



Council Meeting

**To be held on
Monday 28 January 2013**



You are hereby summoned to attend a meeting of NOTTINGHAM CITY COUNCIL at the Council House, Nottingham, on Monday 28 January 2013 at 2.00 pm to transact the following business:

- 1 Apologies for absence
- 2 Declarations of interests
- 3 To receive:
 - (a) questions from citizens;
 - (b) petitions from Councillors on behalf of citizens
- 4 To confirm the minutes of the last meeting held on 10 December 2012 251
- 5 To receive official communications and announcements from the Leader of the Council and/ or the Chief Executive
- 6 To receive without discussion:
 - (a) answers from the City Council's lead Councillor on the Nottinghamshire and City of Nottingham Fire and Rescue Authority to questions on the discharge of that authority's functions;
 - (b) answers from a Councillor from the Executive Board, the Chair of a Committee and the Chair of any other City Council body to questions on any matter within their remit.
- 7 To consider a report of the Leader on decisions taken under the urgency procedure 278
- 8 To consider a report of the Deputy Leader on the Council Tax Support Scheme 281

9 To consider a report of the Portfolio Holder for Area Working, Cleansing and Community Safety on the Arboretum and Radford and Park wards Designated Public Place Order 296

10 To consider a report of the Chair of the Appointments and Conditions of Service Committee on the appointment of the Interim Corporate Director for Children and Families To follow

11 To consider motion in the name of Councillor Ball:

“This Council welcomes the National Federation of ALMOs report ‘Let’s get building’ which makes the case for more council house building to create jobs and provide an economic boost to the country, as well as providing much needed new homes. It resolves to lobby Government to support the recommendations of this report, the main recommendations of which are:

- 1 to remove the HRA borrowing caps and to rely instead on prudential borrowing rules as a means of ensuring that investment is sustainable
- 2 to adopt internationally recognised rules to measure government borrowing which would treat new council housing investment in the same way as housing association investment and thereby greatly increase the opportunity for council new build.”

Dated 17 January 2013

Deputy Chief Executive/Corporate Director for Resources



To: All Councillors of Nottingham City Council

MINUTES OF THE MEETING OF THE CITY COUNCIL

held at the Council House, Nottingham,

on Monday 10 December 2012 at 2.00 pm

ATTENDANCES

✓ Councillor Unczur	Lord Mayor
✓ Councillor Ali	✓ Councillor Liversidge
Councillor Arnold	Councillor Longford
✓ Councillor Aslam	✓ Councillor McDonald
✓ Councillor Ball	✓ Councillor Malcolm
✓ Councillor Bryan	✓ Councillor McCulloch
✓ Councillor Campbell	✓ Councillor Mellen
✓ Councillor Chapman	✓ Councillor Molife
✓ Councillor Choudhry	✓ Councillor Morley
✓ Councillor Clark	✓ Councillor Morris
✓ Councillor Collins	✓ Councillor Neal
✓ Councillor Cresswell	✓ Councillor Norris
✓ Councillor Culley	✓ Councillor Ottewell
✓ Councillor Dewinton	✓ Councillor Packer
✓ Councillor Edwards	✓ Councillor Parbutt
✓ Councillor Fox	✓ Councillor Parton
✓ Councillor Gibson	✓ Councillor Piper
✓ Councillor Grocock	✓ Councillor Saghir
✓ Councillor Hartshorne	✓ Councillor Smith
✓ Councillor Healy	✓ Councillor Spencer
✓ Councillor Heaton	✓ Councillor Steel
✓ Councillor Ibrahim	✓ Councillor Trimble
Councillor Jeffery	✓ Councillor Urquhart
✓ Councillor Jenkins	✓ Councillor Watson
Councillor Johnson	✓ Councillor Wildgust
✓ Councillor Jones	✓ Councillor K Williams
✓ Councillor Khan	✓ Councillor S Williams
✓ Councillor Klein	✓ Councillor Wood

52 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Arnold, Johnson and Longford.

53 DECLARATIONS OF INTERESTS

Councillor Grocock declared an interest in agenda item 10 – Review of the Nottingham City Council Statement of Gambling Policy, as a Council appointed Director of Nottingham Racecourse Limited, which did not preclude him from speaking or voting.

Councillor Wood declared an interest in agenda item 10 – Review of the Nottingham City Council Statement of Gambling Policy, as a Council appointed Director of Nottingham Racecourse Limited, which did not preclude him from speaking or voting.

Councillor Hartshorne declared an interest in agenda item 10 – Review of the Nottingham City Council Statement of Gambling Policy, as a Council appointed Director of Nottingham Racecourse Limited, which did not preclude him from speaking or voting.

Councillor Bryan declared an interest in agenda item 10 – Review of the Nottingham City Council Statement of Gambling Policy, as a Council appointed Director of Nottingham Racecourse Limited, which did not preclude her from speaking or voting.

54 QUESTIONS AND PETITIONS FROM CITIZENS

Questions from citizens

The following question from a citizen was received:

Sunday on-street parking charges

The following question was asked by Rami Seth to the Portfolio Holder for Planning and Transportation:

I think the parking charges made for side-road parking on a Sunday afternoon are unreasonable. Last Sunday I parked my car in East Circus Street and attended a charity lunch. I read the instructions on the meter for Sunday parking and got the impression that £1 would be sufficient. I

was wrong as, on return, I noticed a sticker of penalty charge. There were plenty of spaces for cars and all the businesses were closed except restaurants. There was no question of traffic congestion, resident parking, narrow road or demand for parking spaces.

I would like to know how the Council can justify parking charges without deterring customers from using central restaurants? How can you justify penalty charges on top, for parking where the road can be deserted on a Sunday afternoon?

Such unreasonable by-laws will not gain popularity or respect for the Councillors from the citizens of Nottingham.

Councillor Urquhart replied as follows:

Thank you, Lord Mayor, and thank you Mr Seth for this question.

Nottingham City Council, as Councillors and members of the public will be aware, introduced parking charges on Sundays and in the evenings in November 2011 and gave a commitment from the outset of those charges that they would be kept under review, to ensure that they continue to encourage turnover in use of spaces, and complemented other City transport strategies. Key to this review was the need to be flexible in the use of parking provision.

In May 2012 the Nottingham Retail and Leisure Business Improvement Districts (BIDs) commissioned an independent study of parking for the City Centre. This report provided a basis for discussion and it was agreed to continue to work with the BID and other stakeholders to develop a working partnership that actively promoted the City Centre retail and leisure sectors and develop the parking offer, both on and off street, for all users. As part of this engagement, it was agreed to move forward with changes to the on-street parking charges, namely the removal of maximum stay limits and simplifying the current charging. Dropping the maximum waiting period is designed to encourage visitors to stay longer in the City Centre, using price to enable turnover of spaces. A very full City-wide consultation took place and the new simpler tariffs, with no maximum stay, were introduced on 5 November 2012. Nottingham, of course, always seeks to be bolder and go further and so, now, we are the only city without maximum stay limits for our on-street parking.

The new charges have been the subject of much discussion with the, now merged, retail and leisure Nottingham Business Improvement Districts, the BID, and have their backing.

Parking on-street on a Sunday now costs £1 for up to 2 hours, and a further £1 for the next 2 hours, and so on, in Zone 1 and £1 all day, 8am to 8pm, in Zones 2 and 3 on Sundays. The parking ticket in particular question on this occasion was issued, in this instance, because the customer overstayed passed the time he had purchased. East Circus Street is in Zone 1, and so it would have been open to the customer to purchase a longer duration there.

So how have, overall, the changes gone and have they put people off or encouraged people in to our City Centre? Since 5 November 2012 we have been monitoring the usage of the on-street bays and we have seen an increase in the number of transactions, and the average spend during the week and weekends, showing that the changes are having the desired effect of encouraging more people to use those spaces and to dwell longer in the City Centre, as the BID organisations felt was appropriate. Analysis of footfall, which we always do every week of every year, also shows us that the parking charges have not had an adverse effect on footfall levels. Over the last few weeks footfall has been higher than for the previous two years, and has shown no signs of declining. Sunday, in particular, also has a significant number of visitors to the City Centre and, looking back over the last few weeks, the proportion of visitors who come on a Sunday has been increasing over the last few weeks, as you probably might expect in the run up to Christmas, so going from 9% in the back end of October to 12% share at the end of November.

Nottingham has a great deal to offer visitors and shoppers this year. There are a great range of parking offers in our off-street car parks, the new simpler tariffs on-street and, of course, great deals on our award winning public transport network. You can travel on the Bus Operator of the Year as a family for only £4 all day at weekends and in the evenings and, of course, there's the new £2 return fare for those making only short journeys in and out of the City Centre. Analysis of bus, and overall public transport use, shows that this is still growing too. So, overall, whether by car or public transport, more people are coming in to our City Centre now than has been the case in previous years.

So, in conclusion, our new, more flexible on-street charges have been broadly welcomed. It is still important that visitors and users of those bays do look at the machines to work out how much they need to pay and, on Sunday, if you are in Zone 1, the heart of our City Centre, the cost is £1 for 2 hours and a further £1 for the next 2 hours and so on, still another very good deal, even for a whole 6 hour shopping day, at £3 for that whole period of time. This information is displayed on all the parking meters, we do welcome feedback on their clarity and, of course, we are already working on the next print version of those inserts to the meters to make them even clearer for all to understand the simple message that the answer is £1, now how long do you want to stay?

Petitions from Councillors on behalf of citizens

Councillor Piper submitted a petition on behalf of 62 signatories regarding providing single persons' accommodation on the Lenton Flats site.

55 MINUTES

RESOLVED that, subject to the inclusion of the Conservatives vote against the cancellation of the October 2012 meeting (minute 50) the minutes of the last meeting held on 10 September 2012, copies of which had been circulated, be confirmed and signed by the Lord Mayor.

56 OFFICIAL COMMUNICATIONS

The Acting Deputy Chief Executive reported the following communications:

Local Government Chronicle Awards

The Council had been short-listed for 2 Local Government Chronicle Awards, these were:

- (1) on "innovation" for its work developing small group homes for Children in Care in Residential Services. Our entry was one of 8 short-listed, out of 44 submissions, so it was a terrific achievement to get this far; and

- (2) the Energy Efficiency Award. We were one of 6 entries short-listed out of a total of 24 in this category. Affordable energy and improved energy efficiency were at the heart of Nottingham's strategic planning and service delivery. Making Nottingham the Energy City was our aim.

We were achieving this by increasing our energy self sufficiency, reducing energy wastage in homes and many Council-owned premises, providing free day time energy, encouraging tariff switching and introducing the cheaper Nottingham Energy Tariff, and we were promoting behavioural change so that residents used their energy carefully.

