



# **Council Meeting**

**To be held on  
Monday 9 December 2013**





You are hereby summoned to attend a meeting of NOTTINGHAM CITY COUNCIL at the Council House, Nottingham, on Monday 9 December 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 6 December 2013

4 To confirm the minutes of the last meeting of Council held on 21 October 2013 182

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 General Amendments to the Constitution 208

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|----|--|-----|
| 8  | To consider a report of the Leader on decisions taken under the urgency procedures   | 210 |
| 9  | To consider a report of the Portfolio Holder for Planning and Transportation on Nottinghamshire and Nottingham Waste Core Strategy | 217 |
| 10 | To consider a report of the Chair of the Licensing Committee on the Review of Statement of Licensing Policy                        | 221 |
| 11 | To note the following change to committee memberships for the municipal year 2013/14:  |     |

Overview and Scrutiny Committee – Councillor Sally Longford replaced by Councillor Neghat Khan and Councillor Anne Peach appointed to a vacant position on the Committee;

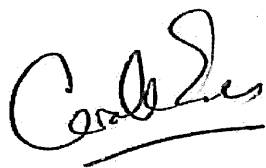
City Centre Forum – Councillor Anne Peach appointed to a vacant position on the Forum;

Trusts and Charities Committee – Councillor Anne Peach appointed to a vacant position on the Committee.

**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 29 November 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 21 October 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 Wood      |
| ✓ Councillor Liversidge |                        |
| ✓ Councillor Longford   |                        |

## **52 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Choudhry, Hartshorne, Klein, McDonald, Molife, Morley, Parbutt and Watson.

## **53 DECLARATIONS OF INTERESTS**

No declarations of interests were made.

## **54 QUESTIONS AND PETITIONS FROM CITIZENS**

### **Questions from citizens**

No questions from citizens were received.

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

No petitions from citizens were received.

## **55 MINUTES**

**RESOLVED** that the minutes of the meeting held on 9 September 2013, copies of which had been circulated, be confirmed and signed by the Lord Mayor.

## **56 OFFICIAL COMMUNICATIONS**

The Deputy Chief Executive reported the following communications:

### **Parks and Green Spaces**

Nottingham has won its twentieth Gold Award in the East Midlands in Bloom competition. The trophy for the Large City category was presented in Skegness on the 11 September to Councillor Wood who also received a special award to mark his longstanding leadership of the campaign. Other winning highlights from this year's competition are:

The Best School Grounds Regional Award was won by Greenfields Community School in the Meadows;

35 Nottingham groups gained the RHS Britain in Bloom 'It's Your Neighbourhood Award' for their work to make their area a cleaner, greener and friendlier place to live;

St Ann's Projects was chosen as the 'Most Inspirational Project' amongst the 135 groups in the East Midlands for the community's work to create the Zig Zags Community Garden;

The regional award for Horticultural Excellence in Parks was won by the University of Nottingham.

### **Ken & Steph Williams**

Ken and Steph Williams both resigned as councillors on 30 September 2013. Ken has sadly been diagnosed with dementia and his diagnosis means that he will require a lot of care and attention in the coming months. His wife, Steph Williams, who represented Radford and Park ward, has resigned in order to care for Ken and to allow them to spend some quality time together.

Ken Williams served as a councillor for 12 years, firstly in Greenwood ward, and since 2007 in Dales ward. Ken has chaired a number of Committees, most recently the Audit Committee from 2010-2013, St Ann's and Dales Area Committee in 2009/10 and 2012/13 and the Promoting the City Committee in 1998-2000.

Steph Williams joined the Council in 2011, and has sat on the Overview and Scrutiny Committee and Trusts and Charities Committee since her election, amongst others.

Two City Council by-elections have been called and are due to take place in both the Dales ward and Radford and Park ward on Thursday 7 November.

Councillors Culley and Mellen spoke in tribute to Ken Williams and Councillor Piper spoke in tribute to Steph Williams.

### **Rex Rolling**

Rex Rolling, who was first elected to serve St Ann's ward in May 1972 and then to Forest ward at future elections, sadly passed away on the 21 September, aged 81 years. Having chaired both Public Services and

Planning Committee for a number of years, he was appointed Sheriff of Nottingham for the Queen's Silver Jubilee Year of 1977. Among the many engagements undertaken that year, Rex visited the US, where he met President Jimmy Carter in the Oval Office and he was later asked to become the Honorary Life President of the Shrievalty Association of England and Wales.

Councillor Gibson and Honorary Alderman Poole spoke in tribute to Rex Rolling.

### **George Powe**

George Powe, who was elected as the UK's first black councillor whilst living in Long Eaton, sadly passed away on 9 September. Born in Jamaica in 1926, George served with the RAF during the Second World War before going on to teach maths at Manvers Secondary School in Nottingham. He went on to represent St Ann's in 1989 on the County Council.

George's lasting legacy was his campaign against segregation and he was instrumental in the foundation of the Afro-Caribbean National Artistic Centre in St Ann's, having been inspired to act following the St Ann's race riots in August 1958.

Councillors Campbell and Edwards spoke in tribute to George Powe.

The Council stood in silent tribute to their memory.

## **57 QUESTIONS**

### **Primary school results**

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

Could the Portfolio Holder please comment on the latest round of primary school results?

Councillor Mellen replied as follows:

Thank you Lord Mayor and can I thank Councillor Jenkins for his question. I am grateful because this does allow me to report that there



has been a set of very encouraging Key Stage 2 results in Nottingham primary schools this year. This is based on the assessments children took in May, before they left their primary schools in the summer last year.

I am able to report that in all of the outcomes for which national ranking tables are produced, Nottingham has moved up the league tables. For example, in the key ranking of the expected level of progress for 11 year olds in combined reading, writing and maths, we have moved up from 138 out of the 152 authorities to 117<sup>th</sup> - a significant increase that represents the highest level the city has achieved. It also importantly demonstrates that we are on a continuous journey of improvement that reflects the emphasis and investment that the Council places on schools and learning in this city. We are not complacent because there is further work to be done. Nevertheless, we should pause and recognise that there has been significant improvement this year.

Our maths results at the expected level for 11 year olds are particularly encouraging, as this year we have narrowed the gap with national performance to only a 2% difference at 82% in Nottingham compared to 84% nationally. In terms of working at above the expected level (level 5) at maths, locally we have doubled the rate of improvement compared to the national picture at 4% improvement compared to 2% nationally. In terms of our national ranking we have therefore moved from 134<sup>th</sup> to 118<sup>th</sup>, again a significant improvement.

