



**NOTTINGHAM CITY COUNCIL**  
**EXECUTIVE BOARD**

**Date:** Tuesday, 17 May 2016

**Time:** 2.00 pm

**Place:** Ground Floor Committee Room - Loxley House, Station Street, Nottingham,  
NG2 3NG

**Councillors are requested to attend the above meeting to transact the following business**

**Corporate Director for Resilience**

**Governance Officer:** Phil Wye, Constitutional Services **Direct Dial:** 0115 8764637

**AGENDA**

**Pages**

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| <b>1</b> | <b>APOLOGIES FOR ABSENCE</b>                                                                                                                 |          |
| <b>2</b> | <b>DECLARATIONS OF INTERESTS</b>                                                                                                             |          |
| <b>3</b> | <b>MINUTES</b><br>Last meeting held on 19 May 2016 (for confirmation)                                                                        | 3 - 6    |
| <b>4</b> | <b>PROPOSED EXPANSION OF MELLERS PRIMARY AND NURSERY SCHOOL - KEY DECISION</b><br>Report of the Portfolio Holder for Schools                 | 7 - 30   |
| <b>5</b> | <b>SCHOOL CONDITION FUNDING ALLOCATIONS FOR 2016-2017 - KEY DECISION</b><br>Report of the Portfolio Holder for Schools                       | 31 - 38  |
| <b>6</b> | <b>ALTERNATIVE PROVISION MODEL 2016/2017 - KEY DECISION</b><br>Report of the Portfolio Holder for Schools                                    | 39 - 54  |
| <b>7</b> | <b>NOTTINGHAM CITY COUNCIL'S PUBLIC SPACES PROTECTION ORDERS IN RESPECT OF DOGS</b><br>Report of the Portfolio Holder for Community Services | 55 - 144 |

## 8 DATES OF FUTURE MEETINGS

To consider meeting at 2pm on the following Tuesdays:

### 2016

28 June  
19 July  
20 September  
18 October  
22 November  
20 December

### 2017

17 January  
21 February  
21 March  
18 April

ALL ITEMS LISTED 'UNDER EXCLUSION OF THE PUBLIC' WILL BE HEARD IN PRIVATE FOR THE REASONS LISTED IN THE AGENDA PAPERS. THEY HAVE BEEN INCLUDED ON THE AGENDA AS NO REPRESENTATIONS AGAINST HEARING THE ITEMS IN PRIVATE WERE RECEIVED

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT THE GOVERNANCE OFFICER SHOWN ABOVE, IF POSSIBLE BEFORE THE DAY OF THE MEETING

CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO BE ISSUED WITH VISITOR BADGES

CITIZENS ARE ADVISED THAT THIS MEETING MAY BE RECORDED BY MEMBERS OF THE PUBLIC. ANY RECORDING OR REPORTING ON THIS MEETING SHOULD TAKE PLACE IN ACCORDANCE WITH THE COUNCIL'S POLICY ON RECORDING AND REPORTING ON PUBLIC MEETINGS, WHICH IS AVAILABLE AT [WWW.NOTTINGHAMCITY.GOV.UK](http://WWW.NOTTINGHAMCITY.GOV.UK). INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.

**NOTTINGHAM CITY COUNCIL**

**EXECUTIVE BOARD**

**MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 19 April 2016 from 14.01 - 14.04**

**Membership**

Present

Councillor Graham Chapman (Vice Chair)  
Councillor Alan Clark  
Councillor Nicola Heaton  
Councillor David Mellen  
Councillor Dave Trimble  
Councillor Jane Urquhart

Absent

Councillor Jon Collins  
Councillor Nick McDonald  
Councillor Alex Norris  
Councillor Sam Webster

**Colleagues, partners and others in attendance:**

Alison Michalska - Corporate Director for Children and Adults  
Matt Gregory - Growth Point Planning and Planning Policy Manager  
Glen O'Connell - Corporate Director for Resilience  
Rav Kalsi - Senior Governance Officer  
Simon Salmon - Head of IT  
Nathan Oswin - Political Assistant to the Labour Group  
Andy Vaughan - Corporate Director for Commercial and Operations

**Call-in**

Unless stated otherwise, all decisions are subject to call-in and cannot be implemented until Tuesday 26 April 2016.

**103 APOLOGIES FOR ABSENCE**

Councillor Jon Collins – other Council business  
Councillor Nick McDonald – non-Council business  
Councillor Sam Webster – other Council business

Ian Curryer  
David Bishop

**104 DECLARATIONS OF INTERESTS**

None.

**105 MINUTES**

The Board confirmed the minutes of the meeting held on 22 March 2016 as a correct record and they were signed by the Vice-Chair.

**106 PURCHASE OF CORPORATE SOFTWARE LICENSES FOR MICROSOFT PRODUCTS - KEY DECISION**

The Board considered the Deputy Leader/Portfolio Holder for Resources and Neighbourhood Regeneration's report updating Councillors on the corporate software licences for Microsoft products.

The current Microsoft Enterprise Agreement which licences and allows for the use of Microsoft products is due to expire in June 2016 and approval is sought to undertake a procurement exercise to acquire corporate software licences for Microsoft products.

**RESOLVED to**

- (1) approve the allocation of £3.000 million from the IT Efficiency Fund over three years to pay for corporate software licences for Microsoft products;**
- (2) approve the procurement exercise for corporate software licences and delegate authority to the Head of IT, in consultation with the Deputy Leader/Portfolio Holder for Resources and Neighbourhood Regeneration, to award a contract for their supply.**

Reason for decision

The current licences for Microsoft products are due to expire in June 2016 and in order to retain access to up to date Microsoft products a new licensing arrangement is required. The Council undertook a significant programme of work to update its Microsoft software estate and by purchasing an ongoing licence, the need to undertake such large scale improvement programmes will be mitigated.

Other options considered

Not replacing the current Enterprise Agreement was rejected as some residual costs would be incurred in maintaining the existing software asset base. The Council would also be required to purchase a 'one-off' licence which would be less efficient. This would cause compatibility issues amongst older newer software installations.

Moving from Microsoft products to other suppliers was rejected as it would not be consistent with the Council's current IT strategy and would potentially incur a significant cost.

**107 ISLAND SITE SUPPLEMENTARY PLANNING DOCUMENT - ADOPTION**

The Board considered the Portfolio Holder for Planning and Housing's report updating Councillors on the Island Site Supplementary Planning Document (SPD) which will provide guidance on the development of the Island Site in Nottingham's Creative Quarter.

The SPD will supplement the Local Plan part 1: Nottingham City Core Strategy and will operate in conformity with the emerging Local Plan Part 2: Land and Planning

Executive Board - 19.04.16

Policies document. The SPD will provide material consideration in planning decisions relating to the Island Site and will assist in ensuring development of the site meets the Council's aspirations.

**RESOLVED to adopt the Island Site Supplementary Planning Document.**

Reasons for decision

Adopting the SPD will ensure that development on the Island Site meets the Council's aspirations for the site in terms of nature and disposition of uses and phasing of development.

Other options considered

Not producing a SPD was rejected as it would not provide assurances that the Council's aspirations for the development of the site could be met.

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|                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                             |                                                                              |                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <b>Subject:</b>                                                                                                                                                                                                                                                                                                                                    | Proposed expansion of Mellers Primary and Nursery School                                                                                                                                    |                                                                              |                                                                     |
| <b>Corporate Director(s)/ Director(s):</b>                                                                                                                                                                                                                                                                                                         | Alison Michalska, Corporate Director, Children and Adults                                                                                                                                   |                                                                              |                                                                     |
| <b>Portfolio Holder(s):</b>                                                                                                                                                                                                                                                                                                                        | Councillor Sam Webster, Portfolio Holder for Schools                                                                                                                                        |                                                                              |                                                                     |
| <b>Report author and contact details:</b>                                                                                                                                                                                                                                                                                                          | Robert Caswell, Programme Manager<br>Telephone: 0115 8763408                                                                                                                                |                                                                              |                                                                     |
| <b>Key Decision</b>                                                                                                                                                                                                                                                                                                                                | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                         | <b>Subject to call-in</b>                                                    | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| <b>Reasons:</b>                                                                                                                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision | <input type="checkbox"/> Revenue <input checked="" type="checkbox"/> Capital |                                                                     |
| Significant impact on communities living or working in two or more wards in the City                                                                                                                                                                                                                                                               |                                                                                                                                                                                             |                                                                              | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| <b>Total value of the decision: £3.000m</b>                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                             |                                                                              |                                                                     |
| <b>Wards affected: Radford and Park</b>                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                             | <b>Date of consultation with Portfolio Holder(s): 12 April 2016</b>          |                                                                     |
| <b>Relevant Council Plan Key Theme:</b>                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                             |                                                                              |                                                                     |
| Strategic Regeneration and Development                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                             |                                                                              | <input type="checkbox"/>                                            |
| Schools                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                             |                                                                              | <input checked="" type="checkbox"/>                                 |
| Planning and Housing                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                             |                                                                              | <input type="checkbox"/>                                            |
| Community Services                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                             |                                                                              | <input type="checkbox"/>                                            |
| Energy, Sustainability and Customer                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                             |                                                                              | <input type="checkbox"/>                                            |
| Jobs, Growth and Transport                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                             |                                                                              | <input type="checkbox"/>                                            |
| Adults, Health and Community Sector                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                             |                                                                              | <input type="checkbox"/>                                            |
| Children, Early Intervention and Early Years                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                             |                                                                              | <input checked="" type="checkbox"/>                                 |
| Leisure and Culture                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                             |                                                                              | <input type="checkbox"/>                                            |
| Resources and Neighbourhood Regeneration                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                             |                                                                              | <input type="checkbox"/>                                            |
| <b>Summary of issues (including benefits to citizens/service users):</b>                                                                                                                                                                                                                                                                           |                                                                                                                                                                                             |                                                                              |                                                                     |
| The Radford area is experiencing significant primary school place pressures, with a continued upward trend of pupil growth in the coming years.                                                                                                                                                                                                    |                                                                                                                                                                                             |                                                                              |                                                                     |
| Between 3 November and 30 November 2014, the governing body of Mellers Primary undertook a four week consultation on the proposal to expand the school from 210 to 420 places and from a 26 to 52 full time equivalent place nursery. Following a positive response in favour of the proposal, the governing body agreed the school should expand. |                                                                                                                                                                                             |                                                                              |                                                                     |
| This report asks for approval to allocate funding towards works to expand Mellers Primary as detailed above. In addition, this report asks for approval to enter into contract with Wates Construction to undertake the extension works.                                                                                                           |                                                                                                                                                                                             |                                                                              |                                                                     |
| <b>Exempt information:</b>                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                             |                                                                              |                                                                     |
| None                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                             |                                                                              |                                                                     |
| <b>Recommendation(s):</b>                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                             |                                                                              |                                                                     |
| <b>1</b> To approve the allocation of funding of £3.0m for works to expand Mellers Primary School from a 210 place to a 420 place primary school with 52 full time equivalent place nursery. Overall this will increase the project budget to £3.35m.                                                                                              |                                                                                                                                                                                             |                                                                              |                                                                     |
| <b>2</b> Approve the procurement of the works as set out in the Business Case in Appendix A.                                                                                                                                                                                                                                                       |                                                                                                                                                                                             |                                                                              |                                                                     |
| <b>3</b> To delegate authority to the Head of Legal Services to enter into contract on behalf of Nottingham City Council with Wates Construction to deliver the expansion, subject to costs being within the agreed build budget of £3.22m and value for money demonstrated.                                                                       |                                                                                                                                                                                             |                                                                              |                                                                     |

## **1 REASONS FOR RECOMMENDATIONS**

- 1.1. Nottingham City Council is facing increasing pressure to provide additional places for primary children due to an increasing birth rate and inward migration. To date, a number of schools have already been expanded to provide additional school places, this has been done primarily using Basic Need grant. This grant allocated by the Education Funding Agency (EFA) to support Local Authorities to fund additional school places. Mellors Primary is oversubscribed for September 2016 therefore the school are taking a bulge year to accommodate additional pupils ahead of permanent expansion in September 2017. The expansion of Mellors Primary will help address the need for additional school places in that area of the city.
- 1.2. Design development is now complete and the project has been subject to market testing to provide a robust cost estimate. In order to deliver the expansion, approval to allocate the required funding and to enter into contract is required.

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

- 2.1 Local Authorities must ensure that there are school places available in areas of need, promote diversity and increase parental choice. The national shortage of primary school places has been reflected across the City and extra capacity has been added in many schools. In the Radford area there is a continued upward pressure on school places.
- 2.2 Between 3 November and 30 November 2014, Mellors Primary undertook a four week consultation on the proposal to expand the school from 210 to 420 places. Following a positive response in favour of the proposal, the governing body agreed the school should expand. A total of 20 people responded to the consultation, by either completing the online questionnaire or returning a paper copy of the consultation form. Of these, 15 (75%) were in favour of the proposal, 3 (15%) were against the proposal and 2 (10%) had no opinion. The full consultation report is contained in Appendix C.
- 2.3 Initial approvals have authorised the procurement of design and survey works to allow the development of the project to progress in order to ensure the new building will be available as soon as possible.
- 2.4 Details of the proposed project including designs, cost and programme are included in the Business Case at Appendix A.

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

- 3.1 Doing nothing was rejected as there are no other schools in the required area able to accommodate this size of expansion at this time.

## **4 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**



#### 4.1 Background

In July 2015, Portfolio Holder approved £0.200m for the procurement of the design team and early works to allow the design to develop. The resulting option appraisal has clarified the funding requirements for the scheme.

#### Funding

This report is requesting approval for scheme costs of £3.0m; the table below sets out the proposed funding for the scheme.

| <b>Funding</b>                                         | <b>Amount<br/>£m</b> |
|--------------------------------------------------------|----------------------|
| Approved feasibility funding July 2015                 | £0.200m              |
| Temporary accommodation funding approved December 2013 | £0.150m              |
| Estimated cost of project                              | £3.350m              |
| Funding to be approved                                 | £3.0m                |

### **Capital**

- 4.2 The expansion of Mellers primary school, funded by Basic Needs Grant, was included as part of the Investment Strategy of schemes approved in principle (pending full business case) at Full Council in October 2014. £0.350m has previously been fully approved for temporary accommodation and feasibility studies, this report requests approval to commit £3.000m of funding from the Basic Needs Grant for the expansion of the school to 420 primary and 52 full time equivalent nursery places taking the total cost to £3.350m.
- 4.3 The development is part of the Primary Schools Re-Organisation Phase 2 programme to be funded by confirmed (until 17/18) Basic Needs Grant. The programme is currently balanced and remains within its available funding envelope of confirmed grant allocation, so there will be no net impact on the capital programme. Remaining expansions within the plan will be monitored to ensure that schemes being worked up remain within the available funding.
- 4.4 The capital programme will be amended accordingly.

### **Revenue**

- 4.5 If the proposal to expand Mellers Primary were approved then the Local Authority would fund the school for an additional class each year from the Pupil Growth Contingency Fund for seven years. This funding would cover the period September to March of each year. Once the additional pupils were accounted for on the October Autumn Census after the September they were admitted, they would then be funded in the following financial year through the local funding formula in the financial years 2017/18 and 2018/19. From the financial year 2019/20 the school would then be funded based on the national funding formula which is to be introduced in 2019/20.
- 4.6 The School Organisation Team will allocate funding to the school based on the eligibility criteria approved by Schools Forum. **Table 1** outlines the funding criteria values based on the admission of an additional 30 pupils.

| <b>Table 1: Funding Criteria Values</b>              |              |
|------------------------------------------------------|--------------|
| <b>Funding Streams</b>                               | <b>£</b>     |
| Teacher M3 (7/12ths)                                 | 17,824       |
| Teaching Assistant Pt 22 (7/12ths)                   | 14,242       |
| Midday Supervisor Pt 8 (7/12ths)                     | 2,150        |
| Classroom set up costs                               | Up to £8,000 |
| Utilities (7/12ths) based on £150 per pupil per year | £2,625       |

The staffing and ancillary costs will be for the seven months (7/12ths) to cover the months between when additional pupils join the school in September and when the increased numbers are recognised in the budget the following year.

- 4.7 The Reception bulge class admitted in September 2016 will be funded from the Dedicated Schools Grant Pupil Growth Contingency Fund £0.045m.
- 4.8 The funding to meet the cost of the expansion of Mellers Primary has been set aside within the Basic Needs Grant. However, the ongoing maintenance costs of building would have to be met from the schools budget.
- 4.9 The funding of the early years provision for 3 and 4 year olds would be paid via the Early Years Single Funding Formula (EYSFF) and would be based on actual participation up to 30 hours per week from September 2017. This is assuming that the Government's plan to extend the hours up to 30 hours goes ahead from September 2017. This is currently being consulted upon. The Local Authority currently funds up to 25 hours per week.

## **5 LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND INCLUDING LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

- 5.1 The EMPA Framework Agreement provides a compliant and value for money option for the undertaking of these works. There are no significant Procurement issues with the recommendations set out within the report.
- 5.2 The report does not raise any significant legal issues. Legal advice was sought by the schools reorganisation team in connection with the proposed consultation method and it was confirmed that consultation by the school governing body was lawful.

## **6 STRATEGIC ASSETS & PROPERTY COMMENTS (FOR DECISIONS RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE)**

- 6.1 The expansion of Mellers Primary School within its existing boundaries is supported as it helps address the need for additional school places in the area without the need to identify and acquire additional land and buildings to accommodate this requirement.

## **7 SOCIAL VALUE CONSIDERATIONS**

- 7.1 There are no social value considerations as these works fall below the threshold.

## **8 REGARD TO THE NHS CONSTITUTION**

8.1 There are no implications to the NHS constitution.

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

9.1 Has the equality impact of the proposals in this report been assessed?

No

An EIA is not required because:

(Please explain why an EIA is not necessary)

Yes

Attached as Appendix B, and due regard will be given to any implications identified in it.

## **10 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)**

10.1 Delegated Decision (2061) - Approval of funding and procurement of design team for early design works to expand Mellers Primary and South Wilford Endowed CE VA Primary – 8 July 2015

## **11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT**

11.1 None

## **12 OTHER COLLEAGUES WHO HAVE PROVIDED INPUT**

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## Business Case

**Project Title:**  
**Mellers Primary Expansion Works**

**Lead Department:**  
**Major Projects**



## DOCUMENT CONTROL

|                                          |                                                                 |
|------------------------------------------|-----------------------------------------------------------------|
| <b>BC Author</b>                         | Sarah Lake                                                      |
| <b>Project Sponsor (contact details)</b> | Nicholas Lee – Head of School Access and Improvement (87 64618) |
| <b>Project Manager (contact details)</b> | Rob Caswell – Programme Manager, Major Programmes (87 63408)    |
| <b>Date</b>                              | 12 February 2016                                                |
| <b>Document ID</b>                       | Mellers Primary Business Case                                   |

| <b>Version</b> | <b>Status</b> | <b>Revision Date</b> | <b>Summary of Changes</b> | <b>Sign-Off</b> |
|----------------|---------------|----------------------|---------------------------|-----------------|
| 1              | Draft         | 12/02/16             | Initial draft             |                 |
| 2              | Draft         | 15/03/16             | Update following changes  |                 |
| 3              | Final         | 29/03/16             |                           |                 |
|                |               |                      |                           |                 |
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## 1.0 PURPOSE OF DOCUMENT

This document sets out the Business Case for funding the preferred option in the expansion of Mellers Primary School to provide a 420 place school with nursery provision for 52 full time equivalent (FTE) places.

## 2.0 EXECUTIVE SUMMARY

Increasing demand has been identified in the Radford area of the city for primary school places and Mellers Primary School is oversubscribed for September 2016. The purpose of this project overall is to increase the capacity of the school from 210 to 420 pupil places with an increase in nursery provision from 26 to 52 FTE places. For this expansion there is a need to provide 8 new classrooms and a new hall for the school.

In June 2015, Portfolio Holder approval was given for the procurement of the design team and early works to allow the design to develop. The resulting options appraisal has clarified the funding requirements for the scheme. In order for the scheme to progress the budget and approval to enter into contract must now be sought from Executive Board.

## 3.0 STRATEGIC FIT

### 3.1 Background of Business Need

This project forms part of a broader programme of works to expand primary schools across Nottingham City and increase the number of school places available to children.

Local Authorities are under a statutory duty to ensure there are sufficient school places in their area, promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also ensure that schools are available in the areas of need, promote diversity and increase parental choice. The proposals contained within the business case support these aims.

The national shortage of primary school places has been reflected across the City and extra capacity has been added in many schools. The Radford area is experiencing significant primary school place pressure with continued upward trend for pupil growth in the coming years. Recently Dunkirk Primary school expanded to provide some of the necessary additional places but it is clear that this has not resolved the pressure on primary school places in the area.

Of the schools in the Radford area considered for expansion, Mellers Primary is considered the most suitable location. Edna G Olds Primary's proximity to the new Dunkirk site makes it less appropriate to also be expanded. In addition, Edna G Olds Primary is on a comparatively small site making it difficult to accommodate a large expansion. Mellers Primary, further north within the ward than Dunkirk's two sites,



means additional provision will be shared across the area and not concentrated in one area of the ward.

Following a consultation exercise undertaken November 2014, Mellers Primary Governing Body agreed to expand the school to 420 pupil places with 52 FTE place nursery.

### 3.2 Strategic Objectives and Outcomes

One of 5 key objectives of the new Council Plan setting out the Council's ambitions for the next four years is to ensure that every child in Nottingham is taught in a school that is judged good or outstanding by Ofsted. The expansion of Mellers Primary School also supports the Council priorities of access to a good school close to home for every young person in Nottingham and to guarantee a choice of places for every child at a local primary school. Therefore this project contributes to the Council's wider priority to ensure that all children and young people thrive and achieve. It will provide a quality learning and teaching environment. Mellers Primary was rated as Good in the latest Ofsted report (May 2015).

Parents / carers quite rightly expect their children to be offered a local school place in their catchment area and the case for expanding a school which delivers a quality provision in an area where there are insufficient school places is a strong one. It is the duty and the desire of both the Council and the school to maximise opportunities to deliver a quality education to the community.

### 3.3 Scope

The scope of the works is to provide sufficient teaching spaces within the extension to accommodate the additional 210 pupils and the increase in capacity in the nursery, without detrimentally impacting on the whole school environment. Extensive discussions with the school have led to the following accommodation being included in the scope of works:

- Eight new classrooms (53m<sup>2</sup>). This is to provide the seven classrooms for the additional year groups from reception (F2) through to Year 6 and an eighth classroom for the additional nursery group.
- A new Hall (140m<sup>2</sup>); the existing hall is not sufficient to deal with the additional pupils and provide assembly space, dining facilities and PE space.
- The necessary toilets both for pupils and staff in the new build.
- Re-surface the area where the nursery was demolished in 2009 to create a multi-use games area (MUGA), partly to replace green space that has been built on and partly to bring a derelict area of the site back into operation to provide additional play facility for the additional pupils.
- Refurbish the kitchen to increase the ability of the kitchen to provide the additional meals required.
- A physical connection between the new building and the existing building so that it retains the feeling of one school.
- Minor modifications to the existing school building which include the modification of a set of pupil toilets to change them so they are appropriate for F2 children. Modifications to the office layout to provide an additional office space in the

reception area. Change the existing community room into a staffroom that will hold the complete staff, and alter the existing staffroom to replace the community room. This effectively means including a new door into the room.