Nottingham was ambitious about becoming the UK's Energy City and proud of the steps taken so far to improve energy efficiency in our own premises, businesses and City households.

The next stage for both awards was to present and answer questions from the panel of judges on 25 January 2013. The final decisions would be announced on 13 March 2013.

UK Bus Awards

The City Council and local bus providers Nottingham City Transport and Trent Barton came out top in several categories at this year's UK Bus Awards on 20 November. Nottingham City Council brought home the award for Local Authority Project of the Year, for the Statutory Quality Partnership Scheme.

Nottingham City Transport took home the coveted Top City Operator and UK Bus Operator of the Year titles.

Trent Barton came out on top in four categories winning The Young Manager of the Year; Top National Bus Driver; Marketing Excellence Award for MANGO and Making Buses a Better Choice Awards. It was a strong category for Nottingham, with Nottingham City Transport coming runner up for social media and technology.

57 QUESTIONS

Nottingham Jobs Fund performance

Councillor Molife asked the following question of the Portfolio Holder for Jobs, Skills and Business:

Could the Portfolio Holder for Jobs, Skills and Business give his thoughts on the recently published figures for the government's flagship work programme and contrast its performance to that of the Nottingham Jobs Fund and the former Labour government's Future Jobs Fund?

Councillor McDonald replied as follows:

Thank you, Lord Mayor, and can I thank Councillor Molife for his question.

I am very pleased to talk about this issue, an issue on which, whilst the Government is floundering, this Council is delivering.

I'm sure all members in this Chamber will be aware of the Government's Work Programme, the Work Programme is the Conservative led Government's flagship work programme introduced by the Government in June 2011, at a cost of £435 million. In introducing the Work Programme the Government stated its aim of improving upon previous work programmes, programmes the Department of Work and Pensions called fragmented, over specified and lacking proper incentives. The Work Programme, we were told, would address these weaknesses by giving clear incentives, allowing providers greater freedom to operate, and focusing upon long term results. So far, so good. Yet concerns were raised from a number of quarters about the Work Programme from the very beginning; in particular, because its payment by results structure made it very difficult for providers to deliver the scheme and, because of the mandatory nature of the compliance it required, heavily penalised individuals. In short, the Work Programme was felt to be unfair on the unemployed who are penalised for failing to meet stringent criteria to try and find a job, when often there is no job there, and unfair on providers who get little or nothing until they find their client that elusive job, and these concerns have been borne out.

For months now rumours have circulated about providers going bust and individuals having benefits removed because they could not make

meetings, about which they were never notified. The situation is actually worse than that; as is so often with this Government, unfairness has been matched with incompetence. The Work Programme was introduced very quickly, replacing all other work programmes within a year, there was no testing, no piloting, indeed, in May 2011, the Commons Public Accounts Committee reported that the speed with which the Work Programme was introduced threw up risks that have to be addressed. Major projects of this nature need to be thoroughly planned. In this case, the programme was not piloted, the design and development phases overlapped and the business case was devised after the decision to go ahead was taken. The programme was launched before the IT system designed to support it was operational, so far, so bad then, and worse than that, so far, so unfair, and so far, so incompetent, but we were assured that the Work Programme is on track, it will deliver, it will get people into jobs.

I don't imagine many members in this Chamber will be surprised to hear that, the week before last, the first report on the Work Programme was released and has shown that the Work Programme is an unmitigated disaster. Only 3.5% of unemployed people referred through the programme have found a job. That actually shrinks to 2.3% over the first full year, 2.3%! None of the 18 national contractors of the programme have met their target, not one.

So, how does that compare with the Future Jobs Fund first of all, the other scheme referenced by Councillor Molife and, of course, the major work programme introduced by the last Labour government. Well last week, the Government also produced a report on the success of the Future Jobs Fund, that report found that society gained £7,750 per participant through wages, increased tax receipts, reduced benefit payments, participants gained £4,000 on average, and employers also gained, with the cost to the Exchequer just £3,100 per job. Two years after the start of their time with the fund former job seekers were 16% less likely to be in receipt of welfare, they were 27% more likely to be in unsubsidised employment than if they had not participated.

Lord Mayor, the position could not be more stark, whilst the last Labour government ran a work scheme that got people in to work, created a net benefit for the economy and benefited employers, this Conservative led Government scheme isn't working, it isn't targeting the unemployed and it's wasting hundreds of millions in untargeted incentives and IT costs. That stark contrast was actually very predictable, Lord Mayor, and that's

why this Labour Council introduced the Nottingham Jobs Fund when the Government cancelled its Future Jobs Fund. The Nottingham Jobs Fund was a, initially, £1.5 million, now £3 million, incentive scheme to get 400 people in to work by 2014 and how is it doing? Well, it has already placed 119 people in to work, with another 44 in the pipeline; it's, therefore, on track to deliver ahead of target and ahead of time. Not only that, and this is the key statistic, but over 90% of the young people it has placed in to work have stayed in work at the end of their placement, 90%! Let's contrast those two numbers – the Work Programme 3.5%, the Nottingham Jobs Fund over 90%. The Nottingham Jobs Fund is not only getting our young people in to work, it is keeping them there and we, of course, recognise that the Nottingham Jobs Fund cannot deliver on its own, that's why we've started the Employer Hub which is placing hundreds of people in to work; that's why last week we launched the Apprenticeship Hub which aims to create 1,000 new apprentices in Nottingham over the next 3 years. It's also why we have completely restructured our economic strategy through the Growth Plan and the City Deal because we recognise that active labour market policies are not enough, they must go in hand with growth, confidence and the stimulation of demand. So what's the effect? Well, business start ups are up 45% this year, unemployment is down in Nottingham by 7.6% in the last 6 months, faster than any other core city, youth unemployment is down by 7.3%, faster than any other core city. When unemployment went up nationally last month as the Olympic affect faded, it continued going down in Nottingham. The work we are doing on our economy is creating confidence and it's creating jobs. Now, we know the road is not easy, whilst this Government continues to ignore the need to stimulate growth, to hammer the public sector with austerity measures and to slash welfare support, it will be very difficult to keep unemployment going down, but I think what these statistics show is that when it comes to putting our citizens in to work, this Government is failing, this Council is succeeding.

Good and outstanding primary schools

Councillor Ali asked the following question of the Portfolio Holder for Children's Services:

How likely are parents to send their children to a good or outstanding primary school in Nottingham?

Councillor Mellen replied as follows:

Thank you, Lord Mayor, and can I thank Councillor Ali for his question and take this opportunity to thank him and many other members around the Chamber for their work as school Governors, supporting many of our schools to be good or outstanding.

The most recent report of Her Majesty's Chief Inspector of Education, Children's Services and Skills has identified Nottingham as a place where 71% of children have the chance of attending a good or outstanding primary school. This ranks the City's schools on a par with Nottinghamshire, and well above those in Derby and Derbyshire, Leicester and Leicestershire, and Lincolnshire.

In terms of the proportion of primary schools which are good or outstanding, 65.8% of primary schools in the City are rated as either good or outstanding, this ranks us as 97th out of 152 authorities. Whilst this is slightly below the national average of 68.7%, it is broadly in line with the proportion of good or outstanding schools in core cities and our statistical neighbours. The proportion of pupils in top graded schools is higher because many of our larger schools are performing well.

The relatively strong performance of our schools in Ofsted inspections is down to some very hard work by the Heads and staff in our schools, the children and young people, combined with support from their parents and, of course, from the governing bodies.

As a Council we have managed to retain a small but very effective school improvement team. We have intervened robustly to support where standards were low and showing little improvement. This team not only discharges the Council's statutory responsibility for securing standards, it tried to spot the signs of developing issues and offer timely support.

The City Council also recognises the importance of partnerships between schools where there can be peer to peer support, and between the local authority and other agencies, such as the National College from whom we can broker additional resource.

Whilst the Council remains of the opinion that pupils are well served in schools which are supported by the community of local authority schools, we have also been willing to work constructively with those schools that have chosen to become academies. Where academisation has been forced on our schools, we have ensured that sponsors share our ambition and our determination to retain locally driven improvement in

our schools. It is worth noting that the Chief Inspector, in his report, which mentioned the number of outstanding and good schools, emphasised the continuing responsibility of local authorities to ensure good outcomes for pupils in all schools in their area, whether they're academies or not.

Whilst this is an encouraging picture it is based on a percentage of the relatively small number of schools in the City and, as such, may fluctuate widely as a result of a small number of inspections each year. What will not fluctuate is this City's absolute determination to ensure that all its young people have the opportunity to attend a good or outstanding school, and that improvement in the educational outcomes and skills of our young people is at the centre of the drive to develop Nottingham as a world class city.

Bulwell Hall Estate insulation works

Councillor Klein asked the following question of the Portfolio Holder for Energy and Sustainability:

Could the Portfolio Holder for Energy and Sustainability please tell the Council what has been happening on the Bulwell Hall estate?

Councillor Clark replied as follows:

Thank you, Lord Mayor, and I thank Councillor Klein for her question.

I am sure that most members here cannot fail to have noticed the level of construction activity on Bulwell Hall Estate in the last few weeks, since the start of October. What members perhaps haven't appreciated is that, for the last three weeks, there have been over 200 people working on site.

As the Ward Councillors know, but I now have the opportunity to tell Full Council, the properties on Bulwell Hall are single brick skin with no cavity, so cavity wall insulation is not an option.

Bulwell Hall has seen the roll out of solid wall insulation. Partners Nottingham City Homes, Nottingham Energy Partnership, Nottingham City Council and E.ON have worked together on this whole estate approach. The estate has been divided into two phases for the purpose of project management. Remember, this scheme, funded in full by E.ON,

is for both Nottingham City Homes properties and private properties, and Bulwell Hall has about equal numbers of each. So far, take up has been over 90%.

What are we doing? First, massively effective thermal insulation is attached to the outside wall, then a surface is placed over it to restore a good look to the house.

Why does our approach work? It has been resource intensive, but there is now a buzz about the place; neighbours have been encouraging neighbours to take up the scheme. This has worked far better than tackling particular housing types across the whole City at once, as we are doing with 'No Fines' properties.

At the first open day on the estate, designs had already been drawn up showing how each different type of block would look. These looked great on paper and look even greater in real life now the scaffolding is coming off as properties are signed off. These designs had been given careful consideration by planners and I cannot emphasise enough how a co-ordinated design looks so much better than if Nottingham City Homes had a different look from the privates, and if private differed from private.

Without the momentum created by the scheme for Nottingham City Homes tenants, nowhere near as many private properties would have been completed, and this is where successive Governments have failed with energy schemes, there are some appalling energy inefficient homes in the private sector.