Our reading outcomes have been in line with the national trends but our improvement in writing has not yet this year kept pace with the overall national trend and this indicates that we must ensure that our focus as a city is on improving the writing skills of our children and young people.

Importantly, in terms of showing Nottingham's improvement journey the rate of children making expected progress between Key Stage 1 and Key Stage 2 is now only 1 percentage point below the national position in both reading and writing and in maths, having increased this year by 3%. The rate of progress now matches the national figure of 88%.

So, despite the significant changes to the educational landscape introduced by the current government in terms of academies and free schools, the Council retains the responsibility for ensuring all of the children living in the city flourish and achieve. This set of results show that the dedication and commitment of all teachers and support staff

working in our city's primary schools, supported by effective governing bodies, is bearing real fruit and that the Council will continue to work in partnership to support and encourage and challenge where necessary the continuous improvement in our schools that we have seen in the 15 years we have had responsibility for this task.

## **Benefit sanctions**

Councillor McCulloch asked the following question of the Deputy Leader:

Could the Deputy Leader explain what the implications are of excessive use of benefits sanctions for people in Nottingham?

Councillor Chapman replied as follows:

Can I thank Councillor McCulloch for her question and thank you Lord Mayor. Benefit sanctions mean the withdrawal of benefits anywhere between 4 and 124 weeks and there are three main reasons - leaving a job without good cause, an unwillingness to look for work and turning up late for appointments.

To be clear, and despite rumours to the contrary, I do not believe that there are targets in the DWP for sanctions. There is a view amongst some on the left that this is the case, but it is not the case and I would like to clarify that right from the beginning. I do know that the criteria have tightened up and their application has become so draconian that people are suffering without just cause. I also believe that the practice is so widespread that this is one of the reasons why food banks are flourishing. This is not just my view. If you ask any food bank operator, any benefits advisor and if you ask the CAB, they will tell you that anecdotally that this is the case and that it is widespread.

You might ask why only anecdotally. Well, the reason is that the DWP are refusing to issue statistics for this year despite repeated requests to do so, which makes one immediately suspicious. Some of the cases cited where benefits have been withdrawn, in my view unreasonably and this one is from a BBC source, include: a young homeless man who turned up 8 minutes late. We have a family of three children and a mother whose partner did not appear for an interview. By all means punish the father, but why punish the rest of the family, including the children. We have a young person sent on a course by Futures which the DWP would not certify. Mr Jay was sanctioned whilst homeless because

he could not prove that he was actually seeking work because indeed, he was homeless. There was the CAB client who got his first payment for JSA then went to sign-on on 30 September 2013. He was sanctioned for 2 weeks because he had not done enough under the '20 steps' programme. Fine, however, this was because he had to complete the updating of his CV with Futures as directed by the Job Centre and this took four days. His home internet access had been cut off because he could not afford it. Although he was only sanctioned for 2 weeks, he has still not received a payment of JSA. The CAB is making a food bank referral today and he has no money to live on. A client was sanctioned for 6 weeks as she did not turn up for her appointment at the Job Centre. Fine, but what she did do is get the weeks mixed up and she turned up at the right time and day but a week later. We all make mistakes don't we, even councillors. From our own advisors we have an individual who arrived 10 minutes late at an interview because of bus and traffic delays and was told that they could not be seen by an advisor. He was sanctioned 8 months on and he is receiving 40% less now through emergency payments than he is usually entitled to. I have even heard of a case and I am trying to certify it, of somebody who was sanctioned who is in a coma and I will try and get to the bottom of this one.

Now people should do things right, but we and the government should be applying the test of reasonableness. There should also be warnings after the first case. However, this whole approach is not based on fair sanction and correction, it is based on punishment and in my view, to the point of malice. The consequences are that there are more people in arrears which are costing this Council a substantial amount of money because a lot of people are Council tenants or they are on housing benefit and are not able to pay their rent or indeed their council tax. More people are borrowing and getting into debt, more people are requiring benefit advice and emergency support, again the cost falling onto this Council and onto the rest of the council tax payers.

Finally, more and more individuals are under severe mental strain, putting pressure on the health service and their GPs, and do not underestimate the impact of debt and having your benefits withdrawn on your mental state. It is often underestimated and is a major, major issue. As I said, fair sanction is justifiable. Unfair, arbitrary and malicious sanctions, which is what we are seeing, is inhumane and counter productive. It is socially divisive and costly and I would just ask you to think that had these people been people who had infringed traffic regulations or parking restrictions, you would have had Eric Pickles

jumping up and down defending them. You would have had the Daily Mail and the Daily Telegraph outraged. In fact they do get outraged, but none of the establishment is interested in these people because they are poor and actually, they are being punished simply because they are poor. That is what this Government and the establishment in this country is doing and I feel ashamed. I feel ashamed, not as a member of the Labour Party, but as a British citizen.

### **Creepy House Summer Reading Challenge**

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

Could the Portfolio Holder please update Council on the success of the "Creepy House Summer Reading Challenge" in our libraries?

Councillor Trimble replied as follows:

Thank you Lord Mayor and can I thank Councillor Healy for her question. Following the previous question this reminds us that there are still some good things happening, even though a little on the light side following that benefits question.

The summer reading challenge has been going on for 14 years now and is a national scheme but is something that we in our library services excel at locally. A lot of work has gone in to building it up in the 14 years into what is a young peoples' reading feast and I think that is exactly what it has become.

Year after year we beat last year's achievements and we think we will struggle to beat it next year, but somehow we manage to beat it. All 16 libraries took part in this year's scheme and the 'Creepy House' was chosen to try and encourage more boys to read. It was the most popular theme yet with an Old Basford school teacher saying that the theme seemed to have captured the imagination of some of our less active readers, which is exactly what we wanted to do.

Every primary school received advance publicity among a very wide range of promotional material. In order to prepare for the summer reading challenge a visit to Wollaton Hall was organised on Sunday 21 July and a spooky story trail was created in Wollaton Hall. Librarians offered craft activities and engaged parents in the 'Creepy House' theme.

So, Wollaton Hall goes from being Batman's garden to a creepy house. Librarians along with staff from Children and Families attended 33 school assemblies, no mean feat. There was an aim to get children to read at least 6 books over the 6 weeks school holidays and that is not a small task either for a young person. For achieving that they would receive a medal and a certificate.

