The Cabinet could have taken decisions in relation to the two companies within their usual meetings, but it was considered having a separate committee for this would enable full and proper consideration of company matters separate from other Council business.

### 39 COMMUNITY GRANT SCHEME AWARDS

The Deputy Leader and Portfolio Holder for Organisational Development and Governance presented a report detailing recommendations made by relevant Portfolio Holders in respects of grant applications submitted under the District Council's Community Grant Scheme and recommendations for the extant awards under the former Parish and Town Council's Initiative Fund.

It was noted that following the launch of the new Community Grant Scheme, 21 applications were received for the first round and 20 were approved by the Cabinet at their meeting held on 12 July 2022, with the awards totalling £73,543. A further 14 applications had been received for this second round of the scheme, which totalled £55,959 which would effectively create an overspend of £29,902.

Each application had been considered by the relevant Portfolio Holder based on the primary focus of the proposals, and the recommendation for each submission was presented to the Cabinet for approval. In considering the applications the Portfolio Holders were mindful of the available budget and made a number of partial awards towards projects which reduced any overspend to £2,619.

AGREED (with 4 votes for an 1 abstention) that:

- (a) the recommendations of the Portfolio Holders as detailed in Appendices A and B of the report be agreed in order that the proposed projects can proceed;
- (b) the extant awards under the former Parish and Town Council Initiative Fund in Appendix A are approved as recommended; and the recommendations of the Portfolio Holders detailed in Appendix B be approved as proposed; and
- (c) officers be requested to consider and report back to the Cabinet on what additional support we could offer to community groups.



### Reasons for Decision

The schemes have been assessed by Portfolio Holders and Members in respect of alignment to the Council's wider 'Community Plan' objectives and each will provide community value and benefit when delivered.

The extant awards approved under the former Parish and Town Council's Initiative Fund remain important community projects, therefore offering an extension of time to deliver the projects is appropriate.

The schemes submitted under Round 2 of the Community Grant Scheme as recommended will deliver valuable community benefits aligned to the current approved Community Plan objectives.

### Options Considered

That the awards as recommended are increased which would require further additional budget provision or the awards are further reduced proportionately to meet the available budget.

#### 40 SHERWOOD LEVELLING UP FUND UPDATE - OLLERTON TOWN CENTRE AND MANSFIELD ROAD, CLIPSTONE (KEY DECISION)

The Portfolio Holder for Economic Development & Visitors presented a report which provided an update on the Sherwood Levelling Up Fund (LUF) submission and sought approval to proceed with plans to redevelop the Clipstone Holdings site and to seek financial commitments towards the further development of the Ollerton and Clipstone LUF proposals.

The Sherwood LUF prospectus, developed in association with the Sherwood Steering Board and a range of partners, was submitted to the Government on 25th July 2022. The proposals sought £20m of grant funding across projects in Ollerton Town Centre and Mansfield Road, Clipstone as detailed in the report. It was envisaged the outcome of LUF Round 2 bids would be known in October/November 2022. The report recommended that work on the Ollerton and Clipstone proposals continued and in the absence of any LUF funding the Council utilises the UK Shared Prosperity Fund Investment Plan funding.

AGREED (unanimously) that Cabinet:

- (a) note and support the updates with respect of the Sherwood Levelling Up Fund proposals submitted to Government as part of the Sherwood Constituency LUF Round 2;
- (b) authorise the Director - Planning & Growth, in consultation with the Sherwood Steering Board and Portfolio Holders for Strategy, Performance & Finance and Economic Development & Visitors, to continue to develop plans for the Clipstone and Ollerton projects, subject to additional budget of £60k to be forward-funded pending the approval of the NSDC UK Shared Prosperity Fund Investment Plan, subject to endorsement by the Newark & Sherwood Place Board; and

- (c) authorise the Business Manager - Corporate Property to progress redevelopment plans for the Clipstone Holdings site to provide for a low carbon, low-running cost modern industrial scheme, including securing necessary planning permission and contractor(s) within the Maximum Budget envelope contained within the exempt appendix, which shall be added to the Council's Capital Programme.