Why are we doing it? The energy companies have obligations to spend money on keeping people's energy bills down, and they cannot achieve this spend through cavity wall and loft insulation alone, and the benefits could not be better described than by the resident interviewed by the BBC on Friday. Firstly, she has been able to turn her thermostat down by 4 degrees, as she was always struggling to keep the place warm. Secondly, her daughter's bedroom was always damp and felt cold; her daughter has asthma and her use of her inhaler has significantly dropped. So, in a nutshell, she has taken a comfort gain, a saving and a health boost all in one go.

Where can we improve? Well, whilst we regularly see vans from firms like Hilton and Waller, so we know local jobs are being created. Had we had more time to plan the project, we clearly could have delivered more

local jobs. But, the good news is that Nottingham City Homes has 7,000 further solid wall properties that are yet to have solid wall insulation, and the private sector will probably have at least four times that number, so the Bulwell Hall model should be looked at seriously by Government as a national approach.

Autumn Statement

Councillor Jones asked the following question of the Deputy Leader:

Could the Deputy Leader comment on how the Autumn Statement will affect working families in Nottingham?

Councillor Chapman replied as follows:

Thank you, Lord Mayor, and can I thank Councillor Jones for her question.

Well, it's all going wrong, isn't it? The Chancellor's deficit targets are being missed, the stimulus that they've started as a 'plan b', which they won't admit, is not actually taking effect, hardly any of the capital has been announced over the last few years has actually gone in to the system yet. Growth is down and there is risk of a triple dip recession and, finally, talking about triples, the AAA rating looks as though it's going and that was the hallmark of the Government.

Now it's forgivable that an economic philosophy, and the policy which goes with it, can go wrong. Nobody's perfect. We may disagree, we may say "we told you so", and a lot of us have been telling you so almost from day one, but if it's a genuinely held view, you can at least respect it. What is not forgivable is if that policy, in going wrong, makes the poorest in society pay for it. What is also not forgivable is pretending that the poor are not paying, and telling us that we're all in it together when the opposite is the case. The budget took £3.8 billion away from the benefits system, it look less than £1 billion from the well off, mainly in the form of reduced allowance for pension contributions. So, for every pound taken off the better off, four is being taken away from the poor.

I want to make 4 points. First, there are people who are fiddling the benefits system and genuinely not unemployed, I reported one this morning. Also, I agree with the Government, I agreed with the last government, this Council agrees with both governments that one of the

best things that can happen to a person is to get in to work; otherwise we would not have all the effort this Council is putting in to the work programme.

Second, however, there are many who are genuinely unemployed and looking for jobs and cannot get jobs because, mathematically, there are not the jobs to absorb all the economically active people in the City or, in fact, in the nation. Nor are they in the right places so, as a consequence we are beating up people for not being in work when there are not the jobs for them to go in to, and these are often people who are genuinely looking.

Third, many of the people most suffering are already in work. 60% of people who are losing benefits are already in work. So it's not the people behind the curtains in bed in the morning that are suffering as much as the people going off to work that are suffering, and the myth that the Chancellor tried to put about is totally untrue and it is a calumny on those people in work in low paid jobs.

Finally, those who are not in work are also suffering. There are many of them disabled who cannot reasonably work or, indeed, the children of the working poor and the unemployed, who people seem to forget in all this.

So a whole range of people who are innocent are being swept up in a tsunami of changes aimed at a minority of people whom the Tories wish to punish. Their only sin is not to have been born into a wealthier household, and this is not all being in it together, it is punitive action against the poor for being poor. In Nottingham 23,000 people in work will lose out, for a working family claiming the average £8,600 in Working and Child Tax Credit this could equate to a loss of £146 per year. Government spin tells that this will be offset by increasing the tax threshold, yet the increase is worth, effectively, £47 a year, so you're talking about a loss of £100. There are 23,000 working families in Nottingham, of these, the chances are that there will be 3,200 who are likely to be earning below that threshold so will not benefit at all, they will be earning below the £9,000+ threshold at which tax is raised, therefore they will not benefit, so it's the poorest that will have to take the full brunt of that average £146 a year loss.

So much for the Liberal Democrat wheeze of taking people out of tax at the same time, of course, they are forcing them in to Council Tax, at the same time as taking people out of tax, they are also taking people like

me out of tax, they are increasing the tax allowance for people like Alan Sugar. It is not an effective way of dealing with it, yet we are told of this measure as helping the poor, it actually helps middle income as much as, and it even helps millionaires, that system.

As for the unemployed themselves, for an individual claiming Job Seekers Allowance (JSA) at £71 a week, there is likely to be annual loss of £63. Individuals in 10,800 families claiming Child Tax Credit may also see relative losses, so a huge number of people, most of whom are working, are going to be losing money as a consequence. Then there is a plethora of additional changes, including the local housing allowance. But the final inconsistency is the view that somehow all this will help the economy. It will do the opposite. It will take money out of the Nottingham economy, plus, if you add the further £3.7 million cut that this Council will have to make as a result of the budget, you take all the cuts that are in train, the £158 per person that this City has lost, compared with the £7 per person that people in Dorset have lost, you are talking about tens of millions of pounds of demand taken out of this economy, and with every pound of demand you lose the opportunity for jobs, so it's a downward spiral, instead of creating an upward spiral they are creating a downward spiral. They are making a bad situation worse, it is economic illiteracy.

But, I will leave with a picture of the lady I visited yesterday – a single mother with a child with disability. She spends the time when he is not at school caring for him, when he is at school she spends her time caring for her elderly parents. She's in a 3 bedroom house, the house has no carpets on either floor or stairs, I went in. One thing it was, it was adequately heated and insulated, partly because of our schemes. She was allocated this house in a 'hard to let' area where there are few 2 bedroom houses, so she is not responsible for living in a 3 bedroom house and under occupying, yet she will lose £11 a week in bedroom tax. She will soon have to pay a contribution to the Council Tax. She's on JSA and will now lose income on that benefit and her heating bills are soaring. So can someone, particularly the opposition, tell me how it is fair, or how on earth it is going to benefit society or the economy, to take money away from this woman and her child? Or is she just another one of George Osborne's scroungers?

Robin Hood Festival of Running

Councillor Steel asked the following question of the Portfolio Holder for Leisure, Culture and Tourism:

Would the Portfolio Holder agree that, in view of the motion passed by Council at the September meeting of this year which acknowledged the need to 'Inspire a Generation' and provide a lasting legacy following the very successful Olympic and Paralympic Games held in London in the summer, it is of paramount importance that the Robin Hood Festival of Running is quickly reinstated to include a full marathon, as soon as tram works allow, by facilitating the necessary road closures and bus diversions, without cost to the organisers, thus allowing a fully-viable event and a return to Nottingham's pre-eminence by ensuring we stage one the finest annual running events in the country, along with the further economic benefits to the city that ensue?

Councillor Trimble replied as follows:

Thank you, Lord Mayor, and can I thank Councillor Steel for his question.

This Labour Council can be rightly proud of its investment in sport and leisure. Over recent years we have invested £32 million in a leisure transformation programme, with further very significant investment in Harvey Hadden, including a new 50 metre pool, which will probably take us up to in excess of £45 million worth of investment in our leisure centres.

We have also hosted major sporting events in the City this year, such as stage 2 of the Tour of Britain, and the 3 day Cycle Live event. In terms of running, we have the Robin Hood event and the Race for Life every year. We were the very first local authority to introduce Park Run in one of our parks, with around 200 runners every week in Colwick Park, and we're already planning a new park venue for another Park Run event in the spring of next year.

This Council started the Robin Hood marathon in 1981 and ran it for 20 years. In 2001 the event was taken over by Sweatshop and run on a commercial basis. This year it was run as a half marathon and a mini marathon with around 9,500 participants, however, whilst we understand and respect the reasons why they did not include the full marathon this year, we are very keen to see the reintroduction of the full marathon next year, or as soon as possible if the tram route is an issue.

Council officers have already met the organisers to explore options on this; we do though have to remember that Sweatshop is a commercial organisation. It would be foolish of us to promise to deficit fund a

commercial organisation. The likely outcome of this would be to have absolutely no control on the costs whatsoever, which would not be good for anybody. Lord Mayor, do we want to see the reintroduction of the full marathon? The answer is a categorical yes. Will we put unnecessary barriers in the way of the organisers? The answer is no. Will we have constructive discussions with the organisers? The answer is yes, but we will not negotiate in public. Ultimately though, the answer as to whether or not the full marathon is reintroduced is in the hands of the race organisers.

Five term school year

Councillor Morley asked the following question of the Portfolio Holder for Children's Services:

While we are pleased that the Portfolio Holder has had the good sense to listen to the teachers who have opposed his Five Term School Year plans, now that he has backed down, why not go all the way and scrap the plans to change school terms and instead work with the County to come up with a cross-boundary solution that would be of real benefit to children, families and teachers?

Councillor Mellen replied as follows:

Thank you, Lord Mayor, and can I thank Councillor Morley for her question. It's great to have some tidings of comfort and joy from your benches at this time of year.

The Executive Board of the Council made the decision to implement the Nottingham Model of term and holiday dates at the Executive Board in November. You would know that if you attended the Executive Board, but you decline your opportunity to do so.

This decision was made following two extensive consultations with parents, governors and members of staff working in schools, including teachers. This decision was made taking in to account all the views put forward to us, alongside the research which presents a strong case in favour of a shorter summer break. Clearly, this was a different decision to the original proposal. We have been clear from the start that our aims were to reduce the length of the summer holiday, create more consistent terms lengths and to reduce the financial burden experienced by some of our families during the long summer holiday and, although the five term

year was our starting point on this journey, we have developed an alternative in conjunction with our stakeholders, and in direct response to feedback gathered during these consultations. We believe that this will give significant advantages to the children living in our City communities.

Of course, Councillor Morley is wrong when she says that the change has been made in response to the views of teachers, sadly, the main teacher unions have not been prepared to suggest any alternatives to the holiday patterns which have been in place for over 100 years, and based on harvest patterns. No, it's been the City's governors association, CONGA, and the unions representing the Head Teachers and our large number of support staff that have realised that their own working arrangements, whilst important, must be balanced with the prime purpose of our schools, and that is to meet the educational needs of our City children, and to ensure that they maximise their achievement. So, if Councillor Morley is accusing me of listening to staff working in our schools day in, day out, then yes, I plead guilty. If she is accusing me of taking seriously the views of school governors who give many voluntary hours leading our schools and giving critical friendship to Head Teachers, then yes, I've done that. And if we're being accused here of putting the needs of children first, children many of whom do not have the summer experience of long holidays and expensive day trips, but spend the holidays mainly on the streets where they live, then yes, this is what this Labour Council has done and I'm afraid I don't apologise for that in the slightest.