4,160 children started this scheme, an increase of 12% over the last year and just over half – 2,106 - completed the full 6 books, with 43% of them being boys. Over 600 under 5's participated with parents and carers becoming increasingly keen for their children younger than school-age to participate. Aspley Library had an 80% increase in participation and Bulwell Library reached an all time record with a whopping 679 children starting this challenge. Clifton Library saw an increase of 33% despite the disruption on Southchurch Drive due to the tram works. Hyson Green achieved 62% more children participating while Sneinton succeeded with 55% more children completing the minimum of 6 books in 6 weeks.

We had some great comments back like,

'the Creepy House challenge was absolutely brilliant', Krishna – parent of a 6 year old boy.

'I would rather come to the medal ceremony than go to my friends birthday party,' – Imogeen, aged 5 years, at Clifton Library.

'My son loved the reading challenge. It held his interest and helped him find a love of reading.' – parent of a child aged 7.

'Uplifting', 'wonderful to see so many children turn up' and the 'pride of their parents', Councillor Chapman at Strelley Library, and the best I've saved for last, 'Creepy House rocks', Megan aged 8.

There were 70 holiday activities on the 'Creepy House' theme, attended by almost 2,000 children and 1,000 adults. Volunteers played a vital role in encouraging children to participate in the challenge and participate in holiday activities. 34 volunteers helped this summer and the really great thing about that is that 18 of those fantastic volunteers have stayed on to help with homework clubs which we are rolling out across city libraries, so those people are still participating. All 16 libraries held award ceremonies last month, 1,015 children and 931 adults turned up and feedback will be given to all schools that participated.

Lord Mayor, 19 different Labour councillors attended and took part in the award ceremonies, which, given members' busy diaries, is a fantastic achievement. But the gold medal for a councillor goes to Councillor Eunice Campbell who attended 2 ceremonies in both Bulwell and Southglade. It was so good that Councillor Campbell did it twice, well done Eunice. It never stops. Next year's reading challenge is already in the diary and the theme is myths and legends, kicking off at Nottingham Castle in July 2014 with Nottingham's very own Robin Hood.

Lord Mayor, we know that good and modern library facilities make a successful library. New, bright and contemporary areas for tots, general children areas as well as teenage areas make a successful library for the future. I much prefer a library that is vibrant and definitely not silent. We have seen how successful this has been in St Ann's Valley and Bulwell Riverside, both have seen huge increases in the number of users and the number of schools that use the previous facilities. If we want our centuries old public library system to succeed in the future we need to make them attractive to children and young people and that, Lord Mayor, is what the Summer Reading Challenge is designed to do.

### **Privatisation of in-house ancillary services at NUH**

Councillor Edwards asked the following question of the Portfolio Holder for Adults and Health:

Could the Portfolio Holder please comment on the impact on Nottingham residents of the privatisation of in-house ancillary services at Nottingham University Hospitals Trusts?

Councillor Norris replied as follows:

Thanks Lord Mayor and thanks Councillor Edwards for your question. By way of background; last year Nottingham University Hospitals Trust decided to do what they call 'market test' a bundle of their services ranging from their catering, their cleaning, their facilities management and general maintenance, to see what they were paying to their in-house provider and see how that stacked up against what they could perhaps pay on a private market.

Over time, and it isn't immediately clear when, that went from an exercise in finding out where they were cost wise into what is now an exercise in not just putting it out for tender, but discounting the in-house bid and now being down to three private companies to run those very, very important services in our local hospitals. I am very concerned about that impact and I know a lot of others in this Chamber and this city are, and I'm worried for a few reasons.

Firstly, our hospitals in this city have come a really long way in tacking infection rates on their wards and a really significant step forward has been made there. My concern is, if they go to cleaning contracts that prioritise cost then that would be passed onto staff members on worse terms and conditions. When it comes to cleaning or maintaining wards, I believe that it is absolutely vital that those members of staff have good terms and conditions, especially around sickness, that mean that none of them wake up that morning when they are unwell and think that, 'I have to go into work even though I should not,' knowing the regulations around having a safe and clean ward. Because we know when that happens we see infection and those difficult things on our wards that we do not want to see. So, I think that is a concern.

Another significant advancement made in recent years in our hospitals is around food quality. People may know from either personal experience or from the experience of loved ones that the quality of food in our hospitals is really good. It is amongst the best in the country. It is all sourced within a 25 mile radius so has a real knock-on impact into our local economy, when you consider how many thousands of meals are being generated. Again, there is concern that through this contract it does not lock in that need for food to be locally sourced and there is real concern that this will be lost. I'm worried about that impact on services and about that impact on our local economy.

Where we are now with this; Nottingham University Hospitals Trust have not woken up this morning and decided that it might be a good idea to do this. What they have done is that they have looked at their budget which is a constant cash budget for the foreseeable future during the Comprehensive Spending Review so in real terms will create a significant gap as inflation is taken into account. Now I can see Councillor Chapman saying that we wouldn't mind that set-up relative to ours, which is a cash-cut as well as inflation. So, they're looking to make savings, of course they are. Again I am concerned about the impact of this upon local people. My concern is just how deliverable this contract will be. It is

a big contract, about £50 million a year over 5 years with a potential to be 10 years.

Now we know that they know what they are doing and they have been having a long old go at it. I would ask the question though, that if these firms ever so conveniently just under bid the in-house service, how do they believe they can do this? And actually I'm worried that we'll get to the position down the line in year 3 or 4 of this contract where either they will have to make service reductions to keep it within the financial envelop agreed or they will have to go back to the hospital and ask for more and in that case, obviously, the impact will be very difficult. So, I'm concerned about that too.

Finally, because the question is artfully worded, if you want to talk about the impact on local people, we know that these hospitals are one of the biggest employers in the city and we know that when you're talking about lower paid workers they are drawn locally so we are talking about Nottingham people; Nottingham people's terms and conditions. We will see, I'm sure, current workers protected by TUPE legislation, but I worry about the other staff taken on after this takes place. I worry about their terms and conditions. I worry about the impact of a two-tier work force. So, I think that there is a lot to be really concerned about here.

So, what do I intend to do about it? I've met with trade union colleagues to understand where they're coming from. We have met with the members of parliament. I have signed, and I know others have, and I would encourage everyone to, the petition that is alerting trust's members as to what is going on; alerting trust members to just how strongly people in Nottingham feel about this. So please do that if you can. I will be joining the public meeting on 24 October, this forthcoming Thursday, to stand shoulder to shoulder with lots of people who are pretty concerned about this and again, I'd ask if you are free on Thursday evening for you to come too, because we need to make this point clearly.

