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**Nottingham
City Council**

You are hereby summoned to attend a meeting of NOTTINGHAM CITY COUNCIL at the Council House, Nottingham, on Monday 8 September 2014 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 5 September 2014

- 4 To confirm the minutes of the last meeting of Council held on 14 July 2014 5 – 24
- 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 recording and reporting on public meetings 25 – 32
- 8 To consider a report of the Leader on general amendments to the Constitution 33 – 50
- 9 To consider a report of the Leader on decisions taken under urgency procedures 51 – 56
- 10 To consider a report of the Portfolio Holder for Planning and Transportation on the Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategy 57 – 84

11 To consider a report of the Portfolio Holder for Adults, Commissioning and Health on the Local Government Declaration on Tobacco Control

12 To consider a motion in the name of Councillor Alex Norris:

“This Council understands the impact of smoking in our communities.

This Council believes that reducing smoking in our communities will improve health outcomes, help households tackle the cost of living crisis and benefit our local economy.

This Council recognises that illicit and counterfeit tobacco trade funds serious organised crime and increases children’s access to tobacco.

This Council will:

- Endorse and support the principles set out in the Local Government Declaration on Tobacco Control
- Call on partners and other relevant organisations in the city to sign up to the Declaration
- Maximise the powers held by the Council to tackle illicit and counterfeit cigarettes
- Work with local traders to explore a way to ensure under-age sales are prevented – such as implementing a Challenge 25 scheme
- Continue to work in partnership with colleagues and citizens to reduce smoking prevalence and prevent the uptake of smoking amongst children and young people
- Build on the successful prohibition of smoking at playgrounds, and, where local people want it, use new legislation to designate further smoke-free public places.
- Lobby government to:
 - support the introduction of standardised packaging
 - consider further legislation to protect our young people from the harmful effects of tobacco
 - ring-fence a proportion of duty from cigarettes for prevention activity in communities.”

**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.**

A handwritten signature in black ink, appearing to be 'A. Hall', written in a cursive style.

Dated 29 August 2014
Acting Corporate Director of Resources

To: All Councillors of Nottingham City Council

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MEETING OF THE CITY COUNCIL

held at the Council Chamber – at the Council House

on 14 July 2014 from 2.00 pm – 5.06 pm

ATTENDANCE

<ul style="list-style-type: none"> ✓ Councillor Ian Malcolm (Lord Mayor) 	
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<ul style="list-style-type: none"> ✓ Councillor Liaqat Ali ✓ Councillor Cat Arnold ✓ Councillor Mohammed Aslam ✓ Councillor Alex Ball ✓ Councillor Steve Battlemuch ✓ Councillor Merlita Bryan ✓ Councillor Eunice Campbell ✓ Councillor Graham Chapman ✓ Councillor Azad Choudhry ✓ Councillor Alan Clark ✓ Councillor Jon Collins ✓ Councillor Georgina Culley ✓ Councillor Emma Dewinton ✓ Councillor Michael Edwards ✓ Councillor Pat Ferguson ✓ Councillor Chris Gibson ✓ Councillor Brian Grocock ✓ Councillor John Hartshorne ✓ Councillor Rosemary Healy ✓ Councillor Nicola Heaton ✓ Councillor Mohammed Ibrahim ✓ Councillor Glyn Jenkins ✓ Councillor Sue Johnson ✓ Councillor Carole Jones ✓ Councillor Alex Norris ✓ Councillor Gul Nawaz Khan ✓ Councillor Neghat Nawaz Khan 	<ul style="list-style-type: none"> ✓ Councillor Ginny Klein ✓ Councillor Dave Liversidge ✓ Councillor Sally Longford ✓ Councillor Carole McCulloch ✓ Councillor Nick McDonald ✓ Councillor David Mellen ✓ Councillor Thulani Molife ✓ Councillor Eileen Morley ✓ Councillor Jackie Morris ✓ Councillor Toby Neal ✓ Councillor Bill Ottewell ✓ Councillor Jeannie Packer ✓ Councillor Brian Parbutt ✓ Councillor Ann Peach ✓ Councillor Sarah Piper ✓ Councillor Mohammed Saghir ✓ Councillor David Smith ✓ Councillor Wendy Smith ✓ Councillor Timothy Spencer ✓ Councillor Roger Steel ✓ Councillor Dave Trimble ✓ Councillor Leon Unczur ✓ Councillor Jane Urquhart ✓ Councillor Marcia Watson ✓ Councillor Sam Webster ✓ Councillor Michael Wildgust ✓ Councillor Malcolm Wood
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25 APOLOGIES FOR ABSENCE

Councillor Cat Arnold – non Council business
Councillor Alex Ball – non Council business
Councillor Merlita Bryan – non Council business
Councillor Sue Johnson – non Council business
Councillor Sally Longford – non Council business
Councillor Toby Neal – other Council business
Councillor Wendy Smith – non Council business
Councillor Roger Steel – non Council business

Councillors Carole McCulloch and Malcolm Wood informed Council that they would be arriving after the meeting had started.

26 DECLARATIONS OF INTERESTS

Glen O'Connell, Director of Legal and Democratic Services, informed Council that he had an interest in agenda item 12, regarding the acting up arrangements for the role of Corporate Director for Resources and reassignment of the role of Deputy Chief Executive and left the Chamber for the duration of the item.

27 QUESTIONS AND PETITIONS FROM CITIZENS

Questions from citizens

No questions from citizens were received.

Petitions from Councillors on behalf of citizens

No petitions from Councillors were received.

28 MINUTES

The minutes of the meeting held on 9 June 2014 were confirmed as a correct record and signed by the Lord Mayor.

29 OFFICIAL COMMUNICATIONS

Public Sector Communications Excellence Awards

Nottingham City Council scooped the top accolade at the first ever Public Service Communications Excellence Awards in June. The awards reward innovation and creativity in public sector communications and marketing campaigns.

Nottingham took the top platinum award following entries from around 100 public sector communications campaigns from central and local government, health and emergency services. Nottingham City Council's campaign supported the work of its Apprenticeship Hub to engage with both employers and young people to help create jobs and tackle youth unemployment.

Big Lottery Fund

It was announced on 17 June that Nottingham has successfully secured £47.1 million from the Big Lottery Fund. This marks the culmination of 18 months' work from professionals and parents who have come together from across the city called 'Small Steps Big Changes'. It has developed an inspiring vision for bettering the life experiences of thousands of nought to three-year-olds children in four Nottingham wards – Aspley, the Arboretum, St Ann's and Bulwell. From the first stages of pregnancy through to the toddler years, 'Small Steps Big Changes' will ensure more children are able to flourish.

This will help 1,000 new born babies every year for the next ten years and it will complement our status as an Early Intervention City and will bring significant benefits to some targeted areas of the City with the highest levels of deprivation.

Arts Council Capital Funding

The Theatre Royal and Royal Concert Hall has received news from Arts Council England that it has succeeded in the first stage of its application for Capital Funding and has been invited to apply for the next stage. This ensures that the venue will receive £117,031 to undertake the detailed work on its transformation programme leading to a stage 2 application for £1.6 million towards a £3.2 million project. The proposed £3.2 million development project would be jointly funded by Nottingham City Council and the Arts Council.

30 QUESTIONS

Support for families with young children

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

Could the Portfolio Holder for Children's Services inform Council about recent success in attracting national funding to support families with young children in our city?

Councillor David Mellen replied as follows:

Thank you Lord Mayor and can I thank Councillor Klein for her question. It is always satisfying when the Chief Executive answers your question before you have got to it but there you are. I am pleased to be able to report that Nottingham has won £47 million of Big Lottery funding to improve the lives of babies and toddlers over the next 20 years. The partnership programme is called 'Small Steps, Big Changes'. The bid was led by Nottingham CityCare and involved 18 months of work from a partnership including the Local Authority, NHS Nottingham City, voluntary sector organisations and parents. One hundred and fifty two local authorities were originally invited to submit expressions of interest and only five places have been successful in winning a share of £215 million. The successful five places are Blackpool, Lambeth, Bradford, Southend-on-Sea and Nottingham.

The work will start in 2015 in the four wards of St Ann's, Arboretum, Aspley and your own ward Councillor Klein, Bulwell and it will expand across the whole city over ten years. The model aims to deliver a step change to improving the life chances of children aged 0-3 in the following areas: positive social and emotional development; improved, effective and age-appropriate verbal and non-verbal communication skills; improved nutrition through supporting parents to make healthy feeding choices during pregnancy and in the early years.

Small Steps, Big Changes will position parenting at the heart of the programme as a primary public health issue. It will build on the motivation of prospective parents to be the best they can be and prepare and support parents to achieve better outcomes for their children. This will focus on providing evidence based parenting support programmes and a range of new activities chosen and developed together with parents in each area. The model will also include a number of new jobs, including paid family mentors to support parent groups in each area.

Over the ten years, professionals will continue to work together with parents to change and improve support in the early years, using evidence and feedback of what works best. This is an exciting and important opportunity for Nottingham as an Early Intervention City, building on the successes and learning so far. As the government has systematically cut investment into this age group through the cancellation of the Early Intervention Grant, it is good to be able to report that some of that money is coming back to Nottingham, albeit through a different channel.

Growth Deals

Councillor Azad Choudhry asked the following question of the Leader:

Could the Leader tell Council the latest news from the Growth Deals announced last week?

Councillor Jon Collins replied as follows:

Thank you Lord Mayor. Nottingham City Council has worked with partners in D2N2 to secure a Growth Deal with Government which includes: project funding worth £16.5 million in 2015/16 and near enough £59 million in total, support for the 'Rebalancing the Outer Estates' initiative to drive up employment and skills in North Nottingham and a Growth Hub for our businesses.

The key projects which are to be funded from this additional resources are as follows:

Bioscience Expansion – There will be £25.5 million expansion of floors space next to BioCity as it currently is to accommodate new business start ups in the Life Science Sector which is one of the city's three key priority sectors for growth. We believe the expansion will deliver an additional 200 jobs and the funding is made up of £6.5 million Local Growth Fund and £19 million levered either through the City Council or loan funding.

Broadmarsh and Southern Gateway - £10.3 million has been awarded from the Government to match £2.6 million provided by the City Council via its Transport funding for a transport strategy to allow expansion of the southern side of the city

centre. That expansion will sit alongside the refurbishment of the Broadmarsh shopping centre and help improve connectivity to the station. This funding will sit alongside the £150 million that is already committed to the refurbishment of the Broadmarsh which is of course, a combined local authority and private sector investment that will in itself deliver some 3000 jobs and significant improvements to the environment and the shopping experience in that part of town.

Skills Hub – This will effectively be the provision of a new FE college which will be based on the Broadmarsh east side, if you are looking at it from Loxley House, that is to the right of the tram line. The project will not only generate employment opportunities across the city but will complement the work we are currently doing on our Work Programme, Youth Contract, Employer and Apprenticeship Hubs. The college overall is likely to cost of £60 million with £30 million coming from Government with the rest being made up from loan finance and the proceeds from land sales. The new development is anticipated to deliver 490 jobs and will provide accommodation for some 1,200 extra learners over a 3 year period.

Enterprise Zone Sustainable transport – a further £6 million will be available to look at sustainable transport initiatives around the Enterprise Zone site. The aim of the project being to ensure that all of the opportunities to get to and from the site are explored, in addition to the obvious car access. The aim will be to encourage people to go to and from the Boots and the MediCity sites using transport other than the car.

Nottingham CycleCity ambition – This is slightly more than £6 million which will be spent on a package of infrastructure improvements to help improve the way citizens are able to travel around the City by bike. The package will include improvements to the north – south and east – west cross-city cycle corridors; a network of cross city centre cycle routes; an investment in off road routes through parks and green spaces; and investment in our neighbourhood cycle facilities.

Lord Mayor, this administration has worked hard to put Nottingham on the front foot when it comes to regeneration and to establish a clear ambition when it comes to projects and initiatives designed to make that ambition a reality. Through those efforts we are now well placed to help businesses take advantage of the economic recovery that is beginning to be experienced in the city. This growth deal and the share secured by Nottingham are a reflection of the clear thinking, good planning and the willingness of the Council to invest. Given the resources available globally and directly to D2N2 this is a good deal for Nottingham, one that will make a real difference and that is a credit to the hard work and effort of all of those in the Authority that have helped make it happen.

Free school meals

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

Could the Portfolio Holder for Community Services update Council on the preparations for free school meals beginning in September, as well as explaining the impact that the new school meals standards will have for pupils in Nottingham?

Councillor Nicola Heaton replied as follows:

Thank you very much Lord Mayor and I would like to thank Councillor Ibrahim for his question. Many councillors will be aware that the Government has introduced free school meals for all Key Stage 1 pupils from this September and I very much welcome this. In Nottingham, we are well prepared to provide all Key Stage 1 pupils with a hot meal from September and I absolutely support this Government initiative. It is an important opportunity for us to support schools and to make sure that children in Nottingham see the benefits of this policy.

There is already a lot of work happening to make sure that schools and our schools catering service is ready for this change. Capital works are underway in 17 schools, ranging from extensive building work in a couple to more minor items like new ovens. We are also looking at buying in more food and making sure that we have enough staff. Free school meals is likely to create up to 27 full time equivalent jobs, posts and extended hours that would largely go to local people who will have the benefit of some extra cash in their pockets. We are also supporting schools with marketing and communications to make sure that they are able to maximise their pupil premium, so that even when parents no longer need to register their children for free school meals the school will be able to take the benefit of pupil premium. It will be a challenge and head teachers around the country are rightly worried about this, but I do believe we are putting our schools in a good position to sustain their levels of pupil premium funding.

A wide variety of food will be available in our school kitchens. All schools will continue to offer a vegetarian option everyday, many of the city schools provide a regular halal menu and pupils with medical-dietary requirements are also catered for. In addition to the hot main courses, unlimited salad, bread and fresh fruit is available everyday so we know that Nottingham children will be getting a healthy lunch. The new food standards that come into effect from January will further seek to ensure that there is a clamp down on sugary and fried foods. It will ensure that school milk must be offered to all pupils which will address some of our concerns about calcium levels and will restrict fruit juice which is high in sugar.

This does all come with a caveat, the Coalition has massively under-funded this project and it is only down to this Council that we are able to say with some confidence that the roll out from this September will be smooth. The Government allocated Nottingham City Council £481,100 capital money to move from providing free school meals to a limited number of children to all children in Key Stage 1. However, we do estimate that the actual cost of this change will be £695,500 to roll out the new arrangements from September and therefore we ourselves have been forced to earmark over £214,000 of funds previously allocated for primary school building improvements and the meals at home project to plug the gap.

Councillors may be aware that this policy has caused issues around the country as well as chaos between the two Coalition parties. There have been newspaper stories around the country of schools who will be unable to provide a hot meal from September and schools and councils who, like Nottingham, are raiding their own budgets to pay for the scheme. In short, a policy that looks good on paper but is, in fact, massively under funded. Whilst Mr Gove and Mr Clegg point fingers at each other this is a story of Government incompetence and both of their parties that form this Government. It is quite a shame actually because this is a good policy and whilst

the Lib Dems have done it incompetently this policy is actually a relatively progressive one.