#### Reason for Decision

The Sherwood Levelling Up proposals continue to represent an opportunity to act as catalysts for transformational change in tackling ongoing challenges of creating new employment opportunities, health inequality, lower pay, raising aspiration, and transport connectivity, in line with the Council's Community Plan and Sherwood LUF submission.

#### Options Considered

It remains an option to pause the progression of the Sherwood Levelling Up propriety projects in Clipstone and Ollerton. This has been discounted on the basis that irrespective of the outcome or timings of the LUF announcements there remains merit in continuing to engage with the partners involved to develop the schemes further such that they are funding ready.

The Council could also decide not to redevelop the Clipstone Holdings site at the current time, albeit as detailed separately in the main report and exempt appendix the redevelopment of this site is needed in order to provide modern, low carbon, low running-cost facilities to meet a significant unmet demand, allowing businesses of various scales to establish, relocate, expand, stabilise, and flourish.

#### 41 NEWARK & SHERWOOD PLAN REVIEW - AMENDED ALLOCATIONS AND DEVELOPMENT MANAGEMENT DEVELOPMENT PLAN DOCUMENT PUBLICATION (KEY DECISION)

The Portfolio Holder for Economic Development & Visitors presented a report which sought approval from the Full Council of the publication of the Amended Allocations & Development Management Development Plan Document (DPD) for a period of public representation. The report provided an update progress on the Gypsy, Roma, Traveller Pitch Delivery Strategy and also proposed an amendment to the Plan Review timetable and the Local Development Scheme.

The Cabinet thanked the officers involved for their work in completing the document, particularly in light of the various legislative changes that had taken place during its production.

AGREED (unanimously) that:

- (a) the proposals contained within Appendix 1 form the basis of the Publication Amended Allocations & Development Management DPD and amended Policies Map;

- (b) approval be sought from Full Council (at the Extraordinary Meeting to be held on 9 November 2022) for this document be published for a period of Public Representation week commencing 14 November 2022;
- (c) the latest position on the Gypsy Roma Traveller Pitch Delivery Strategy be noted; and
- (d) the amendment to the Plan Review timetable (Local Development Scheme) as set in Section 4 of this report, to come into force on 8 November 2022 be adopted.

#### Reason for Decision

To approve the DPD for public representation, and to agree an amendment to the timetable so that the Local Development Scheme can be updated to comply with the Planning and Compulsory Purchase Act 2004 and appropriate regulations.

#### Options Considered

As set out in Section 1 of the report, the District Council has considered a range of options as part of the Plan Review engagement and consultation process.

#### 42 ECONOMIC GROWTH STRATEGY ACTION PLAN - ANNUAL UPDATE 2022

The Portfolio Holder for Economic Development & Visitors presented a report which updated Members on the progress of the interventions and activities identified in the Economic Growth Strategy 2021-2026. The second annual review of the Strategy provided an opportunity to reflect on the five priorities set given the changes and factors affecting the national and local economy. Two of the five priorities were recommended for change as follows:

Priority One - A focus on infrastructure and accessibility to areas across the District with poorest connectivity and or potential for impactful growth with the local economy; and

Priority Five - A prioritisation of work activity initially on Newark, Ollerton & Edwinstowe in 2023 for the district with a focus on key areas of deprivation.

These changes followed the resident survey and consultation on the Sherwood LUF bid where access and infrastructure were identified as poor and town centre regeneration was seen as a priority.

AGREED (unanimously) that Cabinet note and support the updates provided, the progress achieved and the direction of travel for 2023 in delivering the Economic Growth Strategy for the District's Businesses and Residents.

#### Reason for Decision

The delivery of economic growth is a central priority in the Newark & Sherwood Community Plan. To ensure the delivery of the Community Plan and Economic Growth Strategy, it is key an action plan on 'how' the Council seeks to implement the Strategies created, structured, delivered, and monitored and evaluated.