Guidance on the size of teaching and learning spaces in primary schools is given by the Department for Education (DfE). This was previously included in Building Bulletin 99 (BB99) but has since been updated to Building Bulletin (BB)103. This information is provided on the Education Funding Agency (EFA) website: <https://www.gov.uk/government/publications/mainstream-schools-area-guidelines/area-planning-for-maintained-schools>

Further guidance on school design is available on the EFT website, including a baseline design which can be used for massing; <https://www.gov.uk/government/publications/baseline-design-420-place-primary-school-with-26-place-nursery>

### 3.4 FEASIBILITY AND OPTIONS APPRAISAL

In order to establish whether the scheme was feasible, a feasibility study was undertaken to establish what options demonstrating the following:

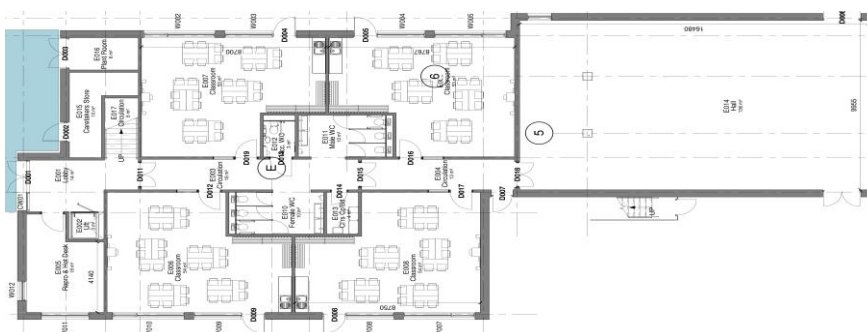
- Where a new school might fit on the site
- What the pedestrian/ vehicle routes would be
- What area of green space would be lost due to the works
- What the high level needs of the school were
- A high level budget for these works.

A number of options were drawn up and reviewed with the school and adjustments made to the preferred option to reflect feedback from the Local Authority and the school.

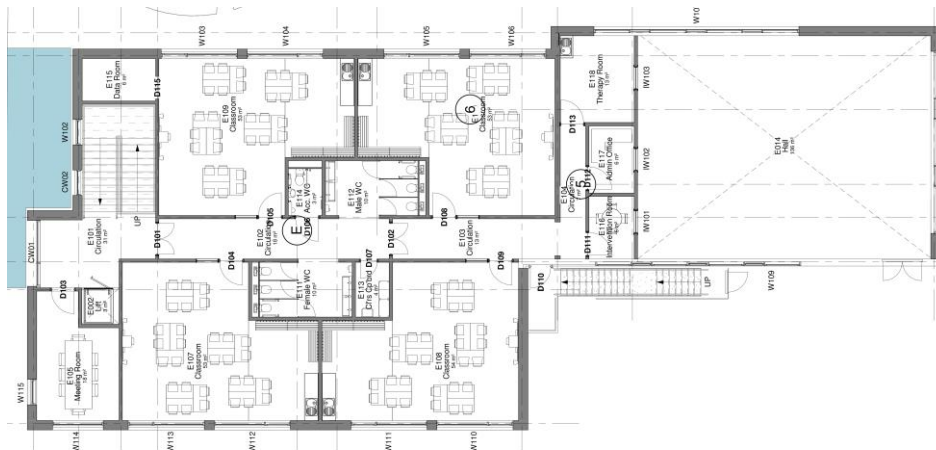
Major Projects then engaged with a contractor to establish whether the preferred option was deliverable and so that indicative costs could be drawn up. Using the Scape framework, Wates Construction was invited to review the initial options, the programme and the project budget.

Indicative floor plans are included in the feasibility study. These have been updated in recent meetings with the school as below:

#### Ground Floor Plan



## First Floor Plan



The external areas being delivered within the scope of the project are shown below:



### Proposed option

The option shown above meets the scope of the project and provides a solution that will meet the needs of the school. A planning application was submitted on the 11 April 2016 based on this position.

### 3.5 Constraints

- The budget for the scheme and approval to enter into contract with the nominated contractor must be approved by Executive Board in order for the

scheme to progress.

- The project must be delivered by September 2017.
- The site is very constrained and there have been significant issues trying to establish a suitable location due to ground conditions and planners and Sport England requirements.

### 3.6 Dependencies

This project forms part of a broader strategy to increase pupil places in areas of need across Nottingham. It contributes towards the strategic priority identified in the Council Plan 2015 – 2019: “Access to a good school close to home for every young person in Nottingham.

### 3.7 Key Risks

The key risks are:

| Risk No. | Risk                                                                                                       | Mitigation                                                                                                                                                                                                                                                                                                                                                  |
|----------|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.       | The project cannot be delivered within the allocated budget.                                               | Feasibility study undertaken to establish a realistic cost for the project, including a budget based on previous projects. Efforts should be made to provide an efficient and functional scheme but including a quality build. Where possible, reduce area within the building whilst ensuring that key areas meet the Department for Education guidelines. |
| 2.       | Risks to the project budget are not understood and the project cost may increase beyond the agreed budget. | Surveys undertaken to the site to confirm costs. Early discussions with contractors to take place to ensure design is efficient and any savings are made. Risk workshop to take place with design team.                                                                                                                                                     |
| 3.       | Budget approval is not received.                                                                           | Project cannot continue as outlined in the project scope.                                                                                                                                                                                                                                                                                                   |
| 4.       | The scheme is not deliverable by September 2017.                                                           | Early discussions with the contractor about a realistic programme.                                                                                                                                                                                                                                                                                          |
| 5.       | Ground conditions are poor.                                                                                | Further site investigations to ascertain the ground conditions and review of additional information related to the area that provides background information. Develop a foundation design that reduces the risks associated with ground conditions.                                                                                                         |

### 3.8 Benefits

The benefits of this project are:

- The meeting of one of the 5 key objectives of the new Council Plan which sets out the Council's ambitions for the next four years which is to ensure that every child in Nottingham is taught in a school that is judged good or outstanding by Ofsted;
- The provision of school places for children in Radford ensuring they have access to education in their local area and meeting the statutory obligations of the Local Authority;
- The expansion of popular and successful school in an area where school places are required;
- Creation of a quality teaching and learning space to allow a successful school to grow;
- To provide more parental choice.

### 4.0 FINANCE

#### Budget position

The estimated project budget is outlined below:

| <b>Element:</b>      | <b>Cost:</b> |
|----------------------|--------------|
| Cost of project      | £3.120m      |
| Client Contingency   | £0.100m      |
| Fees                 | £0.130m      |
| Project Budget Total | £3.35m       |

The overview of budget requiring approval is outlined below:

|                                                        |         |
|--------------------------------------------------------|---------|
| Approved feasibility funding July 2015                 | £0.200m |
| Temporary Accommodation funding approved December 2013 | £0.150m |
| Estimated cost of project                              | £3.350m |
| Funding to be approved                                 | £3m     |

It is recommended that further funding is sought in order to progress the project.

#### Funding

The funding for this scheme is from the Basic Need grant funding provided to the City Council from the EFA to provide the necessary school places within the City.

Once the location of the building was agreed, work was undertaken to establish other project costs such as access routes, play space, services and fees. The cost estimate has been drawn up by Wates Construction and the City Council's Quantity Surveyor based on previous projects. Following the initial submission of the feasibility, further work was undertaken to reduce the size of the building where possible to achieve budget savings.

Nottingham City Council's Authority's Requirements (ARs) are used to establish the quality criteria that Wates must meet for the building to be acceptable. These are available for review on request. These ARs also specify the minimum service life of each element of the building, reflecting best practice in construction. This draws on the experience of previous projects including the Building Schools for the Future schemes and incorporates lessons learned to ensure a robust set of requirements are in place establishing the City Council's expectations in relation to the quality and performance of the building.

### **Furniture, Fittings and Equipment (including ICT)**

The school will receive funding from the Pupil Growth fund for the provision of Furniture, Fittings and Equipment (FF&E) needed to run a school. In addition, the school will receive funding approved by Schools Forum towards ICT costs for expanding schools within the City to cover infrastructure, hardware, telephony systems and ICT kit costs.

## **5.0 PROCUREMENT AND VALUE FOR MONEY**

The proposed procurement method is using the East Midlands Property Alliance (EMPA) framework with Wates Construction acting as the lead contractor.

Scape's regional frameworks are procured following a 2 stage OJEU process, with all documentation and contracts provided for clients to use. Each framework partner has been appointed following competitive tendering to ensure they provide exceptional value for money; 100% of tender packages for each project cost are market tested. Wates Construction is the contractor on the Scape Framework for this value for money.

The project will be delivered as a design and build contract under the Scape framework using NEC Contract.

## **6.0 DELIVERY**

The project will be delivered by Major Projects on behalf of School Reorganisation; the team have considerable experience in delivering schemes of this nature and a strong working relationship with the school.

### **Delivery team**

#### Internal resources:

The project will be managed by a Project Manager reporting to Programme Manager within Major Projects. A Quantity Surveyor from the City Council will act as the contract administrator; this responsibility includes the validation of any change requests, verifying the costs for the project and managing the project budget.

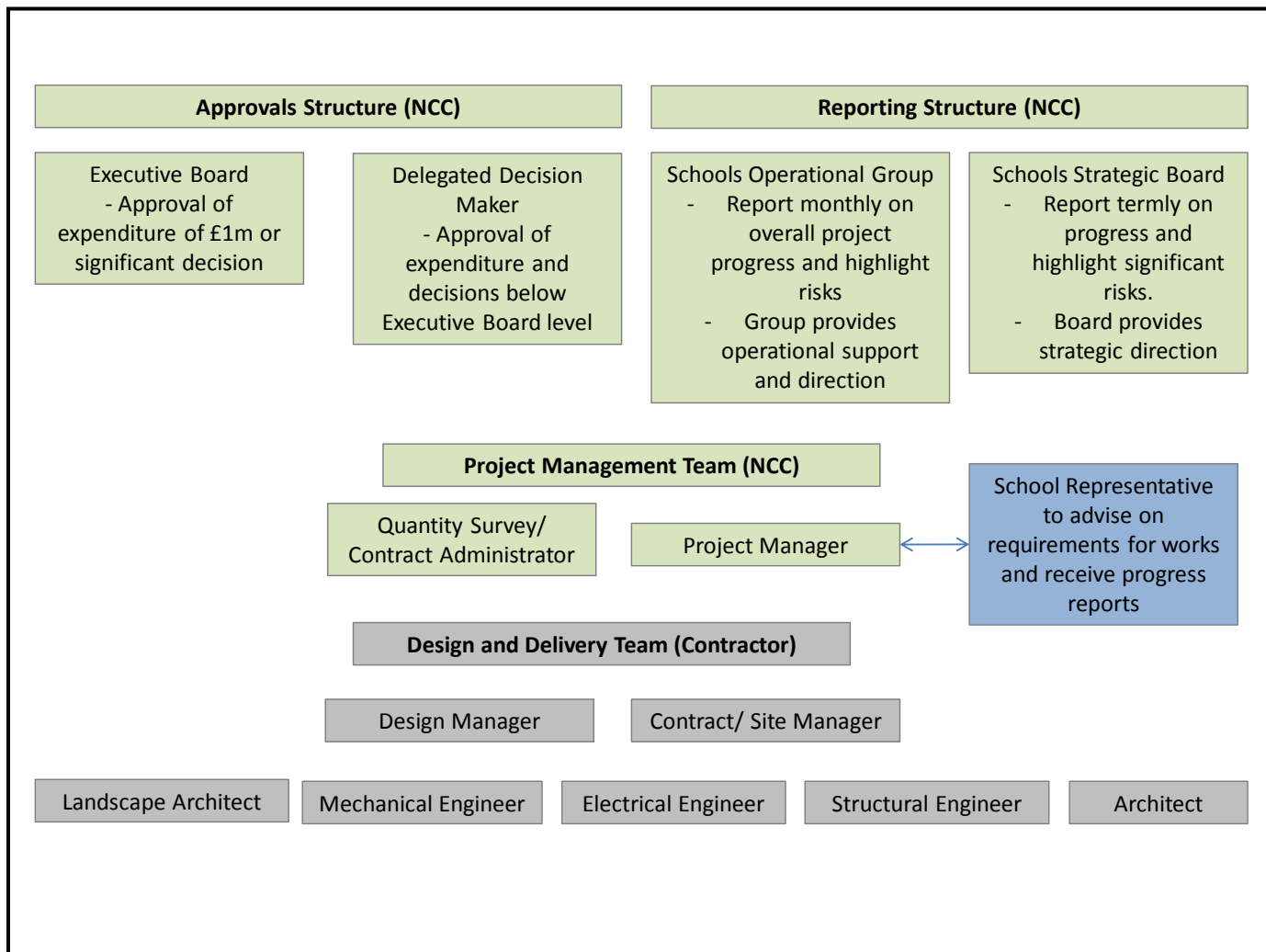
#### External resources:

Wates Construction will act as the contractor and will appoint the design team through the EMPA framework.

Atkins will undertake the Principle Designer duties under the CDM Regulations 2015.

**7.0 PROJECT GOVERNANCE AND REPORTING**

The governance and reporting structure for this project is as follows:



## 8.0 PROGRAMME

This Business Case will be presented to the Executive Board on 17 May 2016. At this stage, a decision will be made that will determine whether the project will progress.

In order for the milestones to be met, it is assumed:

- Approval is given by Executive Board 17 May 2016 allocating funding and agreeing to enter into contract;
- A planning period of 13 weeks will be required.

The project will be delivered for September 2017.

The key milestones are:

| <b>Milestone</b>                                   | <b>Date</b>                |
|----------------------------------------------------|----------------------------|
| Detailed design work                               | December 2015 – March 2016 |
| Planning application submitted                     | April 2016                 |
| Funding and approval to enter into contract agreed | May 2016                   |
| Planning approval received                         | July 2016                  |
| Works commence on site                             | August 2016                |
| Works complete on site                             | August 2017                |
| Handover                                           | August 2017                |



**Title of EIA/ DDM: Approval relating to expansion of Mellers Primary School**

**Name of Author: Sarah Lake**

**Department: Development and Growth**

**Service Area: Major Projects**

**Author (assigned to Covalent): N/A**

**Director: Alison Michalska**

**Strategic Budget EIA Y/N (please underline)**

**Brief description of proposal / policy / service being assessed:**

Expansion work to increase capacity of Mellers Primary from 210 to 420 pupil places and to increase nursery provision from 26 to 52 full time equivalent.

The large majority of pupils come from a wide range of minority ethnic backgrounds. Over half the pupils speak English as an additional language and in total well over twenty different home languages are represented within the school. These proportions are above average. The proportion of disadvantaged pupils, for whom the school receives the pupil premium, is well above average. The pupil premium is funding provided to schools to support looked after children and those known to be eligible for free school meals. The proportion of disabled pupils and those who have special educational needs is above average.

**Information used to analyse the effects on equality:**

Feasibility study produced as part of the initial options appraisal. Discussions with the school around the needs of staff, pupils and other users on site have taken place as part of the feasibility process.

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|                                                          | <b>Could particularly benefit</b><br><b>X</b> | <b>May adversely impact</b><br><b>X</b> | <b>How different groups could be affected</b><br>(Summary of impacts)                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Details of actions to reduce negative or increase positive impact</b><br>(or why action isn't possible)                                                                                                                                                                                                                                                                        |
|----------------------------------------------------------|-----------------------------------------------|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| People from different ethnic groups.                     | <input checked="" type="checkbox"/>           | <input type="checkbox"/>                | The works will ensure access to education for young people in their local area.<br><br>Facilities will be provided to ensure young people have a safe and suitable learning environment appropriate to their needs.<br><br>Creation of a quality teaching and learning space to allow the school to grow.<br><br>All works will be compliant under the Equality Act 2010 and any proposals are discussed with the City Council Access Officer as required. Proposals and works will promote integration and | No negative impact is expected.<br><br>Works will be procured using the East Midlands Property Alliance (EMPA) framework that offers a compliant mechanism for procuring works. Works are banded depending on value and there are likely to be a number of contractors appointed to manage works. KPIs are in place to ensure local spend is monitored and involvement with SMEs. |
| Men                                                      | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                   |
| Women                                                    | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                   |
| Trans                                                    | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                   |
| Disabled people or carers.                               | <input checked="" type="checkbox"/>           | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                   |
| Pregnancy/ Maternity                                     | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                   |
| People of different faiths/ beliefs and those with none. | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                   |
| Lesbian, gay or bisexual people.                         | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                   |
| Older                                                    | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                   |
| Younger                                                  | <input checked="" type="checkbox"/>           | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                   |

Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults).  
**Please underline the group(s) /issue more adversely affected or which benefits.**



cohesion.

**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:**

This proposal provides an opportunity to advance equality in a number of ways. Firstly, there is an opportunity to support and include more children who have special educational needs as well as children from minority ethnic groups through the expansion of the school due to the catchment area it covers. Secondly, the proposal also reduces the need for children to travel to schools further afield by providing additional places within the local area. Thirdly, there may be an opportunity to incorporate social and equality outcomes in the contracts with builders, suppliers and other agents linked to the delivery of the programme.

However caution should be exercised to ensure that support is provided with regard to the organisation of class sizes, as increases may result in negative impacts in terms of learning outcomes for children. Consequently, it is important to conduct regular diversity monitoring which includes the take up rates, attendance and attainment levels of pupils and action taken where necessary to address any areas of concern promptly. Consultation undertaken should include parents and members of the local community, and as English may not be the first language of the abovementioned, care must be taken to ensure that consultation and engagement methods are as inclusive as possible.

**Approved by (manager signature):**

Rob Caswell, Programme Manager  
 Tel: 0115 8763408  
 Email: Robert.caswell@nottinghamcity.gov.uk

**Date sent to equality team for publishing:**

06.01.16

Send document or link to:  
 equalityanddiversityteam@nottinghamcity.gov.uk

## Appendix C

### Proposed expansion of Mellers Primary School – consultation report

#### Consultation timetable:

| Date                      | Audience                          | Time   |
|---------------------------|-----------------------------------|--------|
| <b>Monday 3 November</b>  | <b>Consultation opened</b>        |        |
| Tuesday 4 November        | Parents and carers meeting        | 2.30pm |
| Tuesday 4 November        | Staff meeting                     | 3.30pm |
| Thursday 13 November      | Parents and carers – gate session | 8.30am |
| Wednesday 26 November     | Parents and carers – gate session | 3.00pm |
| <b>Sunday 30 November</b> | <b>Consultation closed</b>        |        |

#### Responses to the consultation:

20 people responded to the consultation and the results were:

- Yes – 15 responses (75%)
- No – 3 responses (15%)
- No opinion – 2 responses (10%)

The responders were:

- Parents – 15 (75%)
- Staff – 1 (5%)
- Governors – 3 (15%)
- Didn't identify – 1 (5%)

#### Summary of comments:

The three responders who said they did not agree with the proposal cited preferring the current size of the school to a suggested expansion as their main reasons, and they raised concerns about Mellers being able to achieve the same standards or maintain the same ethos on a larger scale.

Of the two responders who had 'no opinion', only one responder provided additional information and they said they want the expansion not to have an impact on normal schooling.

Of those who responded yes, most of the comments were positive about more children and families benefitting from an education at Mellers. There were also some detailed comments about the building requirements and suggestions for the front of the school.

A table with all of the feedback from the consultation is included at the end of this report.

### **Feedback from meetings and gate sessions:**

25 parents attended the parents meeting and 20 members of staff attended the staff meeting. Below is a list of the questions/points raised at these meetings:

- Will you be replacing green space?
- When will the children start at the school?
- Can you buy the Globe pub?
- Will the staff room be expanded?
- Will there be SEN space included in the build?
- Is there money to buy more land?
- Will there be more dining space?
- Will we have to take more children as soon as the building is finished? Can you guarantee the expansion will be phased?
- Will there be a new car park?
- Will permit parking be introduced?
- Decent classroom sizes are needed

### **Gate session – 13 November**

9 parents were spoken to at the gates. All of the parents supported the proposal and said it was a good idea and they had no questions, that it was good more children would be able to attend the school and that there are too many children on the waiting list at the moment.

### **Gate session – 26 November**

12 parents were spoken to at the gates. 2 had no comment to make on the proposals and the remaining 10 were positive about the expansion stating they thought it was a good idea and they had no questions.