I will also be writing of course, as Chair of Health and Wellbeing Board, to University Hospitals Trust outlining our concerns, asking how they intend to take account of how these impacts are felt by our residents. I will also be getting in touch with the Clinical Commissioning Group who contract with the University Hospitals to see if when they are contracting they have these sorts of things in mind. So, lots of ways for us to get involved. I can't tell you where this goes because we're late down the road of the commissioning process. I know that they intend to award in



the new year and that the contract will start in April. So, nothing is signed. You always believe there is hope where there is nothing signed, but also we know that once these processes start they are hard to stop.

I will be making every effort to make sure that this works for Nottingham people, every effort to make sure it is fair for workers and hope that colleagues in the Chamber will join me in doing so.

## **20 mph zones**

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

Could the Portfolio Holder explain how the 20 mph zones being rolled out across the city will be enforced and how this will compare to current speed limit enforcement practices?

Councillor Urquhart replied as follows:

Thank you Lord Mayor and thank you Councillor Culley for your question. Of course, wording in a question is incredibly important. What we are doing in Nottingham city is extending our previous programme of 20 mph zones outside of schools to one of 20 mph limits in residential areas across the city. That was an important pledge within our Labour manifesto in 2011 and the shift and the words may seem small and they may seem subtle, but they are very important.

A speed limit is very clearly an enforceable limit on the maximum speed allowable on a street. Previously, 20 mph zones outside schools were not enforceable in the same way. Also, extending from 20 mph zones only outside schools to 20 mph limits across our residential streets is important because, of course, children do not only exist near schools. They do not only live their lives around our schools and the times when they go to and from schools. They and all of our residents live our lives all over our city in all of our streets and would be better protected from injury or accident by lower vehicle speeds across our residential areas, not simply just outside our schools.

Of course, in shifting in this way it is not only Nottingham who is, as people will know, an award winning city known for our radical leading edge transport policy, that thinks like this. For once actually, Nottingham is not at the forefront of this particular movement. Other places are

beginning to champion such similar schemes and in fact places like Portsmouth and Oxford were the early champions of this approach. They are now joined by Bristol, Birmingham, Newcastle, Hull, Bath, Warrington, York, Manchester, the City of London, more widely, TfL supporting many boroughs within London, as well as ourselves in taking this step.

In making this move, we are agreeing with the Mayor of London who has endorsed the approach - not something we often do necessarily - and we are also, unusually in agreement with the Tory and Lib Dem coalition that 20 mph is the right speed for our residential roads. My question therefore is, are our Tories locally here supportive or against this move? Perhaps we might find out, I don't know. Moving to 20 mph in residential areas is an evidence based approach. It improves safety and, of course, has the additional benefit of enabling people to feel safer as pedestrians and cyclists, therefore encouraging more people to travel in this way. The World Health Organisation wrote a report recently on pedestrian safety and they concluded that lowering speed limits to 20 mph was and I quote, 'a proven intervention to improve health,' as well as 'one of the most effective ways to improve pedestrian safety.'

Changes to legislation in recent times allow 20 mph speed limits without the installation of traffic calming. This enables the benefits of lower speed limits in residential areas to be implemented at considerably lower cost that would have been the case before. In April 2013, Nottingham City Council agreed a programme of work to deliver this across the city at our Executive Board meeting.

The cost of the work is being met from our successful bid to the Local Sustainable Transport Fund and some money from our allocation from the Local Transport Plan. To implement this programme, the city was divided up into a number of areas based around the major road networks providing natural boundaries for speed limit changes. Within any particular area as we consult on it, all properties and business are contacted, inviting them to discuss which roads within the area should be reduced to 20 mph and which should remain at their current speed limit. Feedback is given through telephone, through email, through the website, in person, by letter and at a number of local meetings which we set up with each different scheme. This activity is also advertised within the local media and in all of the areas covered so far the response to this widespread consultation has been good, with very large numbers of people getting in touch to give their views. This process is then followed

by the formal Traffic Regulation Order consultation, again sent out to all local people in the area and advertised in the local press and in street notices in accordance with the rules governing Traffic Regulation Orders. Other organisations such as the emergency services are also contacted.

All the responses we receive are carefully considered before a final decision about which roads should be included and which should remain at their current speed limit is made and announced. We then begin the work required to implement the required signing and during this period one of the other things that we are doing is reviewing all the signing in that particular area in order that we can remove any unnecessary street clutter that is in that area as well. After signs have been installed, that legal speed limit order is then sealed and the new limit comes into force, and we tend to have a launch event in each area.

The limit in Sherwood is now in force. Bulwell and Bestwood limits are soon to be implemented. Consultation is under way in other places across the city, including the Meadows and Clifton. So, in terms of enforcement, with the exception of the fixed and mobile speed camera enforcement that currently takes place on a very small number of Nottingham's roads, speed enforcement by Nottinghamshire Police Officers is usually in response to community concerns or is intelligence led looking at high speeding hot spots. The 20 mph speed limit programme is allowing Nottingham City Council, Nottinghamshire Police and the other organisations in the Nottingham Road Safety Partnership to develop an improved level of speed enforcement activity specifically designed to support the objectives of the 20 mph initiative.

So as part of this, we are currently working to set up community road safety groups, these groups being the first line of defence against drivers whose actions bring concern and danger to our local citizens on the roads where they live, where they go to school, where they work or where they play. These local volunteers, who want to make a difference to their local community, will be trained and be given the required equipment to identify harm and risk and, if necessary, will monitor vehicle speeds. They will be supported by community road safety coordinators recruited by the road safety partnership at present. These officers will be able to work with local communities and the local policing team to review concerns about road safety or traffic speeds. Where potential harm and risk is identified, there will be liaison with the local policing team who will adopt a problem solving approach to the issues. They will then devise a proportionate response, which may include some enforcement action

that could include any number of approaches falling short of enforcement.