In response to the part of your question about delaying implementation to work with the County Council on an alternative, this avenue has already been explored and, I'm afraid, it was Councillor Morley's colleagues in charge of the Tory County Council who were keen first of all to add alternative holiday plans to their consultation, but then at the last minute didn't include any significant changes, in what was a pretty meaningless consultation. We have delayed implementing a new term and holiday pattern for a year already to give the County Council the opportunity to review their own terms and holiday dates and, whilst we would be keen to resume talks on changes to the holiday patterns with a future Labour County Council administration, which we hope will come very soon, this has already been a long process which parents, carers, governors and school staff are keen to be resolved and this pattern needs to be implemented so that Nottingham children can start benefiting from the changes.

Parking charges for school based staff

Councillor Steel asked the following question of the Portfolio Holder for Planning and Transportation:

Would the Portfolio Holder consider the anomaly that school teachers and support staff can be charged differing amounts for parking at school, depending upon which type of school they attend? Whilst this Council has imposed a standard £288 Workplace Parking Levy on Academies and Voluntary Aided Schools for each registered parking place, it offers differential charges to LEA Schools based upon 0.6% of salary levels.

The Council Tax payer is thereby subsidising these school parking places.

Why cannot the other schools be treated in the same manner, when the system is demonstrably iniquitous?

Councillor Urquhart replied as follows:

Thank you, Lord Mayor, and thank you, Councillor Steel, for your question.

As with Councillor Mellen, it wouldn't quite be Council without a question about this and, in fact, wouldn't quite be Council without me having to, once again, explain the difference between the Workplace Parking Levy, a charge on all employers who provide more than 10 workplace parking places, and Nottingham City Council's Workplace Parking Charge, that's the system we, as an effected employer, have put in place. It does surprise me today though, that I am going to have to explain the coalition's education policy to you.

The coalition is pursuing policies that remove more and more of our schools from the supposedly authoritarian control of the local authority, and it's freeing them to be independent, either as academies or free schools, and do you know what, one consequence of this is that, of course, those schools are no longer associated with the Council and, therefore, have to make their own arrangements and independent decisions about the Workplace Parking Levy. They don't have the ability to be a part of the Council's Workplace Parking Charge because they are no longer a part of the Council.

So, once again, and I hope that this time you manage to retain the information, the Workplace Parking Levy and the Council's Workplace Parking Charge are totally separate schemes.

Workplace Parking Levy is a charge on all employers within the City Council's boundary and it was introduced, of course, to tackle the problem of congestion and provide funding for NET Phase 2, those two tram lines that we're building, the redevelopment of the Railway Station, and it supports the Link Bus service, as well as acting as an incentive for employers to manage, and potentially reduce, their own workplace parking. Workplace Parking Levy has brought over £½ billion of investment to our City, has already created over 100 jobs, and is set to create thousands more. It has led to over £10 million worth of contracts for local firms supplying those projects. Without the Workplace Parking Levy none of that infrastructure investment would have happened.

All employers within the Nottingham City Council administrative boundary must hold a Workplace Parking Levy licence for their workplace parking spaces, and employers who provide 11 or more spaces are liable to pay a charge. Nottingham City Council, as an employer, is responsible for licensing and paying the Workplace Parking Levy charge for all its premises where it provides workplace parking, including our community schools. The Council has led by example and has been proactive in introducing its own parking management scheme, the Workplace Parking Charge. That scheme requires all colleagues, including schools who are community schools, who wish to park at those premises, to pay a charge for this parking, and that income is then used to offset our Workplace Parking Levy liability, and, yes, this scheme has two levels of charge, an inner-City and outer-City rate, and it is also proportionate to salary. So, as far as community schools are concerned, you are correct, that would be 0.6% of salary level, but, of course, academies and voluntary aided schools are separate employers to the City Council and it is, therefore, their responsibility to apply for their own Workplace Parking Levy licence and pay any associated charges. It is the choice of those employers whether or not to introduce travel planning or parking management schemes, they can choose how they pass on that charge, or don't, that's their freedom, in line with the current Government's thinking. Of course, as part of the operation of the Workplace Parking Levy, the Council does provide business support to all employers who are liable for the Workplace Parking Levy to assist them to manage their parking and, of course, that's open to schools, such as academies and voluntary aided schools, that are outside local authority control.

So I'm not sure, Councillor Steel, if you would rather that all schools came back in to the family of the Council. That way, of course, they could all participate in the Council's Workplace Parking Charge scheme. Perhaps, if Mr Gove is in listening mood, you could talk to him about whether he would support a Conservative group seeking to take all schools back in to local authority control. I wonder.

So, Workplace Parking Levy, that's the charge we make to all employers. Workplace Parking Charge is our decision for Nottingham City Council parking. Schools outside local authority control have their own decisions to make.

Garden waste collection end date

Councillor Morley asked the following question of the Portfolio Holder for Area Working, Cleansing and Community Safety:

Would the Portfolio Holder accept that the cut off date of November 2nd for Garden Waste Collections, when this year the trees were still laden with leaves, does not make sense to residents? Will the Portfolio Holder agree that a more flexible approach, taking the timing of leaf fall into consideration, would be a common sense way of avoiding this next year?

Councillor Norris replied as follows:

Thank you, Lord Mayor, and can I thank Councillor Morley for her question.

Two years ago members in this Chamber took the decision, we must remember it was part of what was then a historically difficult budget process, which is probably even harder now. But the decision was taken to reduce the collection regime of our garden waste service, such that garden waste was collected 7 months of the year, rather than 12 months of the year.

In line with the common sense approach that Councillor Morley's asking us to take, we did this using a sensible, evidence based model. We took data for the period 2008 to 2011 to determine what would be the most efficient use of our resources to collect garden waste, and what we found was that during the period November to March, the period we eventually chose to suspend collection, only 16% of waste was historically collected, but that that period of time took up 40% of our total annual cost

for providing this service. For November, in specific that I believe she is referring to, on average the month of November only yielded just under 5.5% of the total garden waste collected during the 12 month regime. So we took the sensible decision, I believe, that these 5 months were clearly the sensible ones to cease the service in order to get the saving in order that we could afford the services, many of which we have spoken about today.

But what we do know, and Councillor Morley is right to advocate common sense ways of looking at the problems in the City, we know that for some of our residents, this has proven awkward, so we've applied common sense, as far as possible, to mitigate the impact. In areas of the City where there are a large number of trees, the local cleansing teams work closely with residents to collect leaves which drop post October, so that if it's hotspots, such as gulley pots, don't get blocked up causing other service disruptions, or other more personalised, depending on the nature of the house, issues that can arise to try and head them off, and it is worth noting that, as part of that, in November alone last year 500 tonnes of leaves were delivered for composting, so we're out there trying to provide common sense solutions to these issues. But, similarly, as Councillors in Wollaton will know very well from our budget consultation a year ago, the refuse collection crews will also take bagged leaves as side waste in addition to the normal residual waste, again, common sense. It feels like, to me, that we do operate a common sense system and we build into that local flexibility to make sure that where people need additional support for leaf removal we can provide it. I think that's a common sense approach to cushioning the impact of this change.

What this doesn't mean though, is that I think that this is a desirable change to have made. It wasn't made because we felt it would improve the service, far from it. It was a result of funding reductions from the Government which have totalled £75 million since 2010, that we know this year, as Dave Trimble said, we're going to have anticipated reductions of £23 million, and a further £17 million next year. So these are the choices that we have to make to get a balanced budget, so I'm going to finish answering the question with a question of my own.

Councillor Morley's asked me whether changes to garden waste collection make sense to local residents. I think they do, given the parameters. My question to her is whether she felt that the people of Nottingham would think that the Government cuts that are costing each of them £160 per head between 2010 to 2014, and the people of Dorset

just £2.70 a head, whether this makes sense to local residents? I think not.

58 DECISIONS TAKEN UNDER THE URGENCY PROCEDURE

The report of the Leader, as set out on pages 215 to 218 of the agenda, was submitted.

RESOLVED that, on the motion of Councillor Collins, seconded by Councillor Chapman, the urgent decisions taken, as detailed in Appendix 1 to the report, be noted.

59 AMENDMENTS TO DEVELOPMENT CONTROL COMMITTEE TERMS OF REFERENCE AND SCHEME OF DELEGATION

The report of the Leader, as set out on pages 219 to 231 of the agenda, was submitted.

Moved by Councillor Morley by way of an amendment and seconded by Councillor Culley that an additional recommendation be added:

“The Council agrees to consult on the introduction of speaking rights for members of the public at Planning Committee meetings at the earliest possible opportunity”

After discussion, the amendment was put to the vote and was not carried.

RESOLVED that, on the motion of Councillor Collins, seconded by Councillor Chapman:

- (1) the changes to the Constitution, as set out in paragraphs 5.3 to 5.11 of the report, be approved;**
- (2) the change of name from Development Control Committee to Planning Committee be approved.**

60 TREASURY MANAGEMENT STRATEGY 2012/13 – REVISED INVESTMENT STRATEGY

The report of the Deputy Leader, as set out on pages 232 to 238 of the agenda, was submitted.

RESOLVED that, on the motion of Councillor Chapman, seconded by Councillor K Williams, the action of the Section 151 Officer in authorising the changes to the 2012/13 investment strategy, as detailed in paragraph 6.4 of the report, be approved.

61 REVIEW OF NOTTINGHAM CITY COUNCIL STATEMENT OF GAMBLING POLICY

The report of the Portfolio Holder for Area Working, Cleansing and Community Safety, as set out on pages 239 to 243 of the agenda, was submitted.

RESOLVED that, on the motion of Councillor Norris, seconded by Councillor Grocock:

- (1) having had regard to the recommendation of the Executive Board of 20 November 2012, and to the principles/matters identified in both the Introduction and Appendix 2 of the draft Policy, the previous “No Casino” resolution be renewed pursuant to Section 166 of the Act so, that with effect from 31 January 2013, no casino licences would be issued within the administrative area of the City of Nottingham;**
- (2) Nottingham City Safeguarding Children Board continue to be designated for Nottingham City Council as the appropriate body to advise it on the protection of children from harm;**
- (3) having had regard to the recommendation of the Executive Board of 20 November 2012, the Statement of Gambling Policy be adopted;**
- (4) the Corporate Director for Communities be authorised to comply with the relevant statutory requirements in respect of the advertisement and publication of the Statement.**

62 NOTTINGHAMSHIRE AND NOTTINGHAM WASTE CORE STRATEGY – SUBMISSION TO THE SECRETARY OF STATE

The report of the Portfolio Holder for Planning and Transportation, as set out on pages 244 to 250 of the agenda, was submitted.