**Consultation outcomes in detail.**

| <b>Outcome</b> | <b>Comments</b>                                                                                                                                                                                                                                                                                                                                       | <b>Type of respondent</b> |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| Yes            | It would be good for Mellers to expand to offer more places for children that are out of school. Children need the best to have positive outcomes                                                                                                                                                                                                     | Not given                 |
| No             | I don't agree with the expansion as I think the school needs to concentrate on the pupils it has. In years gone by Mellers have said they haven't had the best punctuation and Ofsted reports and I think this will hinder Mellers instead                                                                                                            | Parent/carer              |
| No             | I believe that Mellers Primary School is outstanding in every sense. My child joined the school 2 years ago and with support has matured very well. I (we) liked the school because of its size, amongst other matters and I feel that an increase could have a negative impact on the children e.g. decrease in playground/space surrounding school. | Parent/carer              |
| Yes            |                                                                                                                                                                                                                                                                                                                                                       | Parent/carer              |
| Yes            | The area in front of the school gates is often crowded. This makes it harder for the people who wish to enter/exit the building. It would be very helpful if the school could hire someone to organise who is passing by. (My daughter was involved in a car accident near the school because of this exact reason. Thank you.                        | Parent/carer              |
| Yes            | This expansion is a really great idea, There are many does not have the ability to attend the school and have their knowledge and the chance to meet other friends like my son.                                                                                                                                                                       | Parent/carer              |
| Yes            |                                                                                                                                                                                                                                                                                                                                                       | Parent/carer              |
| Yes            |                                                                                                                                                                                                                                                                                                                                                       | Parent/carer              |
| Yes            |                                                                                                                                                                                                                                                                                                                                                       | Governor                  |
| Yes            |                                                                                                                                                                                                                                                                                                                                                       | Parent/carer              |
| Yes            |                                                                                                                                                                                                                                                                                                                                                       | Parent/carer              |
| Yes            |                                                                                                                                                                                                                                                                                                                                                       | Parent/carer              |
|                |                                                                                                                                                                                                                                                                                                                                                       | Parent/carer              |

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                               |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| No         | Mellers has always had a very special atmosphere and I believe that this is, in part, due to the size of the school. Mellers feels more like an extended family than a school; staff know the children well and have positive relationships with the majority of parents. Expansion would bring both extra funding and extra opportunities for staff and children but at the moment I am not certain that these would be worth sacrificing the current ethos. | Parent/carer and staff member |
| Yes        | I agree if the new building is fit for purpose. It's no use just building the extra classrooms - we will need a hall big enough to hold the whole school, a much bigger staff room, more staff toilets, a community room and areas for small group/1to1 work. I only agree to the expansion if the building can allow the staff team to continue to create the ethos and practice that now exists.                                                            | Governor                      |
| Yes        |                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Governor                      |
| Yes        |                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Staff                         |
| Yes        | None                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Parent/carer                  |
| No opinion |                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Parent/carer                  |
| No opinion | As long as it does not affect normal schooling. If it is going to affect children's education then I plus a lot of parents will be complaining. Expansion is a good thing with the increase of children in the area.                                                                                                                                                                                                                                          | Parent/carer                  |
| Yes        | I think it would be a great idea to expand, as it would increase the opportunity of other families to send their children here rather than other alternatives further afield. It would also make good use of the barren old nursery plot.                                                                                                                                                                                                                     | Parent/carer                  |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                             |                                                                              |                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <b>Subject:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                   | School Condition Funding Allocations for 2016 - 2017                                                                                                                                        |                                                                              |                                                                     |
| <b>Corporate Director:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                        | Alison Michalska, Corporate Director for Children and Adults                                                                                                                                |                                                                              |                                                                     |
| <b>Portfolio Holder:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                          | Councillor Sam Webster, Portfolio Holder for Schools                                                                                                                                        |                                                                              |                                                                     |
| <b>Report author and contact details:</b>                                                                                                                                                                                                                                                                                                                                                                                                                         | Robert Caswell, Programme Manager<br>Tel: 0115 8763408                                                                                                                                      |                                                                              |                                                                     |
| <b>Key Decision</b>                                                                                                                                                                                                                                                                                                                                                                                                                                               | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                         | <b>Subject to call-in</b>                                                    | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| <b>Reasons:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision | <input type="checkbox"/> Revenue <input checked="" type="checkbox"/> Capital |                                                                     |
| Significant impact on communities living or working in two or more wards in the City                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                             |                                                                              | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| <b>Total value of the decision: £1,544,179</b>                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                             |                                                                              |                                                                     |
| <b>Wards affected:</b> Leen Valley, Sherwood, Arboretum, Clifton North, Bestwood.                                                                                                                                                                                                                                                                                                                                                                                 | <b>Date of consultation with Portfolio Holder:</b><br>25.04.16                                                                                                                              |                                                                              |                                                                     |
| <b>Relevant Council Plan Key Theme:</b>                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                             |                                                                              |                                                                     |
| Strategic Regeneration and Development                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                             |                                                                              | <input type="checkbox"/>                                            |
| Schools                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                             |                                                                              | <input checked="" type="checkbox"/>                                 |
| Planning and Housing                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                             |                                                                              | <input type="checkbox"/>                                            |
| Community Services                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                             |                                                                              | <input type="checkbox"/>                                            |
| Energy, Sustainability and Customer                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                             |                                                                              | <input type="checkbox"/>                                            |
| Jobs, Growth and Transport                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                             |                                                                              | <input type="checkbox"/>                                            |
| Adults, Health and Community Sector                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                             |                                                                              | <input type="checkbox"/>                                            |
| Children, Early Intervention and Early Years                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                             |                                                                              | <input type="checkbox"/>                                            |
| Leisure and Culture                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                             |                                                                              | <input type="checkbox"/>                                            |
| Resources and Neighbourhood Regeneration                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                             |                                                                              | <input type="checkbox"/>                                            |
| <b>Summary of issues (including benefits to citizens/service users):</b>                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                             |                                                                              |                                                                     |
| <p>The Department for Education (DfE) have announced the School Condition Funding for the financial year 2016-2017. An amount of £1.544 million has been allocated to improve the condition of school buildings maintained by Nottingham City Council (NCC).</p> <p>This report identifies how the grant will be prioritised to meet the needs of the schools maintained by the Council and seeks approvals for procuring and managing the works effectively.</p> |                                                                                                                                                                                             |                                                                              |                                                                     |
| <b>Exempt information: None</b>                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                             |                                                                              |                                                                     |
| <b>Recommendation(s):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                             |                                                                              |                                                                     |
| <b>1</b> To approve the allocation of the School Condition funding, totalling £1.544 million to the schemes as set out in appendix A, noting that £0.207m is set aside as a contingency fund.                                                                                                                                                                                                                                                                     |                                                                                                                                                                                             |                                                                              |                                                                     |
| <b>2</b> To amend the Capital Programme to include the additional £1.544 million received as part of the grant.                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                             |                                                                              |                                                                     |
| <b>3</b> To delegate authority to the Corporate Director for Children and Adults to allocate contingency funding to projects as health and safety or condition issues arise during 2016/17 and to adjust the funding allocation for each scheme once cost and survey information is received, subject to value for money being demonstrated and costs being within the overall budget allocated for this programme of works.                                      |                                                                                                                                                                                             |                                                                              |                                                                     |
| <b>4</b> To appoint NCC Design Services to design, procure and manage the schemes.                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                             |                                                                              |                                                                     |
| <b>5</b> To approve the procurement of the works through the East Midlands Property Alliance (EMPA) framework - an OJEU (the Official Journal of the European Union) compliant                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                             |                                                                              |                                                                     |

framework.

**6** To delegate authority to the Head of Legal Services to sign contracts with the preferred contractors following procurement exercises to allow schemes to be delivered.

## **1 REASONS FOR RECOMMENDATIONS**

- 1.1 The prioritisation of the funding is based on advice received from the Council's Design Services team and external specialist contractors. There are two areas where funding has been prioritised:
- Health and safety issues likely to impact on children and staff.
  - Condition issues likely to impact on the operation of the school.
- 1.2 The balance of the funding for the School Condition grant has been identified as part of the prioritisation process and £0.207 million will be held as a contingency amount to deal with urgent health and safety or condition issues that arise during the financial 2016/17. Delegating authority to the Corporate Director for Children and Adults to approve these schemes will enable a swift response to urgent issues as they arise.

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

- 2.1 The Department for Education (DfE) have announced the School Condition Funding for the financial year 2016-2017. An amount of £1.544 million has been allocated to improve the condition of school buildings maintained by Nottingham City Council.
- 2.2 This report identifies how the grant will be prioritised to meet the needs of the schools maintained by the Council.
- 2.3 The highest priorities relate to health and safety requirements, for example, where work is required to address the risk of asbestos. The next priorities are those condition issues that mean school buildings are not weather proof or that they are not warm in winter. This could include schools that require roof replacement, windows, boilers, heating pipes and electrical infrastructure.
- 2.4 The overall condition liability for schools in the City is significantly greater than the funding available and there is insufficient funding to complete all the necessary works to ensure all schools will not be at risk from inclement weather. To ensure the most urgent schemes are taken forward, a further prioritisation has taken place in consultation with external specialist contractors that takes into consideration the immediacy of the risk to the school.
- 2.5 The grant allocation relates to Local Authority schools only. Academies are able to apply for a maintenance grant directly from the DfE.

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

- 3.1 Consideration was given to combine the Condition funding and the Basic Need funding. If combined, this funding could be used to address the shortfall in school places across the City.



- 3.2 Consideration was also given to amalgamating the Condition grant with broader City Council capital funding.
- 3.3 Both of these options were rejected as they would leave schools at risk of closure through health and safety or condition issues. It would also mean that school buildings would continue to deteriorate, increasing the risk of forced closures for emergency repairs in the future.

#### **4 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

- 4.1 School Condition funding has been confirmed by the DfE for 2016/17, it is proposed to allocate £1.544m of the grant to the works referred to in this report. The schemes detailed in Appendix A can be completed within this funding allocation and will be added to the capital programme.
- 4.2 The capital programme will be amended to reflect the additional funding and allocation to the schemes as set out in Appendix A.

#### **5 LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND INCLUDING LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

- 5.1 There are no significant procurement concerns with the recommendations set out in the report. The award of works internally to NCC's Design Services is in line with the Council's Constitution and the EMPA Framework Agreements provide a compliant route for the works to be undertaken. Any further requirements that fall outside of this arrangement will be need to be procured in-line with Procurement Regulation 2015 and supported by the procurement team.

#### **6 STRATEGIC ASSETS & PROPERTY COMMENTS (FOR DECISIONS RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE)**

- 6.1 As these are Nottingham City Council owned Schools there are no strategic property implications other than those undertaken by Design Services.

##### **6.2 Internal resources:**

The series of projects will be managed by a Project Manager reporting to Programme Manager within Major Programmes.

Design Services, under the Commercial & Operations Department will provide professional consultants as required to deliver the project including architecture, structural, mechanical, electrical and quantity surveying services. They will also provide a design challenge service, assisting clients and providing a support service to review and quality assure the design process. The quantity surveyor will act as the contract administrator; this responsibility includes the validation of any change requests, verifying the costs for the project and managing the project budget.

Design Services will also assist the client team in their duties under the Construction and Design Management Regulations (CDM) 2015, including the assembly of pre-construction information.

## **7 SOCIAL VALUE CONSIDERATIONS**

- 7.1 The works will be carried by accessing the East Midlands Property Alliance (EMPA) framework which offer a compliant route to market and provide value for money for the Council.
- 7.2 Social considerations were taken into account when establishing the framework agreements.
- 7.3 With regard to the EMPA frameworks, approximately 85% of the works are sub-contracted out to Small and Medium Enterprises (SMEs) and there are no barriers to entry with this sector. Key Performance Indicators (KPIs) are also captured in relation to local spend, employment and skills plans and payments made to sub-contractors within 30 days of receipting the invoice for the works.

## **8 REGARD TO THE NHS CONSTITUTION**

- 8.1 There are no implications on the NHS constitution.

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

- 9.1 Has the equality impact of the proposals in this report been assessed?

No

An EIA is not required because:

(Please explain why an EIA is not necessary)

Yes

Attached as Appendix B, and due regard will be given to any implications identified in it.

## **10 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)**

- 10.1 None

## **11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT**

- 11.1 None

## **12 OTHER COLLEAGUES WHO HAVE PROVIDED INPUT**

- 12.1 Tim Gallimore, Senior Finance Assistant – Capital  
Tel: 0115 87 65534  
Email: [tim.gallimore@nottinghamcity.gov.uk](mailto:tim.gallimore@nottinghamcity.gov.uk)

## Proposed School Condition Funding Allocations 2016/17

| School                                       | Scope               | Comments                                                         | Funding required/£m |
|----------------------------------------------|---------------------|------------------------------------------------------------------|---------------------|
| Robert Shaw Primary                          | Heating works       | Heating system replacement.                                      | £0.200              |
| Robin Hood Primary                           | Replacement of roof | Roof is deteriorating and needs replacement to remain watertight | £0.202              |
| Berridge Junior                              | Replacement of roof | Roof is deteriorating and needs replacement to remain watertight | £0.370              |
| Seely Primary                                | Replacement of roof | Roof is deteriorating and needs replacement to remain watertight | £0.150              |
| Dovecote Primary                             | Phase 3 heating     | Heating system is failing and needs replacement                  | £0.165              |
| Scotholme Primary                            | Asbestos Removal    | Asbestos removal from the ceilings in classrooms.                | £0.150              |
| Claremont Primary                            | Heating works       | Boiler replacement                                               | £0.100              |
| Contingency fund                             |                     |                                                                  | £0.207              |
| <b>Total (Funding available £1, 544,179)</b> |                     |                                                                  | <b>£1.544 m</b>     |

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## Equality Impact Assessment Form (Page 1 of 2)

**Title of EIA/ DDM: School Condition Funding Allocations for 2016/17**

**Name of Author: Pratima Balaghee**

**Department: Chief Executives**

**Service Area: Major Projects**

**Director: Alison Michalska**  
**Strategic Budget EIA Y/N**

**Brief description of proposal / policy / service being assessed:**

This report focuses on the allocation of the School Condition Funding to address condition issues of the schools maintained by the Local Authority. Works to improve roofs and heating systems will be undertaken if the report is approved.

The Department for Education (DfE) have announced the School Condition Funding Allocation for the financial year 2016/17 with £1,544,179 allocated to improve the condition of the school buildings maintained by the Local Authority.

The grant allocation relates to Local Authority schools only. Academies are able to apply for a maintenance grant directly from the DfE. The highest priorities relate to health and safety requirements, for example, where work is required to address the risk of asbestos.

**Information used to analyse the effects on equality:**

Experience of managing the programme of works for a number of years and consultation with colleagues from the Design Services team, schools and contractors.

|                                                          | <b>Could particularly benefit</b><br><b>X</b> | <b>May adversely impact</b><br><b>X</b> | <b>How different groups could be affected</b><br>(Summary of impacts)                                                                                                                                                                                                            | <b>Details of actions to reduce negative or increase positive impact</b><br>(or why action isn't possible)                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------|-----------------------------------------------|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| People from different ethnic groups.                     | <input type="checkbox"/>                      | <input type="checkbox"/>                | There is no significant benefit or adverse impact on any groups as a result of the works. The works will improve the condition and longevity of existing school buildings but the remit of these works is maintenance rather than improving accessibility for particular groups. | Contractors will be procured using the East Midlands Property Alliance (EMPA) framework that offers a compliant mechanism for procuring works. Works are 'banded' depending on value and there are likely to be a number of contractors appointed to manage the works. Contractors have Key Performance Indicators (KPIs) in place to ensure they monitor local spend and involvement with any Small to Medium Enterprises (SMEs). This information is monitored by SCAPE and reviewed by the City Council's procurement team. |
| Men                                                      | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Women                                                    | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Trans                                                    | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Disabled people or carers.                               | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Pregnancy/ Maternity                                     | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| People of different faiths/ beliefs and those with none. | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Lesbian, gay or bisexual people.                         | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Older                                                    | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Younger                                                  | <input checked="" type="checkbox"/>           | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

PL 98 37

|                                                                                                                                                                                                                                     |                          |                          |  |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--|--|
| <p>Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults).</p> <p><b><i>Please underline the group(s) /issue more adversely affected or which benefits.</i></b></p> | <input type="checkbox"/> | <input type="checkbox"/> |  |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--|--|

**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:**  
 The works will be assessed for any impact on equality during the works and post completion by liaising with the contractor and school to ensure there have been no adverse impacts on any particularly group.

**Comments from Equality and Diversity:**  
 This proposal provides an opportunity to advance equality in a number of ways, for example, by ensuring that solutions to health and safety/maintenance issues are fully assessable to all building users. There may also be an opportunity to incorporate social and equality outcomes in the contracts made with builders, suppliers and other agents linked to the delivery of the programme. This could include setting targets to include the use of local labour, or through the use of businesses led by BME, LGB&T and/or Female providers.

Monitoring arrangements should be set in place that include end user/client satisfaction surveys and the use of accessibility audits.

**Approved by (manager signature):**  
 Rob Caswell, Programme Manager  
 Tel: 0115 8763408  
 Email: robert.caswell@nottinghamcity.gov.uk

**Date sent to equality team for publishing:**  
**31.03.16**  
 Send document or link to:  
 equalityanddiversityteam@nottinghamcity.gov.uk

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                           |                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|---------------------------|------------------------------------------------------------------------------|
| <b>Subject:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Alternative Provision Model 2016/2017 - Devolve high needs funding to schools to support pupils                  |                           |                                                                              |
| <b>Corporate Director(s)/ Director(s):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Alison Michalska - Corporate Director for Children and Adults<br>Pat and Sarah Fielding – Directors of Education |                           |                                                                              |
| <b>Portfolio Holder(s):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Councillor Sam Webster, Portfolio Holder for Schools                                                             |                           |                                                                              |
| <b>Report author and contact details:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Michael Wilsher, Inclusion Officer<br>0115 876 4626<br>michael.wilsher@nottinghamcity.gov.uk                     |                           |                                                                              |
| <b>Key Decision</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                              | <b>Subject to call-in</b> | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No          |
| <b>Reasons:</b> <input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input checked="" type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision                                                                                                                                                                                                                                                                                                                |                                                                                                                  |                           | <input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital |
| Significant impact on communities living or working in two or more wards in the City                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                  |                           | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No          |
| <b>Total value of the decision: £3.365m</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                  |                           |                                                                              |
| <b>Wards affected: All</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Date of consultation with Portfolio Holder(s): 3 May 2016</b>                                                 |                           |                                                                              |
| <b>Relevant Council Plan Key Theme:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                  |                           |                                                                              |
| Strategic Regeneration and Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                  |                           | <input type="checkbox"/>                                                     |
| Schools                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                  |                           | <input checked="" type="checkbox"/>                                          |
| Planning and Housing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                  |                           | <input type="checkbox"/>                                                     |
| Community Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                  |                           | <input type="checkbox"/>                                                     |
| Energy, Sustainability and Customer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                  |                           | <input type="checkbox"/>                                                     |
| Jobs, Growth and Transport                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                  |                           | <input type="checkbox"/>                                                     |
| Adults, Health and Community Sector                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                  |                           | <input type="checkbox"/>                                                     |
| Children, Early Intervention and Early Years                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                  |                           | <input type="checkbox"/>                                                     |
| Leisure and Culture                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                  |                           | <input type="checkbox"/>                                                     |
| Resources and Neighbourhood Regeneration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                  |                           | <input type="checkbox"/>                                                     |
| <b>Summary of issues (including benefits to citizens/service users):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                  |                           |                                                                              |
| This report is to approve proposals to move to a new model for Alternative Provision for the 2016/17 financial year. This involves the devolution of high needs funding to mainstream maintained schools and academies (referred to as schools in this document) under a service level agreement (SLA) in order to support early intervention and make provision for pupils with challenging behaviour in schools. It is the intention that this will help reduce permanent exclusion across the city and support early intervention. |                                                                                                                  |                           |                                                                              |
| <b>Exempt information: None</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                           |                                                                              |
| <b>Recommendation(s):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                  |                           |                                                                              |
| <b>1</b> To approve the proposal to devolve funds to schools from the Dedicated Schools Grant (DSG) funded High Needs budget from the 2016/17 financial year under a Service Level Agreement (SLA).                                                                                                                                                                                                                                                                                                                                   |                                                                                                                  |                           |                                                                              |
| <b>2</b> To approve the use of an additional £3.365m from the Statutory School Reserve to support the implementation of this model over the next 5 years. £0.500m of this requirement is to cover potential risks.                                                                                                                                                                                                                                                                                                                    |                                                                                                                  |                           |                                                                              |

**1 REASONS FOR RECOMMENDATIONS**

1.1 The current system is inequitable and is not financially sustainable.

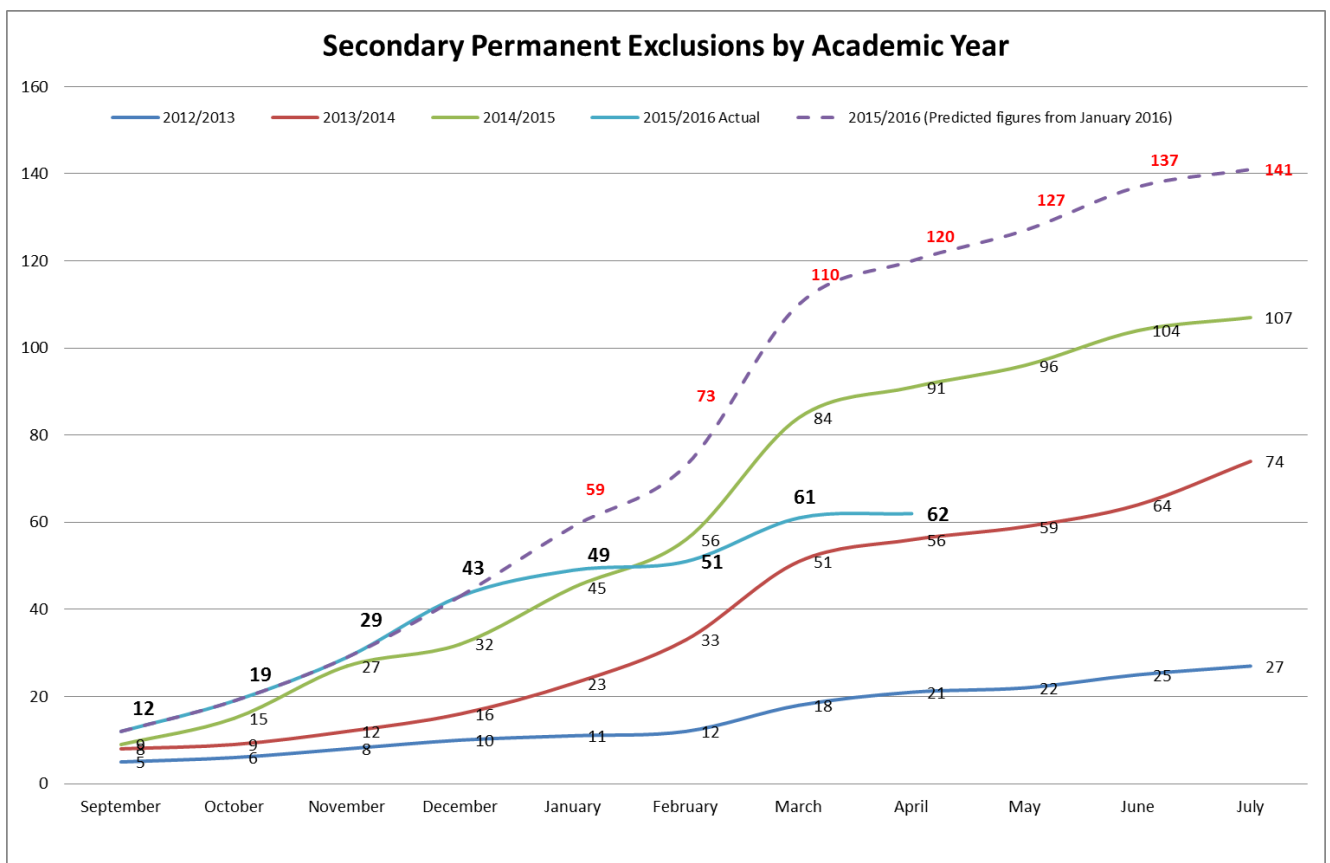
- 1.2 The intention behind these proposals is to put schools in charge of commissioning alternative provision to support pupils at risk of permanent exclusion in their schools. This is consistent with the national direction of travel as outlined in the White Paper and National Funding Formula and High Needs consultations.
- 1.3 It is envisaged that there will be improved educational outcomes as a result of this approach as outlined in paragraph 2.4.
- 1.4 The LA has consulted schools and Schools Forum over the arrangements for high needs pupils and alternative provision.
- 1.5 Consultation has been undertaken with all schools over these proposals. The Nottingham City Secondary Education Partnership (NCSEP) has indicated the agreement of secondary head teachers to the devolution proposals. Interest has been expressed by a couple of groups of primary schools in piloting the new approach in their areas.

It is the intention to implement the proposal across the whole of the secondary phase simultaneously, but to stagger the primary implementation to review the pilot cluster models. The purpose of the primary model will be to support schools in developing effective models and for all primary schools to be part of the model before April 2017.

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

- 2.1 Within the 2015/16 high needs budget; £2.815m is set aside to fund Denewood and Unity Learning Centres. However, due to increased numbers of permanent exclusions across all key stages approximately £1.655m has been required from reserves to supplement this budget as approved by Executive Board on 21 January 2016. The annual overspend will continue to grow if the number of permanent exclusions remains in line with the average for the last 3 academic years.
- 2.2 This academic year (2015/2016) has already seen secondary permanent exclusions above the average for the last 3 years as shown in the graph below. It is important to note that primary permanent exclusions have also risen significantly over the last 3 years (on average 20 exclusions per year) including at Key Stage 1. Over the last three academic years permanent exclusions have been issued to 94 pupils 2013/2014; 126 pupils 2014/2015 and 73 pupils so far this academic year.





2.3 The proposal is to move to a model of devolution of alternative provision funding to schools.

Under this model, schools have all the funding and make the choice of provision for their pupils. Educational benefits of the new approach are expected to be:

- Additional funding available to schools to support early intervention and provide for the needs of pupils.
- Schools can work together to develop good practice and shared resources.
- Funding and resources to support links between primary and secondary to develop transition support.
- Better outcomes for pupils accessing quality education and provision through schools.
- More flexibility to avoid exclusion and speed of support.