We know quite a lot about universal free school meals and what they can do for children because of two pilot projects that ran from 2009 to 2011 in two Labour authorities – Durham and Newham in east London. All primary schools in these areas were given free lunches and data was collected to assess whether and how it affected their health and academic performance. Some improvements were immediate, the take up of meals from 50% in both areas to 72% for Newham and 85% for Durham. The average day meal improved significantly, the consumption of sandwiches fell by 27%, soft drinks by 16% and crisps by 18%, whilst the consumption of vegetables rose by 23%. Even more impressive perhaps were the academic results. Children in the pilot areas moved quickly ahead of their peers elsewhere by almost a term. This may be partly because universal free school meals solves the problem of feeding children who come from low income families but don't quite qualify for free school meals. Actually, the effects were even more substantial for those already eligible. In Newham and Durham the improvements in attainment tended to be strongest amongst those pupils from less affluent families and amongst those with prior lowest attainment. So, we think that the money the Council has put in for free school meals will prove money well spent. Nottingham City Council always puts the city's children first and so we are happy to welcome free school meals for Key Stage 1 to Nottingham and I think we are well prepared to do so.

Government funding for city projects

Councillor Georgina Culley asked the following question of the Leader:

I am sure the Leader of the Council will join me in welcoming yet more Government funding for projects in the city announced since our last meeting, including £30 million for the new Central College campus, £10 million for the southern gateway project and £12 million for Bio-City and the Nottingham Enterprise Zone.

With this in mind, does he agree with me that rather than being the villain that Nottingham City Council's tax-payer funded propaganda often suggests, this Conservative led government is actually delivering for Nottingham?

Councillor Jon Collins replied as follows:

Thank you Lord Mayor, in response to the first part of Councillor Culley's question can I refer to my response to question two. As for the second part, ignoring the usual party political way she describes entirely legitimate and apolitical material produced from time to time by the City Council, can I say that only a half-wit, with not even a passing interest in the way local government has been treated over the last four years would need to ask that question. Since it is you Councillor Culley, I will spell it out. Of course, £16.5 million funding for next year is welcome as is indicative funding of a further £58.9 million for the years beyond that, even though it is collectively significantly less than the amount we might have reasonably have expected to receive when EMDA and previous funding arrangements were in place.

It would also be churlish not to recognise the personal contribution Greg Clark MP, the Cities Minister, has made promoting the Core Cities agenda and specifically the

role cities can play in rebalancing UK's economy. However, during the tenure of the Government, the city has also seen massive reductions in public funding, like other big cities in the midlands and north, disproportionately so compared with affluent south and the south east and towns and counties so often represented by MPs from her party.

So, for example from 2010/11 to 2014/15, we have lost around £72 million in Government grant or the equivalent of 27% of our settlement. Last year we received about £127 million in Revenue Support Grant (RSG), which is that element of funding that the Government provides towards the total budget the City Council spends. This year RSG is £103 million, next year RSG will be £72 million and in 2016/17 it will be £58 million. So, Revenue Support Grant, which the Government's contribution to local government spending in this city will have more than halved from more than £127 million to £58 million over 3 years, in excess of the one off funding that we are already getting or have been promised as part of the growth deal. Add to that £50 million that has been taken from the police budget, the cuts that are having to be made in the health service and the benefit changes that have taken millions out of the pockets of Nottingham's citizens, I think the answer to your question is obvious. So, no Councillor Culley, I do not agree that this Conservative led Government is delivering for the people of Nottingham, indeed the opposite is the case.

Radford Bridge Road allotments

Councillor Eileen Morley asked the following question to the Portfolio Holder for Planning and Transportation:

Does the Portfolio Holder share my disappointment, along with my fellow Wollaton West councillors, that the independent planning inspectorate chose to over turn what I believe to be this Council's correct decision to turn down planning for 140 dwellings on the Radford Bridge Road allotments? Can she tell me now what can the Council do to ensure that the local schools and infrastructure are sufficient for Wollaton's growing needs?

Councillor Jane Urquhart replied as follows:

Thank you Councillor Morley for your question and thank you Lord Mayor and I know that this issue is one that councillors of all parties who represent Wollaton West have been concerned about. The recent appeal decision to grant outline planning permission at Radford Bridge Allotments was disappointing, particularly given the level of public concern and objection against the proposals and the wide ranging issues involved in the development proposals. From the Inspector's report, ultimately the decision is based on a judgment that the provision of 110 houses (reduced by the developer from 140 to satisfy the highway reason for refusal) and provision of 170 new allotments, outweighs the benefits of retaining the allotment site in its existing layout and condition. The Council's evidence was based around the benefits of retaining the well used allotments on the site but sadly, the Inspector concluded that these were too few in number and that the site is in need of investment.

So, the Council has already been taking action in terms of the questions of infrastructure and education because, although it was not the decision the Council desired, the granting of planning permission is subject to a number of Section 106

requirements including provision of 20% affordable housing, an education contribution (both primary and secondary) based on the number of potential pupils arising from the development and a public transport contribution. The development will, predominantly, be family homes and the conditions attached to the planning permission secure those Section 106 requirements and also the provision and future management of new allotments.

So, whilst the outline planning permission establishes the principle of development, a further detailed planning application will need to be submitted and numerous planning conditions discharged. Of course, it is accepted that this will not diminish resident's disappointment but this provides the Council with the opportunity to achieve a high quality development on the site and to ensure that the new allotments are delivered to the required standard, with an appropriate management regime in place. But, before I finish and for fear that this answer has been rather dry and constrained, as is the usual way with planning matters, I would just conclude with a comment about planning policy overall and an invitation perhaps to Councillor Morley. Overall, the Government's approach to planning policy has I'm afraid, made decisions that go against the wishes of local people more likely. Whilst trumpeting the rhetoric of localism, the Tory-led Coalition has been undermining the means by which we can shape planning policy and meet local need. A clear example of this is the removal of the need for planning permission to change offices to residential units. Such a change might be right in some places, but surely that ought to be a matter for local determination, not a presumption that can be made in Whitehall, but that is exactly what this Government has done.

So, I do share all the Wollaton West Councillors' disappointment about the Inspectors decision about Radford Bridge Road, I will ensure that Planning Officers do use the powers that we do have to ensure that robust Section 106 agreements for education and transport provision are in place but, I ask, does Councillor Morley share my concerns about the Tory-led Coalition's removal of local discretion and their apparent view that any development is worth having, no matter what the local perspective?

Strike action

Councillor Georgina Culley asked the following question of the Deputy Leader:

Could the Deputy Leader of the Council inform the Council of what percentage of the City Council's staff were involved in strike action last Thursday? Does the number of union members who voted for strike action represent a majority of members?

Councillor Graham Chapman replied as follows:

Thank you Councillor Culley. I am not yet able to answer this question until 28 July after managers have made their regular returns showing employees who did not attend work during the period. In relation to the numbers of trade union members voting in favour of strike action, these were national ballots, Councillor Culley; the City Council is not given the information by each union of the voting pattern of its employees, so is not a matter for the City Council.

I would like to use this opportunity to thank officers of the City Council for way that they dealt with the consequences of the strike, they could have been quite severe but

they weren't, thanks to the contingency measures taken. I would also like to take this opportunity to thank the Unions for the spirit in which the strike was conducted and for agreeing to cover emergency and critical services. It can do nothing but help their cause, to which I am sympathetic but not entirely in agreement in the way they went about it. Nevertheless, they do have a case.

Challenge Board

Councillor Eileen Morley asked the following question of the Leader:

I am sure the Leader of the Council agrees with me that ensuring our children get the best education possible is of the utmost importance, but that we cannot condone the actions of students who choose to tunnel out of schools in order perhaps to access better performing schools elsewhere.

He will also agree with me that ensuring that the schools within our boundaries are providing our children with the best education possible is vital. With that in mind, and notwithstanding the changing relationship between the Council and city schools, could he update us on the achievements to date and future aims of the challenge board?

Councillor Jon Collins replied as follows:

I'd like to thank Councillor Morley for her question. Our ambition for Nottingham children is that they should all be taught in schools judged by Ofsted as "good" or "excellent" so, of course, I agree with Councillor Morley that making sure our children get the best education possible is of the utmost importance. Following changes made by the current Government, we are no longer directly responsible for the schools within our boundaries, I believe that ambition shouldn't be restricted to city schools but encompass every school attended by a city resident child, wherever that may be.

The aim of the Challenge Board is to promote school improvement and this structure aims to achieve this by focussing on themes that reflect those aspects of school life covered by Ofsted's inspection framework. We will look to theme-leads to develop work programmes jointly with schools with practical outcomes that will help schools to improve and by working in partnership with school groups and schools academies and teaching school alliances we will try and ensure that themes are led by those with most to contribute.

So, for example, work on quality of teaching and learning, school leadership and the effective use of data may best be led by schools or groups of schools. I believe that the LEA by contrast have something significant to contribute as it has already shown, on attendance, behaviour, governance and recruitment. For early achievements I'd point to the very positive feedback Ofsted has published during June regarding the progress being made at Ellis Guilford, Big Wood, Bulwell Academy and Nottingham University Samworth Academy. They are also confident that the support provided at Farnborough School by Rushcliffe Academy is delivering real improvements. So, this demonstrates that whilst we still have much to do, Ofsted supports our view that these schools and academies, supported by the focus and collaborative effort of the partners involved in the Board, are making real progress to becoming "good" or "excellent".

In terms of the future, what we have learnt is that we need to focus on securing improvements across the whole school system. We have already started an attendance campaign broadly welcomed by schools with improvements in levels of school attendance and many individual stories of excellence celebrated at the first Lord Mayor's Attendance Awards held in the Ballroom last Monday. We are looking to launch a governors' academy in partnership with Nottingham Trent University in the autumn. This will aim to ensure that governors' are better able to hold school leaders to account and to ensure that progress for all children is in line with or exceeds expectations. Through the governors academy, our city governors will have the opportunity to receive high quality university accredited training.

Work has started to identify ways in which the city can help schools recruit specialist staff, in particular, NQTs and those in subjects where there is a significant local shortage. The aim will be to increase the pool of staff available to local schools rather than facilitate recruitment between schools which currently tends to be the case. Finally, we will be launching a new Education Strategy in the autumn term that will make clear within the context of a changing landscape what the Council is seeking in its role as the local champion of educational excellence and of children and families. Councillor Morley is correct in identifying a changing relationship between schools and the Council but I am convinced that the Council and schools still share the same desire and commitment to ensure that children and young people of Nottingham have access to the very best education and opportunities.

31 REPORT OF THE CHAIR OF THE OVERVIEW AND SCRUTINY COMMITTEE ON THE OVERVIEW AND SCRUTINY ANNUAL REPORT 2013/14

Councillor Brian Parbutt submitted a report on the Overview and Scrutiny Annual Report 2013/14, as set out on pages 17 to 28 of the agenda.

RESOLVED to accept the Overview and Scrutiny Annual Report for 2013/14.

32 REPORT OF THE LEADER ON COMMITTEE MEMBERSHIP

The Leader submitted a report on Committee membership, as set out of pages 29 to 30 of the agenda.

RESOLVED to

- (1) remove Councillor Emma Dewinton from Planning Committee and Corporate Parenting Board;**
- (2) appoint Councillor Gul Khan to Planning Committee and Councillor Sally Longford to Corporate Parenting Board.**

33 REPORT OF THE LEADER ON DECISIONS TAKEN UNDER URGENCY PROCEDURES

The Leader submitted a report on decisions taken under the urgency procedures, as set out on pages 31 to 36 of the agenda.

RESOLVED to note the urgent decisions taken, as follows:

(1) Urgent decisions (exempt from call-in)

<u>ref</u>	<u>Date of decision</u>	<u>Subject</u>	<u>Value</u>	<u>Reasons for urgency</u>
1498	27/05/14	Approval of the costs of a placement for a child in care	Exempt	To allow for a timely implementation of the decision.
1500	29/05/14	Approval of the costs of an adults care package	Exempt	To allow for a timely implementation of the decision.
1501	04/06/14	Electoral Services Staffing	£92,956	Staffing arrangements needed to be in place as soon as possible.
1503	04/06/14	Tender to the Peabody Housing Trust	Exempt	The decision could not be delayed because the tender had to be returned by 5 June 2014.
1507	06/06/14	Approval for the allocation of funding and approval to enter into contracts in relation to the design of Heathfield Primary School	£350,000	The target date of opening the expansion is 1 September 2015 and the contract with Wates needed to be signed in the next few days.
1525	18/06/14	Southglade Food Park Phase 2 ERDF project - approval to proceed to construction and sign contract	£645,752	The project had already been delayed and the contractors had made it clear that further delays would mean the currently agreed contract price rising.
1532	02/07/14	Approval of the costs of an Adults Care Package	Exempt	To allow for a timely implementation of the decision.
1539	30/06/14	Growing Places Fund -	£2,150,000	To allow for a

<u>ref</u>	<u>Date of decision</u>	<u>Subject</u>	<u>Value</u>	<u>Reasons for urgency</u>
		Capital Local to DSF Refractories and Minerals Ltd	(delegated by Board)	timely implementation of the decision.

(2) Key decisions (special urgency procedure)

<u>Date of decision</u>	<u>Subject</u>	<u>Value</u>	<u>Decision Taker</u>	<u>Reasons for special urgency</u>
04/06/2014	Tender to the Peabody Housing Trust	Exempt	Leader	The decision could not be delayed because the tender had to be returned by 5 June 2014.

34 REPORT OF THE DEPUTY LEADER ON THE TREASURY MANAGEMENT 2013/14 ANNUAL REPORT

The Deputy Leader submitted a report on the Treasury Management 2013/14 Annual Report, as set out on pages 37 to 46 of the agenda.

RESOLVED to

- (1) note the performance information in relation to Treasury Management for 2013/14;**
- (2) approve the amendment of the 2014/15 Treasury Management Strategy to add Close Brothers Limited to the approved counterparty list.**

35 REPORT OF THE CHAIR OF LICENSING COMMITTEE ON THE LATE NIGHT LEVY

Councillor Brian Grocock submitted a report on the Late Night Levy, as set out on pages 47 to 50 of the agenda.