RESOLVED that, on the motion of Councillor Urquhart, seconded by Councillor Gibson:

- (1) the submission of the draft Nottinghamshire and Nottingham Waste Core Strategy, along with the Schedule of Changes, and accompanying submission documents, as set out at paragraph 5.7 of the report, to the Secretary of State for independent examination be approved;**
- (2) the Corporate Director for Development be granted delegated authority to agree any necessary amendments to the submission Waste Core Strategy during the independent examination process.**

Mr Curryer, Acting Deputy Chief Executive, left the Chamber prior to consideration of the next item.

63 APPOINTMENT OF THE CHIEF EXECUTIVE/HEAD OF PAID SERVICE

The report of the Chair of the Appointments and Conditions of Service Committee, as circulated in advance of the meeting, was submitted.

RESOLVED that, on the motion of Councillor Neal, seconded by Councillor Collins, the Appointments and Conditions of Service Committee recommendation be accepted and the post of Chief Executive/Head of Paid Service be offered to Ian Martin Curryer at an annual salary of £160,000 and on other terms and conditions approved by the Committee.

Mr Curryer returned to the Chamber.

64 MOTION IN THE NAME OF COUNCILLOR NORRIS

Moved by Councillor Norris, seconded by Councillor Dewinton:

“The City Council knows that domestic violence can destroy lives and tear apart families. Rather than allowing domestic violence to continue behind closed doors, the Council is committed to supporting the Man Enough campaign which calls on individuals to sign up to the international pledge “not to commit, condone or remain silent about domestic violence against women and girls”.

This Council notes:

- The successful effort of the Nottingham Post to raise awareness of this issue
- That nearly as many men in Nottinghamshire have signed up to the pledge than the rest of the country put together

This Council will:

- Protect spending for Domestic Violence services
- Lobby the Police and Crime Commissioner to maintain funding currently provided through the Community Safety Grant
- Lobby the government to ensure that other local authorities do not substitute good practices in certain cities for the provision of their own domestic violence services. Such practice would put additional pressure on services in Nottingham and prevent proper support for victims
- Lobby the government to retain and develop the Violence Against Women and Girls (VAWG) strategy”

RESOLVED that the motion be carried.

65 MOTION IN THE NAME OF COUNCILLOR STEEL

Moved by Councillor Steel, seconded by Councillor Culley:

“Nottingham City Council supports the general proposals of the Castle Working Group and commits to significantly improving the visitor experience at Nottingham Castle

The Council acknowledges the cultural and economic importance of the Nottingham Castle and Robin Hood legend to the City in terms of reputation and tourism, and resolves to seek every opportunity to:

- improve visitor experience by fully exploiting these assets:
- establish a widespread international recognition of the City’s unique attributes;

- provide ease of access to, and maximise the potential for the magnificent views of, the Castle and Rock from across the City.”

RESOLVED that the motion be carried.

66 EXECUTIVE BOARD CITY CENTRE COMMITTEE MEMBERSHIP

RESOLVED that the addition of Councillors Collins and Chapman to the membership of the Executive Board City Centre Committee be noted.

67 ADDITIONAL MEETING

RESOLVED that an additional meeting of Council be held on 28 January 2013.

The meeting concluded at 6.10 pm

CITY COUNCIL – 28 JANUARY 2013

REPORT OF THE LEADER

DECISIONS TAKEN UNDER THE URGENCY PROCEDURE

1 SUMMARY

- 1.1 As required by the Council's Constitution, this report informs Council of decisions taken under the urgency procedure since the last meeting of Council.

2 RECOMMENDATIONS

- 2.1 It is recommended that Council notes the urgent decisions taken, as detailed in Appendix 1.

3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

- 3.1 To ensure compliance with the procedures detailed in the Council's Constitution.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 None.

5 BACKGROUND

- 5.1 Part 4, paragraph 15, of the Constitution requires that where a decision is taken under the urgency procedure, those decisions need to be reported to the next available meeting of Council, together with the reasons for urgency. Council will be aware that the call-in procedure does not apply where the decision taken is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The urgency procedure requires that the Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and that it should be treated as a matter of urgency. In the absence of the Chair, the Vice-Chair's consent is required. In the absence of both, the Chief Executive or his/her nominee's consent is required.

6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

6.1 None.

7 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)

7.1 None.

8. EQUALITY IMPACT ASSESSMENT (EIA)

8.1 An EIA is not required as the report does not relate to new or changing services or policies.

9 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

9.1 None

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

10.1 The Council's Constitution

10.2 Delegated Decision 0559

**COUNCILLOR JON COLLINS
LEADER OF THE COUNCIL**

URGENT DECISIONS

<u>Decision reference number</u>	<u>Date of decision</u>	<u>Subject</u>	<u>Value of decision</u>	<u>Decision Taker</u>	<u>Consultee on urgency</u>	<u>Reasons for urgency</u>
0559	20/12/2012	Agreement to suspend lease arrangements during construction works	Exempt	Portfolio Holder for Leisure, Culture and Tourism	Chair of Overview and Scrutiny	To allow for timely implementation of the decision

CITY COUNCIL - 28 JANUARY 2013

REPORT OF THE DEPUTY LEADER

COUNCIL TAX SUPPORT SCHEME, NOTTINGHAM CITY

1 SUMMARY

- 1.1 This report sets out a local Council Tax Reduction Scheme for the City of Nottingham which is formally called 'Council Tax Support Scheme 2013/14' (CTSS 2013/14) and seeks approval to adopt this Scheme. A copy of the proposed CTSS 2013/14 is available on the Council's website here:
<http://nottinghamcity.gov.uk/index.aspx?articleid=13321>
- 1.2 From April 2013 responsibility for providing help to people to pay their Council Tax passes to billing authorities, who are required to draw up local Council Tax Support Schemes. The Government requires that new schemes must be adopted by authorities by 31 January 2013.
- 1.3 The local Council Tax Support Scheme will impact on all working age people who currently claim Council Tax Benefit. In Nottingham, an estimated 26,500 Council Tax Benefit claimants are of working age.
- 1.4 The CTSS 2013/14 proposals were considered by the Executive Board on 18 December 2012.
- 1.5 Appendix 1, the Equality Impact Assessment and Appendix 2, the consultation findings have been circulated separately.

2 RECOMMENDATIONS

It is recommended that Council:

- 2.1 notes the findings and outcomes from the CTSS consultation carried out with residents and other stakeholders as set out in Section 3.1 of this report and in Appendix 2;
- 2.2 having regard to its Public Sector Equality Duty, notes the findings on equalities and other impacts arising from the proposed Council Tax Support Scheme in Appendix 1;
- 2.3 has regard to the recommendation of the Executive Board on 18

December 2012 and adopts the proposed Council Tax Support Scheme for the City of Nottingham for 2013/14 to take effect from 1 April 2013 and available on the Council's website here: <http://nottinghamcity.gov.uk/index.aspx?articleid=13321>;

- 2.4 has regard to the recommendation of the Executive Board of 18 December 2012 and authorises the Chief Finance Officer to:
1. submit an application to Department for Communities and Local Government, no later than 15 February 2013, for 'transition grant funding' of £775,000; and
 2. to agree any appropriate terms and conditions;
- 2.5 further resolves to use the full allocation of the 'transitional grant funding' in the operation of the CTSS for 2013/14.

3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

- 3.1 A comprehensive 8 week formal public consultation exercise took place from 5 September 2012 until 30 October 2012, on proposals for a local CTSS consisting of the following features:
- putting a maximum limit on the amount of council tax support that can be paid to all working age people – where everyone would pay at least 20% towards their Council Tax bill;
 - capping the Council Tax support to 80% and Band B properties;
 - reducing the upper savings limit from £16,000 to £6,000;
 - removing the Second Adult Rebate¹;
 - removing backdating;
 - setting a minimum level award of between £2 - £4.
- 3.2 The consultation proposals were developed in partnership with Derby and Leicester City Councils. The purpose of a joint approach was to provide both equity and clarity for citizens in terms of the support they could expect to receive, to simplify the consultation and communications approach and to provide leadership in an approach for the wider region.
- 3.3 Our engagement and consultation activities were designed to give all citizens and key stakeholders the opportunity to have their say. A number of different channels of communication were used such as face to face events, written and online information and a wide range

¹ If a resident can afford to pay their Council Tax, but lives with someone on a low income, who is not their partner, they may be able to get up to 25% off their Council Tax bill. This is called Second Adult Rebate.

of briefings were organised for citizens, partners, NCC employees, voluntary groups and key stakeholders. Further details are in Appendix 2.

3.4 The City Council has formally consulted with the precepting authorities and has been in discussion with them throughout the consultation period.

3.5 Analysis of the consultation responses showed that:

- **25%** of respondents **agreed** with the proposal that **all** households should pay 20% of their Council tax. **66% disagreed**;
- **70%** feel that some households should get more support than others, but there is no consensus on how to fund more support for certain households or who those households are;
- **57%** of respondents **disagreed** with the proposal to remove backdating. **30% agreed**;
- **51%** of respondents **disagreed** with the proposal to cap support at the Band B rate. **31% agreed**;
- Opinion was more evenly split (between those in favour and those against) for the proposals on reducing the savings limit, removing second adult rebate and setting a minimum award level.

3.6 Key messages from the consultation were that:

- the proposed scheme is unaffordable to some people and would unfairly penalise some people;
- the Council should refuse to pass on the cuts and should campaign against Government cuts;
- the Council should save money elsewhere or use other money to make up the shortfall in funding, although this may be a short term solution;
- people would like to know how the proposed scheme will affect them personally.

3.7 As a result of the consultation analysis (Appendix 2) and the EIA (Appendix 1) the following changes were proposed to the draft 2013/14 CTSS:

- to retain back dating – the consultation showed strong disagreement with removing this feature and that removing it may increase hardship for vulnerable citizens;
- to set a minimum level of award at 50p – the consultation showed some disagreement with introducing a minimum level award. Setting the minimum at 50p aligns with Housing Benefit payments and minimises the impact on low income working households and

others just above the threshold for 100% help.

3.8 These changes should also inform the intentions for the 2014/15 CTSS.

3.9 During Nottingham City Council's (NCC) consultation the Government made an announcement about £100m transition funding. The DCLG criteria differ slightly from the proposals outlined above on which NCC consulted. At the time of drafting and consulting on the original local CTSS proposals, DCLG had not announced any intention of making the transitional funding available. Now that this funding is available, it provides the opportunity for NCC to reduce the financial burden for 2013/14 for citizens by accessing and using this funding to mitigate the impact as far as possible during a period of significant welfare reform changes. This enables NCC to revise the 2013/14 CTSS in a way which does not fundamentally differ from the original proposed scheme (and therefore no requirement for further consultation arises) and which responds to the consultation feedback which indicated a high proportion² of respondents would find it difficult to meet household bills whilst at the same time meeting the criteria necessary to secure transitional funding.