2.4 Funding will be devolved to schools based on a formula which is 75% based on Ever 6 Free School Meals (FSM) pupils and 25% on total pupils. In the transition, new devolved allocations will be adjusted to reflect the costs attributed to pupils that the school has previously excluded, but schools will receive at least 43% of their total formula share.

2.5 This funding will be attached to conditions outlined in a SLA. This will include the requirement for schools to meet the ongoing costs of provision for all pupils including those that they permanently exclude. Devolved funding will be adjusted to reflect a charge for any pupils permanently excluded after 1st April 2016. The proposal is for this charge to be £15,000 (pro-rata) in 2016/17 whilst PRU unit costs are being managed downwards. In future years the charge will be aligned to the full cost of a Denewood/Unity placement, as determined and consulted through schools forum.

- 2.6 Secondary heads are in the process of reviewing and providing feedback on the detailed contents of the SLA. It will not be possible to release funding until there is an agreed SLA and all schools have signed up. Schools forum have also been extensively consulted on the proposals.
- 2.7 Whilst there will be a slight delay due to the above, the LA is proposing that the devolved funding allocations once released will represent the full April – March financial year 2016/17 funding and the terms of the SLA will state that the allocation is adjusted for a charge on any exclusions from April 1st 2016. Delays to the implementation date risk the affordability of the model which has been consulted on.

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

- 3.1 The proposals have been revised considerably as a result of feedback from schools during the period of consultation.

### **4 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

- 4.1 The proposals in this report affect the Local Authority's High Needs (HN) budget which is funded by the Dedicated Schools Grant (DSG).
- 4.2 The devolved funding is separate from (and in addition to) schools' delegated budget shares. It remains classed as a central budget and its terms of use, is dictated by an agreement between the LA and the school. This will include the requirement for schools/academies to meet the costs of provision for all pupils including those that they permanently exclude.
- 4.3 In the transition to the new approach, the HN budget will need to continue to support costs of provision at the PRUs for pupils previously permanently excluded as well as devolved funding for schools. There will be some reduction to the new devolved allocations at an individual school level to reflect the costs attributed to pupils previously excluded.
- 4.4 Further detail on the financial implications, including the formula that will be used for allocations, can be found in the 21 April 2016 Schools Forum report which is attached as an appendix 2.
- 4.5 Modelling shows that the proposals will require an estimated £5.165m from the Statutory School Reserve (SSR) over the next 5 years, of which £2.2m will be required in 2016/17 and has already been approved by the Executive Board on 22 March 2016 as part of the report on the 2016/17 Schools Budget. This report requests approval for the balance of £2.965m plus a further £0.500m to cover potential risks.
- 4.6 Recent trends in permanent exclusions suggest that the continuation of the status quo would cost significantly more. These proposals will bring the costs back under control. It is also considered that the commissioning of AP directly by schools will lead to higher quality, value for money provision.

### **5 LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND INCLUDING LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

## Legal Implications

- 5.1 This report sets out proposals to devolve funds from the high needs budget for alternative provision to maintained schools and Academies. The high needs budget for alternative provision is a sum of money provided by the Education Funding Agency (“EFA”) to a local authority over and above other education funding. In a sense it is additional funding for the specific purpose of alternative provision. As such, it is for the local authority to determine how to use it in accordance with EFA guidance. The current EFA guidance is entitled: *High needs funding: alternative provision Additional guidance 2016 to 2017* (September 2015). This budget can be devolved to maintained schools and Academies, provided maintained schools and Academies are treated on an equivalent basis, following consultation with the local authority’s schools forum (*High needs funding*, paragraph 24). In addition, *High needs funding* makes it clear that a local authority cannot charge a maintained school or Academy for the costs of a permanently excluded pupil, over and above the charge derived from the education funding regulations, unless this is pursuant to an agreement between the local authority and the maintained school or Academy (*High needs funding*, paragraph 42).
- 5.2 The proposals set out in this report would, if implemented, essentially entail Nottingham City Council (“NCC”) devolving its high needs budget for alternative provision to maintained schools and Academies by reference to a funding formula that applies equally to maintained schools and Academies and only distinguishes between primary and secondary schooling. This is in accordance with *High needs funding* and is lawful. Furthermore, this would include the requirement for maintained schools and Academies to meet the on-going costs of provision for all pupils including those that they permanently exclude, with devolved funding adjusted to reflect a charge for any pupils permanently excluded after 1 April 2016. The proposal is for this charge to be £15,000.00 (pro-rata) in 2016/17 whilst PRU unit costs are being managed downwards. In future years the charge will be aligned to the full cost of a Denewood/Unity placement, as determined and consulted through schools forum. Again, since this charge would be levied against the amount a maintained school or Academy has had devolved to it from the high needs budget for alternative provision – a form of additional funding – such a charge would be lawful. Indeed, whilst it is desirable for the sake of certainty that the charge is the subject of a commercial agreement between NCC and each governing body of a maintained school/proprietor of an Academy, since this is money devolved from a central budget that would be recouped by NCC in the event of a permanent exclusion it could be said there is no need for a formal commercial agreement, particularly as the proposals set out in this report envisage arrangements with clusters of primary schools which could result in unwieldy commercial agreements. The alternative option would be to adjust the amount down that would be devolved to the permanently excluding maintained school/Academy from the high needs budget for alternative provision in the following financial year.
- 5.3 If these proposals are to be implemented, it is advisable that NCC seeks further legal advice as to the commercial law, education law and employment law implications of these proposals.

Jon Ludford-Thomas  
Senior Solicitor

**6 STRATEGIC ASSETS & PROPERTY COMMENTS (FOR DECISIONS RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE)**

6.1 N/A

**7 SOCIAL VALUE CONSIDERATIONS**

7.1 N/A

**8 REGARD TO THE NHS CONSTITUTION**

8.1 N/A

**9 EQUALITY IMPACT ASSESSMENT (EIA)**

9.1 Has the equality impact of the proposals in this report been assessed?

No

An EIA is not required because:  
(Please explain why an EIA is not necessary)

Yes

Attached as Appendix 1, and due regard will be given to any implications identified in it.

**10 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)**

10.1 N/A

**11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT**

11.1 Provision and Services for Pupils with Behavioural, Emotional and Social Difficulties in Nottingham City - An Independent Review, Peter Gray 2015

Educational Excellence Everywhere, March 2016

National Funding Formula and High Needs 2016

**12 OTHER COLLEAGUES WHO HAVE PROVIDED INPUT**

12.1 Kathryn Stevenson - Finance Analyst (Schools) – Resources

## Equality Impact Assessment Form (Page 1 of 2)

**Title of EIA/ DDM: Alternative Provision Model 2016/2017**

**Name of Author: Michael Wilsher**

**Department: Education**

**Service Area: Inclusion and Disabilities**

**Author (assigned to Covalent): Michael Wilsher**

**Director: Pat and Sarah Fielding**

**Strategic Budget EIA Y/N (please underline)**

### **Brief description of proposal / policy / service being assessed:**

This report is to consult Schools Forum on the detailed proposals to move to a new model for Alternative Provision for the 2016/17 financial year. This involves the devolution of high needs funding to mainstream schools and academies (referred to as schools in this document) under a service level agreement (SLA) in order to support early intervention and make provision for pupils with challenging behaviour in schools. This would support schools in improving early intervention and support for pupils whilst driving outcomes for pupils and improvement of alternative provision within the city.

### **Information used to analyse the effects on equality:**

To assess the equalities impact, data has been collated regarding exclusions across the city and consultations with all mainstream schools support services. This has been assessed and has revealed the following:

#### **Exclusions**

Fixed period (when a pupil is excluded from school for a fixed number of days) and permanent exclusions (excluded and not able to return to that school) from schools in Nottingham City have increased significantly over the last 4 years. The largest increase has been in secondary schools, but the primary schools have also increased in permanent exclusions. The following data shows the increase of exclusions over this period:

|                           | 2012/13     | 2013/14     | 2014/15     | 2015/16     | Grand Total |
|---------------------------|-------------|-------------|-------------|-------------|-------------|
| Primary Fixed Period      | 349         | 324         | 304         | 195         | 1172        |
| Primary Permanent         | 12          | 21          | 19          | 11          | 63          |
| Secondary Fixed Period    | 1804        | 1840        | 2578        | 1383        | 7605        |
| Secondary Permanent       | 27          | 73          | 107         | 62          | 269         |
| <b>Total Fixed Period</b> | <b>2153</b> | <b>2164</b> | <b>2882</b> | <b>1578</b> | <b>8777</b> |
| <b>Total Permanent</b>    | <b>39</b>   | <b>94</b>   | <b>126</b>  | <b>73</b>   | <b>332</b>  |

Data regarding the number of education days lost to exclusion within the City shows that on average 11% of the school population will lose over a weeks' worth of education from fixed period exclusion. This does not take account of pupils permanently excluded and the impact that this has on pupils, their families or their future educational opportunities.

Nationally, there is a disproportion of the number of students excluded who have special educational needs; also pupils from minority ethnic backgrounds. Nottingham City sees the same picture of distortion locally, with pupils from minority ethnic backgrounds disproportionately being excluded.

The government has released guidance for exclusions as well as exclusion trial which sought to give more flexibility to schools, by giving them the resources and responsibilities for pupils' provision whilst excluded. This has been reinforced with the recent white paper Educational Excellence

Everywhere, which seeks to implement the outcomes of the exclusion trial.

In order to move towards the direction of the exclusion trial, the white paper and follow the example of many other local authorities; Nottingham City local authority have been consulting with primary and secondary schools in the City. This has been with the intention to reduce the need for exclusion and therefore reduce the high number of exclusions seen across the City in recent years. Also because this would become financially unsustainable and would not be the best use of schools or the local authorities funding. The consultations meetings have been an opportunity to discuss a shared way forward. The outcomes of these consultations are:

- Primary and secondary schools agree that there needs to be a change to the current system and that it is unsustainable.
- Funding for the support of pupils should be used earlier to avoid exclusion. This funding could be devolved from the local authorities high needs budget, which is used for the educational costs of pupils excluded.
- There needs to be a robust service level agreement which supports the process and has clear monitoring and responsibilities.

Based on the support of schools and the local authority and considering the exclusion data and national context; It is intended that the proposal to devolve high needs funding to schools is implemented. This will need to be constantly reviewed to ensure effective implementation and monitoring of benefits and in light of the changing national context and potential future changes in law or responsibilities.

|                                                                                                                                | <b>Could particularly benefit<br/>X</b> | <b>May adversely impact<br/>X</b> | <b>How different groups could be affected<br/>(Summary of impacts)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Details of actions to reduce negative or increase positive impact<br/>(or why action isn't possible)</b>                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>People from different ethnic groups.</u>                                                                                    | <input checked="" type="checkbox"/>     | <input type="checkbox"/>          | <p>By schools providing earlier intervention this could reduce the number of exclusions, which affect all ethnic groups, but could particularly benefit ethnic minority groups as nationally and locally there are disproportionately excluded more than other groups</p> <p>Less exclusion would be beneficial as it would reduce the number of educational days lost to exclusion, increasing the opportunities for pupils in school. This would also support safeguarding vulnerable pupils and local cohesion, as pupils will be able to access support and provision through schools.</p> | <p>Monitor the impact of exclusions on ethnic groups annually to review positive or negative impacts.</p> <p>Monitor the use of exclusions by individual school and share information with schools about increases and decreases to support better inclusion practice and consistent support across all schools.</p> |
| <u>Men</u>                                                                                                                     | <input type="checkbox"/>                | <input type="checkbox"/>          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                      |
| <u>Women</u>                                                                                                                   | <input type="checkbox"/>                | <input type="checkbox"/>          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                      |
| <u>Trans</u>                                                                                                                   | <input type="checkbox"/>                | <input type="checkbox"/>          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                      |
| <u>Disabled people or carers.</u>                                                                                              | <input type="checkbox"/>                | <input type="checkbox"/>          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                      |
| <u>Pregnancy/ Maternity</u>                                                                                                    | <input type="checkbox"/>                | <input type="checkbox"/>          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                      |
| <u>People of different faiths/ beliefs and those with none.</u>                                                                | <input type="checkbox"/>                | <input type="checkbox"/>          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                      |
| <u>Lesbian, gay or bisexual people.</u>                                                                                        | <input type="checkbox"/>                | <input type="checkbox"/>          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                      |
| <u>Older</u>                                                                                                                   | <input type="checkbox"/>                | <input type="checkbox"/>          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                      |
| <u>Younger</u>                                                                                                                 | <input checked="" type="checkbox"/>     | <input type="checkbox"/>          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                      |
| <u>Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults).</u> | <input checked="" type="checkbox"/>     | <input type="checkbox"/>          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                      |
| <b><i>Please underline the group(s) /issue more adversely affected</i></b>                                                     |                                         |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                      |

or which benefits.

**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:**

This assessment will be reviewed annually to take account if the impact of the policy. Exclusion data will be collected regarding ethnicity, number of students involved in exclusion, the type and length of exclusion, the gender and age groups of pupils as well as reviewing the policy with schools and partners. This will be compared to national data when available.

**Approved by (manager signature):**

Michael Wilsher

[michael.wilsher@nottinghamcity.gov.uk](mailto:michael.wilsher@nottinghamcity.gov.uk)

0115 876 4700

**Date sent to equality team for publishing:**

11<sup>th</sup> April 2016

**Before you send your EIA to the Equality and Community Relations Team for scrutiny, have you:**

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1. Read the guidance and good practice EIA's  
<http://www.nottinghamcity.gov.uk/article/25573/Equality-Impact-Assessment>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly when this is going to happen.
7. Clearly cross referenced your impacts with SMART actions.

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**SCHOOLS FORUM – 21<sup>st</sup> April 2016**

|                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Title of paper:</b>                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Alternative Provision Model 2016/2017</b>                                                                                                                                                                                                                 |
| <b>Director(s)/<br/>Corporate Director(s):</b>                                                                                                                                                                                                                                                                                                                                                                                               | <b>Pat and Sarah Fielding, Directors of Education</b>                                                                                                                                                                                                        |
| <b>Report author(s) and<br/>contact details:</b>                                                                                                                                                                                                                                                                                                                                                                                             | Michael Wilsher, Inclusion Officer                                                                                                                                                                                                                           |
| <b>Other colleagues who<br/>have provided input:</b>                                                                                                                                                                                                                                                                                                                                                                                         | Kathryn Stevenson, Finance Analyst (Schools) – Resources<br>Jon Ludford-Thomas, Senior Solicitor, Legal Services                                                                                                                                             |
| <b>Summary</b>                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                              |
| <p>This report is to consult Schools Forum on the detailed proposals to move to a new model for Alternative Provision for the 2016/17 financial year. This involves the devolution of high needs funding to maintained schools and academies (referred to as schools in this document) under a service level agreement (SLA) in order to support early intervention and make provision for pupils with challenging behaviour in schools.</p> |                                                                                                                                                                                                                                                              |
| <b>Recommendation(s):</b>                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                              |
| <b>1</b>                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>To give a view on the proposal to devolve funds to individual secondary schools for the 2016/17 financial year in accordance with the formula specified in paragraph 5.4, under a Service Level Agreement (SLA).</b>                                      |
| <b>2</b>                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>To give a view on the proposal that under the SLA the charge for pupils that are permanently excluded be set at £15,000 per annum (pro-rata) for 2016/17.</b>                                                                                             |
| <b>3</b>                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>To give a view on the proposal to pilot the devolution of funds to 1 or 2 clusters of primary schools as of September 2016.</b>                                                                                                                           |
| <b>4</b>                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>To note that the implementation of this model will require £5.2m from the DSG reserve over the next 5 financial years. Of this, £0.825m is funding previously ring-fenced for relocation of the PRU which is now being re-allocated for this purpose.</b> |

**1 REASONS FOR RECOMMENDATIONS**

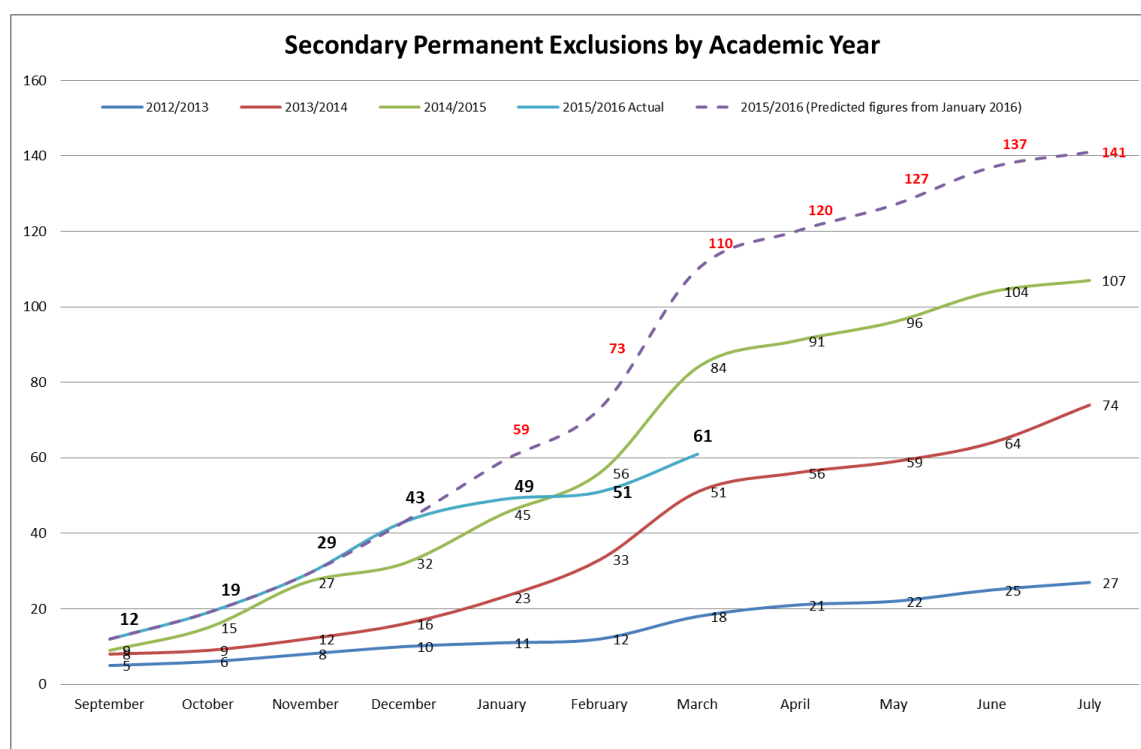
- 1.1 The current system is inequitable and is not financially sustainable.
- 1.2 The intention behind these recommendations is to put schools in charge of commissioning alternative provision to support pupils at risk of permanent exclusion in their schools. This is consistent with the national direction of travel as outlined in the White Paper and National Funding Formula and High Needs consultations.
- 1.3 It is envisaged that there will be improved educational outcomes as a result of this approach as outlined in paragraph 2.3.
- 1.4 The LA is required to consult Schools Forum over the arrangements for high needs pupils and alternative provision.

## Appendix 2

- 1.5 Consultation has been undertaken with all schools over these proposals. The Nottingham City Secondary Education Partnership (NCSEP) has indicated the agreement of secondary head teachers to the devolution proposals. Interest has been expressed by a couple of groups of primary schools in piloting the new approach in their areas.

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

- 2.1 Within the 2015/16 high needs budget; £2.815m is set aside to fund Denewood and Unity Learning Centres. However, the update presented at Schools Forum on 24 September 2015 outlined the requirement to supplement this budget by up to £1.655m from the DSG reserve.
- 2.2 The annual overspend will continue to grow if the number of permanent exclusions remains in line with the average for the last 3 academic years. Modelling suggested that the cumulative overspend over the next 5 years could reach £14m, which is clearly not affordable.
- 2.3 This academic year (2015/2016) has already seen secondary permanent exclusions above the average for the last 3 years as shown in the graph below. It is important to note that primary permanent exclusions have also risen significantly over the last 3 years including at Key Stage 1.



- 2.4 The proposal is to move to a model of devolution of alternative provision funding to schools.

Under this model, schools have all the funding and make the choice of provision for their pupils. Educational benefits of the new approach are expected to be:

## Appendix 2

- Additional funding available to schools to support early intervention and provide for the needs of pupils.
- Schools can work together to develop good practice and shared resources.
- Funding and resources to support links between primary and secondary to develop transition support.
- Better outcomes for pupils accessing quality education and provision through schools.
- More flexibility to avoid exclusion and speed of support.

2.5 Funding will be devolved to schools based on calculations outlined in paragraphs 5.4 to 5.7.

2.6 This funding will be attached to conditions outlined in a Service Level Agreement (SLA). This will include the requirement for schools to meet the ongoing costs of provision for all pupils including those that they permanently exclude. Devolved funding will be adjusted to reflect a charge for any pupils permanently excluded after 1<sup>st</sup> April 2016. The proposal is for this charge to be £15,000 (pro-rata) in 2016/17 whilst PRU unit costs are being managed downwards. In future years the charge will be aligned to the full cost.

2.7 Secondary heads are in the process of reviewing and providing feedback on the detailed contents of the SLA. It will not be possible to release funding until there is an agreed SLA and all schools have signed up. Equally, from a Local Authority perspective the proposals will require formal approval at the May Executive Board.

2.8 Whilst there will be a slight delay due to the above, the LA is proposing that the devolved funding allocations once released will represent the full April – March financial year 2016/17 funding and the terms of the SLA will state that the allocation is adjusted for a charge on any exclusions from April 1<sup>st</sup> 2016. Delays to the implementation date risk the affordability of the model which has been consulted on.

2.9 There have been 12 secondary permanent exclusions between 27<sup>th</sup> January (which is the cut off data used in the modelling used for consultation with schools) and 31<sup>st</sup> March. The model has been updated to reflect these resulting in an £0.xm additional cost to DSG and £0.xm in reduced allocations to the schools concerned. *[note: this work still to be completed and will be incorporated into the final report]*

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

3.1 The proposals have been revised considerably as a result of feedback from schools during the period of consultation.

### **4 OUTCOMES/DELIVERABLES**

4.1 A model which can be taken forward for formal approval and implementation.

### **5 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

5.1 Under the proposed new approach, £2.815m funding that has previously been budgeted for Denewood and Unity PRUs will in future be devolved to schools by formula with the requirement for schools to agree as part of the associated SLA to meet all the costs of provision including those pupils they permanently exclude.

## Appendix 2

High level needs top-up funding for secondary pupils with Social, Emotional and Mental Health issues will be added to the quantum to be devolved by the same formula.