RESOLVED to approve the introduction of a Late Night Levy Scheme in the following terms:-

- (1) the Levy to apply from 1 November 2014;**
- (2) to be charged to premises that are authorised to sell alcohol at any time between 00:01 – 06:00;**
- (3) there will be an exemption for premises falling within the following categories as defined in Regulation 4 of the late Night Levy (Expenses, Exemptions and Reductions) Regulations 2012:**
 - (a) Premises with overnight accommodation**
 - (b) Theatres and cinemas**
 - (c) Bingo halls**

- (d) **Community Amateur Sports Clubs**
 - (e) **Community premises**
 - (f) **Premises which are a member of a BID established for relevant purposes**
 - (g) **Premises which only become liable for the Late Night Levy by virtue of their being permitted to supply alcohol for consumption on the premises on 1st January in every year**
- (4) **the funds raised, net of the administration costs incurred by the Licensing Authority, be split 30/70 between the Licensing Authority and the Police respectively;**
- (5) **the Licensing Authority's portion of the funding to be used throughout the City to support the prevention of crime and disorder caused by the night time economy during the hours of the levy. This will be achieved through the establishment of two night time Community Protection Officer posts.**

36 REPORT OF THE CHAIR OF APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE ON THE RECRUITMENT TO AND ACTING UP ARRANGEMENTS FOR THE POST OF CORPORATE DIRECTOR, RESOURCES AND CHIEF FINANCE OFFICER

Councillor Alan Clark submitted a report on the acting up arrangements for the role of Corporate Director for Resources and the Reassignment of the role of Deputy Chief Executive, which had been circulated around the Chamber.

RESOLVED to

- (1) **approve the re-assignment of the role of Deputy Chief Executive to David Bishop, Corporate Director of Development and Growth;**
- (2) **approve the arrangements for Glen O'Connell, Director of Legal and Democratic Services, to act up to the role of Corporate Director of Resources;**
- (3) **note that this will be in effect from 15 July 2014 and, in relation to recommendation (2) above, terminate following the commencement of the permanent post holder in post as Corporate Director of Resources and Chief Finance Officer;**
- (4) **note the designation of Geoff Walker, Acting Director of Strategic Finance, as Section 151 Officer with effect from 15 July 2014 until the commencement of the permanent post holder in post as Corporate Director of Resources and Chief Finance Officer.**

37 MOTION IN THE NAME OF COUNCILLOR ALEX NORRIS:

Moved by Councillor Alex Norris, seconded by Councillor Steve Battlemuch:

“On 16th August 2014, a group of mothers is setting off on a march from Jarrow to London to demand that the NHS remains in public hands and is run for the people – not for profit. On 29th August 2014, the People’s March for the NHS will be passing through Nottingham.

The marchers hope to highlight the privatisation of the NHS which has seen profitable parts of the NHS transferred into private hands whilst leaving the public purse to carry the cost of expensive and complex operations.

This Council:-

(a) recognises the threat to our NHS from legislation including the Health and Social Care Act (2012) and the proposed Transatlantic Trade and Investment Partnership; both of which put profits before people;

(b) values the principle of our NHS to provide free, universal healthcare for all;

(c) supports the People’s March for the NHS along with its aims and intentions.”

RESOLVED to carry the motion.

COPY OF WRITTEN QUESTION TO BE ASKED BY COUNCILLOR DEWINTON OF THE PORTFOLIO HOLDER FOR COMMUNITY SAFETY, HOUSING AND VOLUNTARY SECTOR AT THE MEETING OF THE CITY COUNCIL TO BE HELD ON MONDAY 14 JULY 2014

I have welcomed the introduction and extension into my own ward of the alcohol control area. This has been an additional useful tool for law-enforcement against anti-social behaviour related to alcohol on the street. However, there is a problem with NCC poster notification used to inform residents of an alcohol control area.

We have an extremely clear notice to display on the street to inform residents regarding owners who let their dogs foul the streets. The message is clear: see it – report it. In contrast the notification of alcohol control is through a “designated alcohol no drinking on the street area” notice in complex officialese. Residents have raised concern with me and I have raised this through the neighbourhood action team monthly meetings, with the locality manager at the locality board and with senior community protection officers.

It appears that the City Council corporately has taken a literal and legally risk averse approach to interpreting statutory guidance regarding notification of an alcohol control area in terms of wording, colour and size of notice. Also, the possibility of putting up plain English notices to inform residents more clearly has not been seen as possible in case it would increase “street furniture”.

However (as can be seen by googling “no alcohol signs”) in fact other local authorities have been able to display much clearer information without legal challenge.

Could the Portfolio Holder please consider taking action to enable clear signage in Nottingham streets of alcohol control area?

Councillor Dave Liversidge replied as follows:

The Criminal Justice and Police Act 2001 gave Councils the power to introduce Designated Public Places Orders in respect of consuming alcohol in public spaces. Section 13(4) and (5) of the Act included provision for regulations prescribing the procedure and publication of the orders.

Section 8(1) and (1) of the Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 particularly specify the requirements for each sign to identify specific premises or places where the order does not apply and therefore the signage that has been erected within Nottingham City is legally compliant with the legislation and regulations.

There are substantially different signage relating to the same type of orders around England and alarmingly, some of those signs state that consumption of alcohol in the designated public place is forbidden. The powers that a DPPO provide, do not allow a Council to ban alcohol from being consumed in a public place but provide

accredited officers with the power to ask people to refrain from consuming and/or surrender their alcohol where a person is engaged in or likely to cause anti-social behaviour or disorder or where members of the public have complained of such behaviour. Therefore the erection of signage which alludes to a ban on alcohol is inaccurate and misleading for members of the public.

Whilst I appreciate that the current signage is awkward and difficult to understand, it is legislative correct and not misleading. The Council cannot replace current signage with one that alludes to there being a ban on alcohol consumption within the City as this is factually inaccurate. Signage that makes the legislation clearer to members of the public may have an adverse affect and encourage more people to drink in public whilst at present; some people are unsure and therefore avoid drinking on the streets.

It is perhaps important to note that in October of this year, the Government is introducing new legislation under the Anti-social Behaviour, Crime and Policing Act 2014 in respect of Public Spaces Protection Orders which will replace the current Designated Public Places Orders. Currently, DPPOs must be reviewed annually and it is my understanding that current DPPOs will be replaced with PSPOs during the first or third year of review. At this point, the Council will have the ability to review all signage in relation to alcohol consumption around the City and amend them with the new PSPO signage which may have differing regulations as to what the signage must specify.

In short, we have the right signage but could change it if we had greater risk appetite to challenge. I agree the current signs are not the most impactful. Hopefully the new PSPOs will give us more scope to improve.

COPY OF WRITTEN QUESTION TO BE ASKED BY COUNCILLOR DEWINTON OF THE PORTFOLIO HOLDER FOR ADULTS, COMMISSIONING AND HEALTH AT THE MEETING OF THE CITY COUNCIL TO BE HELD ON MONDAY 14 JULY 2014

It is good practice to consult with local councillors and communities when it is proposed to open a hostel or supported accommodation, for a service commissioned by the City Council. In Mapperley Ward, a hostel was commissioned, without notification to myself and I understand my fellow Councillors, police or neighbourhood management.

Consequently:

- It was not picked up that there was not appropriate planning permission for such a hostel.
- Consultation with residents was inadequate
- Communication channels for local residents, Councillors, agencies were not set up before opening.
- Environmental and Community safety concerns were not addressed until local meetings were arranged by neighbourhood management and councillors, months after opening.

Concerns of residents and planning issues are now being dealt with proactively by myself and fellow city councillors, police, City Council officers and the management of supported accommodation.

However, I would like reassurance that the commissioning process in this instance will be reviewed and that in future Nottingham City Council commissioning officers and Portfolio Holder will ensure appropriate consultation – and checks regarding planning application – before supported accommodation is approved.

Councillor Norris replied as follows:

This service was part of the re-commissioning of social exclusion provision, in particular part of the removal of one large direct access service (Sneinton House) and replacement of the other (London Road) with services catering for different levels of need. The service situated at what used to be the Coopers Arms (now GH house) is for 'statutory' overspill and the lower need spectrum of the London Road service

The award of the new London Road following tender was delayed significantly due to the 13/14 budget process. As part of our tender process we require that appropriate consultation has been undertaken re any change to location or extent of service. The original proposed location for this element of the service – Bath Street – was rejected as a consequence of the outcome of this process. Framework were, therefore, left to come up with a quick alternative solution and suggested the Coopers Arms which they had been offered by a landlord who had developed it as student accommodation. This was discussed with the then Portfolio Holder – Cllr Liversidge – who stated that he was ok with the proposed location given the previous use of the building, level of need to be catered to and lack of proximity to similar provision.

Given the tight timeframes involved and the need to close Sneinton House and move to the new model of provision the GH House proposal went ahead on this basis.

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CITY COUNCIL – 8 SEPTEMBER 2014

REPORT OF THE LEADER

POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS

1 SUMMARY

- 1.1 The Openness of Local Government Bodies Regulations 2014 came into force in August 2014 and entitles persons and press attending any meeting of the Council open to the public (with the exception of Licensing meetings) to record and/ or report on all or part of that meeting.
- 1.2 To provide clarity and consistency in how the Council meets requirements under these Regulations, it is recommended that Council adopts a policy on the recording and reporting of public meetings. The proposed policy is attached.

2 RECOMMENDATIONS

- 2.1 That the Policy on Recording and Reporting on Public Meetings be adopted.

3 REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that there is a clear and consistent position for members of the public, councillors and colleagues on the recording and reporting on public meetings of the Council, as required under the Openness of Local Government Bodies Regulations 2014.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 Not to adopt a policy. Under the Openness of Local Government Bodies Regulations 2014, persons attending a meeting of the Council open to the public (with the exception of Licensing meetings) would still be able to record and/ or report on all or part of that meeting. However, without an agreed policy it would be difficult to ensure that recording and reporting is not disruptive to the meeting and that the interests of members of the public who object to being filmed are protected. There would also be a risk that persons recording and reporting on meetings would be dealt with in an inconsistent way. Therefore this option was rejected.

5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 5.1 In August 2014 the Openness of Local Government Bodies Regulations 2014 came into force entitling persons and press attending any meeting of the Council open to the public to record and/or report on all or part of that meeting. This applies to all public meetings of the Council with the exception of meetings of Licensing Committee, Licensing Panels and Special Licensing Panel (which are constituted under different legislation and therefore the Regulations do not apply). The associated guidance sets out an expectation that local authorities will provide reasonable facilities to enable them to do so.
- 5.2 The Council currently does not have an agreed policy on recording at public meetings and has previously dealt with requests to record on a case-by-case basis.
- 5.3 Now that Regulations require local authorities to allow recording and reporting of its

meetings it is appropriate that Council adopt a policy on this matter to ensure that it consistently meets requirements under these Regulations; to enable the Council to set out clear expectations of those recording and reporting on meetings; and to ensure that members of the public, councillors and colleagues have clarity and issues are dealt with in a consistent way.

- 5.4 Guidance has been published alongside the Regulations. It suggests that local authorities consider adopting a policy on recording of meetings to ensure that they protect children, the vulnerable and other members of the public who actively object to being filmed. This issue is covered in the proposed policy.
- 5.5 The proposed policy on Recording and Reporting on Public Meetings is attached.
- 5.6 Once adopted the policy will be available on the Council's website and information for members of the public will be placed in the rooms where relevant public meetings are being held.

6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 6.1 There are no direct financial implications associated with adoption of the policy. Issues associated with persons recording and reporting on public meetings will, in the first instance, be dealt with by the relevant Constitutional Services Officer, in conjunction with the Chair for that meeting, as a part of their role.

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

- 7.1 Without a policy there is a risk that public meetings could be disrupted if members of the public, councillors and colleagues are unclear about arrangements to be put in place to enable recording and reporting and what is expected of those recording and reporting.
- 7.2 Without a policy there is a risk that the local authority may not be able to protect the interests of members of the public, including vulnerable people and children, attending a public meeting who do not wish to be recorded.

8 EQUALITY IMPACT ASSESSMENT (EIA)

- 8.1 Has the equality impact been assessed?

Yes – EIA attached

Due regard should be given to the equality implications identified in the EIA.

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 Openness of Local Government Bodies Regulations 2014
- 10.2 Department for Communities and Local Government (August 2014) Open and

Accountable Local Government: A guide for the press and public on attending and reporting meetings of local government

COUNCILLOR JON COLLINS
LEADER OF THE COUNCIL

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Nottingham City Council: Policy on Recording and Reporting on Public Meetings

This policy applies to all public meetings of Nottingham City Council, with the exception of meetings of the Licensing Committee and Panels and Special Licensing Panel. The policy does not apply to meetings which aren't public meetings of the local authority, for example education appeal hearings.

1. Nottingham City Council supports the principles of openness and transparency and encourages public interest and engagement in decision-making.
2. In accordance with the Openness of Local Government Bodies Regulations 2014 persons and press attending any meeting of the Council open to the public are allowed to record and/or report all or part of that meeting. This includes filming, audio-recording, photographing or any other means for enabling people not present to see or hear proceedings at a meeting at the same time as it takes place or later. The Council will provide reasonable facilities to enable them to do so, as far as is practical.
3. The Regulations also allow an individual or organisation to report and/ or provide commentary on a public meeting making it available to others not present.
4. Individuals or organisations intending to record and/ or report on a public meeting are asked to notify the relevant Constitutional Services Officer (as listed on the meeting agenda) in advance of the meeting.
5. If notification of an intention to record/ report all or part of a meeting has been received the Chair will make an announcement accordingly at the start of the meeting. If a member of the public present indicates that they do not wish to be recorded then the Chair will ask the individual/ organisation to refrain from filming/ audio-recording/ photographing them. If a person with known learning disabilities or mental health issues is expected to be speaking at the meeting then there will be a need to ensure that they have given informed consent. If a young person will be speaking at the meeting then parental consent should be sought for them to be filmed/ recorded/ photographed. The Chair will decide if this has been achieved and if not, request that recording does not take place while they are speaking. Any objections received to being recorded should be made known to the Chair and the person(s) recording, and the Chair may request that they refrain from recording while that individual is speaking.
6. Those recording and/ or reporting on public meetings should be aware of and abide by the following points:
 - Unless agreed otherwise in advance of the meeting, recording and reporting must take place from the public seating area and should be overt and focused on those speaking at the meeting, not other members of the public.
 - The use of flash photography or additional lighting is not allowed unless it has been discussed in advance and agreement reached on how it can be done without disruption to the meeting.

- Individuals and organisations recording a meeting are asked to respect any requests from external contributors/ members of the public to the meeting to suspend recording while they are speaking/ to not record them.
 - Recording is not allowed:
 - when the meeting has agreed to formally exclude the press and public due to the nature of business discussed. Filming/ recording equipment should not be left in the meeting room during private sessions.
 - if there is a public disturbance/ the meeting has been suspended.
 - If the Chair determines that it has not been possible to obtain informed consent from a person with known learning disabilities or mental health issues; or parental consent for a young person speaking (see paragraph 5) then any recording of these individuals is not allowed.
 - Oral reporting or oral commentary on a meeting as it takes place is not allowed if the person doing the reporting or providing the commentary is present at the meeting. Oral commentary should take place outside or after the meeting.
 - Recording and reporting should not be disruptive to the meeting, including preventing others viewing and listening to the meeting. Acting in a disruptive manner could result in expulsion from the meeting.
 - The Council expects that recording will not be edited in a way that could lead to misinterpretation of the proceedings.
 - Individuals and organisations recording/ reporting on a meeting must respect the law and will be responsible for any allegations of breaches of law which may result from their actions.
7. The Council allows such reporting/ recording to take place only in accordance with its legal obligations and takes no responsibility for, nor will accept any liabilities for, any filmed/ recorded/ photographed material made by any persons or its subsequent use or publication.