3.10 **The 2013/14 Council Tax Support Scheme**

The Local Government Finance Act (LGFA) 2012 states that each billing authority in England must adopt a council tax reduction scheme no later than 31 January 2013; and the first financial year to which that scheme relates must be the year beginning with 1 April 2013. The 2012 Act also inserts a new Schedule 1A into the LGFA 1992; it provides that for each financial year, each billing authority must consider whether to revise its scheme or to replace it with another scheme.

3.11 It is recommended that in the light of the consultation feedback, NCC takes the opportunity to reduce the financial burden on some of our most vulnerable citizens for 2013/14 by adopting a CTSS that enables NCC to access the transitional funding available from DCLG for one year only. It is recommended that Council adopts the Council Tax Support Scheme 2013/14 incorporating the key terms set out below and in the Scheme, available on the Council's website here: <http://nottinghamcity.gov.uk/index.aspx?articleid=13321>

² Pre-consultation - 85% of respondents said they would find it hard to meet household bills if they had to pay more Council Tax. Main consultation 71% of respondents said changes to Council Tax Benefit would mean they would have to reduce spending on essential items e.g. food and heating.

3.12 In order to comply with the criteria set out by DCLG, to access the one-off transitional funding, the 2013/14 CTSS includes the following elements:

- putting a maximum limit on the amount of council tax support that can be paid to all working age people, so that working age households who get 100% help with their Council Tax bills now can receive a maximum of 91.5% help in 2013/14;
- all working age households will pay at least 8.5% of their Council Tax bill in 2013/14;
- there is no sharp reduction in support for those entering work.

3.13 It is also recommended that the following additional elements are included, following consideration of the findings of our formal consultation exercise:

- Second Adult Rebate is removed³;
- backdating is retained;
- setting a minimum award level of 50p.

The elements in section 3.13 of this report do not conflict with the DCLG criteria and respond to the feedback from the formal consultation and equality impact assessment.

3.14 In order to comply with government regulations, the 2013/14 scheme also includes a guarantee that low income pensioners will see no change to the help they currently get with their Council Tax bills.

3.15 The current National Council Tax Benefit system is a means tested benefit system and when calculating the amount of Council Tax Benefit, the amount of money the household has to live on is taken into account. There are certain sources of household income/benefits that are not taken in to account. Under the 2013/14 CTSS this will not change and the following households will continue to be recognised:

Households with Children – Child Benefit will not be taken into account when household income is calculated

Households with a disabled person – will continue to receive benefits such as Disability Living Allowance and other allowances towards living costs.

Households with a carer – will continue to receive an additional allowance towards living costs

Households with a war widow or disablement pension – War

³ If a resident can afford to pay their Council Tax, but lives with someone on a low income, who is not their partner, they may be able to get up to 25% off their Council Tax bill. This is called Second Adult Rebate.

pensions will not be taken into account when household income is calculated

- 3.16 This approach is designed to comply with the government parameters set out in section 5.7 of this report.
- 3.17 The advantages of adopting the 2013/14 CTSS are that:
- it enables NCC to adopt a CTSS in 2013/14 that is comparatively more affordable for citizens in 2013/14 as all working age households will pay at least 8.5% towards their Council Tax bill, rather than contributing at least 20% as originally envisaged. This will help to mitigate the impact of reduced levels of support available for low income households to pay their Council Tax. For example a couple in a Band A property (based on the 2012/13 Council Tax level) and in receipt of Income Support benefit would pay £1.75 per week under the 2013/14 CTSS rather than £4.13 per week under the original proposals;
 - it recognises the concerns expressed within the consultation about the affordability of NCC's proposals and responds to these;
 - the DCLG transition grant helps to manage financial risk to the Council since it provides £775,000 in the first year that would otherwise have had to be collected from low income working age households under the original proposals.
- 3.18 An EIA has been carried out for the 2013/14 CTSS and includes actions that have been taken to minimise negative impacts (Appendix 1).
- 3.19 The 2013/14 CTSS is only affordable for NCC for one year by using the one-off transition funding available to NCC totalling £775k. It does leave a funding gap for 2013/14:
- a £1.2m funding gap would remain (even with income from Council Tax reforms) which adds to existing budget pressures;
 - the City Council's share of this would be £1.025m and there would be an estimated funding gap for preceptors of £0.124m (Police) and £0.052m (Fire). As the scheme is for one year only the City Council will finance the gap from reserves.
- 3.20 Applications for the transitional grant can only be made after the deadline for adopting schemes on 31 January 2013 but must be made by 15 February 2013.
- 3.21 The 2013/14 CTSS is recommended for 2013/14 only.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 NCC considered a number of options based on modelling of different levels of contribution from all working age households varying from 10% to 25%. As a result of this modelling, claimant contributions of 10% and 15% were found to be unaffordable in the long-term for the Council.
- 4.2 NCC also considered options based on modelling different levels of support for different sorts of households; for example, households with children or households with a disabled person. However, for NCC to increase support to one or more of these households, all other working age people who claim Council Tax support in Nottingham may have to pay between 20% and 38% towards their Council Tax.
- 4.3 These options were found to place a disproportionate burden on some households and the consultation findings provided no consensus on which households should receive more support than others and which households should pay more to fund this.

5 BACKGROUND

- 5.1 The current Council Tax Benefit (CTB) system supports lower income households who need help to pay their Council Tax bill. This benefit is a national income-related social security benefit. The scheme is administered by local authorities and paid for by Government via a subsidy regime.
- 5.2 The Welfare Reform Act 2012 abolishes the current national Scheme from April 2013. Instead, responsibility for providing help to people to pay their Council Tax passes to billing authorities, who are required to draw up a local CTSS.
- 5.3 In 2012/13 NCC will spend an estimated £34m helping approximately 41,000 people pay their Council Tax bills⁴. Of these, 14,628 are pensioners costing £12.4m and approximately 26,500 were of working age costing £21.6m of those 26,500 working age people approximately 19,000 receive 100% CTB and approximately 7,500 receive partial CTB.
- 5.4 If NCC were to continue to pay Council Tax Support based on the

⁴ Figures from May 2012 data

current national CTB rules, the estimated cost to the Council in 2013/14 would be £35.4m.

- 5.5 From April 2013, billing authorities will receive a non-ring fenced grant from the Government to support local schemes, rather than an amount reflecting actual expenditure. NCC originally estimated a grant of £29.3m for 2013/14. This left the Council with an estimated funding gap of £6.1m for 2013/14, if NCC were to continue to pay Council Tax Support based on the current national CTB rules. This grant allocation does not appear to take into account basic assumptions such as likely increases in the numbers of low income pensioners or working age households needing support or existing claimants' incomes falling. NCC estimated that this grant would be 18% less than the Council's total projected expenditure on CTB in 2013/14.
- 5.6 NCC's approach to developing a replacement scheme has been informed by the following principles:
- affordability for citizens;
 - affordability for the council and precepting authorities;
 - ease of administration and implementation;
 - future sustainability;
 - effect on citizens (disproportionate effect or not);
 - equality considerations
- 5.7 The Government has set some parameters which all new schemes must follow. These include:
- no change in support for Council Tax given to low income pensioners (this protection is prescribed in regulations);
 - a reminder of authorities' statutory duties in relation to child poverty and vulnerable groups including disabled people;
 - the expectation that local schemes should encourage people into work and not undermine the new Universal Credit scheme.
- 5.8 The Government requires that new schemes must be adopted by authorities by January 2013 and implemented by 1st April 2013. If the Council fails to adopt a local scheme by 31st January 2013 then a default scheme designed by DCLG will be implemented. This scheme would be the same as the current national scheme but with the reduced level of funding leaving the Council and precepting authorities (Fire and Police) with a significant budget shortfall estimated at £6.1m per annum.

- 5.9 In October 2012, the Government announced that an additional £100 million of transition funding would be made available for Local Authorities who adopt schemes that meet specific Government set criteria. This announcement happened during the period of Nottingham's formal public consultation on local CTSS proposals.
- 5.10 In order to become eligible to apply for the transitional grant funding, a local authority must formally adopt a scheme, before 31 January 2013 which complies with the following Government set criteria:
- those working age households who would be entitled to 100% support under current council tax benefit arrangements pay between zero and no more than 8.5% of their net council tax liability;
 - the taper rate does not increase above 25%⁵;
 - there is no sharp reduction in support for those entering work.
- 5.11 The requirement for the scheme to ensure no change in the support for Council Tax given to low income pensioners would also still apply.

New council tax powers relating to empty properties

- 5.12 The Council can take advantage of new powers relating to empty properties which could potentially generate income by allowing NCC to choose whether to grant discounts or levy additional charges on long term empty properties. For Nottingham this could potentially generate up to £2.637m per annum and could be used to help reduce the estimated £6.1m funding gap. In February 2013, Council will be asked to approve the use of these powers from 1st April 2013.

6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 6.1 The reduction in Council Tax Support Grant (CTSG) will lead to a shortfall in funding the current national scheme of an estimated £6.1m in 2013/14. Given the current financial pressures faced by the City Council the current national scheme is not considered affordable.
- 6.2 The CTSS consulted upon was estimated to increase the amount of Council Tax to be collected such that this scheme would be financed from the CTSG and the additional income generated from the reduction in Empty Property discounts.
- 6.3 In order to minimise the impact of the reduction in grant on the CTSS the City Council plans to introduce the Government proposals to allow

⁵ The rate at which Council Tax Benefit is reduced to in order to take account of income

local discretion over the level of Council Tax Empty Property discounts. The increased net income is estimated to be £2.637m.

6.4 Following the outcome of the consultation and in the light of the announcement of additional one-year funding by DCLG (£775k grant to City Council and precepting authorities (Fire and Police)) it is proposed to introduce a scheme in 2013/14 that will comply with the conditions imposed by DCLG. The implementation of this scheme will increase Council Tax collected by an estimated £1.493m, leaving a shortfall in the cost of the scheme of £1.201m in 2013/14 (assuming the Empty Property discounts are applied in full).

6.5 The shortfall in the cost of the scheme in 2013/14 will impact on precepting authorities as follows:

Precepting authority	Share %	Cost £m
City Council	85.4	1.025
Police Authority	10.3	0.124
Fire Authority	4.3	0.052
Total	100.0	1.201

6.6 The City Council has formally consulted with the precepting authorities and has been in discussion with them throughout the consultation period.