- 5.2 In the transition to the new approach, the high needs budget will need to continue to support costs of provision at the PRUs for pupils previously permanently excluded as well as devolved funding for schools. New devolved allocations will therefore be reduced initially to reflect the costs attributed to these pupils.
- 5.3 This paper recommends the devolution of funding to individual secondary schools from April 2016. The secondary model is based on 75% of the behaviour PRU quantum, (£2.111m) plus £0.127m which represents the 2016/17 SEMH top-up allocations that would otherwise have been delegated to schools.
- 5.4 The following formula will be used to calculate individual secondary school shares of devolved funding for 2016/17:

|                                                                                   |   |                                                                     |   |                                       |   |                                                                                                             |   |                                                                           |                                               |                                                                  |
|-----------------------------------------------------------------------------------|---|---------------------------------------------------------------------|---|---------------------------------------|---|-------------------------------------------------------------------------------------------------------------|---|---------------------------------------------------------------------------|-----------------------------------------------|------------------------------------------------------------------|
| A                                                                                 |   | B                                                                   |   | C                                     |   | D                                                                                                           |   | E                                                                         | F                                             | G                                                                |
| School A<br>% share of<br>total Ever<br>6 FSM<br>secondary<br>pupils *<br>£1.679m | + | School A<br>% share of<br>total<br>secondary<br>pupils *<br>£0.660m | = | School A<br>full<br>devolved<br>share | - | Total PRU<br>pupils<br>excluded<br>from School<br>A * projected<br>cost/pupil at<br>each PRU<br>for 2016/17 | = | School A<br>2016/17<br>devolved<br>share<br>before<br>floor<br>protection | Floor<br>is<br>43%<br>of full<br>share<br>(C) | School A<br>devolved<br>funding<br>equals<br>higher of<br>E or F |

- 5.5 The above formula devolves 75% of the funding based on Ever 6 FSM pupils and 25% based on pupil numbers. This approach is consistent with the proposal to use both deprivation and population factors in distributing funding to LAs for Alternative Provision in the proposed new high needs funding arrangements currently under consultation.
- 5.6 This paper recommends that up to £0.399m be made available for clusters of primary schools interested in conducting a pilot project to test and evaluate a collaborative approach to behaviour during 2016/17. This has been calculated as 25% of the behaviour PRU quantum (£0.703m) less the estimated attributed cost for 2016/17 of the primary pupils currently on roll at Denewood PRU (£0.304m).
- 5.7 The maximum amount available to each primary cluster will be the sum of the individual shares of participating schools based on the 75%:25% Ever 6 and pupil number formula applied to the £0.399m.
- 5.8 Devolved funding will be paid in termly instalments. Secondary schools and participating primary clusters will be responsible under the SLA for meeting costs associated with any pupils they permanently exclude. For 2016/17 it is proposed that the charge against the devolved funding will be £15,000 (pro-rata). This is below full cost and a temporary measure whilst PRU costs are being reduced. In future years the charge will be equivalent of the full PRU cost/pupil.
- 5.9 Devolved funding from 2017/18 will also be reduced to reflect a charge for placing pupils in provision where the high needs budget incurs a £10k per place cost. This includes AP Free school academies after the first 2 years of opening. The pro-rata

## Appendix 2

place cost of pupils accessing the provision during the period April 2016 – March 2017 will be deducted from the 2017/18 devolved formula share.

- 5.10 The projected full cost of pupils in Denewood Learning Centre for 2016/17 is £21,568 and in Unity Learning Centre £18,177. This is reliant on the Learning Centres making significant in-year cost savings. The Schools Forum sub-group had the opportunity to scrutinise the assumptions underpinning these unit costs at the meeting held on 10<sup>th</sup> March. Members of the sub-group wished to record their concerns about uncertainty around the strategy to ensure adequate availability of appropriate provision in the City for these pupils.
- 5.11 Based on the current numbers indicative 2016/17 budgets of £1.541m and £1.920m respectively have been issued to Denewood and Unity Learning Centres.
- 5.12 Top-up funding paid to the PRUs for any pupils permanently excluded after 1<sup>st</sup> April will be paid for mostly from the £15,000 deduction to devolved funding from the excluding school. A contingency of £0.133m to support any shortfall has been created from re-allocation of high level needs funding arising from the closure of Beckhampton PRU.
- 5.13 Modelling shows that the proposals will require an estimated additional £5.165m from the DSG reserve over the next 5 years, of which £2.2m will be required in 2016/17. This reserve requirement is on top of the annual £2.815m budget for the behaviour PRUs. There is £0.825m previously ring-fenced in the reserve for the relocation of the PRU which it is proposed to re-allocate to support these proposals.
- 5.14 This will leave a total of £3.7m un-earmarked in the DSG reserve. [*Note – For final report need to consider a recommendation to ear-mark some extra to cover potential risks*]
- 5.15 The proposals are costly due to the need to simultaneously provide new devolved funding to schools to operate the new arrangements, as well as funding the provision of pupils permanently excluded under the current system. However these proposals will bring the costs back under control. Recent trends in permanent exclusions suggest that the continuation of the status quo would cost significantly more. It is considered that the commissioning of AP directly by schools will lead to higher quality, value for money provision. These proposals would also align in preparation with recent government proposals of schools having a greater involvement with pupils permanently excluded and their outcomes and responsibility for alternative provision (Educational Excellence Everywhere, March 2016).

## **6 LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

- 6.1 Advice to be provided

## **7 HR ISSUES**

- 7.1 Advice to be provided

## **8 EQUALITY IMPACT ASSESSMENT**

Appendix 2

8.1 Has the equality impact of the proposals in this report been assessed?

No

An EIA is not required because:  
(Please explain why an EIA is not necessary)

Yes

Attached as Appendix 1, and due regard will be given to any implications identified in it.

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

9.1

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

10.1 Provision and Services for Pupils with Behavioural, Emotional and Social Difficulties in Nottingham City - An Independent Review, Peter Gray 2015

Educational Excellence Everywhere, March 2016

**EXECUTIVE BOARD – 17 May 2016**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                  |                                                                     |                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------------|
| <b>Subject:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Nottingham City Council's Public Spaces Protection Orders in respect of Dogs                                                                                                     |                                                                     |                                                                     |
| <b>Corporate Director(s)/ Director(s):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Andrew Errington, Director, Community Protection                                                                                                                                 |                                                                     |                                                                     |
| <b>Portfolio Holder(s):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Councillor Nicola Heaton, Portfolio Holder for Community Services                                                                                                                |                                                                     |                                                                     |
| <b>Report author and contact details:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Melanie Fretwell, Community Protection<br><a href="mailto:melanie.fretwell@nottinghamshire.pnn.police.uk">melanie.fretwell@nottinghamshire.pnn.police.uk</a> 07904066858         |                                                                     |                                                                     |
| <b>Key Decision</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                              | <b>Subject to call-in</b>                                           | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| <b>Reasons:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision | <input type="checkbox"/> Revenue <input type="checkbox"/> Capital   |                                                                     |
| Significant impact on communities living or working in two or more wards in the City                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |                                                                     |
| <b>Total value of the decision: N/a</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                  |                                                                     |                                                                     |
| <b>Wards affected: All Wards</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                  | <b>Date of consultation with Portfolio Holder(s): 22 July 2015</b>  |                                                                     |
| <b>Relevant Council Plan Key Theme:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                  |                                                                     |                                                                     |
| Strategic Regeneration and Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                  |                                                                     | <input type="checkbox"/>                                            |
| Schools                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                  |                                                                     | <input checked="" type="checkbox"/>                                 |
| Planning and Housing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                  |                                                                     | <input type="checkbox"/>                                            |
| Community Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                  |                                                                     | <input type="checkbox"/>                                            |
| Energy, Sustainability and Customer                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                  |                                                                     | <input type="checkbox"/>                                            |
| Jobs, Growth and Transport                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                  |                                                                     | <input type="checkbox"/>                                            |
| Adults, Health and Community Sector                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                  |                                                                     | <input type="checkbox"/>                                            |
| Children, Early Intervention and Early Years                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                  |                                                                     | <input type="checkbox"/>                                            |
| Leisure and Culture                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                  |                                                                     | <input checked="" type="checkbox"/>                                 |
| Resources and Neighbourhood Regeneration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                  |                                                                     | <input checked="" type="checkbox"/>                                 |
| <b>Summary of issues (including benefits to citizens/service users):</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                  |                                                                     |                                                                     |
| <p>Dealing with the issue of dangerous and/or out of control dogs and associated anti-social behaviour is a high priority for Nottingham City Council (The Council) across Nottingham and this issue regularly receives coverage in the local press. This includes problems with dog fouling left in public areas by irresponsible dog owners, which is constantly identified by residents as one of their major environmental concerns, and is not only anti-social, but can convey disease including blindness in young children.</p> <p>The Council has considerable evidence of dogs damaging children's playground equipment at numerous sites across the Administrative Area of Nottingham, and reports of dogs causing considerable alarm and distress to park/public open space users and pedestrians generally. The Council has some reports of citizens even being bitten and terrorised by dogs who have not been under the proper control of their owner in public places across the Administrative Area of Nottingham, with over 331 telephone calls to the police during 2015 alone regarding issues with animals.</p> <p>The Council currently has a variety of tools and powers to deal with these issues, however limitations with these tools have been identified, as detailed in paragraphs 3.1 to 3.7 below and these powers do not apply consistently across Nottingham. Existing Dog Control Orders are also subject to transitional provisions and remain in force for a limited period. Government Guidance confirms that Councils can review existing Dog Control Orders to look to simplify the enforcement landscape. It is considered that the proposed Public Spaces Protection Orders (PSPOs), detailed in paragraphs 1.4 to 1.7 of this Report, which it is proposed will replace existing Dog Control</p> |                                                                                                                                                                                  |                                                                     |                                                                     |

Orders (DCOs) and the Nottingham City Council Dog Fouling Order 1998 (the 1998 Order), will assist in reducing and preventing criminal and anti-social acts by excluding dogs from places including children's play areas, requiring Dog Owners to keep their dogs on a lead when walking their dogs on highways and other specified places, and requiring the dogs to be put on a lead when required to do so by Authorised Officers. In addition, if made, Proposed PSPO 4 will also require citizens who walk their dogs in Nottingham to carry equipment to clean up after their dog has fouled and consolidate and extend powers of Authorised Officers to deal with the issue of owners failing to remove their dog's fouling. Breach of a PSPO is a criminal offence, and a fixed penalty notice will be available as an alternative to prosecution.

**Exempt information:**

**State 'None' or complete the following.**

NONE

**Recommendation(s):**

- 1** To note the results of the consultation on the proposal to revoke the following Dog Control Orders made under the Clean Neighbourhoods and Environment Act 2005 (the 2005 Act):
  - (i) The Nottingham City Council Fouling of Land by dogs and dogs on leads by direction (Chediston Vale Open Space and Children's Playground) Order 2011 attached at Appendix 1
  - (ii) The Nottingham City Council (Lenton Abbey Estate) Dogs on Leads Order 2012 attached at Appendix 2
  - (iii) The Nottingham City Council (Lenton Abbey Estate) Fouling of Land by Dogs Order 2012 attached at Appendix 3
  - (iv) The Nottingham City Council (Dales Ward) Fouling of Land by Dogs Dog Control Order 2014 attached at Appendix 4
  - (v) The Nottingham City Council (Dales Ward Urban Areas) Dogs on Leads Dog Control Order 2014 attached at Appendix 5
  - (vi) The Nottingham City Council (Dales Ward) Dogs on Leads by Direction Dog Control Order 2014 attached at Appendix 6
  - (vii) The Nottingham City Council (Dales Ward) Dogs Exclusion Dog Control Order 2014 attached at Appendix 7
  - (viii) The Nottingham City Council (Dales Ward) Dogs on Leads Dog Control Order 2014 attached at Appendix 8.
- 2** To note the results of the consultation on the proposal to make an Order to revoke the Nottingham City Council Dog Fouling Order 1998 made under the Dogs (Fouling of Land) Act 1996 (the 1996" Act) attached as Appendix 9
- 3** To note the results of the consultation on the proposal to introduce the following Public Spaces Protection Orders (PSPOs) :
  - (i) Nottingham City Council Dogs on Leads by Direction Public Spaces Protection Order 2016 (Proposed PSPO 1) as indicated in the draft attached at Appendix 10 for the areas of land within the administrative area of the Council that are open to the air and to which the public are entitled (with or without payment) which are shaded in green on the plan in PSPO 1 (Restricted Area 1);**
  - (ii) Nottingham City Council Dogs on Leads Public Spaces Protection Order 2016 (Proposed PSPO 2) as indicated in the draft attached at Appendix 11 for all land in the administrative area of the Council that is open to the air and to which the public are entitled or permitted to have access (with or without payment) OTHER THAN the land that Proposed PSPO 1 and Proposed PSPO 3 apply to (Restricted Area 2);**



**(iii) Nottingham City Council Dogs Exclusion Public Spaces Protection Order 2016 (Proposed PSPO 3) as indicated in the draft attached at Appendix 12 in respect of:**

- (a) Any clearly demarcated children's play area;**
- (b) Areas designated as being of special scientific interest**
- (c) Areas designated as local nature reserves**
- (d) School Land**  
**(Restricted Area 3).**

**(iv) Nottingham City Council Fouling of Land by Dogs and Requirement to Produce Device for or Other Suitable Means of Removing Dog Faeces Public Spaces Protection Order 2016 (Proposed PSPO 4) as indicated in the draft attachment at Appendix 13 for all land in the administrative area of the Council that is open to the air and to which the public are entitled or permitted to have access (with or without payment) (Restricted Area 4);**

**4** To authorise the Head of Legal Services to make the PSPOs in the form indicated in Proposed PSPO 1, Proposed PSPO 2, Proposed PSPO 3 and Proposed PSPO 4 as indicated in Appendices 10 to 13 attached in respect of Restricted Areas 1 to 4 as detailed in Recommendation 3 (i) to (iv) above, such PSPOs to last for a period of three years from the date that they come into force unless extended or varied, if satisfied that the test in Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 is met, and having regard to the rights of freedom of expression and freedom of assembly,

**5** In the event that a decision is made to make the PSPOs under recommendation (4) above, to set the Fixed Penalty amount for offences committed contrary to the said PSPOs at £70 if paid within 14 days, reduced to £35 if paid within 10 days.

**6** In the event that a decision is made to make the PSPOs under recommendation (4) above, to authorise the revocation of the eight Dog Control Orders referred to in recommendation (1) above and authorise the Head of Legal Services to make an Order as indicated in Appendix 9 to revoke the Nottingham City Council Dog Fouling Order 1998 referred to in recommendation (2) above, the revocations to take effect once the PSPOs made under recommendation (4) above come into force.

**7** In the event that a decision is made to make the PSPOs under recommendation (4) above and the revocation of the eight Dog Control Orders and the making of an Order to revoke the Nottingham City Council Dog Fouling Order 1998, to authorise the Director of Community Protection to carry out the necessary advertisements and arrange for appropriate signage to be erected in accordance with the legislative requirements.

## **1.1 REASONS FOR RECOMMENDATIONS**

1.2 A need has been identified to control various problems associated with dogs in relation to nuisance and annoyance to the public across the Council's administrative area. The problems are often caused by irresponsible dog owners allowing their dogs to intimidate citizens in Nottingham and 'run amok' within the urban areas of Nottingham, and on public open spaces without being under the full control of their owners as detailed in the Background section of this report. Dog fouling has also been one of the major anti-social issues constantly highlighted across all Wards within the administrative area of Nottingham by citizens. The complaints range from dog faeces being left on footpaths,

the smell and even the serious diseases that can be conveyed which can result in blindness.

- 1.3 The Portfolio Holder for Community Services authorised the formal consultation on the potential introduction of the Proposed PSPOs 1 – 4 (Appendices 10 – 13 attached) in respect of dog controls across Nottingham, and the consultation on the proposed revocation of the existing DCOs and the 1998 Order. The Delegated Decision is attached for information under the Published Documents section. The proposed PSPOs contain the following restrictions:-
- 1.4 Nottingham City Council Dogs on Leads by Direction PSPO 2016 (Proposed PSPO 1) attached at Appendix 10 which would make it an offence for a person in charge of a dog(s) to fail to put the dog(s) on a lead when directed to do so by an Authorised Officer for those parts of Nottingham which are shaded in green on the plan in PSPO 1 (Restricted Area 1);
- 1.5 Nottingham City Council Dogs on Leads PSPO 2016 (Proposed PSPO 2) attached at Appendix 11 which would make it an offence for a person in charge of a dog(s) to fail to keep the dog(s) on a lead on all land in the administrative area of the Council that is open to the air and to which the public are entitled or permitted to have access (with or without payment) OTHER THAN the land that Proposed PSPO 1 and Proposed PSPO 3 apply to (Restricted Area 2);
- 1.6 Nottingham City Council Dogs Exclusion PSPO 2016 (Proposed PSPO 3) attached at Appendix 12 which would make it an offence for a person in charge of a dog(s) to allow the dog(s) to enter the following areas within the administrative area of the Council that are open to the air and to which the public are entitled or permitted to have access (with or without payment):
  - a) any clearly demarcated children's play area;
  - b) areas designated as being of Special Scientific Interest. Details of these areas can be viewed at <http://info.nottinghamcity.gov.uk>;
  - c) areas designated as local nature reserves. Details of these areas can be viewed at <http://info.nottinghamcity.gov.uk>, and;
  - d) "School Land" meaning land that which is used for Education as defined by the Education Act 1996, and land that is identified by the Academies Act 2010.(Restricted Area 3)
- 1.7 Nottingham City Council Fouling of Land by Dogs and Requirement to Produce Device for or Other Suitable Means of Removing Dog Faeces PSPO 2016 (Proposed PSPO 4) attached at Appendix 13 which would make it an offence for a person in charge of a dog(s) to:
  - a) fail to remove their dogs faeces forthwith, and to
  - b) fail to produce a device for or other suitable means of removing dog faeces and transporting it to a bin (whether or not the dog has defecated) when asked to do so by an Authorised Officer on land in the administrative area of the Council that is open to the air and to which the public have access (with or without payment) (Restricted Area 4)
- 1.8 Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the 2014 Act) provides the Council with the power to make a PSPO if it is satisfied on reasonable grounds that:

- i. activities carried on in a public place within the Council's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect;
- ii. the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, is, or is likely to be, such as to make the activities unreasonable, and justifies the restrictions imposed.

1.9 It is considered that the restrictions being sought in Proposed PSPOs 1-4 are proportionate, necessary and reasonable. When deciding whether to make requirements or restrictions on dogs and their owners, local Councils needs to consider whether there are suitable alternatives for dogs to be exercised without restrictions. Under the Animal Welfare Act 2006, owners of dogs are required to provide for the welfare needs of their animals and this includes providing the necessary amount of exercise each day. Nottingham City Council have included publicly accessible parks and other public places across the administrative area of the Council which dog walkers can use to exercise their dogs without restrictions save that should the dog be worrying others, Officers can request the dog to be put on a lead for the remainder of the duration that the dog continues to be in the area.

1.10 The effect of the Order PSPO1 will be to ensure that dogs have the space and freedom to exercise off the lead on the specified land across the administrative area of Nottingham which is required under the Animal Welfare Act 2006. The PSPO introduces the additional power to Authorised Officers to request that a dog is only put on a lead if it is worrying other park users or animals which is not an unreasonable request.

1.11 The effect of Order PSPO 2 is to ensure that both the health and safety of dogs and citizens are maintained throughout Nottingham. Dogs will be required to be kept on a lead on the specified land across Nottingham in order to ensure they do not run out into traffic and harm themselves and others and to also ensure that other citizens feel safer walking past dogs who are under the proper control of their owner which will assist in reducing the number of injuries to both dogs, other animals and humans which are caused by dogs who are not under the proper control of their owners.

1.12 The effect of Order PSPO 3 is to exclude dogs from various places in a more official manner than currently in force. Dogs are already excluded from children's playgrounds and it is common practice across Nottingham therefore this will provide no differences to what is currently in place other than to give authorised officers additional powers to tackle irresponsible dog owners who allow their dogs into places where they are excluded.

1.13 The effect of Order PSPO 4 will provide similar powers to the Nottingham City Council's Dog Fouling Order which has been in place for 18 years. The addition of the requirement to produce the means to remove dog faeces supports the City Council's need to keep the streets clean from dog faeces and increase public health and safety by ensuring that dog owners take responsibility of their dog at all times.

1.14 There are exemptions in respect of working dogs including assistance and guide dogs where these powers will not apply.

1.15 The restrictions proposed are therefore reasonable, proportionate and satisfy the Animal Welfare Act 2006 whilst also providing the citizens of Nottingham with additional safety from dangerous and uncontrolled dogs. Evidence gathered shows that there are

problems relating to dogs (see background) and that although various powers are already in place (see paragraphs 3.1 to 3.7 of this Report), further action is required.

- 1.16 Breach of a PSPO is an offence, and a FPN will be available as an alternative to prosecution. The level of the FPN can be set locally, and it is proposed that the FPN be set at £70 for breach of all of the proposed PSPOs, reduced to £35 if paid within 10 days.
- 1.17 The proposed PSPOs are not intended to interfere with persons who are being responsible with their dog(s) and the Council has considered the need for dogs to be exercised without restriction as detailed in paragraph 1.9 above.
- 1.18 When considering a PSPO the Council must have particular regard to the rights of Freedom of Expression and Freedom of Assembly set out in Articles 10 and 11 of the Human Rights Convention. The purpose of the proposed PSPOs is to prevent those that are causing evidenced ASB from continuing and to control their dogs in a responsible fashion. It is intended that those going about their business in a peaceful and lawful manner would not be unreasonably affected by the prohibitions in the proposed PSPOs.
- 1.19 If successful, the Council can consider extending the PSPOs for a period of up to a further three years following the expiry of these Orders. There are no limitations as to the number of times that the Council can extend these Orders once made.

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

- 2.1 As stated above, problems across Nottingham have been identified with irresponsible dog owners failing to keep their dogs under control, allowing them to damage public property, and failing to clear up their dogs' mess or even taking appropriate receptacles with them to clear up their dogs' mess. It is recognised that most dog owners are responsible, and the problems identified across Nottingham are not attributed to all dog owners.
- 2.2 The Council has evidence of 23 different children's playgrounds across Nottingham where dogs have damaged play equipment by biting and tearing at the play equipment. The Council also has evidence of damage to trees and other street furniture which appears to have been caused by dogs. Details of the park locations and photographic evidence of the damage caused can be found under the background Papers. In addition, the Council is aware that dogs which are not on a lead have caused alarm and distress to park and open space users across Nottingham, and other public places such as our streets. These problems include people who are exercising their own dogs responsibly, and those without dogs, and include reports of people being bitten by dogs. The Council is aware that 331 reports were made to the police in 2015 alone regarding issues with animals across the administrative area of Nottingham. From these reports, the unreasonable conduct appears to be persistent in its nature, and is undoubtedly having a detrimental effect on the quality of life of those who are affected. In respect of dog fouling, the Council carry out a number of "Dog Fouling" Operations where Community Protection Officers, wearing plain clothes, walk through parks in order to try and identify irresponsible dog owners who do not clean up after their animal. Unfortunately it is very difficult for these operations to be successful in catching irresponsible dog owners at the point where the dog fouls and it is not picked up therefore the addition of PSPO 4 will assist in allowing officers to check that dog owners

are prepared to pick up their dog's faeces and appropriate advice and support will be given in respect of the dangers of dog faeces being left on the streets.