Any queries regarding this policy should be directed to Debra La Mola, Head of Democratic Services.

Telephone: 0115 8764292

Email: debra.lamola@nottinghamcity.gov.uk

Further guidance is also available in the DCLG publication 'Open and accountable local government', June 2014

Equality Impact Assessment Form

Name and brief description of proposal / policy / service being assessed
 Policy on recording and reporting on public meetings

Information used to analyse the effects on equality
 Ongoing work of the Constitutional Services Team in facilitating access to public meetings; feedback received from members of the public on accessing and attending public meetings; understanding of principles regarding access to public meetings; research into policy of other local authorities.

	Could particularly benefit (X)	May adversely impact (X)	How different groups could be affected: Summary of impacts	Details of actions to reduce negative or increase positive impact (or why action not possible)
People from different ethnic groups	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The reporting of the process and outcomes of public meetings by members of the public through film, recordings or photographs could help make information about Council decision making more accessible to communities that do not usually attend public meetings themselves.	Procedures are already in place to ensure that all public meetings are fully accessible.
Men, women (including maternity/pregnancy impact), transgender people	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Disabled people or carers	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	The Council will have to ensure that any disability needs are met in order that disabled people can have equal access to film.	The policy requests that persons wishing to record/ report on a public meeting notify the relevant Constitutional Services Officer in advance of the meeting. At this point any specific needs that the individual has will be identified and where necessary action taken to meet those needs.
People from different faith groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Lesbian, gay or bisexual people	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Older or younger people	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Other (e.g. marriage/civil partnership, looked after children, cohesion/good relations, vulnerable children/adults)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is potential that some individuals with protected characteristics may be adversely affected by being filmed/ recorded/ photographed e.g. considerations around cultural observance and modesty for Muslim women.	Normally recording will only be allowed to take place from the public seating area and be focused on those speaking at the meeting. If a person with known learning disabilities or mental health issues is expected to be speaking at the meeting then there will be a need to ensure that they have given informed consent. If a young person will be speaking at the meeting then parental consent should be sought for them to be recorded. If the Chair decides that this has not been achieved then he/she will request that recording does not

Equality Impact Assessment Form

				take place while they are speaking. If an external contributor/ member of the public raises concerns or objects to being filmed then the Chair will ask that recording of those individuals does not take place while they are speaking.
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Outcome(s) of equality impact assessment:

No major change needed Adjust the policy/proposal Adverse impact but continue Stop and remove the policy/proposal

Arrangements for future monitoring of equality impact of this proposal / policy / service:

Ongoing monitoring will take place, including consideration of any feedback received from members of the public, and learning will be shared within the Constitutional Services Team to improve how any equalities issues relating to this policy are dealt with in the future.

Approved by (manager signature): Kim Pocock, Constitutional Services
 Manager Tel: 0115 8764313 kim.pocock@nottinghamcity.gov.uk

Date sent to equality team for publishing: 08/08/2014

CITY COUNCIL – 8 SEPTEMBER 2014

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 updates since May 2014.
- 1.2 Appendix 1 to this report sets out the changes. Non-executive changes require the agreement of Council. Executive changes are reported to Council for information as changes with which I have agreed.
- 1.3 Councillors may wish to make reference to the current constitution, Version 7.11, 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

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

3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

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

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

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

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 12 May 2014.

6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

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)

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)

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

None

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

The Council's Constitution version 7.11

**COUNCILLOR JON COLLINS
LEADER OF THE COUNCIL**

**Non-executive changes require Council approval.
Executive changes are reported to Council for information.**

Included in this update:-

- To note the changes to the Section 9 Scheme of Delegation in version 7.11 of the Constitution Part 2 Responsibility for Functions. The amendments are both executive (agreed by the Leader) and non-executive and relate to delegations 4, 7, 122, 128, 129, 130, 131, 132, 133, 134, 135, 136, 142, 145, 155, 156, 158, 159, 161, 170, 173, 178, 183 and 203, 223, 225 and 276, as detailed in the table below.
- To note that Part 2 of version 7.11 of the Constitution (Terms of Reference) be amended following the change to the terms of reference for the Joint City and County Health Scrutiny Committee and the terms of reference for the newly constituted Executive Board Strategic Regeneration Committee (an executive decision taken by the Leader on 1 July 2014).

Amendments to wording are shown struck through (deletions or in bold (additions))

Purpose of amendment	Constitution location	Executive or Non-Executive	Record of amendment made	
			Delegation	Officer(s) to whom function delegated
To ensure that the power is delegated down to the most appropriate level of responsibility	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 4	Can be either depending on the circumstances	<u>Fees and Charges</u> Subject to any statutory provision and/or any specific provision made elsewhere in this Constitution, to agree, in consultation with the appropriate Chair (for non-executive functions) or Portfolio Holder (for executive functions), fees and charges for all matters within their remit where a power to charge exists.	General function to all Corporate Directors and the Director for Public Health for all matters within their remit Director for Community Protection Director for Planning and Transport
To ensure that the power is delegated down to the most appropriate level of responsibility	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 7.	Executive	<u>Authorisation to invite and accept tender(s) and bid(s)</u> Up to contract value of £25,000 1. To have the power to invite tender(s) or bid(s) and to accept tender(s) or bid(s) for the carrying out of works for the Council, the purchase, leasing or hiring of goods, materials and equipment by the council, or the supply of services to the council where the estimated contract value is below £25,000, subject to compliance with Contract Procedure Rules which require three quotations to be sought were the contract values are between £10,000 and £50,000;	General function to all Corporate Directors and the Director for Public Health for all matters within their remit Director for Planning and Transport for all matters within their remit Executive Board or

Purpose of amendment	Constitution location	Executive or Non-Executive	Record of amendment made	
			Delegation	Officer(s) to whom function delegated
			<p>For contract values above £25,000</p> <p>2.(a) To have the power to invite tender(s) or bid(s) and to accept tender(s) or bid(s) for the carrying out of works for the Council, the purchase, leasing or hiring of goods, materials and equipment by the council, or the supply of services to the council where the estimated contract value is above £25,000, subject to the appropriate level of executive Councillor or Board approval being sought and in compliance with Contract Procedure Rules which require:</p> <p>(i) three quotations to be sought where the contract values are between £10,000 and £50,000;</p> <p>(ii) a full tender process being undertaken for a contract estimated to exceed £50,000.</p> <p>For any schemes let in accordance with 2 above, a quarterly report must be forwarded to the Chief Finance Officer setting out the details of schemes let under this authority in the preceding quarter.</p> <p>(3) Provided that authority to a let a contract has been obtained, acceptance of the most economically advantageous tender or bid for the award of concession/sponsorship contracts and the acceptance of other than the highest tender or bid with the agreement of the Chief Executive and the Corporate Director for Resources.</p>	Portfolio Holder depending on value of tender(s) or bid(s)

Purpose of amendment	Constitution location	Executive or Non-Executive	Record of amendment made	
			Delegation	Officer(s) to whom function delegated
Now covered in delegation 155	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 122.	Non-Executive	Removal of things so deposited on highways as to be a nuisance Powers relating to the removal of things so deposited on highways as to be a nuisance.	Corporate Director for Communities
To ensure that the power is delegated down to the most appropriate level of responsibility	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 128	Executive	Traffic Regulation Orders - determination To consider and determine objections and representations in respect of proposed traffic regulation orders, speed limits, on street parking places orders and traffic calming measures, and disposal or appropriation of open spaces.	Corporate Director for Development and Growth Director for Planning and Transport
To ensure that the power is delegated down to the most appropriate level of responsibility	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 129	Executive	Traffic Regulation Orders To approve the making of permanent and experimental traffic regulation orders, speed limits and on street parking places orders and their implementation including associated engineering measures.	Corporate Director for Development and Growth Director for Planning and Transport
To ensure that the power is delegated	Part 2 Responsibility for functions and Terms of	Executive	Temporary Traffic Regulation Orders and Notices To make temporary traffic regulation orders and issue temporary notices under the Road Traffic Regulation Act 1984 and to make Orders under the Town Police	Corporate Director for Development and Growth Director for

Purpose of amendment	Constitution location	Executive or Non-Executive	Record of amendment made	
			Delegation	Officer(s) to whom function delegated
down to the most appropriate level of responsibility	Reference Scheme of delegation number 130		Clauses Act 1847 and to carry out associated works.	Planning and Transport
To ensure that the power is delegated down to the most appropriate level of responsibility	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 131	Executive	<u>Traffic Regulation Orders – Advertisements</u> To instruct the Director of Legal and Democratic Services to advertise the intention of making Traffic Regulation Orders concerning pay and display car parks and, where no objections are maintained, to cause the Orders to be made.	Corporate Director for Development and Growth Director for Planning and Transport
To ensure that the power is delegated down to the most appropriate level of responsibility	Part 2 Responsibility for functions and Terms of References Scheme of delegation number 132	Executive	<u>Traffic Calming Schemes</u> To approve the construction of road humps and other traffic calming measures	Corporate Director for Development and Growth Director for Planning and Transport
To ensure that the power is delegated down to the most appropriate level of responsibility	Part 2 Responsibility for functions and Terms of References Scheme of delegation number 133	Executive	<u>Traffic Management – Network Management</u> To exercise the Council's network management .	Corporate Director for Development and Growth Director for Planning and Transport

Purpose of amendment	Constitution location	Executive or Non-Executive	Record of amendment made	
			Delegation	Officer(s) to whom function delegated
To ensure that the power is delegated down to the most appropriate level of responsibility	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 134	Executive	<u>Pedestrian Crossings</u> To make arrangements for the establishment, alteration and removal of pedestrian crossing facilities.	Corporate Director for Development and Growth Director for Planning and Transport
To ensure that the power is delegated down to the most appropriate level of responsibility	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 135	Executive	<u>School Crossing Patrols</u> To make arrangements for the provision of school crossing patrols.	Corporate Director for Development and Growth Director for Community Protection Director for Planning and Transport
To ensure that the power is delegated down to the most appropriate level of responsibility	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 136	Executive	<u>Road Safety Schemes</u> To undertake schemes to improve road safety and pedestrian and cycling facilities.	Corporate Director for Development and Growth Director for Planning and Transport

Purpose of amendment	Constitution location	Executive or Non-Executive	Record of amendment made	
			Delegation	Officer(s) to whom function delegated
To ensure that the power is delegated down to the most appropriate level of responsibility	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 142	Non-Executive	<u>Highways – Execution of Works</u> Making agreements for the execution of works under Section 278 of the Highways Act 1980	Corporate Director for Development and Growth Director for Planning and Transport
To ensure that the power is delegated down to the most appropriate level of responsibility	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 145	Executive	<u>Highways – Dedication of Land</u> To accept the dedication of land as highways (including for highways widening) and to adopt highways and to approve the entering into of agreements for these purposes.	Corporate Director for Development and Growth Director for Planning and Transport
To ensure that the power is delegated down to the most appropriate level of responsibility and to more accurately reflect the	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 155	Non-Executive	<u>Action in relation to obstructions and other items on the highway</u> Duty to serve notice of proposed action in relation to obstruction. Power to take action in relation to obstructions, structures, things deposited and booths placed on or over the highway,	Corporate Director for Development and Growth Corporate Director for Communities Director for Community Protection

Purpose of amendment	Constitution location	Executive or Non-Executive	Record of amendment made	
			Delegation	Officer(s) to whom function delegated
terms of the enabling legislation				
To ensure that the power is delegated down to the most appropriate level of responsibility and to more accurately reflect the terms of the enabling legislation	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 156.	Non-Executive	Variation of order under Section 130B Power to apply for variation of order under Section 130B. <u>Confirmation of orders</u> Power to confirm unopposed orders and to take all necessary steps (including submission to the Secretary of State) to obtain confirmation of orders, where such orders have been made pursuant to a delegation under this Scheme of Delegation.	Corporate Director for Development and Growth Director for Planning and Transport
To ensure that the power is delegated down to the most appropriate level of responsibility and to more accurately reflect the	1 Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 158.	Non-Executive	<u>Provision, etc of services, amenities, recreations and refreshment facilities on highways</u> Power to grant permission for provision etc. of services, amenities, recreations and refreshment facilities on highways and power to enforce failure to comply with the terms of such permissions.	Corporate Director for Development and Growth Corporate Director for Communities Director for Community Protection

Purpose of amendment	Constitution location	Executive or Non-Executive	Record of amendment made	
			Delegation	Officer(s) to whom function delegated
terms of the enabling legislation				
To ensure that the power is delegated down to the most appropriate level of responsibility and to more accurately reflect the terms of the enabling legislation	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 159.	Executive	<u>Orders to stop up and divert highways</u> To make applications to the Secretary of State for orders to stop up and divert highways and to respond to consultations as highway authority on applications made by others to the Secretary of State.	Corporate Director for Development and Growth Director for Planning and Transport
To ensure that the power is delegated down to the most appropriate level of responsibility and to more accurately reflect the	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 161.	Non – Executive	<u>Rights of Way – cycle tracks</u> Power to designate footpath as cycle track and to carry out works to give effect to designation order.	Corporate Director for Development and Growth Director for Planning and Transport

Purpose of amendment	Constitution location	Executive or Non-Executive	Record of amendment made	
			Delegation	Officer(s) to whom function delegated
terms of the enabling legislation				
To ensure that the power is delegated down to the most appropriate level of responsibility and to more accurately reflect the terms of the enabling legislation	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 170.	Non-Executive	Stop up footpaths, bridleways and restricted byways Public path extinguishment orders Power to stop up footpaths bridleways and restricted byways.	Corporate Director for Development and Growth Director for Planning and Transport
To ensure that the power is delegated down to the most appropriate level of responsibility and to more accurately reflect the	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 173.	Non-Executive	Divert footpaths, bridleways and restricted byways Public path diversion orders Power to divert footpaths bridleways and restricted byways.	Corporate Director for Development and Growth Director for Planning and Transport

Purpose of amendment	Constitution location	Executive or Non-Executive	Record of amendment made	
			Delegation	Officer(s) to whom function delegated
terms of the enabling legislation				
To ensure that the power is delegated down to the most appropriate level of responsibility and to more accurately reflect the terms of the enabling legislation	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 178.	Non-Executive	<u>Definitive map and statement under review</u> Duty Power to keep definitive map and statement under review, including making modifications by order, confirming unopposed orders and referring opposed orders to the Secretary of State.	Corporate Director for Development and Growth Director for Planning and Transport
To ensure that the power is delegated down to the most appropriate level of responsibility	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 183.	Executive	<u>Rights of way improvement plan</u> Duty to prepare and publish a rights of way improvement plan.	Corporate Director for Development and Growth Director for Planning and Transport
To ensure that the power is delegated	Part 2 Responsibility for functions and Terms of	Executive (except for 257 and 258) which are non-executive)	<u>Town and Country Planning Act – making of orders</u> To consider and make Orders and requests for Orders and give necessary notice. To apply for orders and to make orders and to exercise	Corporate Director for Development and Growth