6.7 As the scheme is for 2013/14 only the financial shortfall is non-recurring. The City Council shortfall of £1.025m can be financed from reserves. The Medium Term Financial Plan to be submitted to Executive in February will contain the impact on reserves should the recommended scheme be approved at Full Council in January 2013.

6.8 The following financial risks have been identified:

- the estimates assume a 1% increase in demand for benefits based on demand trends from the last 3 years. A 1% increase in demand will increase the cost of the scheme by £352,000; conversely if demand reduces the cost of the scheme will reduce;
- a loss of collection and increased cost of collection based upon experience of collecting this type of debt in line with assumptions made by other authorities. Each 1% reduction / increase in collection rate makes £22,000 difference in cost;
- the assumption is that the DCLG grant will be received in full. There is a risk in that the grant can only be applied for after

Council approve the scheme. The approval of grant will therefore be after the scheme has been approved;

- future council tax increases will increase the cost of the scheme and will need to be factored into Medium Term Financial Strategy assumptions.

7 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS)

Local Government Finance Act 2012

- 7.1 The Local Government Finance Act 2012 (the Act) came into force on 31 November 2012 and imposes a duty on billing authorities to make a localised council tax reduction scheme by 31 January 2013. Regulations set out certain key requirements and subject to those parameters, other aspects of the scheme are to be agreed locally.
- 7.2 The key prescribed features are that any scheme must specify the reductions applicable to people or classes of people whom the authority considers to be in financial need; the reduction to which persons in each class are to be entitled (and different reductions may be set out for different classes); and the procedures by which a person may apply for a reduction under a scheme or make an appeal.
- 7.3 The Government has placed a duty on local authorities to provide a 'protected' scheme for claimants of state pension credit age (pensioners) and have also prescribed certain classes of people who will not be eligible to claim support.
- 7.4 In advance of the Act coming into force DCLG published a Statement of Intent '*Localising Support for Council Tax*' setting out a range of issues regarding Council Tax Support schemes so that local authorities could prepare draft schemes and consult on them before the Act came into force.
- 7.5 The Act states that for each financial year, Councils must consider whether to revise its Council Tax Support scheme or replace it with another scheme and that such decisions need to be made by 31 January in the financial year preceding that for which the revision or replacement scheme is to take effect.
- 7.6 If the Council does not make a Council Tax support scheme by 31 January 2013, a default scheme will be imposed on the Council which will be effective from April 2013, the effect of which has been set out

above in this report.

Consultation

- 7.7 The Act states that before making a scheme (in the following order) the authority must consult with any major precepting authority, publish a draft scheme and then consult with other such persons who are likely to have an interest in the operation of such a scheme.
- 7.8 The Statement of Intent identified that billing authorities must put in place a realistic timeframe for consultation to ensure that feedback can be sought from all appropriate individuals and groups in the community. The length of any consultation should also reflect the changes proposed. It also noted that although the Government's code of practice on consultation states that 12 weeks is normally appropriate, there may be good reason for a shorter consultation period where there is a fixed timetable. It adds that in considering their timetable a billing authority will also need to consider that if effective consultation is carried out it also takes time to gather the feedback, understand the key themes and impacts and take it through any internal governance processes to get agreement on any final changes.
- 7.9 Details of the consultations undertaken are dealt with in the main body of the report and Appendix 2. In terms of public consultation, taking all the relevant factors in the DCLG Statement of Intent, into account, an 8 week consultation period was considered an appropriate timescale in terms of satisfying those requirements whilst at the same time ensuring the 31 January deadline is met.

Public Sector Equality Duty

- 7.10 The public sector equality duty, as set out in section 149 of the 2010 Equality Act, requires the Council, when exercising its functions, to have "due regard" to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who have a "protected characteristic" and those who do not share that protected characteristic.
- 7.11 The Council must pay due regard to any obvious risk of such discrimination arising in respect of the decision before them. There is no prescribed manner in which the equality duty must be exercised, though producing an Equality Impact Assessment (EIA) is the most usual method. For this reason these matters are examined in the EIA

(Appendix 1).

- 7.12 The “protected characteristics” are: age, disability, race (including ethnic or national origins, colour or nationality), religion or belief, sex, sexual orientation, pregnancy and maternity, and gender reassignment. Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.
- 7.13 Councillors must consider the effect that implementing the proposed scheme will have in relation to equality before making a decision. The EIA will assist with this.
- 7.14 Where it is apparent from the analysis of the information that the policy would have an adverse effect on equality, then adjustments should be made to avoid that effect and this is known as “mitigation”.
- 7.15 The public sector equality duty is not to achieve the objectives or take the steps set out in section 149 of the Equality Act 2010. The duty on the Council is to bring these important objectives relating to discrimination into consideration when carrying out its public functions. The phrase “due regard” means the regard that is appropriate in all the particular circumstances in which the Council is carrying out its functions. There must be a proper regard for the goals set out in section 149 of the 2010 Act. At the same time, when making their decision on what scheme to adopt for localised council tax support, Councillors will also need to pay regard to other factors which it is proper and reasonable for them to consider. Budgetary pressures and economic and practical factors will also be relevant. The amount of weight to be placed on the same countervailing factors in the decision making process will be for Councillors to decide when the final decision on the scheme is made.

Other duties

- 7.16 In addition to the Public Sector Equality Duty, the Department for Communities and Local Government has provided the following guidance to local authorities in its May 2012 document entitled: “Localising Support for Council Tax: Vulnerable people – key local authority duties” which reminds local authorities of the need to take other duties into account when setting up a Council Tax Reduction Scheme: Child Poverty Duty under the Child Poverty Act 2010; Homelessness Act 2002; Armed Forces Covenant; Chronically Sick and Disabled Persons Act 1970; Disabled Persons (Services, Consultation and Representation) Act 1986, and the Children Acts

1989 and 2004. This guidance has been taken into account in preparing the scheme and is addressed, as appropriate in the main body of the report.

8 EQUALITY IMPACT ASSESSMENT (EIA)

- 8.1 The equality impact has been assessed and can be found in Appendix 1.
- 8.2 The Equality Act 2010 places a duty on Local Authorities to pay due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation, and any other conduct prohibited by the Act;
 - advance equality of opportunity between people who share a 'protected characteristic' and people who do not share it; and
 - foster good relations between people who share a protected characteristic and people who do not share it.
- 8.3 NCC and Councillors as decision makers have a legal responsibility to pay due regard to the equalities implications of decisions to change, limit or remove aspects of our services.
- 8.4 The full EIA has helped NCC to identify key issues to try to mitigate any adverse impact that may be felt by citizens in the design of the Council Tax Support Scheme.

9 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- 9.1 Equality Impact Assessment – Appendix 1
Consultation findings – Appendix 2
Council Tax Support Scheme 2013/14 – available on the Council's website here: <http://nottinghamcity.gov.uk/index.aspx?articleid=13321>

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 10.1 Welfare Reform Act 2012
Localising support for council tax – Transitional grant scheme (October Local Government Finance Act 2012
The Equality Act 2010
DCLG statement of intent Localising Support for Council Tax

Executive Board Report of 18 December 2012

**COUNCILLOR GRAHAM CHAPMAN
DEPUTY LEADER**

CITY COUNCIL – 28 JANUARY 2013

REPORT OF THE PORTFOLIO HOLDER FOR AREA WORKING, CLEANSING AND COMMUNITY SAFETY

ARBORETUM AND RADFORD AND PARK WARDS DESIGNATED PUBLIC PLACE ORDER

1 SUMMARY

- 1.1 This report outlines the procedure through which the Council will consult on making a Designated Public Place Order (“DPPO”) that covers part of the Radford and Park, and Arboretum Ward areas (herein after referred to as “the Order”).
- 1.2 All appendices referred to in the report have been circulated separately.

2 RECOMMENDATIONS

That Council:

- 2.1 notes the draft Order and map specified at Appendix 1 showing the area proposed to be covered by the Order;
- 2.2 approves the notification and consultation processes required for making an Order as per the procedural summary at Appendix 2 and timetable at Appendix 3;
- 2.3 approves the publication of the draft Order for public consultation, as per the draft notice at Appendix 4.

3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

- 3.1 There is a need to control problems associated with alcohol related nuisance and annoyance to the public in the proposed area. The problems are caused by people drinking alcohol in public, mis-using alcohol and using anti-social behaviour, including public disorder and littering associated with the consumption of alcohol. Evidence shows that these issues impact greatly on the quality of life for the residents, visitors and businesses alike within the proposed area.

- 3.2 The introduction of the Order would provide an additional tool to be used in the enforcement and prevention of alcohol related anti-social behaviour. The Order would give rise to the power of Police Officers and accredited officers to require people to desist from drinking alcohol and to surrender alcohol. An Order would therefore help remedy the problems caused by alcohol related anti-social behaviour, nuisance and disorder in the proposed area. Evidence gathered in the existing DPPO areas shows a reduction in alcohol related nuisance and disorder through use of the associated powers. Unless the powers are adopted in the proposed area there is a high likelihood the problems experienced would continue.
- 3.3 If a DPPO were imposed it would become an offence to fail to comply, without a reasonable excuse, with an officer's request. Penalties for the offence include a Fixed Penalty Notice being issued of £50 or a fine of up to £500 following prosecution.
- 3.4 The City Council, in conjunction with Nottinghamshire Police already utilise various intervention techniques to help prevent alcohol related nuisance and annoyance arising. The powers proposed will assist and strengthen the approach taken by these agencies against those who choose to continue to disrupt the lives of residents and businesses.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 Dealing with the issue of public alcohol consumption and associated anti-social behaviour is a high priority in the Hyson Green, Arboretum and Radford areas and has recently received extensive coverage in the local press. The Council has considered and utilises other options, including increased street patrols within the area and increased alcohol related operations, to deal with the problems that arise. However these are unlikely, in isolation, to be effective in remedying alcohol related nuisance and disorder. It is recommended that the addition of the proposed Order is needed to assist officers further in curtailing alcohol related anti-social behaviour. In addition to the proposed DPPO, the introduction of an Alcohol Saturation Zone will be considered in the future. Whilst this would assist in controlling the amount of licensed premises opening and selling alcohol in the zone, it would not give rise to a power to request persons to stop consuming alcohol, to seize alcohol and to an associated power of arrest.
- 4.2 Increasing street patrols has helped to monitor the situation in the

proposed area and to act as a deterrent. However, where problems arise in the proposed area, officers do not presently have the ability to request the consumption of alcohol is stopped and to confiscate alcohol. Therefore the options open to officers are restricted and their actions are less effective than they might otherwise be.