- 2.3 As stated in paragraphs 3.1 to 3.7 below, the Council does have existing powers to deal with dog related problems, however there are gaps with these powers as identified in paragraph 3.4 with regards to dogs on leads and different penalties in different parts of the City.
- 2.4 Before a PSPO can be made consultation must be undertaken in accordance with the 2014 Act and Regulations made under it. The Council has therefore formally consulted on the proposed PSPOs (and revocation of existing DCOs and the 1998 Dog Fouling Order). The Delegated Decision of Councillor Heaton authorising the formal consultation is referred to in the Background Papers. This consultation commenced on 15 October 2015 and concluded on 22 January 2016. The proposed PSPOs were published on the Council's website on 29 October 2015. Full details of the consultation process is detailed in the Report on the responses received from the consultation process on the proposed PSPOs in respect of dogs across the Nottingham City Council's Administrative area at Appendix 14
- 2.5 It is recognised that the most contentious part of the proposed PSPOs is where it directly impacts on the City's parks where many responsible dog owners exercise their dogs off a lead. These are public areas and it is important that the correct balance of use is obtained for all park users; this includes suitable and sufficient areas where dogs can safely be exercised 'off lead' but provides Authorised Officers with the power to require owners to put dogs whom they can see are causing alarm and distress to other park users by being out of control or causing harassment, alarm or distress, on a lead.
- 2.6 When considering whether to implement the proposed PSPOs, Nottingham City Council has consulted with the Chief Officer of Police, the Police and Crime Commissioner, Community Representatives, Park User Groups, members of the Public and any other interested parties. The Council has placed a Notice in the Nottingham Post Lite on 21st October 2015.
- 2.7 Between 16th October 2015 and 22nd January 2016, Nottingham's Community Protection Directorate also carried out extensive consultation with members of the public, park users, local Community Centres, and numerous interested parties like Dog Walker groups across Nottingham.
- 2.8 The Community Protection Officers asked over 1000 members of the public for their views on the proposed PSPOs (responders) and as shown in the report attached at Appendix 14 (the Report) these included a good spread of responders who reside across the Nottingham City area, with some giving addresses from Nottinghamshire County, Derbyshire, Leicestershire and even Peterborough.
- 2.9 As shown in the Report, many of the responders were asked whether they had dogs or not, and where available this information was recorded. Where this information was available approximately 14% stated that they had a dog and approximately 19% stated that they didn't which allowed the Council to obtain as impartial and non-biased a view as possible by interviewing all parties across the board.
- 2.10 There were some responders who did not agree with some of the proposals as can be seen in the Report. However a dozen people were subsequently contacted by telephone by the Council, and it would appear that most either did not understand the proposals or had misinterpreted how they would affect them. As a consequence, all of

those people subsequently spoken to altered their views and became positive about the proposals, in particular the PSPO4 to have the means to pick up dog faeces, agreeing that they would assist in providing a greater sense of security and improving the health and wellbeing of the citizens.

- 2.11 The online questionnaire results had 38 respondents with 31 of those being a dog owner and only 7 not owning a dog.
- 2.12 Overall however over 97.5% of those responding to the questionnaire/speaking to the Community Protection Officers, agreed fully with the four proposed PSPOs with many people stating that they wanted them bringing into force quickly as they felt it would make a very good change to the City, the environment and their safety when out and about on the streets, in the town centres and importantly, when out in the parks and recreational areas of Nottingham.
- 2.13 There were no comments or responses received in respect of the proposed Nottingham City Council Dog Fouling Revocation Order 2015 or the proposal to revoke the eight DCOs currently in force across Nottingham.
- 2.14 After careful consideration of the evidence, the results of the consultation, and the queries raised during the consultation period, which have been addressed above, it is considered that the restrictions being sought in the proposed PSPOs are proportionate, necessary and reasonable. They will also assist in providing a uniform response across the City in respect of Dogs which the current eight DCOs do not provide.
- 2.15 If the Proposed PSPOs are made, signage will be required and these will be installed at prominent places across the administrative area of the Council with particular attention being paid to areas where dogs are excluded to ensure that members of the public understand the Orders fully when they exercise their dogs. All Authorised Officers will be given training on the PSPOs and it will be directed that Officers use the powers proportionately, in the first instance by educating dog owners of the introduction of the new powers and what they mean and giving citizens the chance to get used to them and understand them fully and comply with them. Fixed Penalty Notices will be issued to those citizens who blatantly ignore the Orders and refuse to abide by them.

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

#### **3.1 Doing Nothing:**

There are existing powers to control various problems associated with dogs in (parts of) the administrative area of Nottingham:

#### **3.2 Order under The Dogs (Fouling of Land) Act 1996 (“the 1996 Act”)**

Nottingham City Council made the ‘Nottingham City Council Dog Fouling Order 1998’ (the 1998 Order) under the 1996 Act prior to the repeal of the 1996 Act. This made it an offence to fail to remove dog faeces forthwith from the land that the 1998 Order applies to. This being “*all land to which the public are entitled or permission to have access (with or without payment) and which is not used for agriculture or woodlands and which is not predominately marshland, moor or heath. All carriageways with a speed limit of 40mph or less and adjoining pathways and verges*” The 1998 Order remains in force other than in relation to land that the Council had made DCOs over (see below). A fixed penalty notice is available as an alternative to prosecution for this offence, although limited to £50. The Council consulted on the proposal to revoke the 1998 Order, which must be done by another Order, in order to simplify the enforcement landscape. As

stated at paragraph 2.13 above, the Council did not receive any representations specifically regarding the revocation of the 1998 Order.

### **3.3 The Dog Control Orders under the Clean Neighbourhoods and Environment Act 2005 (the 2005 Act)**

The following DCOs have been made by the Council under the 2005 Act:

- The Nottingham City Council Fouling of Land by Dogs and Dogs on Leads by Direction (Chediston Vale Open Space and Children's Playground) Order 2011 (Appendix 1)
- The Nottingham City Council (Lenton Abbey Estate) Dogs on Leads Order 2012 (Appendix 2)
- The Nottingham City Council (Lenton Abbey Estate) Fouling of Land by Dogs Order 2012 (Appendix 3)
- The Nottingham City Council (Dales Ward) Fouling of Land by Dogs Order 2012 (Appendix 4)
- The Nottingham City Council (Dales Ward Urban Areas) Dogs on Leads Dog Control Order 2014 (Appendix 5)
- The Nottingham City Council (Dales Ward) Dogs Exclusion Dog Control Order 2014 (Appendix 6)
- The Nottingham City Council (Dales Ward) Dogs on Leads by Direction Dog Control Order 2014 (Appendix 7)
- The Nottingham City Council (Dales Ward) Dogs on Leads Dog Control Order 2014 (Appendix 8).

3.4 These DCOs apply to various areas of land which are open to the air and to which the public have access with or without payment as detailed in the DCOs for Lenton Abbey Estate, Dales Ward and in relation to the Chediston Vale open space and play area. Breach of a DCO is an offence and a fixed penalty notice is available as an alternative to prosecution. Section 55 of the 2005 Act has now been repealed, and although the above DCOs could remain in force until 19 October 2017, no new DCOs can now be made. The Greens Windmill area of Nottingham in the Dales Ward is the only area of park and open space where the DCO orders that dogs are kept on a lead at all times. Additionally, the five DCOs in the Dales Ward are set at a different Fixed Penalty Notice amount being £80 with all other DCOs across Nottingham having a Fixed Penalty Notice set at £50. The proposed PSPOs will provide uniformity across the City ensuring equality in respect of enforcement actions being taken. The current DCOs also do not have the power to allow authorised officers to require Dog Walkers to produce a device or other suitable means of removing dog faeces.

### **3.5 Byelaws**

Byelaws such as the Regulations of Dogs at Robin Hood Chase, Dogs at Woodthorpe Park, on the Old Market Square and the Colwick Park Byelaws have been made in Nottingham and where in force, these Byelaws contain various dog controls as detailed in the Orders attached in the background papers, breach of which is an offence. However, as with the DCOs they only apply to limited parts of the administrative area of Nottingham and the maximum fine on conviction in the Magistrates' Court for breach is, at most, a level 2 fine. Currently there is no fixed penalty notice available as an alternative to prosecution.

By virtue of Section 70 of the 2014 Act, existing byelaws that prohibit an activity regulated by a PSPO will be of no effect in relation to the restricted area during the currency of the PSPO.

### 3.6 **Other powers**

There are other powers available to control dogs, such as education and engagement, early intervention using non-statutory measures, Acceptable Behaviour Contracts, Injunctions, Criminal Behaviour Orders, dispersal powers and other dog control legislation for example the Dangerous Dogs Act. Examples of these powers are details in the 'Dealing with irresponsible dog ownership Practitioner's manual' dated October 2014. These powers, other than education, are generally only effective in dealing with specific individuals and incidents, and have been largely ineffective in dealing with the wider issues experienced across Nottingham. Court Orders such as CBOs and Civil Injunctions can be issued, however this approach has also proven costly and time consuming. The Council will continue to be able to use these measures where appropriate.

3.7 The existing powers do not apply consistently across Nottingham, and the large number of different Orders has left a confusing 'patchwork' of powers, particularly in relation to owners who have not removed their dog's faeces from the land forthwith in different parts of Nottingham. Existing DCOs are subject to transitional provisions in any event, and Government Guidance suggests that Councils could review the need for their current orders ahead of that transition to simplify the enforcement landscape. No power currently exists to require owners to carry suitable bags to remove their dogs' faeces in any event.

## 4 **FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

4.1 Proposed PSPOs 1 - 4 would make it an offence to fail to comply with the restrictions contained in the PSPOs without reasonable excuse. Exemptions will be available for disabled owners with assistance dogs in relation to proposed PSPO 4 (dog fouling order) and proposed PSPO 1 (dog exclusion order). Penalties for the offences include a Fixed Penalty Notice being issued, which it is proposed should be set at £70 (with a reduction to £35 if paid within 10 days), or a fine of up to £1000 following prosecution.

4.2 There will be a cost of approximately £469.20 + VAT for putting a Notice in the newspapers as per the requirement for the revocation of the Dog Control Orders and 1998 Order. It is proposed that the Notice will also be used to inform members of the public of the making of the proposed PSPOs.

4.3 There will also be a cost for the signage which will be met by Community Protection. It is estimated that the following signage will be required

Full sign A4 size @75 pieces = £1471.50 (approx.)

Dogs on Leads at all times A4 sign @ 75 pieces = £1471.50 (approx.)

Dogs excluded A5 signs @400 pieces = £412.00 (approx.)

## 5 **LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND INCLUDING LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

### **Legal Comments**



- 5.1 The Council's Constitution states that where a proposed PSPO, in the opinion of the relevant director is significant (for example), the relevant Portfolio Holder is responsible for commencing the consultation process and the Executive Board is responsible for deciding whether to approve the making of the order following consultation. The proposed PSPOs contain restrictions which apply across significant areas of the Administrative Area of the Council, and the Portfolio Holder for Community Services authorised the formal consultation via a Portfolio Holder Decision. This decision therefore appears to be within the remit of Executive Board.
- 5.2 As identified in the Report, PSPOs should only be made where the Council is satisfied on reasonable grounds that the legal test in section 59 of the 2014 Act is met in relation to all of the areas that the proposed PSPOs apply to. The Council can only make prohibitions or requirements which are reasonable to impose in order to prevent or reduce the detrimental effect identified in a public place, or which is likely to be carried on in that place, and is likely will have such an effect.
- 5.3 When deciding whether to make a PSPO the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the Convention (as provided by section 72(1) of the 2014 Act).
- 5.4 The Government Guidance states at page 51 that PSPOs can cover a number of different restrictions and requirements so there should be little need to have overlapping orders in a particular public place. The proposed PSPOs will include some overlapping provisions, but as the proposed PSPOs cover large areas of land, it may be more confusing to try to further separate out the proposed PSPO controls.
- 5.5 The DEFRA Guidance 'Dealing with irresponsible dog owners Practitioner's manual' states at page 45: "Much like with DCOs, if a PSPO restricts access to land used to exercise dogs, it would be reasonable that there is sufficient other land available for exercise without restrictions." The Council should therefore be satisfied that there is sufficient land to exercise dogs in the area to be covered by the proposed PSPO without restriction.
- 5.6 The maximum penalty for committing an offence contained in a PSPO is a level 3 fine, currently £1,000, although the opportunity to pay a fixed penalty notice may be offered instead. The amount of the fixed penalty notice can be fixed locally to a maximum of £100. The Report contains a recommendation to set the level of the FPN, with a reduction where the FPN is paid within 10 days.
- 5.7 As identified in the Report, the Council has undertaken a consultation exercise regarding the proposed PSPOs, which appears to be in compliance with the requirements in the 2014 Act and Guidance. The requirement to consult owners and occupiers of land within the proposed Restricted Areas only applies to the extent that it is reasonably practicable. The Guidance specifically refers to village greens at page 48 and notes that Village Greens receive considerable statutory protection under the 'Victorian Statutes'. However, these do not specifically include dog control. It is not proposed that dogs should be stopped from using Village Green areas within the Council's area, but that they should be put on a lead if required by an Authorised Officer (Proposed PSPO 1), and that the requirements that owners remove their dog faeces and carry suitable receptacles for their dog's faeces (Proposed PSPO 4) would apply there.

- 5.8 The Council should consider any representations received during the consultation when considering whether to make the proposed PSPOs. The consultation responses are summarised in the Report.
- 5.9 The Council should also consider how easy the proposed PSPOs would be to enforce, since failure to properly enforce a PSPO could undermine the effect of the Order. This is likely to be particularly relevant where dogs are excluded from an area, some of which may not be fenced off.
- 5.10 This is a new area of law, and the boundaries are yet to be tested. There is a potential risk that the PSPO could be challenged, and various ways that prosecutions for breach of a PSPO could be challenged, including challenge relating to the sufficiency of signage and/or the validity of PSPOs could be challenged by way of Judicial Review as detailed in section 66 of the 2014 Act, or raised as a possible defence to a prosecution.
- 5.11 If the proposed PSPOs are made, the Council must comply with the Legal requirements contained in the 2014 Act and the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 in relation to signage and publicity.
- 5.12 It is proposed that, if made, the PSPOs will last for a period of three years. Under section 60(1) of the 2014 Act this is the maximum period that a PSPO can have effect for. However, under section 60(2) of the 2014 Act there is provision for the PSPOs to be extended for a further period of up to three years. There is no restriction on the number of times that PSPOs can be extended.
- 5.13 As identified in the Report, there are some existing powers that relate to control of dogs and provide enforcement powers to deal with those who do not remove their dogs' faeces. It is proposed that the existing DCOs and the 1998 Order made under the Dogs (Fouling of Land) Act 1996 are revoked.
- 5.14 Revocation of DCOs
- 5.14.1 The Council has consulted on the revocation of the eight existing DCOs by placing notification of the proposed revocation in a newspaper circulating in the area in which they apply inviting representations to the proposal in accordance with the relevant Regulations. The Council must consider any representations received, and if it is decided that the DCOs should be revoked, the Council must publish a further notice in such a newspaper, and make information about this available on the Council's Website. No further DCOs can be made, and as stated in the Report, existing DCOs are subject to transitional provisions.
- 5.15 Revocation of the 1998 Order made under the Dogs (Fouling of Land) Act 1996
- 5.15.1 The Council has also consulted on the making of an Order to revoke the 1998 Order by placing notification of the proposal in a newspaper circulated in the area in which it applies inviting representations to the proposal. As with the proposed revocation of the existing DCOs, the Council must consider any representations received, and if it is decided that the 1998 Order is revoked, this must be done by Order and a further notice in a newspaper circulating in the area is required.

## 5.16 Byelaws

5.16.1 As stated in the Report, the existing Byelaws only apply to limited parts of the Administrative Area of Nottingham. In addition, Byelaws requiring the removal of dog faeces from land to which the 1998 Order applied will probably now be of no effect. However, there is no proposal to formally repeal those byelaws which are still in force. If the proposed PSPOs are made, the existing byelaws which remain in force which cover the same restrictions as the PSPOs will be unenforceable for the duration of the PSPOs. Byelaws which remain in force and which do not cover the same restrictions as those included in the proposed PSPOs will not be affected.

## 5.17 Crime and Disorder Implications

5.18 Section 17 of the Crime and Disorder Act 1998 places a duty on Councils to do all they reasonably can to prevent crime and disorder. The proposed PSPOs would provide additional powers to deal with the behaviour identified in the Background to the Decision (above), alongside existing powers and legislation.

5.19 Section 2.6 of the Government Guidance states that the Local Authority will want to satisfy itself that these powers are not being used disproportionately or in an arbitrary fashion.

5.20 Officers would use any powers derived from the making of a PSPO fairly and proportionately.

## **6 STRATEGIC ASSETS & PROPERTY COMMENTS (FOR DECISIONS RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE)**

6.1 Not applicable.

## **7 SOCIAL VALUE CONSIDERATIONS**

7.1 The Public Services (Social Value) Act 2012 places a statutory obligation on the Council when procuring services OR mixed contracts (where services in the main component of the procurement) OR a framework agreement to which the Public Contracts Regulations 2006 apply, to consider at the pre-procurement stage whether what is proposed to be procured might improve the economic, social and environmental well-being of its area and how, in conducting the procurement process, it might act with a view to achieving that objective. In identifying any social value considerations, regard should only be had to social value considerations which are relevant and proportionate to the subject matter of the contract. There is also a statutory requirement also at the pre-procurement stage to consider whether to undertake community consultation on these issues.

## **8 REGARD TO THE NHS CONSTITUTION**

8.1 Not applicable

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

9.1 Has the equality impact of the proposals in this report been assessed?

No

An EIA is not required because:  
(Please explain why an EIA is not necessary)

Yes



Attached as Appendix 15, and due regard will be given to any implications identified in it.

## **10 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)**

10.1 Consultation responses

10.2 Consultation Packs.

10.3 Evidence

10.4 Details of damage to play equipment caused by dogs across Nottingham and photographs of damage caused.

## **11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT**

11.1 Dealing with irresponsible dog ownership Practitioner's manual' dated October 2014

11.2 Anti-Social Behaviour, Crime and Policing Act 2014

11.3 Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers statutory guidance for frontline professional July 2014 (Home Office)

11.4 Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014

11.5 Clean Neighbourhoods and Environment Act 2005

11.6 Dog Control Orders (Procedures) Regulations 2006

11.7 Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006

11.8 Control on Dogs (Non-application to Designated Land) Order 2009

11.9 Environmental Offences (Fixed Penalties) (Miscellaneous Provision) Regulations 2007

11.10 Dog Control Orders Guidance on Sections 55 to 67 of the Clean Neighbourhoods and Environment Act 2005 published by DEFRA

11.11 Dog (Fouling of Land) Act 1996

11.12 The Dogs (Fouling of Land) Regulations 1996

11.13 Department of the Environment Circular 18/96 on The Dogs (Fouling of Land) Act 1996

11.14 Byelaws:-

- Byelaws for the regulation of dogs at Woodthorpe Park

- Byelaws for the regulation of dogs at Robin Hood Chase
- City of Nottingham (Control of dogs on roads) Order 1957
- Colwick Park Byelaws
- Dogs on Leads for Old Market Square, Nottingham

11.15 Newspaper advert

11.16 Delegated decision

## **12 OTHER COLLEAGUES WHO HAVE PROVIDED INPUT**

Tamazin Wilson, Legal Services

[tamazin.wilson@nottinghamcity.gov.uk](mailto:tamazin.wilson@nottinghamcity.gov.uk)

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**The Clean Neighbourhoods and Environment Act 2005**

**The Dog Control Orders (Prescribed Offences and Penalties, etc.)  
Regulations 2006 (S.I. 2006/1059)**

**The Nottingham City Council Fouling of Land by Dogs and Dogs on  
Leads by Direction (Chediston Vale Open Space and Children's  
Playground) Order 2011**

Nottingham City Council (in this Order called "the Authority") hereby makes the following Order:

1. This Order comes into force on 1 October 2011
2. This Order applies to the land specified in the Schedule
3. In this Order "an authorised officer of the Authority" means an employee of the Authority who is authorised in writing by the Authority for the purpose of giving directions under this Order.

**Offences**

**Fouling of Land by Dogs**

4. (1) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless –
  - (a) he has a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) Nothing in this article applies to a person who-
  - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
  - (b) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

- (3) For the purposes of this article-
- (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
  - (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
  - (c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
  - (d) each of the following is a "prescribed charity"-
    - (i) Dogs for the Disabled (registered charity number 700454);
    - (ii) Support Dogs (registered charity number 1088281);
    - (iii) Canine Partners for Independence (registered charity number 803680).

#### **Dogs on Leads by Direction**

5. (1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies, he does not comply with a direction given him by an authorised officer of the Authority to put and keep the dog on a lead unless-
- (a) he has a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) For the purposes of this article-
- (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;



- (b) an authorised officer of the Authority may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person on any land to which this Order applies or the worrying or disturbance of any animal or bird.

**Penalty**

6. A person who is guilty of an offence under article 4 or 5 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date: 22nd August 2011

Given under the Common Seal of }  
NOTTINGHAM CITY COUNCIL }



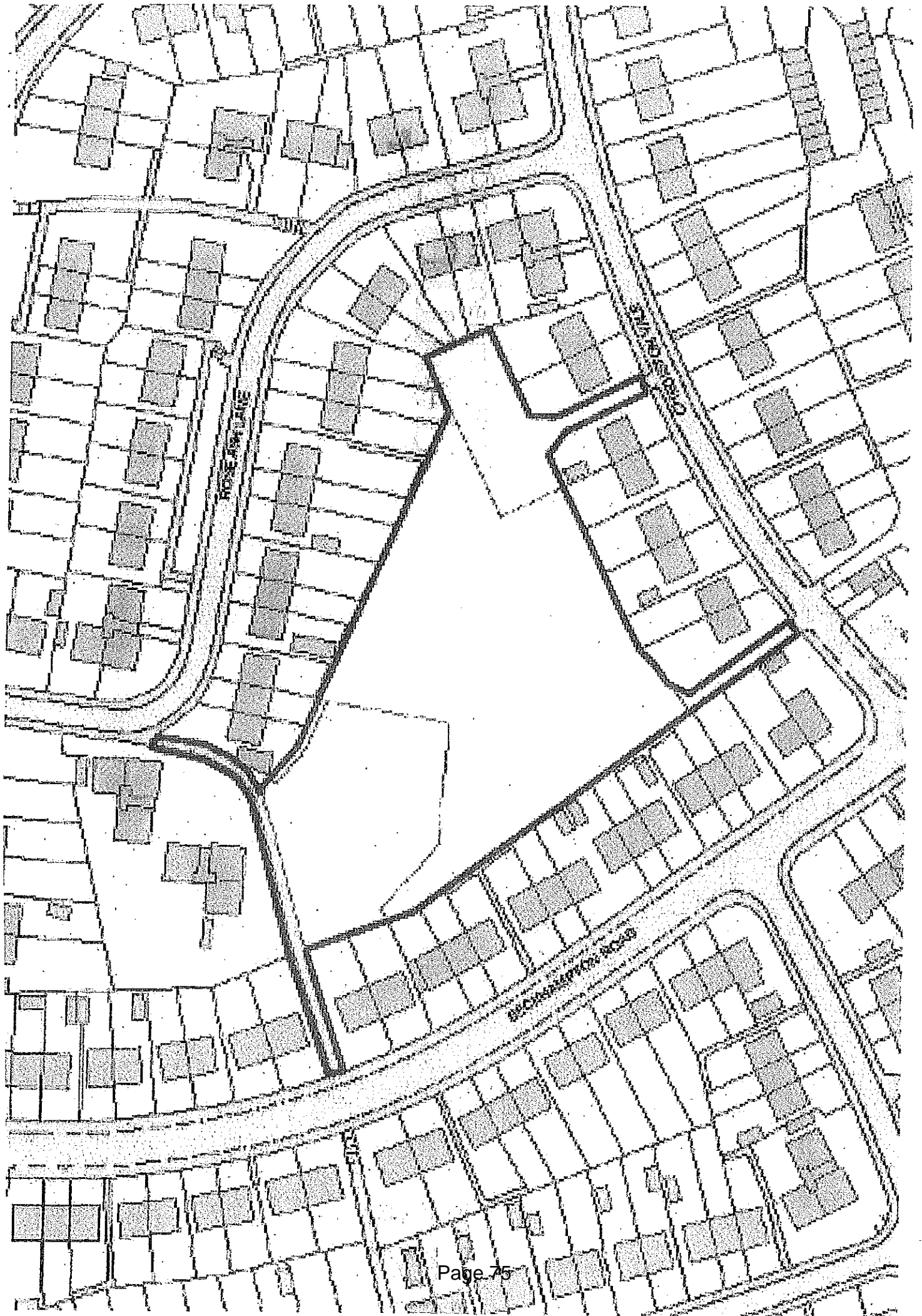
  
Authorised Signatory

## SCHEDULE

This Order applies to:-

1. the Chediston Vale open space and children's playground
2. the footpaths connecting Chediston Vale open space and children's playground to
  - a. Roseash Lane
  - b. Beckhampton Road
  - c. Chediston Vale
3. the car park area and access road from Chediston Vale

as shown edged red on the attached Plan



**The Clean Neighbourhoods and  
Environment Act 2005**

**The Dog Control Orders  
(Prescribed Offences and  
Penalties, etc.)  
Regulations 2006 (S.I. 2006/1059)**

**The Nottingham City Council  
Fouling of Land by Dogs and Dogs  
on Leads by Direction (Chediston  
Vale Open Space and Children's  
Playground) Order 2011**

Nottingham City Council  
Loxley House  
Station Street  
Nottingham  
NG2 3NG

Authority  
Area 2 Committee:  
27 July 2011  
Minute No: 11

# The Clean Neighbourhoods and Environment Act 2005

## The Dog Control Orders (prescribed Offences and Penalties etc) Regulations 2006 (SI 2006/1059)

### The Nottingham City Council (Lenton Abbey Estate) Dogs on Leads Order 2012

The Nottingham City Council hereby makes the following Order:

- 1 This Order comes into force on 24 October 2012.
- 2 This Order applies to the land specified in the Schedule.