Purpose of amendment	Constitution location	Executive or Non-Executive	Record of amendment made	
			Delegation	Officer(s) to whom function delegated
down to the most appropriate level of responsibility and to more accurately reflect the terms of the enabling legislation	Reference Scheme of delegation number 203.		associated functions under these statutory provisions.	Director for Planning and Transport
To ensure that the power is delegated down to the most appropriate level of responsibility	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 223	Executive	<u>On/off Street Parking</u> To discharge the functions of the Council relating to on-street and off-street parking, including without prejudice to the generality of the foregoing the administration of parking within the Council's remit and dealing with the misuse of permits and badges on vehicles, including disabled persons' badges.	Corporate Director for Development and Growth (off street)
To ensure that the power is delegated down to the most appropriate level of responsibility	Part 2 Responsibility for functions and Terms of Reference Scheme of delegation number 225	Executive	<u>Bus Lane Enforcement</u> To discharge the Council's functions relating to bus lane enforcement, including prosecution if necessary, subject to the Director of Legal and Democratic Services being satisfied with the evidence	Corporate Director for Development and Growth Corporate Director for Communities
To improve the phrasing	Part 2 Responsibility	Executive	<u>Inter-departmental Lettings</u> To agree interdepartmental lettings for lease Council	Housing Strategy and Partnerships

Purpose of amendment	Constitution location	Executive or Non-Executive	Record of amendment made	
			Delegation	Officer(s) to whom function delegated
for clarity of powers	for functions and Terms of Reference Scheme of delegation number 276		<p>owned residential premises, providing residential accommodation to provide residential accommodation for care leavers or for children in care who have a complex learning disability or who are on the autistic spectrum. The mechanism will be managed via Inter-departmental Lettings between Development and Growth and Children and Families Adults (where there are no direct costs to the Housing Revenue Account).</p> <p>Agreements made will be reviewed by Housing Strategy and Partnerships every two years (biannually).</p> <p>If more than five properties are to be let on this basis in any one financial year, the relevant Portfolio Holder must be consulted</p>	Manager

Terms of Reference:

Executive Board Strategic Regeneration Committee

The establishment of the Executive Board Strategic Regeneration Committee (executive decision taken by the leader on 1 July 2014)

- (a) To oversee and give impetus to regeneration projects, including but not limited to, major transport schemes, jobs and growth projects, significant property sales, acquisitions and developments and Housing projects;
- (b) To agree strategies and policies relating to regeneration projects including a vision for the future of the city;
- (c) To assess the feasibility of potential regeneration projects and establish a strategy to identify which opportunities to pursue;
- (d) To agree to pursue, and prioritise, regeneration projects;
- (e) To make decisions, including key decisions which help deliver regeneration projects;
- (f) To agree the use of resources, including the acceptance and allocation of external sources of funding for regeneration projects;

The Committee is accountable to the Executive Board and will meet at the rising of Executive Board, or as required. The quorum has been fixed at 3 voting members, one of which must be the Leader and substitute members are not allowed.

Its membership comprises the Leader (Chair) and Deputy Leader of the Council, and the following Portfolio Holders:

- The Portfolio Holder for Jobs and Growth
- The Portfolio Holder for Planning and Transportation
- The Portfolio Holder for Community Safety, Housing and Voluntary Sector

The Committee may invite any person it considers able to support its work to participate on a non-voting basis, either generally or in relation to specific strategies, projects and/or initiatives.

A standing invitation will be extended to the Executive Assistant for Housing and Regeneration to observe and contribute.

Joint City and County Health Scrutiny Committee

Terms of Reference

- (a) To scrutinise health matters which impact on both the areas covered by Nottingham City Council and Nottinghamshire County Council, including the statutory health scrutiny role.
- (b) the Joint Committee is accountable to Council, has 8 City Councillors (who cannot be members of the Executive Board) and 8 County Councillors (also non-executive);
- (c) the Chair and Vice-Chair will be appointed in alternate years by each authority. The Vice-Chair will always be appointed by the authority not holding the Chair.

Meetings:

- (d) The Joint Committee will meet at least 2 times per year and usually has 11 meetings per year;
- (e) notice of meetings, circulation of papers, conduct of business at meetings and voting arrangements will follow the Standing Orders of the authority which holds the Chair, or such Standing Orders which may be approved by the parent authorities. Meetings will be open to citizens;
- (f) the secretariat of the Joint Committee will alternate annually between the two authorities with the Chair. The costs of operating the Joint Committee will be met by the Council providing the secretariat services.

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CITY COUNCIL – 8 SEPTEMBER 2014

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**

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>
1542	03/07/2014	Approval of costs for a child in care	Exempt	Corporate Director for Children and Adults	Chair of Overview and Scrutiny Committee	To allow for a timely implementation of the decision.
1543	03/07/2014	Approval of costs for a adult care package	Exempt	Corporate Director for Children and Adults	Chair of Overview and Scrutiny Committee	To allow for a timely implementation of the decision.
1544	03/07/2014	Approval of costs for a adult care package	Exempt	Corporate Director for Children and Adults	Chair of Overview and Scrutiny Committee	To allow for a timely implementation of the decision.
1547	03/07/2014	Building Foundations for Growth – Enterprise Zone Capital Grant Fund – Accountable Body	£5,500,000	Leader	Vice-Chair of Overview and Scrutiny Committee	In order for funding to be released, the City Council needed to have Accountable Body status, and the Department of Communities and Local Government wished to release the funding immediately.
1551	08/07/2014	Approval of the costs of a placement for a Child in Care	Exempt	Corporate Director for Children and Adults	Chair of Overview and Scrutiny Committee	To allow for a timely implementation of the decision.
1552	08/07/2014	Approval of the costs of a placement for a Child in Care	Exempt	Corporate Director for Children and	Chair of Overview and Scrutiny Committee	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>
				Adults		
1557	11/07/2014	2 year old children – Expansion programme	£805,000	Leader	Chair of Overview and Scrutiny Committee	Funding which dates back to a 2012/13 DfE grant allocation has not yet been approved, and a Primary school requires funding to pay a local builder for work that has already been completed.
1574	22/07/2014	Approval of the costs of a placement for a child in care	Exempt	Portfolio Holder for Children's Services	Chair of Overview and Scrutiny Committee	To allow for a timely implementation of the decision.
1575	22/07/2014	Approval of the costs of an Adults care package	Exempt	Portfolio Holder for Children's Services	Chair of Overview and Scrutiny Committee	To allow for a timely implementation of the decision.
1576	22/07/2014	Approval of the costs of an Adults care package	Exempt	Portfolio Holder for Children's Services	Chair of Overview and Scrutiny Committee	To allow for a timely implementation of the decision.
1580	24/07/2014	IT Contract	Exempt	Deputy Leader	Chair of Overview and Scrutiny Committee	To extend current contracts to enable the Council to align and merge all telecommunication contracts under a single future contract.
1601	07/08/2014	Approval of a business case, allocation of funding and procurement of a contractor in relation to the expansion of Djanogly Northgate at Sherwood Rise	£999,950	Leader	Chair of Overview and Scrutiny Committee	So that works can begin during the summer holiday to enable Year 1 children to attend the school in September this year.
1602	07/08/2014	Approval of the costs of a placement for a child in care	Exempt	Portfolio Holder for Children's Services	Chair of Overview and Scrutiny Committee	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>
1603	07/08/2014	Approval of the costs of a placement for a child in care	Exempt	Portfolio Holder for Children's Services	Chair of Overview and Scrutiny Committee	To allow for a timely implementation of the decision.
1604	07/08/2014	Approval of the costs of an Adults Care Package	Exempt	Portfolio Holder for Children's Services	Chair of Overview and Scrutiny Committee	To allow for a timely implementation of the decision.
1610	13/08/2014	Purchase of Electoral Management Software	Exempt	Deputy Leader	Chair of Overview and Scrutiny Committee	To allow for a timely implementation of the decision.
1622	18/08/2014	Retaining wall at the former Douglas School, Seely Road, Radford	Exempt	Director of Strategic Asset and Property Management	Chair of Overview and Scrutiny Committee	To allow for a timely implementation of the decision.

KEY DECISIONS – SPECIAL URGENCY PROCEDURE

<u>Date of decision</u>	<u>Subject</u>	<u>Value of decision</u>	<u>Decision Taker</u>	<u>Reasons for special urgency</u>
03/07/2014	Building Foundations for Growth – Enterprise Zone Capital Grant Fund – Accountable Body	£5,500,000	Leader	In order for funding to be released, the City Council needed to have Accountable Body status, and the Department of Communities and Local Government wished to release the funding immediately.
11/07/2014	Review of Voluntary Sector Infrastructure Support	Exempt	Leader	There was an urgent need to sign the contract due to potentially tight timescales for any future contract negotiations.

NOTTINGHAM CITY COUNCIL - 8 SEPTEMBER 2014

REPORT OF THE PORTFOLIO HOLDER FOR PLANNING AND TRANSPORTATION

BROXTOWE BOROUGH, GEDLING BOROUGH AND NOTTINGHAM CITY ALIGNED CORE STRATEGY ADOPTION

1 SUMMARY

- 1.1 To request that Council adopt the Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategy and delete several policies in the Adopted Local Plan, as supported by the findings of the independent examination into the submission version of the Aligned Core Strategy.

2 RECOMMENDATIONS

- 2.1 It is recommended that Council:

- (a) adopts the Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategy;
- (b) delete the policies in the Adopted Local Plan identified in Appendix E of the Core Strategy; and
- (c) delegates authority to the Portfolio Holder in consultation with the Policy and Research Manager to make any final minor changes required to correct typographical or other errors.

3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)

- 3.1 To ensure that the Council is able to fulfil its statutory function as the Local 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 Local Plan, of which the Aligned Core Strategy is part. The only alternative would be not to adopt the Aligned 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

- 5.1 Nottingham City in partnership with Broxtowe Borough Council and Gedling Borough Council have been jointly preparing Aligned Core Strategies (also known as the Part 1 Local Plans) which cover their combined administrative areas to 2028. The Aligned Core Strategy for Nottingham City sets a strategic planning framework for the City, including the broad scale and location of housing and economic growth over that period, together with supporting infrastructure and how environmental matters will be considered. The Aligned Core Strategy, the Inspector's Report and related documentation are available from Constitutional Services and at www.nottinghamcity.gov.uk/localplan.

- 5.2 The Aligned Core Strategy was published for public consultation, and then submitted for public examination along with the consultation responses on 7 June 2013. From that date the Aligned Core Strategy was considered by the appointed independent

Planning Inspector both on its own merits and against the representations received. This examination included public hearings held between 15 and 17 October, 5 and 7, 12 and 13 November 2013, and 11 and 13 February 2014.

5.3 Following the hearings the three Councils consulted upon a series of Main Modifications to the Aligned Core Strategy, and this exercise was undertaken between 17 March and 30 April 2014. On 24 July 2014 the Planning Inspector issued her report. This concluded that, subject to all the modifications previously consulted upon (except one relating to Gedling Borough), the Aligned Core Strategy was sound, and can be adopted by the City Council.

5.4 Modifications have been made to the Aligned Core Strategy submission version in accordance with the Inspector's report (see the appendix to of the Inspector's report). Significant changes include:

- Insert a new Policy A to confirm the presumption in favour of sustainable development.
- Modify Policy 1: Climate Change to clarify what is expected from developers to move towards a low carbon future, and to provide reassurance that the viability and feasibility of so doing will be taken into consideration when development is proposed.
- Modify Policy 2 and its supporting text so that the housing delivery figures reflect the most up-to-date housing trajectory to meet the objectively assessed housing need for the area and are not presented as phased stages which will constrain the provision of new housing, and so that the calculation of 5 year land supply is explained in accordance with the NPPF.
- Modify Policy 2 to state that development in the vicinity of the proposed HS2 station at Toton should accommodate at least 500 homes, Teal Close, Netherfield should provide 830 homes and the Gedling Colliery/Chase Farm site at least 600 homes. The numbers of new homes planned in or adjoining named key settlements should be modified so that the strategy of urban concentration in or adjoining the main built up area of Nottingham and regeneration is given due emphasis. The proposed modification to reduce the number of new homes at Bestwood Village should not be made.
- Modify Policy 2 and its supporting text to indicate that measures will be taken to review the Aligned Core Strategies if new Government household projections show that they no longer reflect the objective assessment of housing need. Add a new Section 20 to strengthen monitoring arrangements.
- Modify Policy 3: The Green Belt to ensure that a sequential approach is followed when Green Belt boundaries are reviewed in the Part 2 Local Plans and sites for development selected, giving maximum protection to Green Belt land.
- Modify Policy 7 to clarify that a proactive approach will be taken to encourage the regeneration of previously developed land including the use of Compulsory Purchase powers for land assembly.
- Modify Policy 8 to clarify approach to Houses in Multiple Occupancy and Purpose Built Student Accommodation, to achieve consistency with national policy and positive planning.

5.5 The new Aligned Core Strategy policies supersede a number of existing Saved Local Plan Policies which consequently should be deleted, along with a few policies that are no longer required. The revised Local Plan Policies are shown in appendix E of the Aligned Core Strategy.

6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

6.1 There are no direct financial implications from the report as the costs of this activity will be met from existing resources earmarked for this purpose.

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

7.1 There are no direct legal implications arising from this report.

7.2 As indicated in the main body of the report, the Council is under a statutory duty to produce a Local Plan of which the Aligned Core Strategy is part. Requirements relating to the production and adoption of Local Plan documents are prescribed by Regulations. Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and the Council's constitution adoption of a Local Plan is a matter for full Council.

8 EQUALITY IMPACT ASSESSMENT (EIA)

8.1 Has the equality impact been assessed?
Yes – EIA attached at appendix A.

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

9.1 Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategy (Part 1 Local Plan)

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

10.1 Report on the Examination of the Greater Nottingham – Broxtowe, Borough, Gedling Borough and Nottingham City Aligned Core Strategy (July 2014)

10.2 Nottingham Local Plan (November 2005)

10.3 Report of the Portfolio Holder for Planning and Transportation, Nottingham City Aligned Core Strategy, Submission To The Secretary Of State (City Council, 11 February 2013)

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

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EQUALITY IMPACT ASSESSMENT FORM

Name and brief description of proposal / policy / service being assessed

Broxtowe, Gedling, and Nottingham City Aligned Core Strategies Publication Version 2012, Schedule of Proposed Changes 2013, and Main Modifications 2014.

