



**Nottingham**  
**City Council**

# **Council Meeting**

**To be held on  
Monday 21 October 2013**





You are hereby summoned to attend a meeting of NOTTINGHAM CITY COUNCIL at the Council House, Nottingham, on Monday 21 October 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.

Please note that questions to Council are received after the agenda has been published. Questions will be uploaded to this agenda by 5pm on Friday 18 October 2013

- 4 To confirm the minutes of the last meeting of Council held on 9 September 2013 127
- 5 To receive official communications and announcements from the Leader of the Council and/or the Chief Executive
- 6 To receive:
  - (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 a Citywide Designated Public Place Order 156

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| 8  | To consider a report of the Leader on decisions taken under the urgency procedures                    | 165 |
| 9  | To consider a report on proposed amendments to the Constitution                                       |     |
|    | (a) Report of the Leader on General Amendments to the Constitution;                                   | 171 |
|    | (b) Report of the Portfolio Holder for Community Services on Area Committee Terms of Reference.       | 173 |
| 10 | To consider a report of the Chair of the Audit Committee on the Audit Committee Annual Report 2012/13 | 179 |

- 11 To consider motion in the name of Councillor Ball:

“This Council notes that pubs are for many people a local facility and social hub that help facilitate community cohesion through interactions between people from different backgrounds. This Council also notes that Licensed premises may not be an appropriate location for building community cohesion for all sections of the community however, the right sort of pub run in the right way can be a great addition to a neighbourhood. This Council also notes that a significant number of pubs have closed in Nottingham’s neighbourhoods in the recent past.

This Council also notes that there are many changes of use for public houses that don’t require any sort of planning application and therefore the local community is denied a say on the future of their local pub. Finally, it is noted that other Local Authorities have begun to draw up policies and plans to respond to these changes.

This Council Resolves To

- Create a promotional plan in association with partners to support our well-run and responsible local pubs and successful local brewing operations



- Continue to support the Robin Hood Beer Festival in Nottingham
- Invite the Minister for Pubs in Government to the Robin Hood Beer Festival and take them on a tour of Nottingham so they can experience first hand the vibrant brewing economy and pub culture in the city
- Work with Nottingham CAMRA and national CAMRA in their campaign against pub closures
- Work with GMB and other trade unions in their campaign against the beer-tie
- Continue to promote licensing policies that support responsible pub operations
- Promote responsible drinking through the continuation of action against the sale of strong alcohol and irresponsible licensing that encourages a binge drinking culture
- Include a policy within the emerging Local Plan which recognises the importance of pubs in the community, and seeks to ensure that they can continue to play that role wherever possible
- Offer support where appropriate to community organisations seeking to nominate pubs as Assets of Community Value
- Lobby Government for an alteration in the Use Classes Order so that changes from pubs to retail and office uses requires planning permission
- Explore the use of an Article 4 Direction to prevent pubs from changing to retail, financial/professional services and restaurant uses without planning permission being obtained on application.”

- 12 To note the following change to committee memberships for the municipal year 2013/14:

Licensing Committee – Councillor Georgina Culley replaced by Councillor Eileen Morley;

Joint City and County Health Scrutiny Committee – Councillor Tim Spencer replaced by Councillor Eileen Morley;

Health Scrutiny Panel – Councillor Georgina Culley replaced by Councillor Eileen Morley;

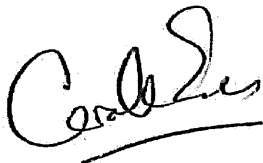
Overview and Scrutiny Committee – Councillor Tim Spencer replaced by Councillor Georgina Culley.

- 13 To agree moving the meeting of City Council currently scheduled for 10 February 2014 forward to 27 January 2014 allowing for consideration of the Council Tax Support Scheme 2014/15 prior to the deadline of 31 January 2014

**IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ABOVE, PLEASE CONTACT CONSTITUTIONAL SERVICES ON 0115 876 3759, IF POSSIBLE BEFORE THE DAY OF THE MEETING.**

Dated 11 October 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 9 September 2013 at 2.00 pm

### ATTENDANCES

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

#### **44 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Heaton, Neal and Morris.

#### **45 DECLARATIONS OF INTERESTS**

No declarations of interests were made.

#### **46 QUESTIONS AND PETITIONS FROM CITIZENS**

##### **Questions from citizens**

The following questions from citizens were received:

##### **Personal data use**

The following question was asked by Mr M Giblin to the Deputy Leader:

I had a query about my Council Tax Bill and called the section. During the call I was asked for my date of birth as a "security" question. As I have never given permission to use this information about me this requires answers to the following questions.

Why is the Council using personal data in this way?

Why not use the City Card number (housing rent card) on the front of the city card which is under the name?

It may appear on the surface of it to be "OK" or "fine" or "justifiable" but using personal data in this way is no guarantee that the person you are talking to is the claimant or bill payer. How many people do you know that know your birthday?

Councillor Chapman replied as follows:

Firstly, we ask for such detail because it protects people, such as the individual who has asked the question, from fraud. This is a standard practice. My bank, the RAC or when I report my feed in tariff or meter reading, they all ask me for my date of birth; In fact they ask you much more personal questions. I can't see the problem and if anyone is worried about date of birth, mine is 16/08/51. I've got no problems with it.

Secondly, he asks why the City Card cannot be used. The City Card data is not integrated into the Council tax data system and because the City Card is not water tight, the system would, in itself, not be adequate anyway even if it were integrated. One more thing, Mr Giblin has in fact signed a document giving permission for us to use that data and it goes, "I agree that under the Local Government Act 2000, section 94, you may check and share information I have provided...". It goes on but it has been signed by his own fair hand so he has actually given us permission to use that information. I'm not sure he knows whether he has or not, but that is the case.

### **Councillor expenses**

The following question was asked by Mr M Giblin to the Deputy Leader:

All councillors have a set amount of expenses at the beginning of the year. As the year progresses councillors claim for items and most councillors exceed the basic amount set at the beginning of the year. In many cases this is vastly larger than what was set at the beginning of the year.

Total spend by councillors allowances (expenses) in:

2009/10 was £1,061,972.89

2010/11 was £1,073,343.59

2011/12 was £1,033,773.70

2012/12 was £1,043,940.75

A total of £4,213,030.93 was claimed by councillors as expenses in the last 4 years at an average of £1,053,257.73 per year.

Question:

Why has the Council not implemented an allowances (expenses) cap?

The authority has implemented cuts in services and spending yet councillors' allowances appear to be exempt from these cuts, why?

When the basic allowances have been exceeded, where does the additional money come from to cover these additional expenses claims?

The expenses being claimed by councillors needs to be capped as well as each councillors expenses made available for public scrutiny as the current method of disclosure by giving the grand totals is not in itself

transparency. Arguments on the cost of doing this are not going to wash because someone has to process these expense claims in any case and they will be in the form of a spread sheet that can easily be made available to the public. This is "Public" money being spent therefore the public has the right to know exactly what is being spent and for what reason.

Councillor Chapman replied as follows:

Mr Giblin seems to be confusing allowances with expenses and I can see how this could happen as allowances as a term is not clear. Basically, allowances are salaries. In short, the £1 million is not being spent on trips abroad and champagne parties in the Council House or any bacchanalian self-indulgence. It is in fact the money that we are paid as a wage. Secondly, this amount is set by an outside body, not by councillors so we don't even dictate our own income.

Thirdly, he implies, in fact he states, that the amount is overspent. It is not overspent. For the last four years it has come in under budget. Fourthly, he asks why it isn't capped. It has been effectively capped and there has been no rise for the last four to five years and though this year it is likely to face a 1% increase, this is because our allowances or wages are linked to staff rises, who are receiving a 1% increase. So those are just a few facts to clarify to set Mr Giblin's mind at rest.

### **Council tax increase**

The following question was asked by the Mr M Giblin to the Deputy Leader:

The Council has increased the amount of Council tax per capita every year including this year despite the previous years we have been and continue to be in a period of austerity and its measures to cut public spending.

### **Questions**

If the number of services has been scaled down and the number of people employed by the Council has been scaled down then why has the Council continued to increase the council tax bill when spending is being reduced?

Why hasn't council tax been reduced to match the down scaling in the Council?

It seems only fair that while the amount of money being spent on services is being reduced that the amount of money demanded from the people who pay for these services should also reduce. Other business like energy suppliers have to pass on the benefits of reductions or cuts to its consumers yet it seems that the Council is reluctant to do likewise but instead increase bills when they're implementing cuts to services that are paid for by the public.