### Options Considered

The Council has a number of options for delivery of economic growth, these include:

- 1) Not undertaking a local economic growth strategy; this has been discounted as NSDC has identified the need to support the economy through the resident survey and Community Plan.
- 2) To provide a reduced, modified or outsourced service for economic growth; This has been discounted as the level of investment is yielding results and comparably more successful to other local authorities in delivering projects and activities, securing external funding, and having a positive impact on the local business community.

### 43 NEWARK AND SOUTHWELL CONSERVATION AREA BOUNDARY CHANGES AND ADOPTION OF APPRAISAL DOCUMENTS (KEY DECISION)

The Portfolio Holder for Economic Development and Visitors presented a report which sought approval of the proposed boundary changes to Newark and Southwell Conservation Areas and to agree the adoption of the associated Appraisal document which explained what was special about the areas, including management proposals which sought to preserve and enhance the character and appearance of the conservation areas.

The Council had a legal duty to review existing Conservation Areas in accordance with Section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In September 2018, the Economic Development Committee granted the Conservation Team delegated authority to proceed with a three-year plan to review a number of Conservation Areas within the District focussing on Edwinstowe, Newark, Ollerton, and Southwell. The work on these areas was summarised in the report.

The report and appendices detailed the consultees and responses which had shaped the reviews in Newark and Southwell, as well as the final proposals.

AGREED (unanimously) that Cabinet:

- (a) approve the designation of boundary changes to Newark and Southwell Conservation Areas;
- (b) adopt the Newark and Southwell Conservation Area Appraisal documents; and
- (c) give delegated authority to the Business Manager, Planning Development, in consultation with the Portfolio Holder for Economic Development & Visitors to implement the designation of the boundary changes and publication of the Appraisal documents.

### Reason for Decision

To enable officers to carry out the Council's legal duty in respect of Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and to provide clarity to landowners, residents, and potential investors on the heritage importance of defined areas within Newark and Southwell.

### Options Considered

Officers consider that the proposed boundary changes accord with a rigorous methodology for assessing the special interest of existing and proposed conservation areas, as well as being subject to extensive public consultation and engagement. Alternative options have been considered and discounted throughout this process, ranging from making no changes through to a range of different amendments to the current boundary.

#### 44 PROPOSAL FOR A KERBSIDE GLASS RECYCLING SERVICE IN NEWARK & SHERWOOD

The Portfolio Holder for Cleaner, Greener, Safer, presented a report which set out the recommendations of the Policy & Performance Improvement Committee in relation to the implementation of a kerbside glass collection scheme. The Policy & Performance Improvement Committee had recommended that any future service be based on a 140 litre bin on an 8 weekly collection cycle, with the service not being provided in the areas that were being served by Recycling Ollerton & Boughton which was a charity providing work-based training placements to adults with learning difficulties. The Committee had proposed a period of public consultation on their recommended service option.

The report considered by the Policy & Performance Improvement Committee at their meeting held on 17 October 2022, was attached as appendix and this detailed the costs associated and logistics of glass collections and processing for any future scheme.

AGREED (unanimously) that:

- (a) revenue and capital costs identified within the proposed methodology for the scheme are included in the Council's budget proposals for 2023/24;
- (b) a period of public consultation is undertaken in relation to the implementation of the scheme and recommended service option;
- (c) a market research company is commissioned to undertake a consultation exercise at a maximum cost of £15k funded from existing budgets; and
- (d) a further report is brought to Cabinet on 21 February 2023 in order for a final decision to be made taking into account consultation responses.

### Reason for Decision

The kerbside collection of glass has been identified as a priority in recent resident surveys, and based on the National Waste Strategy, we can expect that the introduction of kerbside glass will become a statutory requirement in the future. If the Council already have a service, this can be shaped to be compliant to the nuances of any legislation.

### Options Considered

These are detailed in the report to the Policy & Performance Improvement Committee attached as Appendix A to the report.

It remains an option for the Council not to progress implementation of a scheme; however it is proposed to allocate budget in this financial year on the basis of strong support in the Residents' Survey, in order to ensure implementation in the financial year 2023/4 if the final decision is to proceed.