The Association of Chief Police Officers has recently updated their national guidance to include a section on 20 mph enforcement and this is a very important move for us. The modern equipment that is used by Police services are all type approved from 0 – 200mph, so this ought to be a sufficient range to deal with 20mph speed limit areas. Nottinghamshire Police do have this equipment and it is available for them to use. Most importantly, 20mph speed limits are very much community led and endorsed by the establishment. There is strong support from communities, as we have seen in each of our consultations so far for lower speeds, and with continuing Police focus on community policing the Police see that if accompanied by proper engagement and education a 20mph limit can be enforced in much a similar way that many of our 30mph are enforced with the long established British principle of policing by consent. We do not have Police enforcement every day on all of our other roads and we won't have it all day every day on 20mph roads either, but we will have enforcement at hot spots where it is appropriate, just as we do on our roads currently. We haven't got any more roads by introducing 20mph limits, we just have a different speed requirement on them.

Nottinghamshire Police have produced their own guidance, as a result of the Association of Chief Police Officers guidance, for local officers which gives them clarity on when, where and why they need to act. Nottingham will in fact be the national pilot for the new 20mph driver education course which should start in January 2014. This is because we have been working actively with both the Department for Transport and the Police to ensure that our 20mph limits can be dealt with in a very similar way to all other speed limits in the city. Drivers caught exceeding the 20mph limit will be given the opportunity of a new educational diversion course rather than be prosecuted and this is what currently happens for drivers who exceed other speed limits in the city. This is vitally important and we have seen from some earlier enforcement work done in Sherwood in September this year, which showed that the people who exceeded the speed limit were largely people who lived in the local area and who knew very well about it and who ought to have known better. The course is an important part of speed enforcement and it has been for some years in enforcing 30mph and 40mph limits. It has worked successfully for many years through the road safety partnership and it will continue to do so for 20mph limits.

The City Council welcomes the news that we will be a pilot for this new approach and we will of course continue to work closely with the Police through the Nottinghamshire Road Safety Partnership to help make 20mph speed limits effective.

### **Garden waste collection**

Councillor Steel asked the following question of the Portfolio Holder for Community Services:

Over the last three years garden waste collections have ceased at the end of October. Given the outcry last year at the fact that autumn leaves were still on the trees at the time the service was withdrawn, couldn't more flexibility be built into the service, to reflect the summers and winters climate conditions, which may also require an earlier start of the collections in spring?

Councillor Heaton replied as follows:

Thank you very much Lord Mayor and I would like to thank Councillor Steel for his question. The decision to reduce the garden waste collection service to a seven month season, that is April to October inclusive, was taken by Council when setting the 2011/12 budget. As councillors will know, this Council has seen millions of pounds taken out of its budget over recent years and we have been forced to make some service reductions such as this to balance our budget. As leaders of this city, we have made choices about what to prioritise and where we have made cutbacks we have done it intelligently while making the necessary savings to balance our budget.

So, in this case we have looked at when there is most garden waste in deciding what service to offer residents. Historically 82% of garden waste tonnage was collected in the months April to October and only 18% in the five month period November to March. We have therefore made the very sensible decision that we would not provide the service in those months and I will make that explicit, five months is 42% of a full year service and yet was only producing 18% of the waste. In the months that we offer, we are collecting about 82% of the year's waste for only 58% of the service.

While I appreciate Councillor Steel's concern about the lengthening season, we simply cannot afford his proposal to collect after the end of October and start collecting earlier in the spring. Any extension of the garden waste collection service would cost £70,000 for a single extra month. In light of the massive budget cuts we are being forced to make I do not believe that this is something this Council can afford to prioritise. Let me make it clear that we do provide other options for people. If they badly need leaf-fall collected it will be collected with alternate weekly residual waste collection or alternatively in the winter months we encourage home composting and the use of the household waste recycling centre at Lenton.

I would also like to remind Councillor Steel that in our neighbouring authorities, Rushcliffe, Broxtowe and Gedling, people have to pay for their garden waste recycling bin, not a choice we have made for people in Nottingham and I am not suggesting this for Nottingham. I believe that we have made the right choice for the citizens of Nottingham in the current budget context. If Councillor Steel would like a more flexible service with longer operating hours can I suggest that he ask his Government to stop implementing draconian cuts on local governments, particularly cities? Until then, I suggest that this Council is making intelligent and pragmatic decisions about its services and how to manage massive government cuts whilst still providing high quality services to residents.

## **58 CITYWIDE DESIGNATED PUBLIC PLACE ORDER**

The report of the Leader, as set out on pages 156 to 164 of the agenda, was submitted.

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

- (1) the draft Order and map specified at appendix 1 showing the Proposed Area to be covered by the Order, be noted;**
- (2) the notification and consultation processes required for making the Order as per the procedural summary at appendix 2 and timetable at appendix 3, be approved;**

- (3) the publication of the draft Order for public consultation, as per the draft notice at appendix 4, be approved.

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

The report of the Leader, as set out on pages 165 to 170 of the agenda, was submitted.

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

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

The report of the Leader, as set out on pages 171 to 172 of the agenda, was submitted.

**RESOLVED** that, on the motion of Councillor Collins, seconded by Councillor Heaton, the constitutional amendments as set out in Appendix 1 be agreed and noted as appropriate.

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

The report of the Portfolio Holder for Community Services, as set out on pages 173 to 178 of the agenda, was submitted.

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

- (1) the revisions to the terms of reference and membership of area committees as set out in the appendix to the report, be approved;
- (2) the constitution be amended accordingly.

## **62 AUDIT COMMITTEE ANNUAL REPORT 2012/13**

The report of the Chair of Audit Committee, as set out on pages 179 to 181 of the agenda, was submitted.

**RESOLVED** that, on the motion of Councillor Piper, seconded by Councillor Edwards the Annual Report of the Audit Committee for 2012/13, be received.

### **63 MOTION IN THE NAME OF COUNCILLOR BALL**

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

“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.”

Moved by Councillor Culley by way of an amendment and seconded by Councillor Steel to:

“Delete:

- ‘- 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.”

After discussion, the amendment was put to the vote and was not carried. In the course of further discussion and with the consent of the Lord Mayor and the meeting, Councillor Ball proposed the following alteration to the motion, listed below which was accepted by all members.

Amend the final point of the motion to:

"If all other options have been exhausted then 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. This would only be implemented after extensive consultation."

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

**"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.**

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- 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
- If all other options have been exhausted then 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. This would only be implemented after extensive consultation."