Councillor Chapman replied as follows:

To date the City Council has had to face a £75 million gap in its budget because of reductions in government grants. We have therefore had to reduce services to respond to this and there will be further reductions - £25 million next year, £25 million the year after and probably £25 million the year after that. Moreover, the amount of Council tax we are likely to collect may well be less due to the changes in government benefits which imposes tax on people who are struggling to afford it. So we are threatened on two fronts. Firstly, a reduction in government grant, and secondly a reduction in the ability to collect Council tax because of changes imposed by the Government.

It is therefore not possible to reduce individual specific amounts of Council tax without threatening more services. So, in short, we have to reduce services because the Government has cut our grant and this leaves us no scope for using service cuts to cut the Council tax.

### **Financial reserves**

The following question was asked by Mr M Giblin to the Deputy Leader:

The financial statements in:

2009 / 10 the useable reserves stood at £136.020 Million.

2010 / 11 the useable reserves stood at £127.208 Million showing a deficit of £8.812 Million.

2011 / 12 the useable reserves stood at £153.254 Million showing an increase of £26.046 Million.

The City Council claims in a public statement to the press, said that they only had £9 Million in reserves.

Question:

Why was the public misled that only £9 Million existed in the useable reserves when the public accounts showed that a total of £136 Million existed?

What was the £8.812 Million spent on?

Where did the £26.046 Million that was paid in to the useable reserves come from?

With the obvious surplus of money available in the useable reserves, why is the Council not using these "useable" reserves assisting those affected by the Council Tax and Bedroom Tax? It clearly has the income to replenish the reserves.

Given the amount of money in the useable reserves is more than enough to support topping up the shortfall in the new welfare changes, the amount of income vs that which will be demanded is not really an argument or justification of why this Council can't offer a fully funded scheme. It appears however that the stock argument is that these changes have been handed to Councils and as a Council you are required to implement them. That alone is no argument as to why Nottingham City Council can't implement a fully funded scheme but rather it is a response to smoke screen the reality that this Council has excessive reserves that it is sat on. If properly managed the use of these reserves would provide adequate welfare cover without a detrimental impact on that income that goes in to the useable reserves.

Councillor Chapman replied as follows:

Mr Giblin is confusing allocated and unallocated reserves. The Council has not misled members of the public on this and there are different categories of reserves. The £9 million included in my response which he picks out, is specifically stated as referring to unallocated or general reserves which at that point totalled £8.604 million. I have rounded it up.

As stated, other reserves are allocated to things like schools, some in preparation for the tram, health centres and some for insurance. These are just some of the examples of the allocated reserves.

The next question asks what was the £8.812 million variation between two years, where the reserves went down? What was it spent on? The £8.812 million net reduction in reserves was primarily due to Council using capital grants that had been received but not spent in previous years. The major use was for improving schools. Then there was another variation in another year where they went up £26 million because that's



what happens to reserves, don't they, (and I can see Brian, who has dealt with all this, understands) and, I'm sure after this Mr Giblin will understand.

Where did the £26.046 million that was paid into the useable reserves come from? This is broken down as follows: £7.2 million for the HRA, primarily to fund housing repairs, £7.2 million came from capital receipts and the sale of assets and is ring fenced for school improvements and St Ann's Joint Service Centre. A further £11.5 million came from the General Fund revenue account, £9.844 million of this was because a decision was made during the year by the Government to allow the Council to treat some one-off revenue expenditure as capital. This money was set aside to help smooth the effect of funding reductions in 2011/12, otherwise the cuts would have been even greater than they were.

The next question asks why is the Council not using these "useable" reserves assisting those affected by the Council Tax Support Scheme (CTSS) and Bedroom Tax. Mr Giblin seems to have misread useable reserves for unuseable reserves. At 31 March 2011 the Council held £153 million in unusable reserves. £65 million of this figure is ring-fenced to fund the following: capital £36.5 million, schools £23.6 million and housing £5.1 million.

A further £79 million has already been earmarked for spending on specific items such as PFI schemes and insurance claims; for example, the PFI Street Lighting scheme is quite a substantial amount and I am sure that the tram money is in there as well. The balance of £8.604 million is held as a general reserve to protect the Council against potential risks and that is only 4% of the total net budget. That is not high when compared with a number of other councils.

So he asks why, therefore, we cannot spend it on protecting people against the council tax support scheme and the 'bedroom tax'. In district areas, they could afford to offset the cost of the council tax support scheme because the number of void properties on which they could impose council tax was greater than the demand for council tax support. In cities, that was not the case and, among the cities in the East Midlands, only one city chose to subsidise its council tax support scheme as opposed to passing on the totality and that was Nottingham. Derby could not manage it, Leicester could not manage it and we are the only ones who actually did use some of the reserves for the council tax support scheme.

When it comes to the 'bedroom tax', we as a Council have probably done more than any other authority in the country and I congratulate Councillor David Liversidge in particular for leading on this. We are used by the Labour Group on the LGA as an example of good practice and we have pushed it as far as we can and gone to great lengths to make sure that people can be reallocated housing where at all possible to minimise the number of people who are affected by what I think is an iniquitous tax. What we cannot afford to do is to subsidise it through the council tax system, even if that were legitimate.

### **Petitions from Councillors on behalf of citizens**

Councillor Ball submitted a petition on behalf of 473 signatories, requesting that Nottingham City Council's elected members oppose Government plans to abolish Nottinghamshire Probation Trust, along with the other 34 public sector probation trusts.

Councillor Battlemuch submitted a petition on behalf of 615 signatories, requesting the installation of traffic lights on Radford Bridge Road towards Crown Island to alleviate the danger and delays at the junction.

Councillor Saghir submitted a petition on behalf of members of the local Muslim community requesting that the City Council seek to reduce the cost of burials, that the City's Coroner considers the specific requirements of the Muslim faith in relation to the care of the deceased, particularly in respect of post mortems and mortuary storage, and that where possible, scanning options be used, such as MRI or X-ray.

Councillor Grocock submitted a petition on behalf 52 signatories from residents on Torbay Crescent, Arnside Road and Dawlish Drive requesting the reinstatement of a decommissioned bus stop up to 50 metres from its original location.

### **47 MINUTES**

**RESOLVED** that the minutes of the ordinary and extraordinary meetings held on 8 July 2013, copies of which had been circulated, be confirmed and signed by the Lord Mayor.

## **48 OFFICIAL COMMUNICATIONS**

The Deputy Chief Executive reported the following communications:

### **Parks and Green Spaces**

Our City parks and green spaces have received a very impressive 31 Green Flags and Community Green Flag Awards this year and Bulwell Bogs, one of our award winning Green Flag sites, has also been featured in the Mamas and Papas' "Mums and Dad's The World Guide," launched at the end of July. Bulwell Bogs was voted for by parents as being one of the best child friendly places in the local area.

### **Ian Bowler**

Ian Bowler, who served Sherwood ward between 1991 and 1995, suddenly passed away on the 11 July aged 56 years. Having sat on the Tourism, Community Development and Personnel and Customer Care Committees, Ian stood down as a councillor in 1995 due to increasing work commitments that saw him visiting the former Soviet Union. Ian returned to Nottingham as an award winning lecturer at the Nottingham Business School where he worked for over 20 years right up until his untimely death.

Councillor Culley spoke in tribute to Ian Bowler.

### **David Hibbert**

I'm also sorry to announce that David Hibbert, who was the Independent Chair of our Standards Committee, sadly passed away on 20 August after a long illness. He was a skilled chairman, combining a professional, business-like approach with a very polite and personable style. David had a long and distinguished career with Browne Jacobson and will be remembered in Nottingham as one of the leading lawyers of his generation, whose ability to provide practical advice to a high standard across a wide range of legal issues, and support to developing lawyers, endeared him to clients and colleagues alike.

Councillor McDonald spoke in tribute to David Hibbert.

The Council stood in silent tribute to their memory.

## 49 QUESTIONS

### **Fire Brigade Union – Industrial action**

Councillor Wood asked the following question of the City Council's Lead Councillor on the Nottinghamshire and the City of Nottingham Fire and Rescue Authority:

Will the City's Lead Member on the Nottinghamshire and City of Nottingham Fire and Rescue Authority comment on the Fire Brigade Union's decision to take industrial action, following long and protracted negotiations over pension reform? Will he further explain what the Chief Fire Officer will do to ensure that business continuity arrangements are in place during the dispute, which is ostensibly between the government and the FBU?