- 4.3 The proposal will not affect the existing power of the Police to seize and retain alcohol from young persons under the Confiscation of Alcohol (Young Persons) Act 1997. However, these powers do not limit the consumption of alcohol by adults and are limited to use by the Police. The powers that would arise under the proposal apply to all persons regardless of age and can be utilised by all accredited officers.
- 4.4 Dispersal Orders are used by the Police from time to time; however, when applied they only give rise to the ability to disperse a group of two or more persons in any public place in the relevant locality which has resulted or is likely to result in any member of the public being intimidated, harassed alarmed or distressed. The power does not specifically relate to preventing the consumption of alcohol.
- 4.5 Whilst directions to leave an area, under the Violent Crime Reduction Act 2006, can apply to individuals who may cause alcohol related crime or disorder, the power can only be utilised by the Police and once again, does not extend to the seizure of alcohol.

5 BACKGROUND

- 5.1 Under section 13(2) of the Criminal Justice and Police Act 2001, local authorities can by order designate areas that they are satisfied have experienced alcohol-related disorder or nuisance caused to members of the public or a section of the public, so that there can be restrictions on public drinking. The potential for nuisance is not in itself sufficient grounds for designation; there must be evidence of an existing association. Such orders are called Designated Public Place Orders (DPPOs).
- 5.2 Section 12 of the Criminal Justice and Police Act 2001 provides the Police and accredited officers with the power to deal with alcohol related anti-social behaviour, nuisance and disorder in areas that have been designated by the local authority under section 13 of the Act as a DPPO. Section 12 provides that an officer who reasonably believes a person is or has been consuming, or intends to consume

alcohol in a designated public place, can request that they refrain from doing do and may ask the person/s to surrender any alcohol or alcohol containers (including sealed containers) in their possession. Failure to comply with the officer's request becomes an arrestable offence which can result in a fixed penalty notice or a fine. In order to ensure a proportionate use of the powers it is proposed that individuals who an officer reasonably believes have been consuming, or intend to consume alcohol within the proposed designated area are not approached and asked to refrain from drinking unless:

- a) they are engaged in anti-social behaviour or disorder;
- b) the officer is of a view that there is likely to be anti-social behaviour or disorder; or
- c) complaints had been received from members of the public, businesses and/or Council staff working in the area that they have been engaged in such behaviour.

5.3 On 1 April 2006, Nottingham City Council created a DPPO in Hyson Green. A copy of the Map relating to this DPPO is detailed in Appendix 5.

5.4 Nottingham City Council has approved DPPOs covering the City Centre and the area to the North-West to include the Forest Recreational Ground and an area to the North East as detailed on the map attached at Appendix 6.

5.5 As a matter of good practice there have been regular reviews and evaluations of the current DPPO's .It has been identified that there is an area, not currently covered by the existing DPPO's which experiences alcohol related disorder and nuisance. At present the Police and accredited officers have no powers to request people refrain from drinking alcohol and confiscate it in this area. The evidence gathered suggests anti-social behaviour has been caused by people drinking alcohol irresponsibly in this area, which has impacted negatively upon the peaceable enjoyment of the area by the wider community. Evaluation of the evidence gathered also demonstrates there has been an amount of displacement of anti-social drinking and nuisance from the existing DPPO areas across into parts of the Radford (West) and Park Wards which border the Hyson Green Forest Recreation Ground DPPO areas to the West and North West. Given the evidence of displacement that has taken place so far, there is a risk that wider displacement may occur within the Radford (West) and Park Wards. To take account of this the proposed DPPO area has been widened to include public areas

beyond those experiencing the majority of the immediate problems caused by anti-social drinking. This is an approach consistent with Home Office guidance. The relationship of the proposed area to the existing DPPO areas in the vicinity is shown at Appendix 7.

5.6 Any powers arising from an Order are not intended to disrupt peaceful activities, for example families or groups having a picnic and consuming alcohol in the proposed area, but are solely intended for use as a control measure for the consumption of alcohol in public places by those who cause anti-social behaviour as a result of their drinking and associated behaviours.

5.7 Section 14 of the Criminal Justice and Police Act 2001 denotes those areas which are **not** public places for the purposes of consuming alcohol in public places (ie consumption of alcohol in these places is allowed subject to regulations by other legislation)

Under section 14(1) A place is not a designated public place or a part of such a place if it is:

- (a) a premises in respect of which a premises licence or club premises certificate authorising the sale or supply of alcohol has effect, within the meaning of the Licensing Act 2003;
- (b) a place within the curtilage of premises within paragraph (a);
- (c) a premises which by virtue of Part 5 of the Licensing Act 2003 may for the time being, be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the last 30 minutes;
- (d) a place where facilities or activities relating to the sale or consumption of alcohol are for the time being permitted by virtue of a permission granted for the execution of works and use of objects in or over a highway.

It is proposed to consult the list of statutory consultees which will include the Police and holders of premises licenses and club premises certificates within the proposed area which may be affected by the making of an Order. It is proposed that reasonable steps are taken to consult with the owners and occupiers of the land within the proposed area, through leafleting or by letter, examples of such consultation letters are shown at Appendix 8. Relevant representations in relation to whether or not a DPPO should be made will be invited. Any representations received at the expiry of the consultation period will be reported back to the Council. A consultation period of 6 weeks is being proposed. If an Order were to be recommended it could not be

made until at least 28 days have passed after publication of a final notice in a local newspaper. The procedures and timetables the Council needs follow are set out at Appendix 2 and 3.

- 5.8 Statements have been provided so far by a number of people. These include Community Protection Officers, Police Community Support Officers, Police Officers, two Police Inspectors covering the proposed area and other sources within the wider community. They all support the making of a DPPO. A copy of the relevant evidence will be available to view and in the Council Chamber immediately before the meeting.

6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 6.1 Prior to implementing a DPPO, regulations require the Council to consult with any other primary or secondary authority within the area over which the Order is to apply. Nottingham City Council is the sole Local Authority for the Hyson Green, Arboretum and surrounding area and there are no Parish or Community Councils within or near the proposed designation area. The only remaining mandatory consultees will be the Chief Officer of Police and relevant premises licence and club certificate holders.
- 6.2 The cost of bringing the Order into force includes the consultation process and subsequent erection of signs declaring the status of the area in question.
- 6.3 The Council must also publish a notice describing the proposed order to allow residents the opportunity to make representations. Those representations will be considered and reported upon as appropriate. The cost of leaflets/letters for consultation with the business owners, residents and interested parties in the proposed area will be met by Community Protection.
- 6.4 Prior to implementing an Order, regulations require the Council to publish a Notice in the local newspaper circulated in the area. The notice must:
- (a) identify the land to which the Order will apply;
 - (b) summarise the Order;
 - (c) if the Order refers to a map, identification is required as to where the map can be inspected;
 - (d) give the address to which and the date by which representation must be sent to the Authority.

The notice (see Appendix 4) would be published in the Topper newspaper which circulates in the proposed area. One advert is required as part of the formal Consultation process, we have been given an estimated quote for the cost of this advert as £483.00 per advert.

6.5 An example of the proposed signs which will be used if an Order is made is shown at Appendix 9. It has been designed with language barriers in mind and is pictorial for those who cannot read English or the other languages displayed. The costs for each sign are approximately £29.40 (materials) with fitting of £90. Several signs would be displayed, one at each entry point to the area and additional signs at prominent points where particular issues with anti-social behaviour resulting from alcohol drinkers have been experienced. This overall cost is reduced when more than 50 signs are ordered. The costs could be reduced further still if all DPPO area signage was renewed.

6.6 Financial Benefits would include:

- long term reduced costs for Community Protection and the Police in significantly reducing anti-social behaviour and alcohol related disorder in the area caused by drinking alcohol in public and subsequent behaviour associated with this activity;
- long term reduced costs for Community Protection and the City Council in significantly reducing litter caused by alcohol drinkers discarding their empty bottles and cans within the area.

6.7 If the Order is approved and the required signage erected, there will be no ongoing financial implications. The costs of enforcing the Order will be met within the existing roles of Nottinghamshire Police.

7 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS)

7.1 Paragraph 18 of the Home Office Circular 013/2007 - Guidance for Designated Public Place Orders states that the local authority will want to satisfy itself that these powers are not being used disproportionately or in an arbitrary fashion which could be the case if one, isolated incident led to a designation order. Clearly there should be evidence of an existing problem, with an assessment as to the likelihood that the problem will continue unless these powers are adopted and belief that the problem could be remedied by the use of these powers. Against this background, it is possible that a single,

serious incident might be sufficient to justify adoption of the powers.

- 7.2 The Orders would assist the area by way of reducing and preventing criminal and anti-social acts.
- 7.3 As identified in the main body of the report DPPOs should only be made where the Council is satisfied that to do so would be a necessary and proportionate response to problems caused by the activities of people drinking alcohol in the area defined and the subsequent anti-social behaviour caused by them. If the Order is to be made then the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 procedure must be followed including consultation and the advertisement of proposals. Subject to compliance with and the outcome of those procedures, the eventual making of the Order would be within the Council's powers.
- 7.4 Officers would use any powers derived from the making of a DPPO fairly and proportionately as described above. The use of the power is a discretionary one for individual officers. Any general offences or other anti-social behaviour would be dealt with under existing legislative powers.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 The proposed Order is not intended to restrict those wishing to drink alcohol in a sensible and reasonable manner and therefore would not impact upon such activities. The order does not have an impact on any particular gender, race, disability, religion or belief or sexual orientation. The powers that arise from an Order would only impact those who engage in alcohol related disorder and nuisance. The uses of the powers that arise under the proposed Order are specified in legislation that applies to everyone equally. Enforcement against people acting in an anti social manner within the area of the DPPO will enable other members of the community, including young people, to enjoy the facilities provided without feeling uncomfortable or fearful. Whilst it is believed that interference with individual's private lives would only occur in a proportionate and justifiable manner and within a defined area, any concerns over impact upon equality will be reported back to the Council, should the results of the consultation confirm the need for a DPPO.

9 **LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED
WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT
INFORMATION**

9.1 Evidence in support of proposed DPPO

10 **PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS
REPORT**

10.1 Criminal Justice and Police Act (2001), sections 12-14.

10.2 Local Authorities (Alcohol Consumption in Designated Public Places)
Regulations 2007 SI 2007/806.

10.3 Home Office - Guidance on Designated Public Place Orders
(DPPO's): For Local Authorities in England and Wales.

**COUNCILLOR ALEX NORRIS
PORTFOLIO HOLDER FOR AREA WORKING, CLEANSING AND
COMMUNITY SAFETY**