Meeting closed at 6.44 pm.

Chairman

## 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 ABSENCE: 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



## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Cabinet** held in the Civic Suite, Castle House, Great North Road, Newark, Nottinghamshire, NG24 1BY on Tuesday, 20 December 2022 at 6.00 pm.

PRESENT: Councillor D Lloyd (Chairman)

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

### 1 DECLARATIONS OF INTEREST FROM MEMBERS AND OFFICERS

There were no declarations of interest.

### 2 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.

### 3 PROJECTED GENERAL FUND AND HOUSING REVENUE ACCOUNT REVENUE AND CAPITAL OUTTURN REPORT TO 31 MARCH 2023 AS AT 30 SEPTEMBER 2022

Members considered the report of the Deputy Chief Executive/Director – Resources which provided an update of the forecasted outturn position for the 2022/23 financial year for the Council's General Fund and Housing Revenue Account, revenue and capital budgets. The report also provided performance information against the approved estimates of revenue expenditure and income; reported on major variances from planned budget performance; and reported on the variations to the Capital Programme for approval. The accounts showed a projected favourable outturn variance for the General Fund of £0.363m; a projected unfavourable outturn variance for the HHRA of £0.390m with Members' approval being sought to approve the variations to the Capital Programme and the revised budget for the Capital Programme of £67.565m.

In considering the report, a Member suggested that the projected favourable outturn for the General Fund be ringfenced to mitigate the cost of living crisis rather than being allocated to usable reserves. Officers advised that the figure was only a projection and to ringfence it, as suggested, would negatively impact the medium-term financial plan.

AGREED (unanimously) that:

- a) the General Fund projected favourable outturn variance of £0.363m to usable reserves be noted;
- b) the Housing Revenue Account projected unfavourable outturn variance of £0.390m to the Major Repairs Reserve be noted;
- c) the variations to the Capital Programme at Appendix E be approved; and

- d) the Capital Programme revised budget and financing of £67.565m be approved.

#### 4 COMMUNITY PLAN PERFORMANCE FOR QUARTER 2 - 2022/23

The Cabinet considered the Community Plan Performance Report for Q4 presented by the Transformation & Service Improvement Officer which provided Members with the opportunity to review the performance information for Q2 and the supplementary documents highlighting customer complaints. The performance information was assessed against the Council's Community Plan objectives.

The Cabinet noted the improvement to the reletting figures for Council housing and that the Starting Well Scheme had been well received by tenants. It was also noted that the number of days taken to process applications for housing benefit was being considered by the Policy & Performance Improvement Committee with a view to how this may be further reduced. It was further noted that a report would be presented to a future meeting of the Cabinet to consider the findings of the ASB Working Group and recommendations thereon from the Policy & Performance Improvement Committee.

AGREED that the Community Plan Performance Report for Q2 be noted.

Meeting closed at 6.39 pm.

Chairman

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Executive Shareholder Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Tuesday, 20 December 2022 at 6.00 pm.

PRESENT: Councillor D Lloyd (Chairman)

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

### 1 DECLARATIONS OF INTEREST FROM MEMBERS AND OFFICERS

Councillor T. Wendels – Agenda Items No. 5, 6, 8 and 9

Declared an Other Registerable Interest as a Director of Arkwood Developments Ltd.

Sanjiv Kohli - Agenda Items No. 5, 6, 8 and 9

Declared an Interest as a Director of Arkwood Developments Ltd.

Councillor K. Girling – Agenda Item No. 4

Declared an Other Registerable Interest as Chairman of the Active4Today Board.

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

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

### 3 ACTIVE4TODAY PERFORMANCE AND BUSINESS PLAN (KEY DECISION)

The Committee considered the report presented jointly by the Director – Housing, Health & Wellbeing and the Managing Director – Active4Today which sought to present to Members the performance of Active4Today for the period to November 2022. A draft of the Business Plan for 2023/2024 was also attached as an appendix to the report for consideration.