#### Offence

- 3 (1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies he does not keep the dog on a lead of not more than 60 inches in length, unless -
  - (a) he has a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) For the purposes of this article a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

#### Penalty

- 4 A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date: 8 October 2012

Given under the Common Seal of }  
NOTTINGHAM CITY COUNCIL }

A handwritten signature in black ink, appearing to be "A. J. ...".

Authorised Signatory



## SCHEDULE

This Order applies to all land open to the air and to which the public are entitled or permitted to have access with or without payment which is delineated by a thick red line on the plan attached to this Order which shall include those places described in Parts 1 and 2 inclusive and in the event of a conflict between the plan attached to this Order and Parts 1 and 2 of this Schedule the plan attached to this Order shall take precedence.

### Part 1

Anslow Avenue  
Arden Close  
Aston Avenue  
Audley Drive  
Austrey Avenue  
Baslow Drive  
Bosley Square  
Charles Avenue  
Enderby Square  
Hathern Green  
Lawley Avenue  
Manton Crescent  
Meriden Avenue  
Olton Avenue  
Varden Avenue  
Wensor Avenue  
Winster Close  
Woodside Road from its junction with the A52 to its junction with Manton Crescent

### Part 2

Lenton Abbey Park including the Tennis Courts and Bowling Green  
Lenton Abbey Green  
St Barnabas Church grounds

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# The Clean Neighbourhoods and Environment Act 2005

## The Dog Control Orders (prescribed Offences and Penalties etc) Regulations 2006 (SI 2006/1059)

### The Nottingham City Council (Lenton Abbey Estate) Fouling of Land by Dogs Order 2012

The Nottingham City Council hereby makes the following Order:

- 1 This Order comes into force on 24 October 2012.
- 2 This Order applies to the land specified in the Schedule.

#### Offence

- 3 (1) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless -
  - (a) he has a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) Nothing in this article applies to a person who -
  - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
  - (b) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
- (3) For the purposes of this article -
  - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
  - (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
  - (c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
  - (d) each of the following is a "prescribed charity" -

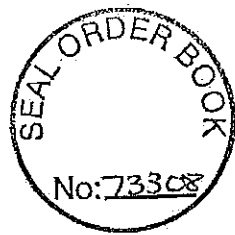
- (i) Dogs for the Disabled (registered charity number 700454);
- (ii) Support Dogs (registered charity number 1088281);
- (iii) Canine Partners for Independence (registered charity number 803680).

**Penalty**

4 A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date: 8 October 2012

Given under the Common Seal of }  
NOTTINGHAM CITY COUNCIL }



A handwritten signature in black ink.

Authorised Signatory



## SCHEDULE

This Order applies to all land open to the air and to which the public are entitled or permitted to have access with or without payment which is delineated by a thick red line on the plan attached to this Order which shall include those places described in Parts 1 and 2 inclusive and in the event of a conflict between the plan attached to this Order and Parts 1 and 2 of this Schedule the plan attached to this Order shall take precedence.

### Part 1

Anslow Avenue  
Arden Close  
Aston Avenue  
Audley Drive  
Austrey Avenue  
Baslow Drive  
Bosley Square  
Charles Avenue  
Enderby Square  
Hathern Green  
Lawley Avenue  
Manton Crescent  
Meriden Avenue  
Olton Avenue  
Varden Avenue  
Wensor Avenue  
Winster Close  
Woodside Road from its junction with the A52 to its junction with Manton Crescent

### Part 2

Lenton Abbey Park including the Tennis Courts and Bowling Green  
Lenton Abbey Green  
St Barnabas Church grounds

**The Clean Neighbourhoods and Environment Act 2005**

**THE Dog Control Orders (prescribed Offences and Penalties, etc)  
Regulations 2006 (SI 2006/1059)**

**The Nottingham City Council (Dales Ward) Fouling of Land by Dogs Dog  
Control Order 2014**

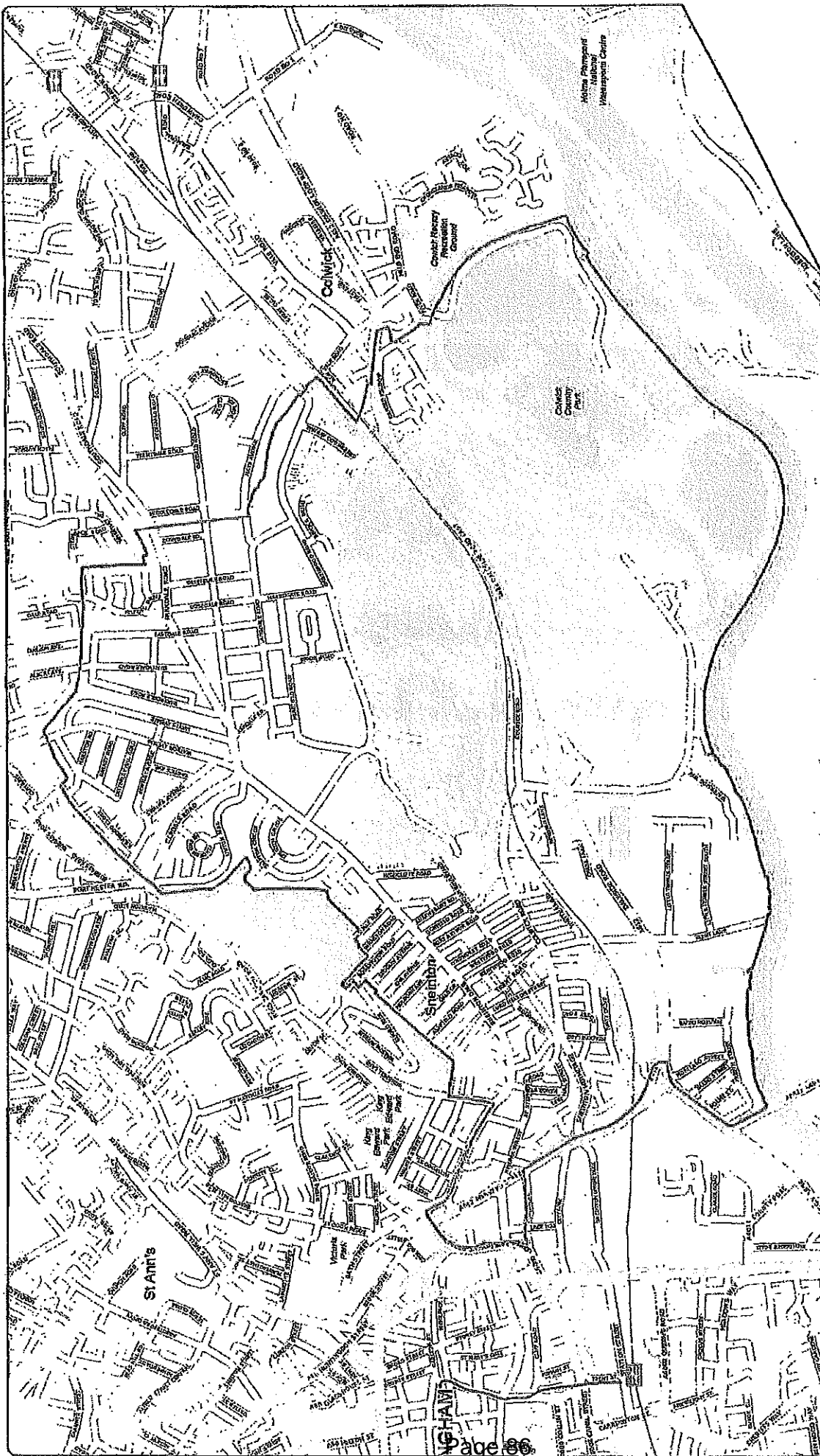
The Nottingham City Council hereby makes the following Order:

- 1 This Order comes into force on 3 July 2014.
- 2 This Order applies to the land specified in the Schedule.

**Offence**

- 3 (1) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless—
  - (a) he has a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) Nothing in this article applies to a person who—
  - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
  - (b) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
- (3) For the purposes of this article—
  - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
  - (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;

# Dales Ward | 'Second Map' – Second Dog Control Order | Dog Fouling



Key

 Dales Ward

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 Esri/Professional imagery from Esri - DigitalGlobe, GeoEye, IGN, Aeriaco, AeroGRID, IGN, SITA, USDA, CNR

*M. J. S. Searcy*  
 M. J. Searcy  
 City Signatory



Nottingham  
 City Council

- (c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
- (d) each of the following is a "prescribed charity"—
  - (i) Dogs for the Disabled (registered charity number 700454);
  - (ii) Support Dogs (registered charity number 1088281);
  - (iii) Canine Partners for Independence (registered charity number 803680).

**Penalty**

4 A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date: 6 June 2014

Given under the Common Seal of }  
NOTTINGHAM CITY COUNCIL }



*M. J. C. Owen*  
Authorised Signatory

## SCHEDULE

This Order applies to all land open to the air and to which the public are entitled or permitted to have access with or without payment which is delineated by a thick red line on the plan attached to this Order which shall include those places described in Parts 1 and 2 inclusive and in the event of a conflict between the plan attached to this Order and Parts 1 and 2 of this Schedule the plan attached to this Order shall take precedence.

### Part 1

|                     |                    |                      |
|---------------------|--------------------|----------------------|
| Ardmore Close       | Dale Grove         | Hollydale Road       |
| Ashdale Road        | Dale Street        | Holme Street         |
| Ashfield Road       | Dale Terrace       | Holroyd Avenue       |
| Ashworth Close      | Dale View Road     | Hoten Road           |
| Aubrey Avenue       | Daleside Road      | Hutton Street        |
| Avon Road           | Daleside Road East | Ipswich Circus       |
| Baden Powell Road   | Davidson Street    | Ivatt Drive          |
| Bakerdale Road      | Dovedale Road      | Jarvis Avenue        |
| Barnet Road         | Durham Avenue      | Jubilee Street       |
| Barnston Road       | Durham Close       | Kentwood Road        |
| Beaumont Street     | Eastdale Road      | Kilby Avenue         |
| Beckford Road       | Eastholme Croft    | Kilnwood Close       |
| Belvoir Hill        | Edale Road         | Kimberley Street     |
| Bendigo Lane        | Ena Avenue         | Kingsley Road        |
| Bentley Avenue      | Evelyn Street      | Kirkdale Road        |
| Bewick Drive        | Eyre Street        | Lady Bay Bridge      |
| Bleasby Street      | Ferndale Grove     | Ladysmith Street     |
| Bowland Close       | Ferndale Road      | Lancaster Road       |
| Bradbury Street     | Findern Green      | Langdale Road        |
| Brand Street        | Finsbury Avenue    | Langham Avenue       |
| Bromfield Close     | Freeth Street      | Lees Hill Footway    |
| Brooklands Road     | Grainger Street    | Lees Hill Street     |
| Candle Meadow       | Granby Villas      | Lichfield Road       |
| Cardale Road        | Greendale Road     | Lille Terrace        |
| Carlton Road        | Greenside Walk     | Lindum Grove         |
| Castle Street       | Greenwood Avenue   | Linton Rise          |
| Catterley Hill Road | Greenwood Road     | Little Tennis Street |
| Chase Park          | Gresley Drive      | Little Tennis Street |
| Chester Road        | Hagley Close       | South                |
| Colwick Road        | Hardstaff Road     | Lord Nelson Street   |
| Comery Avenue       | Harrogate Road     | Lord Street          |
| Cosby Road          | Hemswell Close     | Loughborough         |
| Crabtree Field      | Hereford Road      | Avenue               |
| Cranthorne Drive    | Highcliffe Road    | Lower Eldon Street   |
| Curlew Close        | Holborn Avenue     | Lower Parliament     |
| Dale Farm Avenue    | Holdale Road       | Street               |



Lyndhurst Road  
Mafeking Street  
Manor Avenue  
Manor Street  
Manvers Street  
Marham Close  
Marston Road  
Mays Avenue  
Meadow Grove  
Meadow Lane  
Milford Drive  
Mill View Close  
Millers Green  
Moreland Street  
Nether Close  
Newark Avenue  
Newark  
Crescent  
Newark Street  
Northdale Road  
Notintone Street  
Oakdale Road  
Parkdale Road  
Pasture Close  
Pennyfoot Street  
Perlethorpe  
Avenue  
Plough Lane  
Poplar Street  
Port Arthur Road  
Poulton Drive

Pullman Road  
Racecourse  
Road  
Radbourne  
Road  
Ripon Road  
Roberts Street  
Rosedale Road  
Rossington  
Road  
Rutland Villas  
Sandringham  
Road  
Sedgley Avenue  
Shelford Rise  
Shorwell Road  
Shrewsbury  
Road  
Skipton Circus  
Sneinton  
Boulevard  
Sneinton Dale  
Sneinton  
Hermitage  
Sneinton Hollows  
Sneinton Road  
Southwell Road  
Spring Moor  
St Christopher  
Street  
St Stephens  
Avenue  
St Stephens

Road  
Stanhope Street  
Stanway Close  
Sunnydale Road  
Sutherland Road  
Swains Avenue  
Taylor Close  
Thoresby  
Avenue  
Thoresby Street  
Thurgarton  
Avenue  
Thurgarton  
Street  
Totnes Road  
Trent Lane  
Trent Road  
Victoria Avenue  
Waterside Way  
Watson Avenue  
Weedon Close  
West Moor  
Westwood Road  
Whites Avenue  
Whittier Road  
William Booth  
Road  
Windmill Lane  
Windmill View  
Yarwell Close

## Part 2

Greens Gardens  
Sneinton Walkway  
Greens Windmill  
Port Arthur Road  
Marham Close  
Ashworth Close  
Tricketts Yard  
Bentinck Court  
Greenway  
Milford Drive  
Lees Hill  
Parkdale Road  
Colwick Woods Local Nature Reserve  
Colwick Country Park

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**The Clean Neighbourhoods and Environment Act 2005**

**The Dog Control Orders (prescribed Offences and Penalties, etc)  
Regulations 2006 (SI 2006/1059)**

**The Nottingham City Council (Dales Ward Urban Areas) Dogs on Leads  
Dog Control Order 2014**

The Nottingham City Council hereby makes the following Order:

- 1 This Order comes into force on 3 July 2014.
- 2 This Order applies to the land specified in the Schedule.

**Offence**

- 3 (1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies he does not keep the dog on a lead of not more than 60 inches in length, unless—
  - (a) he has a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) For the purposes of this article a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

**Penalty**

- 4 A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

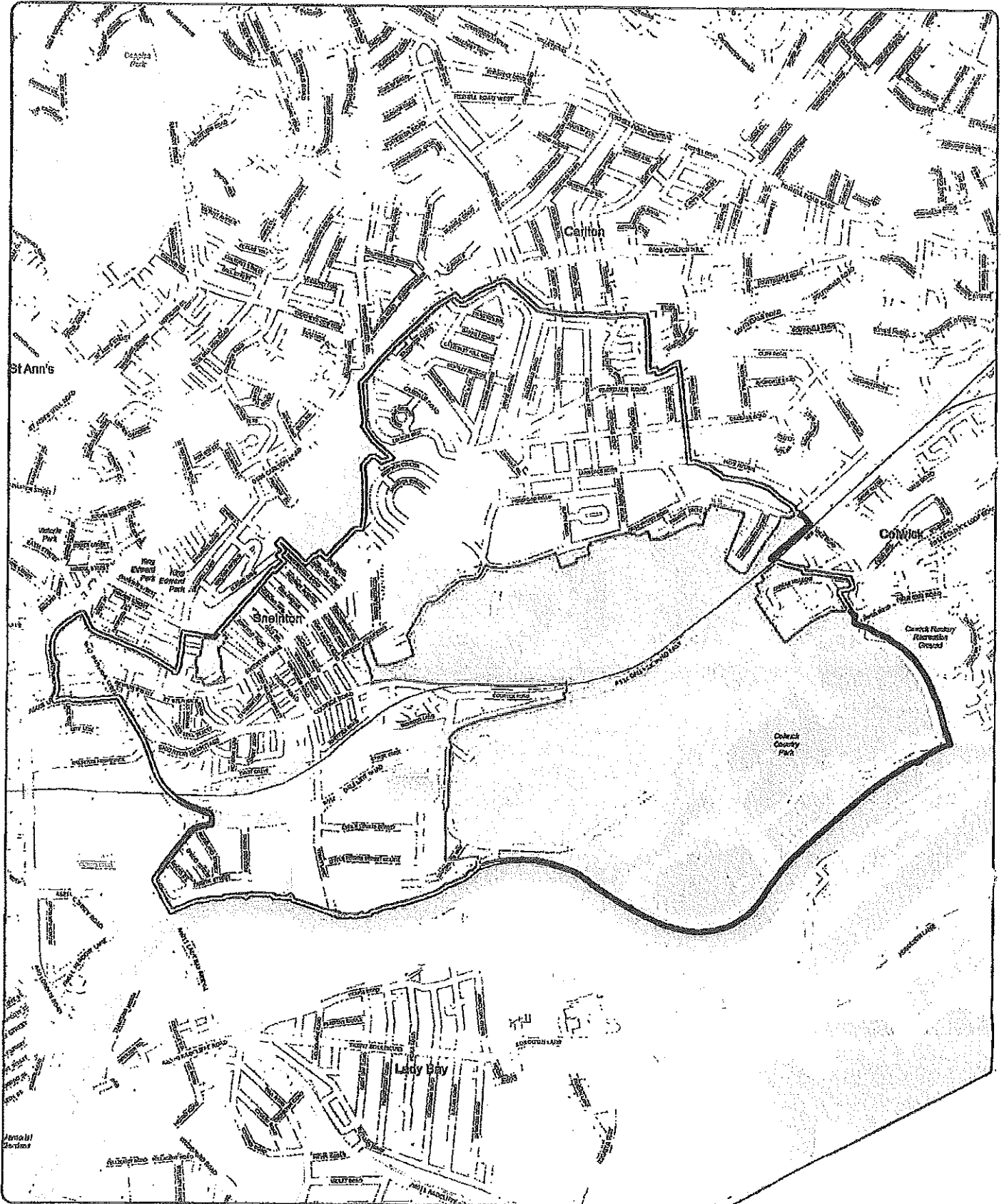
Date: 6 June 2014

Given under the Common Seal of }  
NOTTINGHAM CITY COUNCIL }





  
Authorised Signatory

# Dales Ward | 'First Map' - First Dog Control Order – | Dogs on Leads



## Key

-  Urban Area
-  Dales Ward

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 L:\GIS\Projects\Cartography\00813 - Dog Control Order\_Dales\AS\_DogControlArea\_Urban.mxd GIS Team 23/04/2014

0 125 Meters  
 0 125 Feet



Page 92  
 Authorised Signatory



## SCHEDULE

This Order applies to all land open to the air and to which the public are entitled or permitted to have access with or without payment which is delineated by a thick red line on the plan attached to this Order which shall include those places described in Parts 1 and 2 inclusive and in the event of a conflict between the plan attached to this Order and Parts 1 and 2 of this Schedule the plan attached to this Order shall take precedence.

### Part 1

|                     |                    |                      |
|---------------------|--------------------|----------------------|
| Ardmore Close       | Dale Farm Avenue   | Holborn Avenue       |
| Ashdale Road        | Dale Grove         | Holdale Road         |
| Ashfield Road       | Dale Street        | Hollydale Road       |
| Ashworth Close      | Dale Terrace       | Holme Street         |
| Aubrey Avenue       | Dale View Road     | Holroyd Avenue       |
| Avon Road           | Daleside Road      | Hoten Road           |
| Baden Powell Road   | Daleside Road East | Hutton Street        |
| Bakerdale Road      | Davidson Street    | Ipswich Circus       |
| Barnet Road         | Dovedale Road      | Ivatt Drive          |
| Barnston Road       | Durham Avenue      | Jarvis Avenue        |
| Beaumont Street     | Durham Close       | Jubilee Street       |
| Beckford Road       | Eastdale Road      | Kentwood Road        |
| Belvoir Hill        | Eastholme Croft    | Kilby Avenue         |
| Bendigo Lane        | Edale Road         | Kilnwood Close       |
| Bentley Avenue      | Ena Avenue         | Kimberley Street     |
| Bewick Drive        | Evelyn Street      | Kingsley Road        |
| Bleasby Street      | Eyre Street        | Kirkdale Road        |
| Bowland Close       | Ferndale Grove     | Lady Bay Bridge      |
| Bradbury Street     | Ferndale Road      | Ladysmith Street     |
| Brand Street        | Findern Green      | Lancaster Road       |
| Bromfield Close     | Finsbury Avenue    | Langdale Road        |
| Brooklands Road     | Freeth Street      | Langham Avenue       |
| Candle Meadow       | Grainger Street    | Lees Hill Footway    |
| Cardale Road        | Granby Villas      | Lees Hill Street     |
| Carlton Road        | Greendale Road     | Lichfield Road       |
| Castle Street       | Greenside Walk     | Lillie Terrace       |
| Catterley Hill Road | Greenwood Avenue   | Lindum Grove         |
| Chase Park          | Greenwood Road     | Linton Rise          |
| Chester Road        | Gresley Drive      | Little Tennis Street |
| Colwick Road        | Hagley Close       | Little Tennis Street |
| Comery Avenue       | Hardstaff Road     | South                |
| Cosby Road          | Harrogate Road     | Lord Nelson Street   |
| Crabtree Field      | Hemswell Close     | Lord Street          |
| Cranthorne Drive    | Hereford Road      | Loughborough         |
| Curlew Close        | Highcliffe Road    | Avenue               |

Lower Eldon Street  
Lower Parliament  
Street  
Lyndhurst Road  
Mafeking Street  
Manor Avenue  
Manor Street  
Manvers Street  
Marham Close  
Marston Road  
Mays Avenue  
Meadow Grove  
Meadow Lane  
Milford Drive  
Mill View Close  
Millers Green  
Moreland Street  
Nether Close  
Newark Avenue  
Newark  
Crescent  
Newark Street  
Northdale Road  
Notintone Street  
Oakdale Road  
Parkdale Road  
Pasture Close  
Pennyfoot Street  
Perlethorpe  
Avenue  
Plough Lane  
Poplar Street  
Port Arthur Road

Poulton Drive  
Pullman Road  
Racecourse  
Road  
Radbourne  
Road  
Ripon Road  
Roberts Street  
Rosedale Road  
Rossington  
Road  
Rutland Villas  
Sandringham  
Road  
Sedgley Avenue  
Shelford Rise  
Shorwell Road  
Shrewsbury  
Road  
Skipton Circus  
Sneinton  
Boulevard  
Sneinton Dale  
Sneinton  
Hermitage  
Sneinton Hollows  
Sneinton Road  
Southwell Road  
Spring Moor  
St Christopher  
Street  
St Stephens  
Avenue

Stanhope Street  
St Stephens  
Road  
Stanway Close  
Sunnydale Road  
Sutherland Road  
Swains Avenue  
Taylor Close  
Thoresby  
Avenue  
Thoresby Street  
Thurgarton  
Avenue  
Thurgarton  
Street  
Totnes Road  
Trent Lane  
Trent Road  
Victoria Avenue  
Waterside Way  
Watson Avenue  
Weedon Close  
West Moor  
Westwood Road  
Whites Avenue  
Whittler Road  
William Booth  
Road  
Windmill Lane  
Windmill View  
Yarwell Close

## Part 2

Sneinton Walkway  
Port Arthur Road  
Marham Close  
Ashworth Close  
Greenway (Tricketts Yard)  
Bentinck Court  
Milford Drive  
Lees Hill  
Parkdale Road

**The Clean Neighbourhoods and Environment Act 2005**

**The Dog Control Orders (Prescribed Offences and Penalties, etc)  
Regulations 2006 (SI 2006/1059)**

**The Nottingham City Council (Dales Ward) Dogs on Leads by Direction  
Dog Control Order 2014**

The Nottingham City Council (in this Order called "the Authority") hereby makes the following Order:

- 1** This Order comes into force on **10 October 2014**.
- 2** This Order applies to the land specified in the Schedule.
- 3** In this Order "an authorised officer of the Authority" means an employee of the Authority who is authorised in writing by the Authority for the purpose of giving directions under this Order.