Councillor Grocock replied as follows:

Thank you Lord Mayor and can I thank Councillor Wood for this very important question. Lord Mayor, since the publication of the Hutton report on public sector pensions, central government has been in dialogue with the Fire Brigades Union (FBU) and other fire unions, such as the Fire Officers Association and Association of Principal Fire Officers over a new scheme due to come into force on 1 April 2015. A proposed final agreement was published on 24 May 2013 and this was updated on 19 June 2013. As a consequence of the on-going differences between this current, uncaring Government and the representative bodies' two unions, the FBU and FOA, both had registered trade disputes. On 10 July 2013 the Clerk to the Fire Authority received notification from the FBU that they intended to ballot their members commencing 18 July. The deadline for the ballot responses was midday on 29 August 2013.

Lord Mayor, I understand that the outcome of the FBU's ballot on strike action in respect of the Government ministries in England, Scotland and Wales on the matter of pensions scheme reform was as follows: there were 18,227 yes votes, 78% of those people; 5,166 voted no and there were a number of spoilt papers. The total received was 23,507.

At the time of this question, the Fire Authority has not been advised of any strike dates and that is vitally important to us. The stance taken by the Fire Authority and its officers over this matter is that the dispute is

between the present Government and the unions and we hope for a speedy resolution. The sooner an agreement is made the better.

In terms of the second part of the question Lord Mayor, officers of the Fire Authority have been engaged in business continuity planning since the ballot was declared. Clearly members will respect that some of this will remain confidential as it involves arrangements to ensure that a minimum level of fire cover in line with the service's policy will be provided. This level, of course, is less than the normal day to day service we know but these arrangements do meet the demands of the risk profile and will suffice for limited periods of time.

In addition, a national agreement has been reached between the Government and the Fire Brigades Union over the recall to duty of striking staff in the event of major emergencies. The arrangements are to be determined locally and informal discussions are being held at this moment in time between management and the Fire Brigades Union. Relationships at this moment in time appear to be very positive.

Also a media strategy is being devised around the "warn and inform" approach which will form part of any actions if any strike dates are declared.

Lord Mayor, we are hopeful that there is not a need for the FBU to implement its strike mandate and that agreement can be reached. However, members of this Council can be assured that necessary arrangements will be put in place to ensure the risk to the public remains as low as possible. Lord Mayor, I would actually ask members of this Council to make sure that their constituents know that it is vitally important that everyone is vigilant during the next few weeks and look to each other over fire safety within this area and to ensure that drivers are safe as well.

Lord Mayor, it is extremely important because the Fire Authority will not be able to respond to all emergencies that would possibly take place should there be a strike on a specific day, but we will be informed of those particular dates should they arise.

### **Heritage Lottery Fund award for Highfields Park**

Councillor Webster asked the following question of the Portfolio Holder for Leisure and Culture:

Could the Portfolio Holder for Leisure and Culture tell Council about the recent Heritage Lottery Fund award for Highfields Park and the Parks Team's recent Green Flag Award Success?

Councillor Trimble replied as follows:

Thank you Lord Mayor and can I thank Councillor Webster for his question. If I can be a little indulgent Lord Mayor, I'd like to inform Council that the Parks and Open Spaces team have again won the Association of Public Sector Excellence Parks Team of the Year award. Our Parks and Open Spaces team have now won this UK wide award twice in a row and three times in 5 years and they were shortlisted in the years that they did not win it. I think that is a fantastic achievement. They have secured over £20 million worth of external funding and even before we opened our £5.2 million scheme at Forest Recreation Ground, we had successfully bid for £280,000 stage one funding for Highfields Park.

Lord Mayor, there are very few large Lottery Parks awards in a year, less than ten usually, so to be successful for a stage one bid as soon you have finished a scheme is extremely rare indeed. If the £4 million stage two bid is successful it will include restoration of the historic buildings, restoration of the historic landscape, improved horticultural features, fund a new gardener and a park ranger, improve maintenance standards, it will de-silt the lake (which is badly silted) and create a local enterprise to manage the lake including reinstating "the Maid Marian" boat as well as improving the park's ability to stage events and activities.

Lord Mayor, the Green Flag scheme recognises the best parks and open spaces in the country through nationally recognised standards. We have done exceptionally well in the national picture. The London Borough of Hillingdon is top with 24, Edinburgh has 23, (although I'm not sure Edinburgh counts as it's north of the border), Westminster also has 23 and Nottingham is next with 20, with the universities contributing three of them.

So, even counting Edinburgh, we are the 4<sup>th</sup> highest nationally with only two wealthy London boroughs (Hillingdon and Westminster) and the Scottish capital in front of us. In terms of core cities we are top with 20, Manchester next with 16, Sheffield 14, Bristol and Birmingham are on 11, Cardiff 9, Leeds 6 and Newcastle with 3. In the East Midlands it is Nottingham with 20, Leicester with half of that amount on 10, Amber

Valley in Ashfield with 6 and on the Derby City Council website, it proudly boast that it has 4 parks among the best in the country.

On top of this we have 10 Community Green Flag Awards, where we work with community organisations such as Arkwright Meadows Gardens and also our first Heritage Green Flag Award making it a total of 31 Green Flag Awards. In terms of Community Green Flags, in the East Midlands, there are 18, Nottingham has 10 and the rest of the East Midlands have 8. Lord Mayor, if you add up the National Parks Team of the Year Awards, the entrepreneurial skills of the department raising massive external funds, the Green Flag successes, nearly 15 new playgrounds in just over 3 years, significant improvements in 15 parks and nature reserves, Nottingham is quite rightly seen as a leading green space authority on the national stage.

We have a fantastic Parks and Open Spaces team, and also the great support of this Labour Group. The continued support from the Labour members in this Chamber through area funding has made a real difference. Lord Mayor, what is really pleasing to see is that we have 3 newly elected Labour councillors who have only been Council members for a few short months but each one of them has shown a real passion for their local parks and that is great for the future of parks in this City.

### **National Audit Office report on Universal Credit**

Councillor Jones asked the following question of the Deputy Leader:

Could the Deputy Leader comment on the National Audit Office's report on Universal Credit, which identifies catastrophic failures in its progress?

Councillor Chapman replied as follows:

Thank you Lord Mayor and can I thank Councillor Jones for the question. The Audit report concludes that the department which is trying to implement the scheme was overly ambitious in both the timetable and scope of the programme. It took risks to try to meet the short timescale and it used a new project management approach which it had never before used on a programme of this size and complexity. If that had been local councils, we would have had Eric Pickles down our throat immediately, there would have been a tirade from central government and a torrent of press releases but as it was, it was central government.

Now this scheme they are trying to implement is not a bad thing to try and do. It tries to bring most benefits to one place, apart from council tax benefits, which is actually one of its weaknesses. Where it is weak is that they have tried to implement it at a time of cuts, they have tried to implement it in a rush, and they have tried to implement it without sufficient staffing or due care or concern for the people being affected.

They are also trying to do things like pay the benefits in arrears per month, which is going to lead to some sort of disaster. They are also looking to get direct payments to the recipients of housing benefit which will be a disaster. I have come across it before with housing associations and you cannot get your rents in. So, although the concept is not bad, there are massive flaws right through the system. Nottingham City Council, right from the beginning, has been warning the Government, not from the point of view that we want it to fail, but from the point of view that if you want it to succeed, this is what you should do.

In September 2012, I had a meeting with Lord Freud and Graham Allen about our concerns and the Minister visited Nottingham, give him credit, and he met the NCH tenants and was told all this and I think Councillor Collins was in the room at the time and he told him in very diplomatic terms what he thought the problems were going to be.

We also wrote a letter to Lord Freud in October 2012, explaining exactly what the problems were, the IT contingency planning and the transition to monthly payments. In December 2012 we submitted written evidence to the CLG Select Committee inquiry saying again the same thing that the IT was unlikely to work. In January 2013 I appeared before the Parliamentary Select Committee and I've got the minutes here and it says:

“Councillor Chapman: Our problem is that we do not know how the new operating system is going to work, we do not know what the role is for councils, and we do not know who is going to manage it, especially when it is integrated into universal credit. We are finding it very, very difficult to plan. Our other concern is, of course, that it will not work, the IT will not work. Our council tax system will not integrate with the universal credit system, they will not be able to talk to each other, and we need that information to operate our system. We are very, very concerned that this is not happening.



The problem is, of course, what is plan B if this does not happen? And I must say that our feeling is that it is not going to work on time and there is no plan B. Even under plan A we are not too sure what the different functions would be." That was my evidence.

The CLG Select Committee itself criticised the Government and it took up a number of the points Nottingham had raised. The Government response to our letter and our submissions was:

"We are committed to delivering Universal Credit on time by 2017 and within budget, and under new leadership we have a plan in place that is achievable."