An overview of performance including usage and financial performance was reported together with an update against the performance indicators and performance against the Company's sports development function. It was noted that the overall performance was positive, in particular the recovery from the pandemic. However, there had been a number of significant financial impacts, including the impact of the pay award, increased utilities costs and increased costs for supplies and services with the overall impact being reported as a deficit increase of £45,980.00. Details of the proposed future reporting arrangements were detailed in paragraph 2.4. The draft Business Plan was appended to the report, noting that it was to be developed into a reporting framework in order that performance against the offer could be monitored. In addition, the draft Business Plan would be reviewed to ensure it aligned to the Council's key objectives and that work would be undertaken with council Officers to maximise support to residents through the cost-of-living crisis.

In response to what measures were in place to retain both new and existing members, the Managing Director for Active4Today advised that customers often left after failing to meet their own unrealistic targets and that this was the same nationally. It was noted that customer feedback on social media was good with positive customer satisfaction levels. In comparison to other similar companies, Active4Today was doing well.

In noting that the development of the Business Plan was ongoing, Members suggested that the following points be taken into consideration:

- That a 3-year medium term forecast for the management fee be developed;
- Ensure that any digitising of the service reflected the ethos of the Council, with regards to the customer experience including: accessibility, customer interaction, customer feedback processes;
- That the impact of the cost of living pressures within the district and how A4T may be able to support residents in accessing facilities whilst maintaining a sustainable offer be considered;
- Identify the value of volunteers accessing the volunteering pathway through VISPA and how this aligned to the Community Plan;
- Identify the costs associated with the sports development offer and percentage attributed to the management fee received from the Council and provide a summary sheet of the business plan, e.g. the targets and actions, so these can be easily located and seen in a single table.
- Provide the reasoning for the increase in reserves.

In response to the above, the Managing Director advised that he had created a 3 year forecast which would require a revision to the Medium Term Financial Plan. In relation to the digitisation of the service provision, he advised that an app was to be launched in the new year which would enable customer satisfaction data to be captured, details of which would be provided to the next meeting of the Committee.

AGREED that:

- a) the performance of Active 4 Today to Period 8 be noted;
- b) the 2023/24 Business Plan be considered, with the specific amendments as put forward by the Executive Shareholder Committee being incorporated; and
- c) the performance framework for Active 4 Today be revised and enhanced as outlined in the report.

#### 4 PERFORMANCE OF ARKWOOD - QUARTER 2 - 2022-23

The Committee considered the report of the Chief Executive which sought to present to Members the performance of Arkwood Developments Ltd. for Quarter 2 (July – September 2022). Details of the performance were provided in the exempt appendix to the report.

AGREED that the Arkwood Performance Report be noted with the Committee considering the Company's performance against its targets and objectives.

5 REVIEW OF GOVERNANCE AGREEMENT

The Committee considered the report presented by the Assistant Director – Legal & Democratic Services which sought to update Members on the proposed updates to the Governance Agreement between the Council and Arkwood Developments Ltd. It was reported that the review of the Agreement had been to ensure consistency with the Council's revised internal governance arrangements and to also to consider if any other revisions were necessary. The proposed revisions were detailed within the appendix to the report.

AGREED that the updated Governance Agreement as set out in the Appendix to the report be approved for formal adoption by Full Council.

6 EXCLUSION OF THE PRESS AND PUBLIC

AGREED that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12 A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

7 PERFORMANCE OF ARKWOOD - QUARTER 2 - 2022-23

The Committee considered the exempt report in relation to the performance of Arkwood in Q2 (July-September 2022).

(Summary provided in accordance with Section 100C(") of the Local Government Act 1972)

8 ARKWOOD DEVELOPMENTS LIMITED - REVOLVING FACILITY AGREEMENT

The Committee considered the exempt report in relation to Arkwood Developments Ltd., Revolving Facility Agreement.

(Summary provided in accordance with Section 100C(") of the Local Government Act 1972)

Meeting closed at 7.56 pm.

Chairman

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

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