A strategic spatial planning strategy covering the City Council area, together with Broxtowe and Gedling Boroughs. Part of the Council's statutory duty to prepare and maintain an up to date planning policy framework for its area. The policies in the Strategy set out the Council's general approach to new development, and broad locations for development.

As the Equality Impact Assessment has been undertaken across the plan area, the information included here is a summary of a full Equalities Impact Assessment Report, which will be submitted alongside the Aligned Core Strategies and is available at www.nottinghamcity.gov.uk/corestrategysubmission.

Information used to analyse the effects on equality

Census, more recent population and demographic information, Phase 1 of the Equalities Impact Assessment was subject to extensive consultation across the Greater Nottingham area with a range of relevant bodies, which informed Phase 2 of the Assessment. Proposed Changes to the Aligned Core Strategy – Publication Version have been screened to determine the need for Equalities Impact Assessment (Phase 3), one change (included below) was found to be relevant.

Page Groups	Could particularly benefit (X)	May adversely impact (X)	How different groups could be affected: Summary of impacts	Details of actions to reduce negative or increase positive impact (or why action not possible)
People from different ethnic groups	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Policies Assessed as Relevant to Equality	
Men, women (including maternity/pregnancy impact), transgender people	<input type="checkbox"/>	<input type="checkbox"/>	Policy 1 Climate Change	
Disabled people or carers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Impact on Race Low relevance. 	
People from different faith groups	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Impact on Gender, Gender Identity and Pregnancy and Maternity Low relevance. 	
Lesbian, gay or bisexual people	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Impact on Disability Positive impact from provision of accessible services. 	Ensure the design of buildings for use by disabled people mitigates against any specific impacts of climate change. (Responsibility: Development)
Older or younger people	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Impact on Age Positive impact from provision of accessible services. 	
Other (e.g. marriage/civil partnership, looked after children, cohesion/good relations, vulnerable children/adults)	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Impact on Religion Low relevance. 	Ensure the design of buildings for use by the very young and the elderly mitigates against any specific impacts of climate change. (Responsibility: Development)
			<ul style="list-style-type: none"> • Impact on Sexual Orientation 	

Low relevance.

Policy 4 Employment Provision and Economic Development

- **Impact on Race**

Positive impact on access to employment and training opportunities across Area

- **Impact on Gender, Gender Identity and Pregnancy and Maternity**

Positive impact on access to employment through provision of a range of sites and focus for offices development in City and town centres.

Positive impacts in association with Policy 11 employment as opportunities in centres offers ability to link trips and access services and facilities.

Positive impact from identification in justification text that associated facilities (such as childcare) can also be provided alongside employment sites.

- **Impact on Disability**

Positive impact on access to employment through provision of a range of suitable sites
Positive impact from provision of employment opportunities within centres which will ensure linked access to other services and facilities.

- **Impact on Age**

Low relevance

- **Impact on Religion**

Low relevance

- **Impact on Sexual Orientation**

Low relevance

Policy 5 Nottingham City Centre

- **Impact on Race**

Positive impact on personal safety and access

Ensure that detailed policies or plans for specific centres take account of equality issues.
(Responsibility: Development)

		<p>to services</p> <ul style="list-style-type: none"> • Impact on Gender, Gender Identity and Pregnancy and Maternity Positive impact on personal safety and access to services and employment. Positive impact for those with children and young babies from the support for family orientated leisure development. • Impact on Disability Positive impact on personal safety and access to services and employment. • Impact on Age Positive impact on personal safety and access to services and employment. However the role of the City Centre as a hub should not be at expense of other centres across the conurbation. The support for a night time economy potentially causes divisions between younger and older generations. However, the policy will have regard to crime and disorder issues through the regulation of licensed premises. Positive design/layout of developments will help decrease crime and the fear of crime. Positive impact from support for family orientated leisure and facilities for young people. • Impact on Religion Positive impact on personal safety and access to services. • Impact on Sexual Orientation Positive impact on personal safety and access to services and employment through continued reference to safety throughout the policy. <p>Policy 6 The Role of Town and Local Centres</p> <ul style="list-style-type: none"> • Impact on Race Positive impact on personal safety and access 	<p>Ensure that detailed policies or plans take account of equality issues. (Responsibility: Development)</p>
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to services.

- **Impact on Gender, Gender Identity and Pregnancy and Maternity**

Positive impact on personal safety and access to services and employment.

Positive impact from reference to access improvements taking account of equality issues

- **Impact on Disability**

Positive impact on personal safety and access to services and employment.

Details will be included in centre specific local development documents and will take account of equality issues as identified in the supporting text.

- **Impact on Age**

Positive impact on personal safety and access to services and employment. Details will be included in centre specific work.

The support for a night time economy potentially causes divisions between younger and older generations. However, the policy will have regard to crime and disorder issues through the regulation of licensed premises.

Positive design/layout of developments will help decrease crime and the fear of crime.

Positive impact from access to local services, the range of uses and environmental improvements will be improved through this policy approach; all of which will take account of equality issues.

- **Impact on Religion**

Positive impact on personal safety and access to services.

Positive impact from reference to access improvements taking account of equality issues

- **Impact on Sexual Orientation**

Positive impact on personal safety and access

Ensure that detailed policies or plans for specific centres take account of equality issues.
(Responsibility: Development)

Ensure that detailed policies or plans for specific centres take account of age issues.
(Responsibility: Development)

		<p>to services and employment. Positive impact from reference to access improvements taking account of equality issues.</p> <p>Policy 8 Housing Size, Mix and Choice</p> <ul style="list-style-type: none"> <p>Impact on Race</p> <p>Positive impact from provision of affordable housing and delivery of mix of housing sizes although delivery issues due to economic climate.</p> <p>Impact on Gender, Gender Identity and Pregnancy and Maternity</p> <p>Positive impact from provision of affordable housing although delivery issues due to economic climate. Only providing a proportion of lifetime homes may not sufficiently promote equalities</p> <p>Impact on Disability</p> <p>Positive impact arising from amount of affordable housing as well as from a proportion of homes that should be capable of being adapted to suit the lifetime of occupants. Only providing a proportion of 'life time' homes may not sufficiently promote equalities.</p> <p>Impact on Age</p> <p>Positive impact from provision of affordable housing although delivery issues due to economic climate. Only providing a proportion of lifetime homes may not sufficiently promote equalities</p> <p>Positive impact from provision of a mix of dwelling types including starter homes and homes to allow downsizing.</p> <p>Impact on Religion</p> <p>The ability to deliver affordable housing alongside other requirements, taking into account broad assessments of viability, may</p> 	<p>Amend policy to provide all new dwellings to the lifetime homes standard.*</p> <p>Amend to policy to provide all new dwellings to the lifetime homes standard.*</p> <p>Amend policy to provide all new dwellings to the lifetime homes standard.*</p> <p>Ensure religious considerations are part of design considerations. (Responsibility: Development)</p>
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impact on religious developments.

- **Impact on Sexual Orientation**

Low relevance

Policy 9 Gypsies, Travellers and Travelling Showpeople

- **Impact on Race**

Positive impact from delivery of suitable sites. The justification text highlights that the consultation into specific sites will require sensitive and appropriate consultation with the groups that will use the sites along with the community in the surrounding area.

- **Impact on Disability**

Low relevance

- **Impact on Age**

Low relevance

- **Impact on Religion**

Low relevance

- **Impact on Sexual Orientation**

Low relevance

Policy 10 Design & Enhancing Local Identity

- **Impact on Race**

Positive impact from high design standards including reducing opportunities for crime and ensuring new developments are inclusive

- **Impact on Gender, Gender Identity and Pregnancy and Maternity**

Positive impact from high design standards including reducing opportunities for crime and ensuring new developments are inclusive.

- **Impact on Disability**

Positive impact arising from the requirement that all new developments should be designed to create an inclusive environment.

- **Impact on Age**

		<p>Positive impact from high design standards including reducing opportunities for crime and ensuring new developments are inclusive.</p> <ul style="list-style-type: none"> • Impact on Religion Greater emphasis on the influence of religion on character of place could result in a more positive impact. • Impact on Sexual Orientation Positive impact from high design standards including reducing opportunities for crime and ensuring new developments are inclusive. <p>Policy 12 Local Services and Healthy Lifestyles</p> <ul style="list-style-type: none"> • Impact on Race Positive impact from provision of accessible services. • Impact on Gender, Gender Identity and Pregnancy and Maternity Positive impact from provision of accessible services. • Impact on Disability Positive impact from provision of accessible services. • Impact on Age Positive impact from provision of accessible services. • Impact on Religion Positive impact from provision of accessible services. • Impact on Sexual Orientation Positive impact from provision of accessible services. <p>Policy 13 Culture, Sport and Tourism</p> <ul style="list-style-type: none"> • Impact on race The policy has been amended to ensure 	<p>Consider criteria for impact of religious character on place, including building types, design and views. (Responsibility: Development)</p> <p>Policy sub-text should allow flexibility of location if the service to service an identified community or</p>
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flexibility in application of policy to allow needs of communities to be met within those communities.

- **Impact on Gender, Gender Identity and Pregnancy and Maternity**

Low relevance

- **Impact on Disability**

Low relevance

- **Impact on Age**

Low relevance

- **Impact on Religion**

Positive impact from provision of cultural assets

- **Impact on Sexual Orientation**

Low relevance

Policy 14 Managing Travel Demand

- **Impact on Race**

The need to fully address existing accessibility deficiencies as part of the prioritisation of new development process will result in positive improvement

- **Impact on Gender, Gender Identity and Pregnancy and Maternity**

Positive impact from increase in frequency and routes likely to outweigh any negative impacts from increase in use.

Reference to “*people with mobility issues*” will include consideration of issues related to pregnancy/maternity and the use of push chairs etc.

- **Impact on Disability**

The need to fully address existing accessibility deficiencies as part of the prioritisation of new development process will result in positive improvement

- **Impact on Age**

The need to fully address existing accessibility

catchment area.
(Responsibility: Development)

Ensure that the implementation of the approach has regard to the needs of people with mobility difficulties.

(Responsibility: Development)

Ensure that the implementation of the approach has regard to the

deficiencies as part of the prioritisation of new development process will result in positive improvement

- **Impact on Religion**

Positive impact, increased frequency and safety.

- **Impact on Sexual Orientation**

Positive impact, increased frequency and safety.

Policy 16 Green Infrastructure, Parks and Open Space

- **Impact on Race**

Positive impact from increased provision of GI.

Positive impact from reference in policy to ensuring that GI is as *“inclusive as possible”* although monitoring this will be important.

- **Impact on Gender, Gender Identity and Pregnancy and Maternity**

Positive impact from increased provision of GI.

Positive impact from reference in policy to ensuring that GI is as *“inclusive as possible”* although monitoring this will be important.

- **Impact on Disability**

Positive impact from improved provision of green infrastructure.

A requirement that new or enhanced Green Infrastructure corridors and assets should be as inclusive as possible will have a positive impact

- **Impact on Age**

Positive impact from increased provision of GI.

Positive impact from reference in policy to ensuring that GI is as *“inclusive as possible”* although monitoring this will be important.

- **Impact on Religion**

Positive impact from reference in policy to ensuring that GI is as *“inclusive as possible”* although monitoring this will be important.

- **Impact on Sexual Orientation**

needs of people with mobility difficulties.

(Responsibility: Development)

A requirement that new or enhanced Green Infrastructure corridors and assets should be as inclusive as possible will have a positive impact

No Policies were found to be relevant to Marriage & Civil Partnership as there is no spatial element to the distribution of these elements and the built and natural environment has very little impact specific to this group.

The Proposed Changes (Main Modifications) have been screened to determine the need for Equalities Impact Assessment. All except for one are considered to have no impact on protected groups. The one Proposed Change found to be relevant is to Policy 8, which now includes reference to concentrations of Houses in Multiple Occupation when considering to the need to redress housing mix.

- **Impact on Race**

Positive impact from rebalancing of areas with large numbers of HMOs to deliver sustainable communities.

- **Impact on Gender, Gender Identity and Pregnancy and Maternity**

Low relevance

- **Impact on Disability**

Low relevance

- **Impact on Age**

Positive impact from rebalancing of areas with large numbers of HMOs to deliver sustainable communities.

- **Impact on Religion**

Low relevance

- **Impact on Sexual Orientation**

* Recommendation on Lifetimes Homes standard not accepted in full. Standard can have impact on viability of development, which has not been tested. Considered preferable to develop a City specific approach to Lifetime Homes within the forthcoming more detailed Land and Planning Policies Development Plan Document

			Low relevance	(Responsibility: Development)
Outcome(s) of equality impact assessment:				
No major change needed <input type="checkbox"/> Adjust the policy/proposal <input checked="" type="checkbox"/> Adverse impact but continue <input type="checkbox"/> Stop and remove the policy/proposal <input type="checkbox"/>				
Arrangements for future monitoring of equality impact of this proposal / policy / service:				
A review will only be undertaken when the Core Strategy is reviewed. However, an equality Impact assessment will be undertaken on subsequent additional Development Plan Documents, such as the Land and Planning Policies Development Plan Document.				
Approved by: Matt Gregory, Policy and Research Manager, 0115 876 3981, matt.gregory@nottinghamcity.gov.uk			Date sent to equality team for publishing: 19 August 2014	

Appendix 1

Nottingham City Aligned Core Strategies: Publication Version June 2012

Summary of Consultation Responses

Please note changes are proposed to address many of the issues raised during consultation, and can be found in the Schedule of Proposed Changes (February 2013). More detail of representations made and the officers responses to consultation points can be found in the Statement of Consultation (Regulation 22), February 2013, part 2 (www.nottinghamcity.gov.uk/corestrategysubmission).

General Comments, Section 1, Section 2 and Key Diagram

The priority given to brownfield sites was an issue which resulted in a large number of comments. Some consultees wanted to include a 'phasing policy' which would give priority to brownfield sites, to assist the regeneration of brownfield sites prior to greenfield or Green Belt sites being released.

Several consultees considered that there was a failure to cooperate fully as there is a shortfall against the Regional Strategy housing figures as a result of Rushcliffe Borough Council proposing lower housing figures. Whilst there was some support for the principle of Alignment some consultees noted that only three of the original six authorities were now fully aligned. One consultee identified that there should be a commitment to an early review of the Aligned Core Strategies. The Home Builders Federation requested that the years covered by the plan should be clearer.

Consultees also considered that the Vision should include reference to promoting sport, enhancing the natural environment, and better reference of health issues. English Heritage identified that there should be improved reference to the historic environment and to non-designated heritage assets. There was concern from the University of Nottingham that there is no reference to the benefits of student areas or acknowledge the importance of the two universities to the plan area. Some consultees felt there was little strategic vision provided beyond the plan period.

Two consultees considered the approach to minerals development and the City Council's role as a Minerals Planning Authority was inadequately covered.