A cunning plan. We know who else said that and we know how competent they turned out to be. The whole view was that it would be alright on the night and the more you said it the more chance it was going to be alright on the night, so you just kept repeating it and you just hoped and we could tell even then.

Now the implications for the failure are actually quite substantial. There is uncertainty about making new claims for universal credit for transition of the existing systems. We have already had problems transferring new data from the DWP and we had to take on new staff last year and that cost the citizens of Nottingham substantial amounts of money. There is the potential of under payment and over payment. So, not only are you going to be expected to get your payment a month in arrears (in some cases £1,000), how many families have got £1,000 spare to get it in arrears? If the IT systems are not working you are going to end up with people not getting any money at all and all the burden and all the pressure is going to go onto hardship schemes. So we will be having queues and queues of people at the door looking for hardship money and temporary relief.

There is a potential for uncertainty about the workforce. Our workforce in Housing Benefit do not know what they are going to be doing in two years' time or three years' time. They haven't a clue. We need to be able to plan. Are we going to have to TUPE them over? Are they going to be made redundant. Do we go with a private sector firm in order to bid or to try and get the contracts so we can then TUPE them over, we don't know and there are many, many staff members in that position. There is a potential risk of citizens facing hardship due to delay in claiming and I have mentioned that.

There is a likely increase in demand for services for Welfare Rights and we need to be able to plan how much to put into Welfare Rights. We are making cuts at the moment but do we need to actually increase the amount of money we actually put into Welfare Rights at the same time as making cuts? We cannot plan, we don't know if it is going to be implemented or not.

Finally, there are actually implications for employers and not a lot of people have mentioned this, but, potentially, universal credit IT systems require real time information from the employer into the PAYE system. So the two systems, the HMRC and universal credit / PAYE from employers, have all got to talk to each other. It is a damned nightmare, and again, employers will not know what is expected of them. As a consequence, the pilots have been delayed. The roll out was expected to start in October and it is not happening. We have got a couple of little pilots in areas which are very easy. They have chosen the easy areas, they have chosen parts of Lancashire where there is a very low take up of benefit and a part of Wales where there is a low take up of benefit. They haven't tried any really hard areas and they have still not come to a proper conclusion.

So the main issues are the implications for councils, the implications for jobs and staff, the implications for employers, and most of all for the people who depend on the system. I do actually want to make a comment about the ministerial response which I listened to with great interest on Thursday morning. The line was accepted that something had gone wrong, which was new because up until then it was all going alright. So, at least the minister has now accepted that something is going wrong. Nevertheless it was all still going to be alright on the night because he was going to fix it. He also then decided that he was going to blame his own officers, he was going to blame the civil servants and for me, that was a gross act of cowardice on his part.

I believe that what is happening with this Government, which is different, is that they will not take responsibility for anything that goes wrong and so the first port of call was to blame their own civil servants. So no wonder they are getting alienated in the civil service, no wonder there is low productivity and poor responses because the Government is actually grinding them down.

There is a failure right across Government to take some ministerial responsibility. Everyone else is wrong, apart from themselves; the civil service are wrong, the police are wrong, the NHS are wrong, the doctors are wrong. The only people who are never wrong are the ministers and it is about time they started to take some responsibility for it.

## **Brown field development**

Councillor Jenkins asked the following question of the Deputy Leader:

Could the Portfolio Holder for Resources and Neighbourhood Regeneration give us an insight into how he sees the possibilities of bringing developers to the not inconsiderable amount of available brown fields sites within the city boundary, in particular three sites Leen Valley Ward, Chalfont Drive and Bobbers Mill ex-industrial site?

Councillor Chapman replied as follows:

The Council is keen to see the development of brown field sites in Nottingham and are actively promoting the development of brown field sites through a number of means depending on their ownership and constraints.

In fact we have a list. In fact we have quite a big list that we're working on but with regards to Council owned land, we've already got a programme and we are already making progress. In August, for example, the Council sold 110-128 Mansfield Road to a developer to convert former offices back into 15 Victorian terraced houses so that there are actually people living in houses in the City Centre and this went to a developer to convert them.

The Council has also made significant development deals on larger brown field sites such as Sandfield Centre to get housing on there. Where necessary, the Council is also acquiring land and leases and assembling larger sites to help regeneration schemes such as the work currently progressing at Glaisdale Drive, which is one of our priorities. The Council has actively sought external funding to enable brown field development projects and has been successful in bringing forward new job creation schemes on sites like the Food Park at Southglade.

It is important to recognise the considerable contribution to the development of brown field sites that the Council is directly contributing

to also through the Housing Revenue Account. This is complemented by wider affordable housing programme with partners and there are a number of schemes on site now, such as Gainsford Close, Rosecroft Drive, Duffield Court, Stonebridge Park and the Meadows where the Council has partnered with others to deliver schemes and I congratulate the people who are dealing with the housing side including Councillor Liversidge and Councillor Ball.

With regards to the specific sites raised in the question, officers are currently in negotiation with developers over the site at Chalfont Drive. Bellway Homes have contacted the Council following their negotiations with the land registry and are pursuing pre-application discussions involving the development of the majority of this site for housing.

The site at Bobbers Mill and the nearby former Cussons soap factory are both allocated in the emerging local plan and are suitable for mixed use development. There are however serious remediation issues with these sites in relation to flooding which will need to be overcome. The Bobbers Mill (Alfreton Road) site has flooding, contamination and highway problems that are difficult to overcome and affect viability. A planning application to build 48 houses was withdrawn in 2011. The Cussons (Wilkinson Street) site had outline planning permission for residential development approved in 2010. That permission is due to expire in November 2013. The problem with those two sites is that they both need remediation. When the housing market is still (flat and, despite all the Government rhetoric it is still fairly flat) then developers are going to choose the easier site. It is only when it really gets moving that they are going to be able to take in those sites without substantial subsidies and what we have not got is subsidy to throw around and that is part of the difficulty.

Nonetheless, we are making progress on a number of sites and we are hoping that the Chalfont Drive site will be away soon.

### **Primary school places**

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

Can the Portfolio Holder update the Council on the situation regarding pressures on primary school places and can he explain the under estimation of demand, and the factors that have changed to cause this, over the last 4-5 years?

Councillor Mellen replied as follows:

Thank you Lord Mayor and can I thank Councillor Morley for her question. The situation regarding primary school place pressures is a national problem and has been extensively covered by the national media over recent weeks. Whilst the situation in Nottingham is challenging, it is not as severe as is being experienced in other local authority areas. In part, this is because we have accurately projected significant growth and, as a consequence, have been actively expanding our primary schools since 2009.

It is the case that there are currently reception age children who have either not been offered one of their school preferences or for whom parents' have refused the offer made to them. What has gone unreported in the media is that in Nottingham, despite an increase of over 200 on time applications for Reception Year entry and an increase of late applications, the percentage of children who will be attending their parents first choice of school has actually increased this year. For those parents who made an on time application and utilised all of their 6 available preferences, the expansion of our school places is clearly increasing choice and diversity of provision.

Unfortunately, there are currently around 200 reception children who have not been offered a place. None of these are of statutory school age yet and many continue to attend nurseries. We expect this figure to reduce significantly in the coming weeks for a number of reasons. Firstly, there will be, and we know there are, a number of children who have not arrived at the start of term at the school where their parents have accepted a place. This is because they have moved out of the City during the time lag between when school places are offered in the Spring and the start of term in September, or they have been offered a place at another, non-City school, and have chosen to go there, without informing us that they no longer require a place. As these places become available, and they have been as we speak, they will be offered to children on the waiting list.

Secondly, we are currently in the process of offering school places at a number of schools and academies who have agreed with us to offer extra reception places this academic year, which will reduce the number of children without a place significantly.

In terms of the accuracy of our forecasting, we create pupil projections using GP registration data from the National Health Service supplemented with data from historic school choice patterns and nursery numbers. As previously mentioned these projections have underpinned our active response to the current unprecedented population growth. However, not every child is registered with a GP sadly and nor do they attend nurseries here so predicting exact numbers is not possible. However, based on the knowledge we do have of young children across the City, since 2010/11, we have added an extra 1600 places across the City and have further planned expansions starting this year that will provide an additional 768 places.