**64 CHANGES TO COMMITTEE MEMBERSHIPS FOR THE MUNICIPAL YEAR 2013/14**

**RESOLVED** that the following changes to committee memberships, be noted:

- (1) Licensing Committee – Councillor Georgina Culley replaced by Councillor Eileen Morley;**
- (2) Joint City and County Health Scrutiny Committee – Councillor Tim Spencer replaced by Councillor Eileen Morley;**
- (3) Health Scrutiny Panel – Councillor Georgina Culley replaced by Councillor Eileen Morley;**

**(4) Overview and Scrutiny Committee – Councillor Tim Spencer replaced by Councillor Georgina Culley.**

**65 CHANGE OF DATE OF THE MEETING OF CITY COUNCIL SCHEDULED FOR 10 FEBRUARY 2014**

**RESOLVED that the meeting of City Council currently scheduled for 10 February 2014 be changed to 27 January 2014 allowing for consideration of the Council Tax Support Scheme 2014/15 prior to the deadline of 31 January 2014.**

The meeting concluded at 6.06 pm

**COPY OF WRITTEN QUESTION TO BE ASKED BY COUNCILLOR CULLEY OF THE PORTFOLIO HOLDER FOR LEISURE AND CULTURE AT THE MEETING OF THE CITY COUNCIL TO BE HELD ON MONDAY 21 OCTOBER 2013**

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With announcements about the plans for Wollaton Park's long-awaited new playground expected shortly, could the Portfolio Holder ensure that consideration has been taken about the suitability and availability of toilet facilities close to the site, and whether or not improvements could be made to existing facilities to further improve the park for visiting families?

Councillor Trimble responded as follows:

May I start by thanking you for your question as detailed above.

I can confirm that the Parks Team are already looking into the options and feasibility of improving the toilet as part of the play area project. I am aware that this issue has been raised on a number of occasions by visitors to the Park and that it has also been a regular discussion item at Councillor Battlemuch's newly formed Wollaton Park Friends group.

As a result of the feedback from the friend's group meeting the Parks team have already started to look at options for both improving the toilet provision and also potentially moving the location of the play area so that it sits along side the existing / underused changing room building. The building could be converted into a café and toilets which would both ensure that the building has a full community use and that the toilets are supervised at all times.

It must be noted, though, that such a toilet proposal would be a significant cost at a time when resources are extremely limited and whilst we fully appreciate the need for toilets, it may not be possible to align the play area improvement with the new / improved toilet provision.

Finally, the possible new location on the former football pitches is far more sensitive with regards to the park's heritage status. However with careful consideration to the design of the play area and its surrounding landscape it may provide a sustainable solution though. In parallel with

this option, the Parks team are also looking at options for improving the existing toilets and improving the signage from the play area to them.

It would of course be much easier to achieve, if your Government did not discriminate against local government by making local councils take a disproportionate share of cuts.

Yours sincerely

Councillor Dave Trimble

## **CITY COUNCIL – 9 DECEMBER 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 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 7.7, 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 21 October 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 7.7

**COUNCILLOR JON COLLINS  
LEADER OF THE COUNCIL**



# **CITY COUNCIL – 9 DECEMBER 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)**

| <b><u>Decision reference number</u></b> | <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>Consultee on urgency</u></b>  | <b><u>Reasons for urgency</u></b>  |
|---|--------------------------------|--|---------------------------------|---|-------------------------------------|--|
| 1041                                    | 09/10/2013                     | Nottingham delegation to attend meetings in Brussels with European Union (EU) to discuss working together for funding for Entrepreneurship | £1,000                          | Portfolio Holder for Jobs and Growth                                    | Vice-Chair of Overview and Scrutiny | The delay likely to be caused would seriously prejudice the Council's or the public's interests. |
| 1075                                    | 22/10/2013                     | Approval of the costs of an adult care package   | Exempt                          | Portfolio Holder for Commissioning and Voluntary Sector                 | Chair of Overview and Scrutiny      | To allow for a timely implementation of the decision.  |
| 1079                                    | 23/10/2013                     | Approval of the costs of an adult care package   | Exempt                          | Candida Brudenell, Interim Corporate Director for Children and Families | Chair of Overview and Scrutiny      | To allow for a timely implementation of the decision.  |
| 1080                                    | 23/10/2013                     | Approval of the costs of an adult care package   | Exempt                          | Candida Brudenell, Interim Corporate Director                           | Chair of Overview and Scrutiny      | To allow for a timely implementation of the decision.  |

| <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>  |
|----------------------------------|-------------------------|---|--------------------------|---|-------------------------------------|---|
|                                  |                         |   |                          | for Children and Families                               |                                     |   |
| 1101                             | 01/11/2013              | Approval of the costs of an adult care package  | Exempt                   | Portfolio Holder for Children's Services                | Chair of Overview and Scrutiny      | To allow for a timely implementation of the decision.   |
| 1108                             | 01/11/2013              | Request to extend the Framework Agreement for Homecare and Home based NHS Continuing Healthcare Services for Adults | £220,854                 | Portfolio Holder for Adults and Health                  | Chair of Overview and Scrutiny      | The delay would be detrimental to the continuous delivery of home care services to vulnerable adults. |
| 1115                             | 12/11/2013              | Approval of the costs of an adult care package  | Exempt                   | Portfolio Holder for Commissioning and Voluntary Sector | Chair of Overview and Scrutiny      | To allow for a timely implementation of the decision.   |
| 1119                             | 13/11/2013              | Contracts for Homecare to cover winter pressures  | £220,854                 | Portfolio Holder for Adults and Health                  | Chair of Overview and Scrutiny      | Contracts need to be put in place urgently to enable packages to be set up.                           |
| 1138                             | 26/11/2013              | Sale of 84 Derby Road, Nottingham, NG1 5FD  | Exempt                   | Deputy Leader   | Vice-Chair of Overview and Scrutiny | To allow for a timely implementation of the decision.   |
| 1139                             | 26/11/2013              | Sale of 86 Derby  | Exempt                   | Deputy Leader   | Vice-Chair of                       | To allow for a timely   |

| <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>                            |
|----------------------------------|-------------------------|---------------------------|------------------------------|--|--------------------------------|---|
|                                  |                         | Road, Nottingham, NG1 5FD |                              |  | Overview and Scrutiny          | implementation of the decision.                       |
| 1140                             | 26/11/2013              | To agree auction reserves | Dependent on offers received | Stuart Knight, Director of Strategic Asset and Property Management | Chair of Overview and Scrutiny | To allow for a timely implementation of the decision. |

**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>   |
|--------------------------------|--|---------------------------------|------------------------------|---|
| 29/10/2013                     | Acquisition of the leasehold interest in Sneinton Market | 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. |





## CITY COUNCIL – 9 DECEMBER 2013

### REPORT OF THE PORTFOLIO HOLDER FOR PLANNING AND TRANSPORTATION

### NOTTINGHAMSHIRE AND NOTTINGHAM WASTE CORE STRATEGY EXAMINATION- RECEIPT OF INSPECTOR'S REPORT AND ADOPTION

#### **1 SUMMARY**

- 1.1 The Nottinghamshire and Nottingham Waste Core Strategy has been through several stages of consultation and recently tested at Examination in Public. The Inspector's Report into this examination has now been received and it concludes that the Plan is 'sound' and provides an appropriate basis for planning of the area over the next 15 years. As such, Nottingham City Council and Nottingham County Council are seeking approval to 'Adopt' the Waste Core Strategy, now called the 'Nottinghamshire and Nottingham Replacement Waste Local Plan Part 1: Waste Core Strategy'.