Policy 1: Climate Change

The Home Builders Federation and a number of developers were concerned that the requirements of the Policy had not been tested for viability as required by the NPPF. It was recommended that an assessment of the cumulative impact of planning requirements, both local and national, should be carried out by the local planning authorities as the burden of proof should not rest with developers.

A number of consultees considered the policy to be vague and imprecise as it does not indicate what constitutes "high levels of sustainability". Consultees also questioned the need for the policy given that Building Regulations will require all homes to be built to 'zero carbon' standards from 2016 onwards, although there was

some support for homes built before 2016 to be built to this standard. One consultee also felt that some parts of the policy were vague and arbitrary.

One specific element which resulted in a number of responses was the requirement in Policy 1.2a for planned water use to be no more than 105 litres per person per day. While this was supported by some consultees, including the Environment Agency who wished to see reference to non-residential development, it was opposed by a number of developers who considered that the requirement was unenforceable, did not comply with the NPPF and was not shown to be viable.

Consultees, including Friends of the Earth (Nottingham) identified that specific references should be made to how the policies will reduce carbon emissions and contribute to the target for renewable energy generation. Responses also requested that targets for individual Districts be included and a more coherent and forceful commitment to developments in this area adopted. However, one consultee considered that paragraph 96 of the NPPF made local targets, especially those in Policy 1.1 superfluous. Others identified that paragraph 3.1.11 should be amended to support additional forms of renewable energy including wind, solar, biomass, bio fuels and anaerobic digestion.

Flooding was another issue which generated a number of responses. Whilst there was general support for the approach, consultees suggested a number of changes. These were:

- removal of “within the urban area” from Policy 1.8 as sites outside the urban area should also comply with the exception test;
- changes to Policy 1.10 to ensure that surface water is not discharged into the foul sewers;
- Amendments to the latter part of Paragraph 3.1.14 regarding surface water runoff; and
- Monitoring of the proportion of new developments that incorporate Sustainable Drainage Systems.

Policy 2: The Spatial Strategy

There was some support for the strategy of ‘urban concentration with regeneration’ and the distribution of housing between the authorities. Derbyshire County Council noted the consistency with the Erewash Core Strategy and supported the approach to housing numbers. A developer noted the fundamental difference in strategy between the Aligned Core Strategies and Rushcliffe Borough Council which has taken a ‘rural dispersal’ approach.

A number of consultees supported the overall level of housing but objected to the distribution between the authorities.

A limited number of responses were made on sites within the City Council area, including some objecting to development at Stanton Tip, but there was general support for development on other sites (such as the Waterside Regeneration Zone). A large number of the responses concerned sites in surrounding Districts, in particular Clifton Pastures, which is identified in the Rushcliffe Core Strategy. Many representatives expressed the need for the City to meet its own housing needs within its area.

Developers, on the other hand, focussed on the viability and deliverability of sites especially brownfield land and the sites which are to be rolled forward from previous development plans.

A high proportion of members of the public and local community groups considered that there was no justification, in terms of evidence of need or environmentally, for the housing target chosen. They considered that it was too high and should be reduced. This was due, in part, to the forthcoming revocation of Regional Strategies and the introduction of the concept of 'localism'. A number also identified that the Council's evidence base had not taken account of the collapse of the funding mechanisms for Affordable Housing.

A number of the consultees considered that the target was not realistic given past rates of delivery, and that insufficient account had been taken of the possibility of bringing empty homes back into use and the contribution 'windfall' sites can make to achieving the housing target. There was also concern that sites of less than 500 homes, which are capable of delivering a significant contribution to the overall supply, had not been included.

In contrast to members of the public, developers generally considered the housing target too low and argued that it should be increased and also take account of longer term need. The use of the 2008 Household Projections as a basis was supported by a number of developers, while one proposed the 'Chelmer Model' as the appropriate way. The use of either of these approaches would result in a housing figure of roughly between 70,000 and 75,000. A buffer of either 5% or 20% should also be applied in accordance with the NPPF. One developer identified that the track record of cumulative under delivery of housing had resulted in unsustainable patterns of growth with a high degree of in commuting and development 'leap-frogging' the Green Belt. The affordability issues in the plan area were also seen by developers as further evidence of need.

The Home Builders Federation and developers suggested that there is no evidence to suggest that a target of between 70,000 and 75,000 figure is unrealistic and this can be delivered if suitable sites are allocated. Obstacles, such as viability, should not be seen as a barrier to delivery nor used as reasons to reduce the housing target.

The Home Builders Federation also criticised the process of selecting the housing target. They considered it "back to front" and that the evidence had been prepared to fit a target selected for political and administrative reasons. Assumptions made through the preparation of the evidence regarding the level of students and in migration were criticised as not being justified.

Developers also objected to the 'phasing' of housing as set out in Policy 2.3 and the associated table. They considered that this was not in accordance with NPPF and would not deliver a five year land supply. Weighting delivery towards the middle and back end of the plan period would not allow sufficient time for a response to any under delivery.

The Duty to Cooperate was raised as an issue by several consultees. Developers argued that there was a failure to consider or address the shortfall in housing caused by Rushcliffe Borough Council. Rushcliffe Borough Council requested that the decision to not allocate sites assessed in the Sustainable Urban Extensions Study as suitable should be revisited as this would address the shortfall.

With regard to the employment and retail elements of the policy the following comments were made:

- The reference to “significant new employment development” is vague and lacks precision. A floor space threshold should be set to define this;
- Policy 2 should acknowledge that land will be required for employment purposes in locations other than those identified;
- A consistent approach is needed and employment land will need to be released for other purposes;
- Reference should be made in Policy 2.5 to new retail development of an appropriate scale at the key settlements for growth;
- New retail could help in meeting existing deficiencies.

Policy 3: The Green Belt

A number of consultees supported the approach in the Policy, specifically the need to recast Green Belt boundaries to accommodate future growth. Others wanted this to go further and to identify the broad locations/ specific sites where revisions will take place. On the other hand one consultee objected to the revision of Green Belt boundaries to accommodate strategic sites while other boundaries are to be revised through later Development Plan Documents. They considered that the Aligned Core Strategy should only deal with the broad locations.

A key issue identified by many consultees is the approach taken to the review of the Green Belt. Many considered that the Aligned Core Strategy is flawed as it fails to undertake a comprehensive Green Belt review and does not provide information on timetables or which boundaries will be reviewed. Consultees felt that the 2006 Green Belt review document is inadequate as the basis for Green Belt review.

There was also a degree of opposition from members of the public and local community groups to the principle of release of land from the Green Belt or it was considered that there was insufficient evidence that Green Belt land needed to be developed.

Policy 4: Employment Provision and Economic Development

A number of consultees identified issues regarding the supply of office space and employment land. One consultee considered that the five year supply of office space should be assessed in the same way as that for housing land (i.e. on a district by district basis with other non-allocated protected sites being granted planning permission for office use if they comply with other policy requirements). Another consultee identified that the number of houses which would be delivered was below the level required to continue job growth.

There were also concerns that criteria were needed to assess when poor employment sites could be released for housing. The consultee identified that no

protection was needed for locally valuable sites and that the definition of 'good employment land' should include:

- Well located for access to the motorway;
- Have good public transport links;
- Have a critical mass of land and premises;
- Well located to a large workforce; and
- Free from operational constraints.

Whilst economic development associated with the Universities was supported, it was felt to be inadequately addressed. Whilst the broad quantum of office and industrial and warehousing development across the plan area was supported by one consultee, they felt there was no justification for the figures to be expressed as minimums.

Policy 5: Nottingham City Centre

Capital Shopping Centres (owners of the Victoria Centre and Broadmarsh Centre) support the intention to promote City Centre as the region's principal shopping, leisure and cultural destination and the removal of floorspace thresholds from previous draft of policy. Safeguarding Primary Shopping Frontages as the focus for City Centre retail development was supported by Capital Shopping Centres, but they consider that more specific references to the role of these frontages play in reinforcing north-south and east-west shopping patterns and also linking the main retail destinations within the City are needed.

Capital Shopping Centres also consider that:

- Broadmarsh and Victoria Centre schemes are both required to deliver sustainable economic growth in the City Centre. The Aligned Core Strategy should allow these to come forward as the market dictates;
- the Greater Nottingham Retail Study (GNRS) is out of date and that the Victoria and Broadmarsh centres are likely to absorb comparison retail capacity within the City for foreseeable future, i.e. up to and beyond 2021;
- sufficient deliverable retail development opportunities have been identified in the City Centre to meet foreseeable needs, and there is no need to identify further opportunities within edge or out of centre locations; and
- reference to edge of centre sites is not appropriate, as these are only preferable where no sequentially preferable in centre sites are available, and there is no impact on vitality and viability.

Shell Pensions Trust (owners of the Exchange Arcade), although happy with much of this policy, consider there should be more flexible in relation to uses within Primary Shopping Frontages. They question whether the policy should require the creation of "suitable living conditions" for residents of the City Centre.

English Heritage welcomed the aspiration in 5.1e to improve access between key historic and cultural assets, which should be based on a thorough understanding using old maps and other sources. English Heritage also welcomed reference to the historic environment in 5.1.g, but considered this needs to reflect the wider importance of the historic environment to the City Centre.

Policy 6: Role of Town and Local Centres

References in Policy 6 to the sequential test and impact assessment produced a number of responses. Consultees were concerned that references to the sequential assessment did not accord with the NPPF and should acknowledge that new retail proposals should include assessment of the ability to provide more choice and competition and that in centre, edge of centre and out of centre locations are all preferences in the NPPF. In relation to the impact assessment consultees noted that these should only measure impact against centres of commensurate scale and function to the proposed development and should only be requested for developments above 2,500 sq metres unless a locally set threshold has been set in a Development Plan Document (DPD). However, one consultee objected to the provision in Policy 6.6 to consider locally set thresholds as there is no justification and the threshold would be difficult to set.

Whilst the approach in Policy 6 towards retail as part of 'major residential led development' was supported by one consultee, the policy resulted in a number of responses. Another consultee identified that the new centres which will result from the areas of significant growth should be included in the hierarchy of centres identified in Policy 6.1.

One consultee identified that Policy 6.2 should be amended to include reference to DPDs identifying primary shopping areas and, where necessary, secondary shopping areas as well as boundaries.

A number of consultees identified that future updates will be required to the Greater Nottingham Retail Study (2007) to inform subsequent development plan documents and to provide more detail on overtrading, leakage and the ability to clawback.

Other issues raised include:

- Policy 6 (edge of and out of centre development) should apply to all main town centre uses, not just retail and leisure;
- A local threshold for impact assessments of 1,000 sq m should apply;
- Bobbers Mill employment site should be allocated as a Local Centre.

Policy 7: Regeneration

There was limited comment on this policy. Issues raised include:

- Policy 7 needs to allow for the early delivery of the bus depot on London Road;
- Canal and River Trust supports the inclusion of the Waterside Regeneration Zone.

Policy 8: Housing Size, Mix and Choice

Whilst there was support for the use of Strategic Housing Market Assessments (SHMAs) consultees considered that the SHMA prepared for the Core Strategy is out of date and in need of updating.

Viability was a key concern of many responses on Policy 8. A number of developers considered that evidence of the viability of the Affordable Housing requirements was either not provided or out of date. The Home Builders Federation and developers also considered that the onus should be on the local planning authority to

demonstrate viability through a cumulative assessment rather than developers to challenge the requirements on a site-by-site basis and that decisions which affect viability should not be left to later planning documents.

The proposal in Policy 8.7 to relook at affordable housing requirements for large sites was considered inappropriate and the mechanism should be identified in the ACS.

There was support for the use of local variations of the affordable housing figures given that viability is different in different parts of the plan area, and a consultee identified that the need for affordable housing should be considered based on the need in local areas, such as villages, rather than looking exclusively at viability.

Another issue which resulted in a number of comments was the design and type of Affordable Housing. One consultee considered that affordable housing should be appropriately designed for its context and should include provision for people who wish to downsize. Another consultee identified that the reference in Policy 8.1 to 'lifetime homes' was vague and not in accordance with paragraph 96 of the NPPF.

Both the University of Nottingham and the Residential Landlords Association raised concerns over the approach to housing mix in areas of concentration of student households.

Policy 9: Gypsies, Travellers and Travelling Showpeople

While there was support for elements of this policy, notably 9.3a and 9.3e, two developers identified that the inclusion of Gypsy and Traveller sites as part of Sustainable Urban Extensions may not be deliverable due to viability issues and landowner reluctance.

Policy 10: Design and Enhancing Local Identity

Elements of the Policy which were supported included Policy 10.1c on 'garden grabbing' and paragraphs 3.10.2 and 3.10.3 on the use of local evidence and the importance of heritage to local distinctiveness. However, one consultee noted that protection of the historic environment may not always be compatible with adapting to climate change and promoting safer living environments.

Both Nottinghamshire County Council and the Coal Authority raised issues regarding contamination and land stability. The Coal Authority recommended that the Aligned Core Strategy reflect the NPPF and PPG14 by addressing potential safety issues and the history of coal mining in the plan area.

The approach to local design standards was criticised by the Home Builders Federation who considered it unsound to leave matters of detailed guidance to later documents. They argued that precise local standards should be included in the Aligned Core Strategy and subjected to viability assessment. In terms of specific standards, one consultee requested that a policy for lighting and light pollution be included while another wanted paragraph 3.10.5 to include clarification that 'Buildings for Life' is only one potential approach to determining design quality.

Policy 11: The Historic Environment

Whilst there was support for the policy and monitoring arrangements from English Heritage a number of consultees considered that the Aligned Core Strategy made no provision for retaining the settings and safeguarding existing heritage assets and historical monuments.

Both English Heritage and Nottinghamshire County Council made a number of suggestions to strengthen the policy or clarify certain elements.

Policy 12: Local Services and Healthy Lifestyles

Policy 12.1 was generally supported. One consultee identified that new or improved community facilities should only be required as part of major new residential development where there is evidence of need.

Policy 13: Culture, Tourism and Sport

There was general support from Sport England and the Theatres Trust to this Policy especially in relation to sports and theatres, although one consultee identified that there are areas where sports facilities and associated development should be restricted, and Sport England identified that the 2009 Open Space Audit and Playing Pitch Strategy are almost three years old. Normally such evidence would be considered out of date, if the document has not been updated in the three year period.

Policy 14: Managing Travel Demand

The Highways Agency (HA) and Nottinghamshire County Council point out the necessary transport modelling required to identify packages of measures has yet to be concluded. The HA consider that without this work being concluded there is uncertainty over the sufficiency of committed transport measures on their own to accommodate the cumulative impacts arising from the development proposals in the plan area and adjoining districts. Consequently further additional transport infrastructure, including strategic road network (SRN) infrastructure, as yet undetermined, may be required which may need to be funded through a Community Infrastructure Levy (CIL).