We have done our work in the City, with reduced resources to carry out this work and we have seen this expansion coming. However, as seen across the country, the recent population increase has not been responded to swiftly enough by national Government in terms of the release of capital funds to provide adequate school places. One of the very first actions of the current Government was to cancel the existing schools capital funding programme for primary schools which would have given the opportunity for school expansion as they were renovated or rebuilt. In Nottingham only 6 primary schools benefited from that scheme before it was scrapped and additional places were created in areas where they were needed as part of this process. The cancellation of this scheme removed that possibility in other areas.

Furthermore the National Audit Office has identified that two thirds of the "Free Schools" approved by the Government have been sited in areas with an existing surplus of school places rather than in areas where they were needed. And where Free Schools have been opened, the majority of places have been created in the secondary sector, not the primary sector where need is most acute.

The current settlement for the Basic Need Grant, which is the capital funding allocated to councils to increase capacity, was delayed for over 6 months. If the money had been released sooner, we'd be in a much stronger position to have mitigated any shortfall for this September and would certainly have been more likely to be able to open new capacity in 2014 and be further along with our capital programme than we are now.

We have, however, taken the opportunities that have been offered to us by the Government, albeit somewhat belatedly, and, in addition to the Basic Need money, we also successfully bid for money as part of the

Targeted Basic Need Fund to provide an extra 420 primary places in the Basford and Bulwell Forest area.

Despite it being heralded as the way for the market to respond to need, the Government's Free School agenda has not provided any additional mainstream primary places in Nottingham, and as the uncertainty about free school applications has gone on, it has added to the difficulty of planning to meet demand. An application to open a primary Free School in Nottingham this September had been approved and would have offered an additional 50 reception year places. However, at the eleventh hour, the Government changed its mind about the viability of the school and withdrew approval thereby leaving the Council to work with parents to find alternative places in an already challenging environment.

So Lord Mayor, in Nottingham, this Council is doing its best to provide places for school children where they are needed. We have much more work to do. Unfortunately, in Westminster we have an education minister who has a closer regard to political dogma than educational need.

### **Workplace Parking Levy**

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

Considering that in 2012-13 the WPL has failed to meet the Council's expectations by £1.1 million, can the portfolio holder explain how the Council intends to meet this shortfall in this financial year and going forward generate the originally expected £14m average annual income?

Councillor Urquhart replied as follows:

Thank you Lord Mayor and thank you Councillor Culley for your question and, of course, it is another repeat performance of issues well-rehearsed both here and in the media. I thought, as you always seem in the Conservative Party very fond of comparing public finances to household economics, I thought I would try and answer in that manner. I am sure that councillors throughout this chamber are familiar with systems of paying back money over a long period for a valuable asset. Indeed, councillors from the Conservative Party advocate mortgages, home ownership as the way forward for everyone. We know that's why a

number of our Council houses, that we would have preferred seen there permanently for rental, are now no longer available for that.

Entering into a contract for a large sum of money for a fixed asset with a payback period of usually more than 20 years I'm sure is familiar to some of us in the Chamber. How many of us, however, and how many of our constituents know exactly what their income will be in year 20 say of a 25 year mortgage? I'm sure I do not. Councillor Ball presented a petition earlier about the public sector and the probation service, the organisation I work for. I certainly do not know what my income is going to be. I do not know what my income will be next April when I'm potentially going to be working for SERCO or someone else, who knows? However, that does not stop me from entering into a contract based on the income and earnings I have now.

What we, and thousands of others in our City and all over the place, do is make an evidenced assessment of our finances and make projections of affordability. We have all done it, those of us that are home owners and those of us who have taken out loans for all kinds of different things, we have all been through that experience. So it is with NET and WPL. WPL income is our means of paying the City's contribution to the tram network costs, that huge and very valuable asset that we are currently constructing. Without it, we would not have the 1,000 jobs that have at present been created or the £20 million worth of contracts for local firms involved in the present construction.

So yes, our projections of WPL income have changed. They have been affected by a change in some employers' behaviour and by a change in economic circumstances. On the other side, the financial model that we are working with has been affected by issues in terms of the cost to deliver NET Phase 2. However, interest rates, thankfully for us and for the project, are actually at an historic low at this time. So changes in both directions.

Nottingham's Workplace Parking Levy has raised £7.8 million during its first year, broadly in line with the revised expectations that we assumed at the beginning of the year which was that we would collect around about £8 million when we looked at all the variables available to us at the start of the levy. So this is not significantly below expectation and the business model for WPL allows for this level of income in earlier years to be compensated for in later years. That is what achieving an average is about. You do not have to have precisely the right amount of money



every single year. It does not have to be an exact match and also the costs we're paying can alter too with interest rate fluctuations.

So we remain confident that in the long term the levy will deliver the funding needed. So in a very straightforward and simple answer to the first part of the question - will we be changing anything to compensate for this in year - no we will not, because the financial model for the delivery of the tram is a very lengthy one, the number of years we are talking about is considerable and we don't need to make any adjustments in-year.

The first year of the levy, and let's remind ourselves that this is a new way of raising finance, we are the City that has been bold enough to take on this issue and to go out there and do this has actually been successful with all businesses liable to pay doing so. Without it, we would not be having two more tram lines or indeed the station redevelopment both of which are now under construction.

The WPL also helps to fund our City's popular link bus services including the purchase of more electric buses. None of these things would be happening without WPL - no tram lines, no station improvements, no link bus network. And it is not the case that we could have just magically got the money elsewhere, as I have said on many occasions there was not an alternative source of funding for these things and now, of course, funding is even more scarce because the Government has repeatedly cut the amounts of funding available for transport projects to local authorities. So without WPL we really would be facing a future of no investment, no new jobs and no new growth in our transport system.

So the estimated £14 million average income over this lengthy period of time means that the income can increase in later years, both with the fixed incremental increases to WPL that has been built into the model and into the legal permission for implementing WPL. There are further increases with inflation as well the economic growth that the investment will bring. We are confident that we don't need to make any adjustments at present. The WPL income that we are getting will, when we extrapolate into the future and we look at the cost variables on the cost side as well as the income side, have sufficient money to fund the projects that we need to fund.

## **50 DECISIONS TAKEN UNDER THE URGENCY PROCEDURES**

The report of the Leader, as set out on pages 123 to 128 of the agenda, was submitted.

**RESOLVED** that, on the motion of Councillor Collins, seconded by Councillor Chapman, the urgent decisions taken be noted.

## **51 MOTION IN THE NAME OF COUNCILLOR NORRIS**

**Moved by Councillor Norris, seconded by Councillor Edwards:**

“This Council believes that healthcare should be free at the point of use and that the National Health Service is a valuable and indispensable national asset.

This Council thanks the thousands of health care professionals in Nottingham for their hard work, care and dedication. It believes that these efforts should be celebrated and commended, not constantly criticised.

This Council believes that the £3 billion spent on a top-down reorganisation of the NHS is a wasteful demonstration of how out of touch the coalition government is with the needs of those who rely on the NHS.

This Council acknowledges the difficulties faced by the NHS of an ageing population and increased budgetary pressure. Nonetheless, this Council believes in the founding principle of health care for all which is at the heart of the NHS.

This Council will:

- ❖ Work to alleviate pressure on the health service through better integration of health and social care
- ❖ Promote early interventions around mental health that will improve citizens wellbeing and reduce pressures later on for public services
- ❖ Continue to integrate public health services into the organisation ensuring that public health is a theme that runs through all the Council's business

- ❖ Lobby the government to ensure that their ill thought out reorganisation doesn't mean that Nottingham people wait longer than 4 hours in A and E and that Nottingham NHS services have safe staffing levels."

Moved by Councillor Morley by way of an amendment and seconded by Councillor Culley that:

In Paragraph 2

DELETE ', not constantly criticised.

DELETE Paragraph 3

In Bullet point 4:

DELETE 'Lobby' INSERT 'Work with'

After 'the government' INSERT 'and the NHS'

DELETE 'their ill thought out reorganisation doesn't mean that'

After 'Nottingham people' INSERT 'do not'

Amended motion to read:

"This Council believes that healthcare should be free at the point of use and that the National Health Service is a valuable and indispensable national asset.

This Council thanks the thousands of health care professionals in Nottingham for their hard work, care and dedication. It believes that these efforts should be celebrated and commended.

This Council acknowledges the difficulties faced by the NHS of an ageing population and increased budgetary pressure. Nonetheless, this Council believes in the founding principle of health care for all which is at the heart of the NHS.

This Council will:

- Work to alleviate pressure on the health service through better integration of health and social care

- Promote early interventions around mental health that will improve citizens' wellbeing and reduce pressures later on for public services
- Continue to integrate public health services into the organisation ensuring that public health is a theme that runs through all the Council's business
- Work with the government and the NHS to ensure that Nottingham people do not wait longer than 4 hours in A and E and that Nottingham NHS services have safe staffing levels."