#### **2 RECOMMENDATIONS**

- 2.1 That Council approve the adoption of the Nottinghamshire and Nottingham Waste Core Strategy and authority to be given to the Portfolio Holder in consultation with the Planning Policy Manager to make any final minor changes required to correct typographical or other errors.

#### **3 REASONS FOR RECOMMENDATIONS**

- 3.1 To ensure that the Council is able to fulfil its statutory function as the Waste Planning Authority for Nottingham.

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

- 4.1 The City Council has a statutory duty to prepare and maintain an up to date Waste Local Plan. The only alternative would be not to adopt the Waste Core Strategy which would result in policies becoming out of date and the lack of an appropriate local policy framework for future development decisions.

## **5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 5.1 The Nottinghamshire and Nottingham Waste Core Strategy has been prepared jointly with Nottinghamshire County Council. It is the first in a series of new waste policy documents which will progressively replace the City Council's existing joint Waste Local Plan which was adopted in 2002. When adopted, the Waste Core Strategy will set the strategic direction for all future proposals for waste development such as recycling plants, energy from waste plants and landfill. Subsequent policies will deal with site allocations and development management issues.
- 5.2 In line with European and national legislation and policy, the Waste Core Strategy sets out the overall vision and strategic planning policies for the development of future waste management facilities across Nottinghamshire and Nottingham. Key principles are the need to manage waste according to the 'waste hierarchy' which promotes waste prevention and re-use followed by recycling, recovery and finally disposal; and the 'proximity principle' which seek to ensure that waste is managed at one of the nearest, most appropriate facilities. The strategy therefore seeks to encourage the movement of waste away from landfill with an ambitious target of 70% recycling for all waste by 2025. This is supported by a moderate increase in energy recovery where appropriate, and a reduction in landfill disposal to approximately 10% or less of all waste arisings.
- 5.3 The Waste Core Strategy identifies broad locations where future development is likely to be acceptable but does not allocate any specific sites as this will be carried out in separate supporting policies that will be subject to further consultation and public examination. In broad terms facilities for the sorting, processing and treatment of waste are supported in, or close to, the main urban areas of Nottingham, Mansfield/Ashfield, Newark, Worksop and Retford. Within these broad locations development will be focused on existing or proposed employment sites and other derelict or previously developed land in order to minimise environmental impacts. Limited provision is also made for small-scale recycling or recovery facilities in rural locations where these can meet a specific local need; especially where this would allow for the re-use of existing farm or forestry buildings.
- 5.4 Although the Waste Core Strategy aims to minimise future waste disposal as far as possible, it is recognised that there will still be a

need for the disposal of residual waste which cannot be further recycled or recovered. Where there is a proven need for disposal, the strategy promotes a sequential approach which favours the extension of existing sites where this would be environmentally acceptable, followed by the restoration and/or re-working of old colliery tips and other mineral voids.

- 5.5 The Waste Core Strategy has been through a number of stages of consultation and was submitted to the Secretary of State for Communities and Local Government on 14<sup>th</sup> January 2013. The Planning Inspectorate subsequently appointed Inspector Susan Holland to undertake the independent examination of the Core Strategy to determine whether or not the Strategy is legally and procedurally sound. This included public hearing sessions held at the National Water Sports Centre between 8<sup>th</sup> May and 17<sup>th</sup> May 2013. These resulted in three main modifications to the Waste Core Strategy in relation to Green Belt policy and clarifying the basis of the plan estimates. Delegated authority to approve these modifications was granted to the Corporate Director for Development by Council on 10<sup>th</sup> December 2012 and has subsequently been advertised for public consultation. A number of other minor modifications were also made for reasons of clarity which did not need to be advertised or consulted on but were published at the same time for information. A pre-print copy of the final Waste Core Strategy, which incorporates all of these changes, is attached to this report at Appendix 1.
- 5.6 Shortly after the hearing sessions, the Government published a new Waste Management Plan for England, and updated national waste planning policy, for consultation. In light of this national consultation the Inspector invited those who had previously made representations to submit further comments on possible implications for the Waste Core Strategy. Two additional responses were received at this stage and passed to the Inspector.
- 5.7 The Inspector's final report was received on 7<sup>th</sup> October 2013 and concludes that the Waste Core Strategy is 'sound' and provides an appropriate basis for the planning of the area over the next 15 years, subject to the inclusion of the main modifications referred to above. A copy of the Inspector's Report is attached to this report at Appendix 2 and has been published on the Council's website and made available for inspection. All those who made formal representations, or who have asked to be kept informed, have been notified separately.

- 5.8 The County Council approved the Adoption of the Waste Core Strategy on 21 November 2013. Subject to approval from the City Council the Waste Core Strategy will be adopted on 10 December 2013. There is then a statutory six week period during which anyone aggrieved by the adoption of the Waste Core Strategy can make a legal challenge on procedural grounds.
- 5.9 For reasons of clarity the final Waste Core Strategy document, when printed, will be re-titled as the Nottinghamshire and Nottingham Replacement Waste Local Plan Part 1: Waste Core Strategy. The policies within the Plan will also be re-numbered to accommodate the inclusion of the model policy on the presumption in favour of sustainable development. This will be numbered as Policy WCS1 and all other policies will be re-numbered accordingly.
- 5.10 Following adoption of the Waste Core Strategy, work will continue with the preparation of the site specific and development management policies development plan document which will form Part 2 of the Replacement Waste Local Plan. This will again be subject to several stages of public consultation which are due to start early next year.

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

- 8.1 Has the equality impact been assessed?