The HA identify the following further issues-

- The Strategic Road Network within the plan area is already under pressure;
- They do not consider that peak period problems can be addressed through simply increasing road capacity but would seek an approach to encourage use of sustainable modes whilst identifying development pressures which give rise to traffic impacts which need to be addressed through road improvements;
- They fully support measures to reduce reliance on the car via development in accessible locations and provision of sustainable transport measures;
- They support the hierarchical approach to ensuring the delivery of sustainable urban extensions and that highway capacity enhancements will be necessary to deal with residual car demand;
- SRN infrastructure may be required in the form of junction modification and/or traffic management schemes for key M1 and A52 junctions; and
- Policy 14 could be modified to better reflect the significance of the Strategic road.

Policy 15: Transport Infrastructure Priorities

Nottinghamshire County Council notes the reliance on the IDP as the evidence base detailing the additional transport infrastructure needed to support new development and point out that the IDP does not provide the necessary detail at this point in time, since the transport modelling is still work in progress. They have concerns that Policy 15 (3) does not establish the additional transport infrastructure required to support the ACS spatial strategy in Policy 2.

The Highways Agency supports partnership working with infrastructure providers as set out in the plan and considers that the existing planned transport schemes listed under Policy 15 will provide a significant contribution to transport networks and enhance their ability to meet further pressures arising from proposed growth. With regard to the A453 widening, the agency confirms that the Government has announced that this is planned to commence in the fourth quarter of 2012/13.

A community group from Broxtowe were concerned that the listed schemes are outside of Broxtowe and that no consideration had been given to public transport infrastructure to cover cross/inter borough transport services. A developer considered there was no mention of improvements to bus services or the provision of additional park and ride services.

Policy 16: Green Infrastructure, Parks and Open Space

There was general support for the Policy, the provision of GI and particularly references to:

- The historic environment;
- The protection and enhancement of the natural environment;
- The use of landscape character assessments;
- Allowing the migration of species; and
- Making provision for biodiversity.

There were concerns from both Sport England and English Heritage regarding the approach in Policy 16.4 to the potential development of open space that is “underused or undervalued”. This should not be the overriding factor in the loss of the open space and that the assessment of whether it is “underused or undervalued” may not fully address potential historic qualities.

There was also a concern from Nottinghamshire Wildlife Trust regarding the reference in paragraph 3.16.3 to the potential for “energy production” within Green Infrastructure corridors. They identified that hydro power and wind turbines are “very damaging” to biodiversity interests. Stapleford & Trowell Rural Action Group raised concerns regarding the inconsistencies between the approach to Green Infrastructure and the approach to the Green Belt.

A number of additions were sought to the policy. These included:

- Reference to Landscape and Visual Impact Assessments;
- The involvement of local communities in planning for Green Infrastructure;
- The protection of agriculture from urbanisation;
- Reference to the provision of open space as part of new developments;

- The maintenance and enhancement of water courses as Green Infrastructure; and
- Clarification that only strategic allocations would be required to contribute to the strategic Green Infrastructure network.

In terms of monitoring, consultees requested that the quality of open space be monitored by whether there was a management plan in place as this would cover sites other than council managed parks and open space. The use of Natural England's Accessible Greenspace Targets for monitoring the accessibility of Green Infrastructure was also supported.

Policy 17: Biodiversity

Elements of the policy that were supported included:

- The commitment to increase levels of biodiversity;
- The precautionary approach to the prospective Special Protection Area (see also comments made on the Habitats Regulations Assessment); and
- The support for maintaining and enhancing biodiversity.

A number of consultees, mainly developers, sought changes to amend elements they saw as overly restrictive or beyond the intention in the NPPF. These included the approach to non-designated sites and the requirement for the consideration of alternative locations. A review of all national and local designation and the removal of local designations from the Plan were also requested.

Questions were raised regarding the sequential approach and the approach to the hierarchy of sites. There were concerns that mitigation and compensation were seen as equivalent where in fact compensation should be seen as a last resort. Nottinghamshire Wildlife Trust considered that the 'Sites of Importance to Nature Conservation' (SINC) designation was devalued by giving more protection to national and international sites. This consultee also questioned how the designation of further sites was to be pursued given the level of resources available.

A number of changes were sought to strengthen the policy. These included:

- The protection of hedgerow and established trees;
- Consideration of the ecological value of brownfield sites including those allocated for development;
- Recognition that the fragmentation of habitats should generally be avoided not just "wherever possible" as stated at Policy 17.1b;
- Addition of 'minimising impacts on biodiversity' to Policy 17.1;
- Amendments at Policy 17.1a and paragraph 3.17.5 to bring the text in line with paragraph 117 of the NPPF;
- A link should be provided in the text to Natural England and local advice; and
- Reference to biodiversity at a landscape scale.

Policy 18: Infrastructure and Policy 19: Developer Contributions

Note: These policies are being address together as there are strong links between the two and similar issues have been raised on both.

A key concern of developers was the need to ensure, prior to the introduction of the CIL, that obligations were only sought when they passed the three tests in S122 of the CIL Regulations (2012). The three tests are:

- a. Necessary to make the development acceptable in planning terms;
- b. Directly related to the development; and
- c. Fairly and reasonable related in scale and kind to the development.

There was also concern that the policies were not flexible enough to take account of changes in viability over time.

There was support for the introduction of CIL although one consultee considered it should not apply to residential extensions or 'self-builders'.

While consultees noted the Infrastructure Delivery Plan in Appendix B, there were concerns that not all the critical infrastructure was identified or was to be identified through other local development documents or master planning work. There was also a 'holding objection' as the transport evidence base was not complete.

Appendices and Glossary

Appendix A: Strategic Site Schedules and Plans

- The Transport Assessment should be updated;
- Shortfall in health provision should be addressed alongside proposed development;
- If Carbon Zero homes can't be achieved the number of dwellings should be reduced;
- Affordable Housing should be flexible and include a mix of tenures;
- No evidence on how percentages for Affordable Housing has been arrived at;
- Draft masterplans should be produced to demonstrate allocations proposed are realistic and deliverable;
- Ensure a consistent approach to site costs;
- English Heritage requested that information regarding the heritage assets in close proximity to sites or locations for growth be included in the site schedules.

Appendix B: Critical Infrastructure Requirements

The Highways Agency noted that Appendix B principally includes highway infrastructure that is already committed. There is limited reference to the need for any other highway infrastructure that is required within the plan area to support growth. It is possible that further highway infrastructure requirements will be identified through on-going preparation of the transport evidence base by the authorities or by master planning work and preparation of transport assessments in conjunction with the planning process.

Appendix C: Housing Trajectories

The trajectory does not accord with the NPPF and should be reissued based on the policies of the ACS and the need to have a five year land supply, and sites under 500 houses should be fully addressed and smaller sites allocated and a buffer of either 5% or 20% should be included.

Appendix D:

NHS Nottingham City stated that other priority areas should be ticked against the Healthy Nottingham priority as they are also determinants of the health targets within the Sustainable Communities Strategy.

Appendix E: Saved Policies from Adopted Local Plans

None

Glossary

The definition of 'economic development' from the NPPF should be included;

The definition of 'primary shopping frontages' should be amended as it is unnecessarily constraining;

A definition of 'primary shopping areas' should be included;

The use of 'town centres' as both a specific and generic term is potentially confusing.

Habitats Regulations Assessment

Natural England considered that the document appeared to draw reasonable conclusions and the Aligned Core Strategies had responded to the process and the findings.

Equalities Impact Assessment

None raised.

Sustainability Appraisal (SA)

Natural England considered that the SA sets out the stages in the process, draw reasonable conclusions and the plan has responded to the process and findings.

However, a number of concerns have been raised by consultees on the SA process and the outcomes, these include:

- signs that the process has been used as a post hoc justification for decisions and that it has not been an integral part of the planning making process;
- concerns about the SA objectives chosen and that more weight should have been given to environmental considerations;
- criticism that the colour coding scheme that is used is arbitrary;
- criticism that the team producing the SA was not sufficiently independent of the policy writing process;
- concerns were also raised that insufficient clarification is given on some of the alternative growth options such as medium and low growth option;
- an assessment of a phasing policy should also have been included;
- an assessment of alternative growth strategies including the more flexible approach to Principal Urban Area/Non Principal Urban Area should have been included;
- All sites included in the Strategic Housing Land Availability process should have been assessed as part of the SA; and
- concerns about the consistency of the site appraisals were also raised.

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CITY COUNCIL - 8 SEPTEMBER 2014

REPORT OF THE PORTFOLIO HOLDER FOR ADULTS, COMMISSIONING AND HEALTH

LOCAL GOVERNMENT DECLARATION ON TOBACCO CONTROL

1 SUMMARY

- 1.1 This report sets out a proposal that Nottingham City Council endorses and signs up to the Local Government Declaration on Tobacco Control (Appendix A). The Declaration is a commitment made by local authorities to take action to reduce the prevalence of smoking and its impact on communities.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Council approves becoming a signatory to the Local Government Declaration on Tobacco Control

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Declaration reinforces existing tobacco control work in the City and supports the achievement of the One Nottingham Plan target to reduce adult smoking prevalence to 20% by 2020 and the vision of a smokefree Nottingham.
- 3.2 A reduction in smoking prevalence year on year across the city would have significant benefits to the local economy by:
- Improving people's health and their quality of life, particularly in deprived wards
 - Increasing household incomes when smokers quit
 - Improving the life chances of young children by reducing their exposure to second hand smoke and reducing their chances of taking up smoking
 - Reducing the costs of dealing with smoking related fires
 - Reducing the costs of tobacco related litter
 - Reducing serious and organised crime linked to the sale of illegal tobacco

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 None

5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 5.1 Based on Nottingham's Declaration on Climate Change, the Local Government Declaration on tobacco has been developed by Newcastle City Council and is a response to the enormous and ongoing damage smoking does to our communities. It is a commitment to take action, a statement about a local authority's dedication to protecting their local communities from the harms caused by smoking, a demonstration of local leadership and an acknowledgement of best practice. At the time of writing 57 local authorities have signed the Declaration including several of the Core Cities. Nottingham is already working on many of the actions outlined in the Declaration.
- 5.2 Smoking is the single largest contributory factor to Nottingham's health inequalities. It is a major driver for poverty and the main factor in the gap in life expectancy between the most and least affluent communities. Adult smoking prevalence in area 2 is currently 34.6% compared to 13.5% in area 5. A reduction in smoking would not only

reduce this gap and improve health but would increase household incomes which would benefit the local economy as these families are more likely to spend their money locally.

- 5.3 Nottingham City Council has a history of supporting action on Tobacco Control. The Strategic Tobacco Control Group proactively directs activity to ensure action is taken across a range of work areas including; enforcement to reduce the supply of illegal tobacco and ensure compliance with legislation, preventing the uptake of smoking amongst children and young people, education and awareness raising and engagement to prompt local citizens to consider stopping smoking. Nottingham was the first local authority in the East Midlands region and one of the first in the country to introduce smokefree playgrounds. This activity has contributed to a steady fall in adult smoking prevalence across the city from 39% in 2008 to 28% in 2013.
- 5.4 The Local Government Declaration acknowledges the impact of illicit and counterfeit tobacco on our communities. These products provide children and young people easy access to cheap tobacco, bring crime into our communities and fund serious and organised crime. Cheap tobacco undermines national tobacco control measures such as age of sale and taxation of tobacco. The Council has a key role in enforcing legislation designed to improve public health and protect the rights of consumers and local businesses. In addition to enforcing the law in relation to underage tobacco sales and tobacco advertising, the Trading Standards Fake campaign has been extremely successful in increasing the amount of intelligence received on illicit and counterfeit tobacco. This has resulted in seizures of significant quantities of illegal tobacco and prosecutions of perpetrators of this crime.
- 5.5 Signing the Declaration commits the Council to:
- Reduce smoking prevalence and health inequalities and to raise the profile of harm caused by smoking to our communities
 - Develop plans with our partners and local communities to address the causes and impacts of tobacco use
 - Participate in local and regional networks for support (such as Nottingham Strategic Tobacco Control Group and the regional Trading Standards best practice group on illegal tobacco and alcohol.
 - Protect tobacco control work from the commercial and vested interests of the tobacco industry by not accepting any partnerships, payments, gifts and services offered by the tobacco industry
 - Monitor the progress of our plans against our commitments and publish the results
 - Join the Smokefree Action Coalition (SFAC), the alliance of organisations working to reduce the harm caused by tobacco (Nottingham City Council is already a member)

6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)

- 6.1 There are no direct financial implications to signing the Local Government Declaration on Tobacco Control

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 Nottingham Citizens' Survey 2013

**COUNCILLOR ALEX NORRIS
PORTFOLIO HOLDER FOR ADULTS, COMMISSIONING AND HEALTH**

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Local Government Declaration on Tobacco Control

We acknowledge that:

- Smoking is the single greatest cause of premature death and disease in our communities;
- Reducing smoking in our communities significantly increases household incomes and benefits the local economy;
- Reducing smoking amongst the most disadvantaged in our communities is the single most important means of reducing health inequalities;
- Smoking is an addiction largely taken up by children and young people, two thirds of smokers start before the age of 18;
- Smoking is an epidemic created and sustained by the tobacco industry, which promotes uptake of smoking to replace the 80,000 people its products kill in England every year; and
- The illicit trade in tobacco funds the activities of organised criminal gangs and gives children access to cheap tobacco.

As local leaders in public health we welcome the:

- Opportunity for local government to lead local action to tackle smoking and secure the health, welfare, social, economic and environmental benefits that come from reducing smoking prevalence;
- Commitment by the government to live up to its obligations as a party to the World Health Organization's Framework Convention on Tobacco Control (FCTC) and in particular to protect the development of public health policy from the vested interests of the tobacco industry; and
- Endorsement of this declaration by the Department of Health, Public Health England and professional bodies.

We commit our Council from this dateto:

- Act at a local level to reduce smoking prevalence and health inequalities and to raise the profile of the harm caused by smoking to our communities;
- Develop plans with our partners and local communities to address the causes and impacts of tobacco use;
- Participate in local and regional networks for support;
- Support the government in taking action at national level to help local authorities reduce smoking prevalence and health inequalities in our communities;
- Protect our tobacco control work from the commercial and vested interests of the tobacco industry by not accepting any partnerships, payments, gifts and services, monetary or in kind or research funding offered by the tobacco industry to officials or employees;
- Monitor the progress of our plans against our commitments and publish the results; and
- Publicly declare our commitment to reducing smoking in our communities by joining the Smokefree Action Coalition, the alliance of organisations working to reduce the harm caused by tobacco.

Signatories

Leader of Council

Chief Executive

Director of Public Health

Endorsed by

Anna Soubry, Public Health Minister,
Department of Health

Duncan Selbie, Chief Executive,
Public Health England

Professor Dame Sally Davies, Chief Medical
Officer, Department of Health

Dr Janet Atherton, President, Association
of Directors of Public Health

Dr Lindsey Davies, President, UK Faculty
of Public Health

Graham Jukes, Chief Executive, Chartered
Institute of Environmental Health

Leon Livermore, Chief Executive, Trading
Standards Institute

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