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

**RESOLVED that the substantive motion be carried:**

**"This Council believes that healthcare should be free at the point of use and that the National Health Service is a valuable and indispensable national asset.**

**This Council thanks the thousands of health care professionals in Nottingham for their hard work, care and dedication. It believes that these efforts should be celebrated and commended, not constantly criticised.**

**This Council believes that the £3 billion spent on a top-down reorganisation of the NHS is a wasteful demonstration of how out of touch the coalition government is with the needs of those who rely on the NHS.**

**This Council acknowledges the difficulties faced by the NHS of an ageing population and increased budgetary pressure. Nonetheless, this Council believes in the founding principle of health care for all which is at the heart of the NHS.**

**This Council will:**

- ❖ **Work to alleviate pressure on the health service through better integration of health and social care**

- ❖ **Promote early interventions around mental health that will improve citizens' wellbeing and reduce pressures later on for public services**
- ❖ **Continue to integrate public health services into the organisation ensuring that public health is a theme that runs through all the Council's business**
- ❖ **Lobby the government to ensure that their ill thought out reorganisation doesn't mean that Nottingham people wait longer than 4 hours in A and E and that Nottingham NHS services have safe staffing levels."**

The meeting concluded at 5.13 pm

**QUESTION TO BE ASKED BY COUNCILLOR SPENCER OF THE PORTFOLIO HOLDER FOR PLANNING AND TRANSPORTATION AT THE MEETING OF THE CITY COUNCIL TO BE HELD ON MONDAY 9 SEPTEMBER 2013**

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Could the Portfolio Holder give me her assurances that, in the interests of local businesses and residents, every possible effort will be made to ensure that Wilford Lane, closed due to tram works, reopens as soon as possible and that the full working hours allowed under the Control of Pollution Act Section 60 notice are taken full advantage of to ensure prompt completion?

Councillor Urquhart responded as follows:

Thank you for raising this important issue. I do understand the concerns held locally about the closure of Wilford Lane from 1<sup>st</sup> September. The decision to close the road was taken only after a detailed consideration of alternative options by the Contractor and Local Highway Authorities. Due to the location of major utilities in the middle of the road, which need to be moved, a series of short road closures were always going to be required, and it was considered that closing the road for the full duration of the works would significantly reduce the overall length of the disruption and would be the simplest arrangement for road users to understand.

The closure is expected to last just under four months and the aim is for the road to be open by Christmas. Considerable preparatory works, included detailed underground surveys, were undertaken before the works started to minimise the risk of problems emerging once construction was underway. The programme will be carefully monitored to assess progress over the coming weeks, and a weekly meeting between the contractor and the Highway Authority has been planned to discuss any issues that arise during the works.

Under the Section 61 notice, the works can be carried out at this location between 8am and 6pm on Monday to Saturday. Initially, the works will be undertaken by the water and gas utility companies, and the contractor has been in dialogue with them about the need to optimise working hours. Sometimes, there are practical reasons why works can not be undertaken all day every day, including access to plant, machinery, and

materials from suppliers, and consideration has to be given to those living close to the works, particularly if works are noisy, dusty or require artificial lighting. However, the contractor fully understands the concerns held by local businesses and residents about the disruption that will be caused, and is fully committed to completing the works as soon as possible.





## CITY COUNCIL – 21 OCTOBER 2013

### REPORT OF THE LEADER

#### CITYWIDE 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) (“the Order”) to cover those areas within the city boundary which are not currently covered by DPPOs as shown on the Plan appended hereto at Appendix 1 (“the Proposed Area”).

#### **2 RECOMMENDATIONS**

- 2.1 It is recommended that Council:
- 2.2 Notes the draft Order and map specified at appendix 1 showing the proposed area to be covered by the Order.
- 2.3 Approves the notification and consultation processes required for making the Order as per the procedural summary at appendix 2 and timetable at appendix 3
- 2.4 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, misusing alcohol and causing anti-social behaviour, including public disorder and littering associated with the consumption of alcohol. Evidence suggests that these issues impact greatly on the quality of life for the residents, visitors and businesses alike within the Proposed Area.

The introduction of the Order would provide an additional tool to be used in prevention and reduction of alcohol related anti-social

behaviour and crime. The Order would give rise to the power of Police Officers and 'accredited officers' (namely Community Protection Officers) to require people to desist from drinking alcohol and to surrender alcohol where appropriate. The 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 across the whole city, there is a high likelihood the problems experienced will continue and are likely to continue to be pushed from areas covered by a DPPO into neighbouring areas across the City, rather than being cohesively dealt with, which the Order will assist the Council to do.

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.

- 3.2 The City Council, in conjunction with Nottinghamshire Police already utilise various intervention techniques to help prevent alcohol related nuisance and annoyance occurring. 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 for the city and regularly receives extensive coverage in the local press. The Council has considered and utilises other options, including increased street patrols within the city and increased alcohol related operations, to deal with the problems that arise and the introduction of a voluntary restriction on the sale of super strength alcohol. 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 Order, the Alcohol Saturation Zones have been introduced in the city centre and Area 4, which mean that there is a presumption against the granting of new premise licenses in this area. Whilst these assist in controlling

the amount of licensed premises opening and selling alcohol in the zone, they 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 have 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 to stop or confiscate. 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 (namely Community Protection 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 so 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 that 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 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 Nottingham City Council has approved DPPOs covering the City Centre, Sneinton, Forest Fields, Hyson Green and Vernon Park, Basford as detailed on the map attached at Appendix 6.

5.4 As a matter of good practice there have been regular reviews and evaluations of the current DPPOs. The existing DPPOs are wholly regarded as successful but displacement continues to be an issue. It has been identified that areas not currently covered by the existing DPPOs continue to experience disproportionate and unacceptable levels of alcohol related nuisance and/or disorder. At present the Police and accredited officers have no powers to request people to refrain from drinking alcohol or confiscate it in these areas. The evidence gathered to date suggests anti-social behaviour has been caused by people drinking alcohol irresponsibly in these areas, which has impacted negatively upon the peaceable enjoyment of these areas by the wider community.

5.5 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.

5.6 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 (i.e. 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 the 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. 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 for a decision to be made as to whether or not to confirm the Order. A consultation period of 10 weeks is being proposed. If the Order is to be confirmed this could not be done until at least 28 days have passed after publication of a final

notice confirming the proposed course of action in a local newspaper.

The procedures and timetables the Council needs to follow are set out at appendix 2 and 3.

5.7

Evidence collated by Community Protection and Police colleague will be reviewed and considered before being made available to view prior to seeking the full Order. A copy of all evidence will be made available in the Council Chamber immediately before the Council meeting currently scheduled for 10 February 2014 (subject to any change in date).

## **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 city of Nottingham and there are no Parish or Community Councils within or near the proposed designation area. We will consult with neighbouring District Councils. The only remaining mandatory consultee 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 the 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 of £483.00 per advert.

6.5 An example of the proposed signs which will be used if the 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. Approximately 100 signs would be displayed at prominent points where particular issues with anti-social behaviour resulting from alcohol drinkers have been experienced. Costs will be negotiated further given the amount required. This will be met within the Community Protection budget for 2013/14.

6.6 Financial Benefits would include:-

- Long term reduced costs for the City Council and the Police in significantly reducing anti-social behaviour and alcohol related disorder in the area caused by drinking alcohol in public and subsequent crime associated with this activity.
- Long term reduced costs for 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 (say for sign replacement from time to time). The costs of enforcing the Order will be met by the existing roles within Community Protection and 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.

Guidance produced by the Home Office 'Guidance on Designated Public Place Orders (DPPOs): For Local Authorities in England and Wales' dated December 2008 confirms at page 8 that borough-wide DPPOs are not specifically prohibited: however caution is advised. It states that in order for the DPPO to be proportionate, you need to ensure that there is evidence of alcohol-related anti-social behaviour in each and every part of the borough.

- 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 Designated Public Place Orders 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 Proposed Area 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 (EIA)**

- 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 None

**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 JON COLLINS  
LEADER OF THE COUNCIL**



# **CITY COUNCIL – 21 OCTOBER 2013**

## **REPORT OF THE LEADER**

### **DECISIONS TAKEN UNDER URGENCY PROCEDURES**

#### **1 SUMMARY**

- 1.1 As required by the Council's Constitution, this report informs Council of urgent decisions taken under provisions within both the Overview and Scrutiny Procedure Rules and Access to Information Procedure Rules.