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 The Nottinghamshire and Nottingham Replacement Waste Local Plan Part 1: Waste Core Strategy.

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

- 10.1 The Nottinghamshire and Nottingham Waste Local Plan 2002.

**COUNCILLOR JANE URQUHART  
PORTFOLIO HOLDER FOR PLANNING AND TRANSPORTATION**

## **CITY COUNCIL - 9 DECEMBER 2013**

### **REPORT OF THE CHAIR OF THE LICENSING COMMITTEE**

#### **REVIEW OF STATEMENT OF LICENSING POLICY**

##### **1 SUMMARY**

- 1.1 This report seeks approval to adopt a new Statement of Licensing Policy for the City. A copy of the Statement of Licensing Policy (Appendix 1), a list of those who submitted formal consultation responses, (Appendix 2), and a summary of those responses, the officer assessment of them and amendments made to the draft policy, (Appendix 3,) are attached.
- 1.2 The purpose of the Statement is to inform individuals making applications for licences of the Authority's standards and values in promoting the licensing objectives within the framework of the Act and approved guidance issued by the Department of Culture, Media and Sport in accordance with Section 182 of the Act.

##### **2 RECOMMENDATIONS**

It is recommended that Council as the Licensing Authority for Nottingham:

- 2.1 adopt the Statement of Licensing Policy to take effect from 7 January 2014.

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

- 3.1 It is a statutory requirement that a new Statement of Licensing Policy be adopted with effect from 7<sup>th</sup> January 2014

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

- 4.1 None – statutory requirement

##### **5 BACKGROUND**

- 5.1 The Council is a Licensing Authority for the purpose of the Licensing Act 2003.

- 5.2 A consultation draft Statement of Licensing Policy was approved by Council on 8 July 2013 and consultation took place between 15 July and 4 October 2013 with both the public and the statutory consultees. A list of those who submitted formal consultation responses appears at Appendix 2 and a summary of those responses, the officer assessment of them and amendments made to the draft policy appears at Appendix 3.
- 5.3 Copies of the full consultation responses and the evidence in relation to the proposed retention of the Cumulative Impact Policy and Saturation Zone have been placed in the members' room for inspection and consideration prior to this meeting.
- 5.4 The Statement of Policy is substantially in the same form as the Consultative draft subject to the amendments outlined in Appendix 3 and some minor grammatical and numerical alterations. Councillors will note that the most contentious issue has been in relation to the retention of the existing City Centre Saturation Zone and Policy. Whilst this currently remains in substantially the same form as the consultative draft Councillors will note from appendix 3 that the Director of Community Protection intends to carry out a further review of this issue in the new year. Any subsequent proposed changes to the Policy will be taken to Licensing Committee and brought to Council before being made subject to the required public consultation.

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

- 6.1 The statutory fees levied for the licensing regime are intended to cover the cost of the review of the Statement of Policy.

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

- 7.1 The draft Statement of Policy has been the subject of legal advice to try to ensure conformity with the relevant legislation and guidance and that the Policies contained within it are justifiable. It is a statutory requirement that a new Statement of Policy be adopted to come into effect on 7 January 2014. The Policy remains in force for a period of 5 years from that date; however, the Authority retains the power to review the Policy (or any part of it) during that period.

- 7.2 With regard to the newly proposed Berridge, Arboretum and Radford Zone and Policy some of the information received in support relates to health issues rather than the four licensing objectives of
- the prevention of crime and disorder
  - the prevention of public nuisance
  - public safety
  - and the protection of children from harm

As Council was advised when this matter was before it in July, the Home Office has issued a public consultation on the possibility of introducing health as a licensing objective for the purposes of cumulative impact policies only, however, as yet, there have been no legislative changes in this respect. Health is not therefore a matter which Council can take into account. Paragraphs 3-19 and Appendices 1-12 of Melanie Fretwell's statement must therefore be given no weight and should be disregarded when considering whether to include this policy in the Statement. The remainder of the information and appendices put forward by Ms Fretwell do relate to the licensing objectives and can be taken into account in reaching a decision on this issue.

- 7.3 The Statement of Licensing Policy has been prepared to enable fairness to all parties in relation to Equality & Diversity issues

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

Evidence in support of retention of City Centre Saturation Zone and Policy and new Berridge, Arboretum, Radford Saturation Zone and Policy:-

- Statement of Sergeant Richard Shaw dated 27 March 2013
- Item RS/1 – Pub, Club and Off-Licence density in the East Midlands
- Item RS/2 – Violence- City Division
- Item RS/3 – Alcohol Report February 2013
- Statement of Melanie Fretwell dated 23 May 2013 (paragraphs 3-19 to be disregarded)
- Appendices 1-12 (to be disregarded)
- Appendix 13 - People, Premises, Places Initiative
- Appendix 14 - e-mail from Trading Standards
- Appendix 15 - map of DPPO (Hyson Green) boundary
- Appendix 16 - map of DPPO (City Centre) boundary
- Appendix 17 - map of proposed DPPO (Berridge, Arboretum,

- Radford) boundary
- Appendix 18 – map of City Centre Saturation Zone boundary
  - Appendix 19 - proposed boundary for Berridge, Arboretum, Radford Saturation Zone
  - Appendix 20 – Statement of Sergeant Neil Radford dated 13 May 2013
  - Appendix 21 – Statement of Inspector Robert Wilson dated 15 May 2013 including Crime Pattern Analysis
  - Appendix 22 – Statement of Inspector Gurmit Kaur dated 18 February 2013 including Crime Pattern Analysis
  - Appendix 23 – Map showing density of off licences in Nottingham
  - Appendices 24 – 43 photographs of off licences in the proposed area.

Consultation responses from:

- Health & Safety Executive
- Jo Cox Brown, Malt Cross
- Dan Carver
- Sue Flack, Director of Planning & Transport
- Anne Partington, City Safeguarding
- Land Securities
- Nottingham Business Improvement District
- British Beer & Pub Association
- James Anderson

## **9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

9.1 Licensing Act 2003

9.2 Guidance issued under section 182 of the Licensing Act 2003

**COUNCILLOR BRIAN GROCOCK  
CHAIR OF THE LICENSING COMMITTEE**

Contact Officer: Angela Rawson, Licensing Manager  
Telephone Number: 0115 8761749  
e-mail: [angela.rawson@nottinghamcity.gov.uk](mailto:angela.rawson@nottinghamcity.gov.uk)