#### **2 RECOMMENDATIONS**

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

#### **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 Call-in and Urgency (Overview and Scrutiny) Procedure Rules**

- 5.1 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. Part 4, paragraph 15, of the Constitution requires that where a decision is taken under the urgency procedure, that decision needs to be reported to the next available meeting of Council, together with the reasons for urgency. 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 nominee's consent is required. Details of the decisions made where the call-in procedure has not applied due to urgency are set out in Appendix 1.

## 5.2 **Special Urgency – Access to Information Procedure Rules**

5.3 The Local Authorities Executive Arrangements (Access to Information) (England) Regulations 2012 introduced a requirement for 28 clear days' public notice to be given of all proposed key decisions. Where it is not possible to give the full 28 days' notice, but there is time to give at least 5 clear days notice, then the General Exception procedure (as set out in Part 4 of the Constitution, paragraph 13 of the Access to Information Procedure Rules) applies. Where 5 clear days notice is also not possible, the above regulations provide for a Special Urgency Procedure (Part 4 of the Constitution, paragraph 14).

5.4 An urgent key decision may only be taken under the Special Urgency procedure where the decision taker has obtained agreement that the decision is urgent and cannot reasonably be deferred from:

- (i) the Chair of the Overview and Scrutiny Committee or
- (ii) if there is no such person, or if the Chair of the Overview and Scrutiny Committee is unable to act, the Lord Mayor (as Chair of the Council) or
- (iii) where there is no Chair of either the Overview and Scrutiny Committee or Lord Mayor, the Sheriff (as Vice Chair of Council).

Once agreement has been sought and as soon as reasonably practicable, the decision maker must publish a notice at the Council's offices and on the Council's website that the decision is urgent and cannot reasonably be deferred.

In addition the procedure requires that the Leader submits quarterly reports to Council containing details of each executive decision taken during the period since the last report where the making of the decision was agreed as a case of special urgency (paragraph 16.2, Part 4 of the Constitution).

5.5 Details of key decisions taken under the special urgency procedures are set out in appendix 2.

**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 The delegated decisions and committee reports detailed in the appendix to this report.

**COUNCILLOR JON COLLINS  
LEADER OF THE COUNCIL**

## APPENDIX 1

### URGENT DECISIONS (EXEMPT FROM CALL-IN)

<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>
0970	19/08/2013	To agree auction reserves	Dependent upon offers received	Simon Peters, Acting Head of Estates	Chair of Overview and Scrutiny	Chair of Overview and Scrutiny has agreed to exempt all decision under delegation 244 from call-in for auction reserves because of the short timescales involved.
1000	09/09/2013	Discretionary Emergency Hardship Scheme - Policy amendments	nil	Deputy Leader	Chair of Overview and Scrutiny	The proposed changes ensure that Nottingham's most vulnerable citizens and those citizens who need emergency financial support can continue to have their needs met by accessing the EHS Scheme without delay.
1035	07/10/2013	Estate Works to Oakdene Residential Unit	£100,000	Portfolio Holder for Adults and Health	Chair of Overview and Scrutiny	The Council was potentially open to delay charges following

<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>
1041	07/10/2013	Housing Revenue - Surplus Corporate Houses	Dependent upon offers received	Simon Peters, Acting Head of Estates	Chair of Overview and Scrutiny	<p>a change to the funding source whilst contractors had already been engaged and were on hold.</p> <p>Chair of Overview and Scrutiny has agreed to exempt all decision under delegation 244 from call-in for auction reserves because of the short timescales involved.</p>

**APPENDIX 2**

**KEY DECISIONS – SPECIAL URGENCY PROCEDURE**

<b><u>Date of decision</u></b>	<b><u>Subject</u></b>	<b><u>Value of decision</u></b>	<b><u>Decision Taker</u></b>	<b><u>Reasons for special urgency</u></b>
07/10/2013	Property acquisition – Shakespeare Street	Exempt	Leader	The opportunity for the Council to purchase has only recently arisen and a delay would mean the Council would miss the tight deadline for submitting the tender for purchase.
07/10/2013	Acceptance of funding agreement from Sport England for Harvey Hadden Sports Centre	£2,259,239	Leader	Due to the timeframe for the funding, a delay would add significant cost to the project for the Council.



## **CITY COUNCIL – 21 OCTOBER 2013**

### **REPORT OF THE LEADER**

#### **GENERAL AMENDMENTS TO THE CONSTITUTION**

##### **1 SUMMARY**

- 1.1 The Local Government Act 2000 requires Council to keep its constitution up to date. Amendments are necessary to ensure the accuracy of the Constitution following a range of minor updates since May 2013.
- 1.2 Appendix 1 to this report sets out the changes - these either require Council approval where the changes relate to non-executive business or they are reported to Council for information as executive changes with which I am in agreement.
- 1.4 Councillors may wish to make reference to the current constitution, Version 7.6, which can be viewed on line via the following link: <http://www.nottinghamcity.gov.uk/article/24275/Nottingham-City-Councils-Constitution>. Paper copies have been placed in the political group rooms at Loxley House. Councillors may request a paper copy for their sole use by contacting Constitutional Services on 0115 8764313.

##### **2 RECOMMENDATIONS**

- 2.1 It is recommended that the constitutional amendments as set out in Appendix 1 are agreed and noted as appropriate.

##### **3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)**

- 3.1 The Local Government Act 2000 requires Council to keep its constitution up to date.

##### **4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 4.1 The Constitution ensures clarity of rights and duties to enable the Council to conduct its business lawfully and in line with Council policy. Not to update the Constitution is therefore not an option.

## **5 BACKGROUND**

- 5.1 The Constitution needs to be updated from time to time to reflect changes in legislation and to ensure clarity of rights and duties. This report is submitted further to a report presented to Council on 20 May 2013.

## **6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)**

- 6.1 There are no direct financial or value for money implications arising from this report.

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

- 7.1 The Council would be in breach of its statutory duty if it did not update its constitution and it is essential that there is clarity for councillors, colleagues, partners and citizens about rights and duties.

## **8 EQUALITY IMPACT ASSESSMENT (EIA)**

- 8.1 An equality impact assessment of this proposal is not required as it does not involve new or changing policies, services or functions, or financial decisions which will have an effect on services.

## **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 version 7.6

**COUNCILLOR JON COLLINS  
LEADER OF THE COUNCIL**

## **CITY COUNCIL – 21 OCTOBER 2013**

### **REPORT OF THE PORTFOLIO HOLDER FOR COMMUNITY SERVICES**

#### **AREA COMMITTEE TERMS OF REFERENCE - AMENDMENT**

##### **1 SUMMARY**

- 1.1 This report proposes amendments to the terms of reference of Area Committees to incorporate the role and functions of Nottingham City Homes' (NCH) former Area Panels and to make provision for the attendance at each Area Committee of an NCH tenant representative who will represent the views of NCH tenants and leaseholders at those meetings.
- 1.2 There are also some other minor amendments updating the terms of reference generally.

##### **2 RECOMMENDATION**

- 2.1 It is recommended that Council approves the revisions to the terms of reference and membership of area committees as set out in the appendix to this report and that the constitution is amended accordingly.

##### **3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)**

- 3.1 Any changes proposed to the terms of reference or membership of area committees must be approved by Council (except insofar as they relate to the delegation of executive functions by the Leader).

##### **4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 4.1 Current arrangements for both NCH area panels and area committees could be retained but the benefits of maximising limited resources and of strengthening partnership working generally, as detailed in section 5 below, would not be realised.

##### **5 BACKGROUND**

- 5.1 As part of the process of consulting on a new Tenant and Leaseholder Strategy for 2012-15 and, in particular reviewing opportunities for effective tenant and leaseholder involvement, NCH identified that there was significant duplication between the NCH Area Panels and the Council's area committees. This duplication occurred in terms of shared remits, tenant/leaseholder and community representation, local councillor attendance and support from NCH, City Council colleagues and partners.
- 5.2 The possible merging of NCH Panels' functions into the area committee structure was the subject of consultation with the NCH Tenant and Leaseholder Congress. The proposal was supported on the basis that it would reduce duplication, make best use of resources and benefit local communities through supporting further strengthening of the partnership approach between NCH, Nottingham City Council and their wider partners, recognising the differing needs and levels of support required by communities across Nottingham. Overall it is intended that this step will lead to a more integrated neighbourhood offer and more joined up service delivery. The common functions shared by the NCH area panels and the area committees are the foundation for the proposal but it is recognised that a specific housing (NCH) focus would need to be added to the area committees' terms of reference to enable tenant/leaseholder representatives to retain a voice on housing issues within neighbourhoods. Community representatives within the Council's area committee structure are aware of the proposal.
- 5.3 The Locality Management Team intends to work closely with Customer and Tenancy Services, Nottingham City Homes to provide advice and support to tenant and leaseholder representatives nominated to attend area committees to enable them to fulfil their role.

## **6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)**

- 6.1 Duplication of effort and resource in servicing two area reporting structures will be avoided and may create some small reduction in costs of servicing meetings (e.g. time and any expenses of officers from NCH, the City Council and partners, tenants' expenses and print and postage costs for meetings).

The costs of any approved expenses payable to the 8 tenant/leaseholder representatives for attendance at meetings will be met from the NCH tenant and leaseholder involvement budget.

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

7.1 None

**8 EQUALITY IMPACT ASSESSMENT (EIA)**

8.1 An equality impact assessment of this proposal is not required as it does not involve new or changing policies, services or functions, or financial decisions which will have an effect on services.

**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 (version 7.6) and NCH Area Panels' Terms of Reference and Constitution.

**COUNCILLOR NICOLA HEATON  
PORTFOLIO HOLDER FOR COMMUNITY SERVICES**

## APPENDIX 1

The proposed amendments to Area Committees' Terms of Reference are shown in bold where there are additions and struck through where there are deletions.

Area Committees can exercise both executive and non-executive functions delegated to them by the Executive and Full Council accordingly **and are also constituted as a consultative body in relation to the provision of housing services by Nottingham City Homes (NCH)**. The terms of reference of Areas **Committees** 1 to 8 are set out below:

- (a) To approve, ensure the delivery of and monitor ward action plans and other relevant area plans **(including those related to NCH services)**;
- (b) to lead and co-ordinate regeneration and renewal activity at an area level;
- (c) to undertake and co-ordinate consultation within their areas;
- (d) to be consulted on, approve and monitor delivery of the area capital programme and other area based budgets;**
- (d) (e)** Within budgetary limits, to be empowered to undertake any measures to achieve the following objectives:
  - (i) the promotion or improvement of the economic wellbeing of their area;
  - (ii) the promotion of improvement or improvement of the social wellbeing of their area;
  - (iii) the promotion or improvement of the environmental wellbeing of their area;
- (e) (f)** to agree priorities, work programmes, and variations in performance standards, including through Transforming Neighbourhoods processes, for services such as, but not limited to:
  - (i) footpath replacement;
  - (ii) street lighting;
  - (iii) patch maintenance;
  - (iv) grounds maintenance on community parks and playgrounds (excluding heritage sites and Bulwell Hall and Bulwell Forest Golf Courses);
- (f) (g)** in respect of services in the local area, and if urgent, via a panel of the Chair, Vice-Chair, an opposition Councillor (if there is one) and a community representative, to approve
  - (i) housing environmental improvements;
  - (ii) highway environmental improvements of a local nature;
  - (iii) minor traffic schemes, diversions and closures under highways and road traffic legislation, of a local nature;
  - (iv) applications for footpath closures on grounds of amenity or development;
  - (v) requests for the making, variation or revocation of gating orders;and to be consulted on proposals for the following services in relation to the local area:
  - (vi) strategic planning applications;
  - (vii) schools re-organisation;

- (viii) detailed proposals for landscaping, open space provisions, park equipment provision, **affordable housing** and other local enhancements relating to agreements under Section 106 of the Town and Country Planning Act 1990 and section 278 of the Highways Act 1980;
- (g)(h) To be part of the process for monitoring and scrutinising the performance of local Services (provided by the Council and other bodies) and provide feedback and recommendations on their effectiveness to the Executive Board, Overview and Scrutiny Committee **and Tenant and Leaseholder Congress to include:**
  - (i) refuse collection;
  - (ii) housing – void properties;
  - (iii) community safety;
  - (iv) voluntary sector grants – a half yearly report;
- (h) (i) to contribute to Best Value Reviews;
- (i) (j) To advise the Executive Board, and the Overview and Scrutiny Committee **and the Tenant and Leaseholder Congress** on local needs and priorities and on the impact of Council **and NCH** policy on their areas;
- (j) (k) To input local needs and priorities, identified through area working, to the preparation of **Corporate Nottingham City Council** budgets, **NCH area based budgets and each organisation's** policies and strategies;
- (k)(l) to prepare, implement and review local projects in consultation with local communities and secure funding from appropriate sources;
- (m) **to be consulted on and contribute to the development of housing policies and strategies both local and city wide;**
- (l) (n) to build partnerships between other public, private, voluntary and community organisations, local residents' and tenants' associations;
- (m)(o) to suggest and/or approve proposals of local significance to rationalise the City Council's operational property holdings and to be consulted on any proposals to dispose of operational property holdings in their area of more than local significance; a proportion of capital receipts to be retained in accordance with a scheme to be determined by the Executive Board;
- (n)(p) to allocate grants in amounts not exceeding £25,000 to community or voluntary organisations for the purposes of benefit to the area covered by the Committee, within a framework to be approved and reviewed from time to time by the Executive Board;
- (o)(q) to make appointments to outside bodies (where the body relates to the area concerned) as specified by the Executive Board;
- (p) (r) to approve any further matters delegated from time to time by Council or the Executive Board.

Area Committees are accountable to Council and the Executive Board and there are usually 4 meetings per annum for each Area Committee.

**Formal** membership comprises, for each Area Committee, the Councillors who represent the wards within the area of that Committee. Substitutes are not permitted.

By provisions contained in regulation 16A of the Local Government (Committees and Political Groups) Regulations 1990, Area Committees need not reflect the political balance of the Council as a whole where the Councillors on those committees were elected for wards wholly or partly within the area concerned. A Councillor on the Executive Board may serve on the Area Committee appropriate to their ward. Co-

options to the committees may be made.

Where there is an equality of party representation on an Area Committee, the Chair is appointed by Council, Area Committees themselves appointing the Chair in all other circumstances

**Community representatives are also appointed to each committee in accordance with a process agreed by the Executive Board on 20 July 2010. Community representatives will include, on each area committee, one person (who must be an NCH tenant) to represent NCH tenants and leaseholders. There will be a regular standing item on the agenda for each area committee for NCH officers and representatives to raise specific NCH issues within the Committee's terms of reference.**



## CITY COUNCIL - 21 OCTOBER 2013

### REPORT OF THE CHAIR OF THE AUDIT COMMITTEE

#### AUDIT COMMITTEE ANNUAL REPORT 2012/13

##### **1 SUMMARY**

- 1.1 This is the annual report to Council from the Audit Committee, setting out the Committee's achievements in 2012/13.

##### **2 RECOMMENDATIONS**

- 2.1 To receive the Annual Report of the Audit Committee for 2012/13.

##### **3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)**

- 3.1 Good governance requires independent, effective assurance about the adequacy of financial management and reporting, together with sound management arrangements for achieving the City Council's corporate and service objectives.
- 3.2 Good practice indicates that these functions are best delivered by an Audit Committee functioning independently from the Executive.
- 3.3 While there is no statutory obligation for the Council to establish an Audit Committee, most other large organisations (including councils and health authorities) have recognised it as good practice and have set such committees in place.
- 3.4 Appendix 1 is my Annual Report as Chair of the Audit Committee. It summarises the work of the Committee and demonstrates the approach taken in receiving the assurance work undertaken internally and externally in respect of the risk and governance arrangements in place.

##### **4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 4.1 The production of this report is considered best practice.

## **5 BACKGROUND**

5.1 The Audit Committee was established by the City Council on 12 May 2008 and plays a key role in the Authority's governance arrangements. The key benefits of such committees are that they:

- increase public confidence in the objectivity and fairness of financial and other reporting;
- reinforce the importance and independence of internal and external audit and any other similar review process e.g. providing a view on the Annual Governance Statement;
- raise awareness of the need for internal control and the implementation of audit recommendations;
- provide additional assurance through a process of independent and objective review.

## **6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)**

6.1 The control of risk and the strengthening of corporate governance enable the best use of corporate resources across the Council's services.

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

7.1 The development and embedding of risk management principles as overseen by the Audit Committee enables the Council to meet its vision and associated objectives.

## **8 EQUALITY IMPACT ASSESSMENT (EIA)**

8.1 Not needed (report does not contain proposals or financial decisions)

**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 Audit Committee reports 2012/13

10.2 Nottingham City Council's Constitution

**COUNCILLOR SARAH PIPER  
CHAIR OF THE AUDIT COMMITTEE**