**Offence**

- 4** (1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies, he does not comply with a direction given him by an authorised officer of the Authority to put and keep the dog on a lead of not more than 60 inches in length, unless—
  - (a) he has a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) For the purposes of this article—
  - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
  - (b) an authorised officer of the Authority may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person [on any land to which this Order applies] or the worrying or disturbance of any animal or bird.

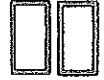
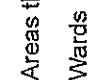
# Dales Ward | Dog Control Order | Dogs on lead by direction order



  
 Authorised Signatory

1:\GIS\Projects\GIS\map\map\00555 - Dog Control Order - Dales Ward\MapInfo\MapInfo.mxd 01/10/2014 10:55:00  
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### Key

-  Areas that may be enforced by officers
-  Wards





**Penalty**

- 5 A person who is guilty of an offence under article 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date: 19 September 2014

Given under the Common Seal of }  
NOTTINGHAM CITY COUNCIL }



  
Authorised Signatory

## **SCHEDULE**

This Order applies to all land open to the air and to which the public are entitled or permitted to have access with or without payment which is delineated by a thick red line on the plan attached to this Order which shall include those places described in Part 1 below and in the event of a conflict between the plan attached to this Order and Part 1 of this Schedule the plan attached to this Order shall take precedence.

### Part 1

**COLWICK WOODS, NOTTINGHAM**  
**COLWICK COUNTRY PARK, NOTTINGHAM**

**The Clean Neighbourhoods and Environment Act 2005**

**The Dog Control Orders (Prescribed Offences and Penalties, etc)  
Regulations 2006 (SI 2006/1059)**

**The Nottingham City Council (Dales Ward) Dogs Exclusion Dog Control  
Order 2014**

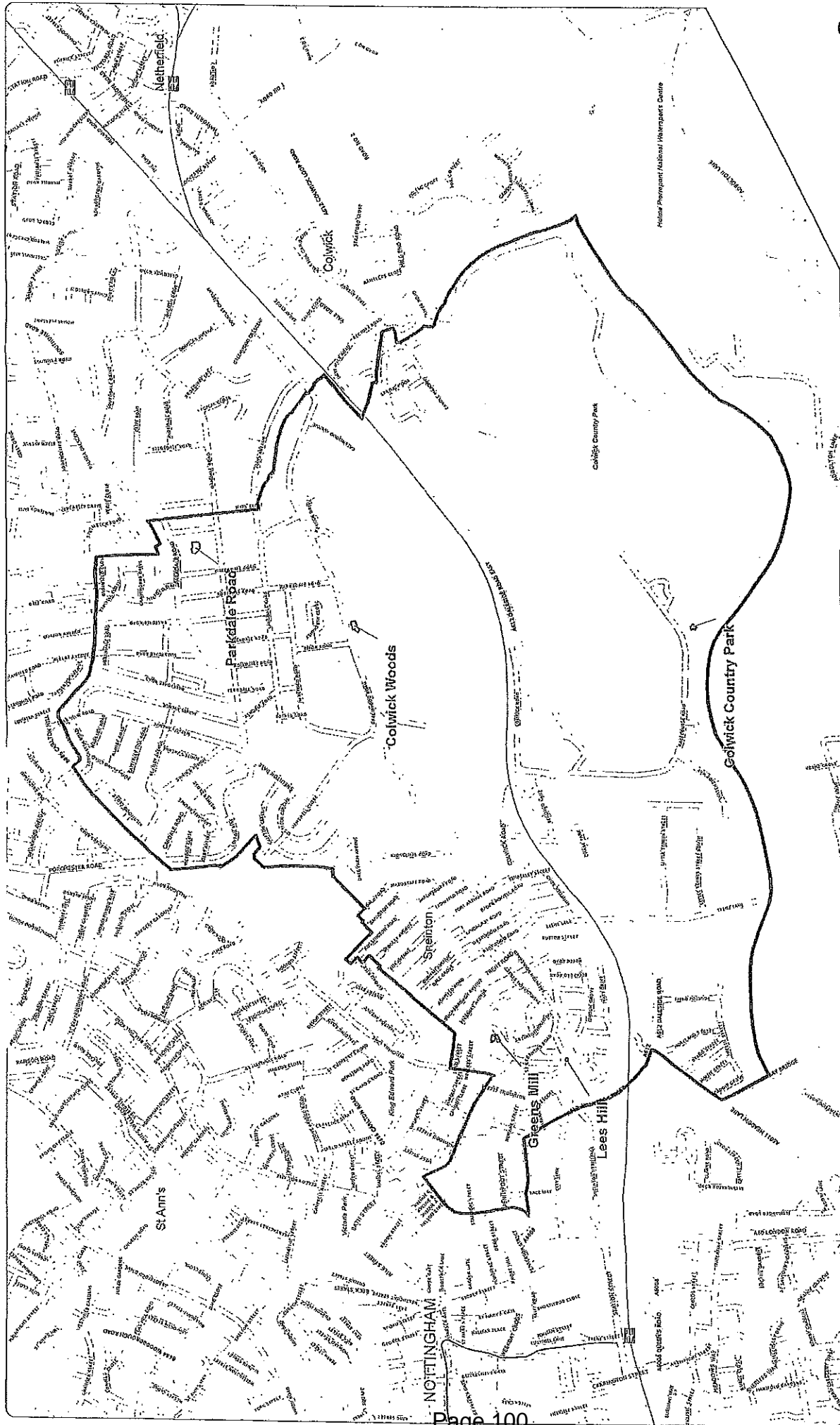
The Nottingham City Council hereby makes the following Order:

- 1 This Order comes into force on **10 October 2014**.
- 2 This Order applies to the land specified in the Schedule.

**Offence**

- 3 (1) A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land to which this Order applies unless—
  - (a) he has a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.
- (2) Nothing in this articles applies to a person who-
  - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
  - (b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
  - (c) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
- (3) For the purposes of this article-
  - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog; and
  - (b) each of the following is a "prescribed charity" –

# Dales Ward | DOGS EXCLUSION



- Key
- Open Spaces
  - Dales Ward

*Muller & Co*  
Authorised Signatories



- (i) Dogs for the Disabled (registered charity number 700454);
- (ii) Support Dogs (registered charity number 1088281);
- (iii) Canine Partners for Independence (registered charity number 803680).

**Penalty**

- 4 A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date: 19 September 2014

Given under the Common Seal of }  
NOTTINGHAM CITY COUNCIL }



  
Authorized Signatory

## SCHEDULE

This Order applies to all land open to the air and to which the public are entitled or permitted to have access with or without payment which is delineated by a red line on the plan attached to this Order which shall include those places described in Part 1 below.

### Part 1

#### PLAYGROUNDS

LEES HILL PLAYGROUND, LEES HILL STREET, SNEINTON,  
NOTTINGHAM

GREENS WINDMILL PLAYGROUND, GREENS WINDMILL, SNEINTON,  
NOTTINGHAM

PARKDALE ROAD PLAYGROUND, PARKDALE ROAD BAKERSFIELD,  
NOTTINGHAM

COLWICK WOODS PLAYGROUND, COLWICK WOODS, COLWICK,  
NOTTINGHAM

COLWICK COUNTRY PARK PLAYGROUND, COLWICK COUNTRY PARK,  
COLWICK, NOTTINGHAM

**The Clean Neighbourhoods and Environment Act 2005**

**The Dog Control Orders (Prescribed Offences and Penalties, etc)  
Regulations 2006 (SI 2006/1059)**

**The Nottingham City Council (Dales Ward) Dogs on Leads Dog Control  
Order 2014 (2)**

The Nottingham City Council hereby makes the following Order:

- 1 This Order comes into force on **10 October 2014**.
- 2 This Order applies to the land specified in the Schedule.

**Offence**

- 3 (1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies he does not keep the dog on a lead of not more than 60 inches in length, unless—
  - (a) he has a reasonable excuse for failing to do so; or
  - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) For the purposes of this article a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

**Penalty**

- 4 A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

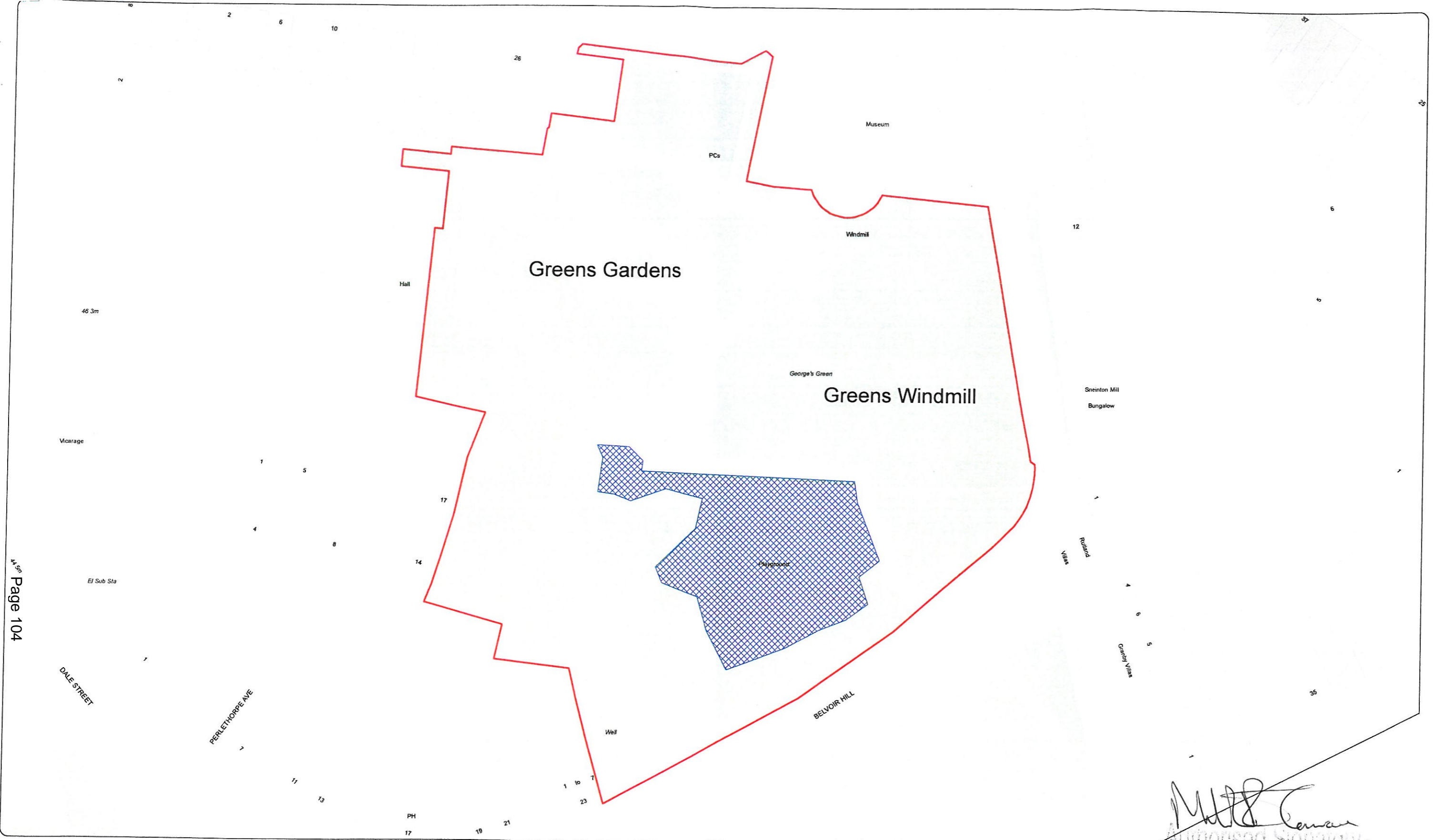
Date: 19 September 2014

Given under the Common Seal of }  
NOTTINGHAM CITY COUNCIL }




  
Authorised Signatory


# Greens Windmill



Page 104

- NAME**
-  Dog Exclusion
  -  Greens Mill

*M. J. Carr*  
Authorised Signatory





## **SCHEDULE**

This Order applies to all land open to the air and to which the public are entitled or permitted to have access with or without payment which is delineated by a red line on the plan attached to this Order which shall include those places described in Part 1 below and in the event of a conflict between the plan attached to this Order and Part 1 of this Schedule the plan attached to this Order shall take precedence.

### Part 1

**THE GREENS WINDMILL, WINDMILL LANE, SNEINTON, NOTTINGHAM  
NG2 4QB**

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**NOTTINGHAM CITY COUNCIL**  
**DOG FOULING REVOCATION ORDER 2015**  
**The Dogs (Fouling of Land) Act 1996**

The Nottingham City Council (in this Order called “the Council”) hereby make the following Order:

1. The Nottingham City Dog Fouling Order 1998 is hereby revoked.
2. This Order may be cited as the Nottingham City Council Dog Fouling Revocation Order 2015 and shall come into force on [insert date].

Given under the Common Seal of}  
NOTTINGHAM CITY COUNCIL }

Authorised Signatory

**The Dogs (Fouling of Land)**

**Act 1996**

**Nottingham City Council**

**Dog Fouling Revocation Order 2015**

Nottingham City Council

Loxley House

Station Street

Nottingham

NG2 3NG

Authority

**NOTTINGHAM CITY COUNCIL DOGS ON LEAD BY DIRECTION  
PUBLIC SPACES PROTECTION ORDER 2016**

**(ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014,  
CHAPTER 2, SECTION 59 – 75)**

1. Nottingham City Council, being satisfied that dogs should be permitted to have access to land where they can be exercised off lead however where dogs are permitted off lead in the Restricted Area they may cause damage to property nuisance annoyance or disturbance to persons or the worrying or disturbance of other dogs other animals or birds which has or is likely to have a detrimental effect on the quality of life of those in the locality, hereby makes the following Order

2. In this Order:-

|                                     |                                                                                                                                                                                                 |
|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Authority                       | means Nottingham City Council                                                                                                                                                                   |
| Authorised Officer of the Authority | means an employee of the Authority who is authorised in writing by the Authority for the purpose of giving directions under this Order                                                          |
| Person in Charge                    | means the person who has the dog in his possession, care or company at the time the Relevant Offence is committed, or if none, the owner or person who habitually has the dog in his possession |
| Relevant Offence                    | an offence under Article 4 of this Order                                                                                                                                                        |
| Restricted Area                     | means the land designated in the Schedule to this Order                                                                                                                                         |

3. This Order comes into force on [insert date] 2016 and remains in effect for a period of three years from that date

**Offence**

4. (1) A Person in Charge of a dog shall be guilty of an offence if, at any time, on any land in the Restricted Area, he does not comply with a direction given him by an Authorised Officer of the Authority to put and keep the dog on a lead, unless;
  - a) he has a reasonable excuse for failing to do so; or



## **SCHEDULE OF LAND**

This Order applies to all land in the administrative area of Nottingham City Council that is open to the air and to which the public have access (with or without payment) which is shaded red on the attached plan numbered 1 attached to this Order and for illustrative purposes shaded red on the plans numbered 2 – 21 attached to this Order which shall include those places described in Part 1 below and in the event of a conflict between the plan numbered 1 attached to this Order and Part 1 of this Schedule, the plan shall take precedence.

For the purposes of this Schedule, land which is covered it to be treated as land which is “open to the air” if it is open to the air on at least one side.

### **Part 1**

Valley Road Park - West  
Totle Close  
Angel Green park  
Tintagel Green Open Space  
St Peter's with St James' Church, Bridge  
King George V Park  
Victoria Embankment  
Lenton Abbey Park  
Firbeck Road Open Space  
Commercial Road Open Space  
Torville Drive Open Space  
Scafell Way Open Space  
King Edward Park  
Strelley Recreation Ground  
Instow Rise Open Space  
Wollaton Park  
Hempsill Lane Recreation Ground  
Highfields Park 2 (University Owned)  
Clifton Playing Fields  
Basford Hall Open Space  
Mountfield Drive Open Space  
Fearnleigh (aka Pennant) Park  
Queens Drive Recreation Ground  
Brewhouse Yard  
Salsbury Square Open Space  
Bilborough Park  
Barton Green open space  
Woodthorpe Grange Park  
Heathfield Road Open Space  
Ruddington Lane park  
Barker Gate Rest Garden

Sunninghill Open Space  
Hood Street Open Space  
Wallen Street Open Space  
Colwick Country Park  
Beechdale Mews  
Nuthall Recreation Ground (Stockhill Lane park)  
John Farr Rest Garden  
Wyton Close (Chronos Richardson)  
Keys Close Green  
Cope Street Open Space  
Cottam Gardens Open Space  
Lenton Recreation Ground  
Hoylake Crescent  
John Carroll Leisure Centre play area  
Hazel Hill Crescent Open Space  
Melbourne Park  
Hayden Garth Open Space  
Independent Street Open Space  
Elm Avenue  
Rise Park Open Space  
Barlock Drive Open Space  
Birchover Recreation Ground  
Bulwell Forest Recreation Ground  
Glenloch Drive Open Space  
Seaford Avenue Open Space  
Britiannia Avenue Open Space  
Greenway Community Centre  
Shakespeare Villas  
Gawthorne Street Open Space  
Hedley Villas  
Vernon Park  
St Mary's Rest Garden  
Broxtowe Country Park verge  
Orchard Court Open Space  
Whitemoor Drive Open Space  
Valley Road Park - Kickabout Area  
Kirkstead Street Open Space  
Lincoln Street Open Space  
Colesbourne Road Open Space  
Poplar Avenue Open Space  
Eastglade Park  
Chalfont Drive open space  
City Heights Open Space  
Christ Church Rest Garden  
Carrington Open Space  
Kennington Road Open Space



Chediston Vale Park  
Boynton Drive  
Lambourne Drive Open Space  
Lenton Priory Park  
Latimer Close Open Space  
King Edward Park - old NECTA building  
Wallis Street Open Space  
Bulwell Hall Park part  
Bulwell Hall Park  
Bobbersmill Open Space  
Hine Hall open space  
Waterloo Promenade  
Chard Street Open Space  
Tricketts Yard Open Space  
Marham Close  
Pearmain Park & Mickleborough Railway  
Cutting  
Waterdown Road Open Space  
Clifton Hall  
Corporation Oaks  
Robin Hood Chase  
Heskey Park  
Irwin Drive Open Space  
Hambling Close Open Space  
Highfields Park 1 (NCC Owned)  
Breckwood Drive Open Space  
Hoewood Road Open Space  
Coppice Recreation Ground  
Marmion Park  
St Peter's Church, Radford  
Oldknow Street Open Space  
Forster Street Open Space  
Meadows Open Space  
Broxtowe Country Park - Lindfield Road Former  
Allotments  
Arboretum  
Edgeway Plantation  
Victoria Park  
Queen's Walk  
Locksley (Groveside) Open Space  
Forest Recreation Ground  
Broxtowe Country Park  
Jersey Gardens  
Pieris Drive open space  
Clifton Central Park  
St Anns Wells Road Open Space  
Parkdale Road Open Space

Southglade Park  
Nottingham Castle  
Bulwell Bogs  
Bramley Road Recreation Ground  
Sandpiper Way Open Space  
Rosedale Drive Open Space  
Radford Bridge Road Open Space  
Sycamore Recreation Ground  
Shipstone Street Open Space  
Newcastle Terrace (The Park) open space  
Whitwell Road Open Space  
Mildenhall Crescent Open Space  
Ragdale Road  
Fernwood Drive (Rushford Drive) Park  
Lancaster Way Open Space  
Landmere Gardens Open Space  
Penn Avenue Open Space - 1  
Penn Avenue Open Space - 2  
Dunkirk Road Open Space  
Leen Valley Open Space  
Broxtowe Country Park section  
Radford Recreation Ground

DRAFT

THE NOTTINGHAM CITY COUNCIL DOGS ON LEAD BY DIRECTION  
PUBLIC SPACES PROTECTION ORDER 2016

(ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, CHAPTER  
2, SECTION 59 – 75)

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**NOTTINGHAM CITY COUNCIL DOGS ON LEADS PUBLIC SPACES  
PROTECTION ORDER 2016**

**(ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014,  
CHAPTER 2, SECTION 59 – 75)**

1. Nottingham City Council being satisfied that dogs which are not on a lead in the Restricted Area can cause road traffic accidents nuisance annoyance disturbance or injury to people or other dogs which has or is likely to have a detrimental effect on the quality of life of those in the locality hereby makes the following Order
2. In this Order:-

|                  |                                                                                                                                                                                                 |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Person in Charge | means the person who has the dog in his possession, care or company at the time the Relevant Offence is committed, or if none, the owner or person who habitually has the dog in his possession |
| Relevant Offence | an offence under Article 4 of this Order                                                                                                                                                        |
| Restricted Area  | means the land designated in the Schedule to this Order                                                                                                                                         |

3. This Order comes into force on [insert date] 2016 and remains in effect for a period of three years from that date

**Offence**

4. (1) A Person in Charge of a dog shall be guilty of an offence if, at any time, on any land in the Restricted Area he does not keep a dog on a lead, unless
  - a) he has a reasonable excuse for failing to do so; or
  - b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so



## **SCHEDULE OF LAND**

This Order applies to all land in the administrative area of Nottingham City Council that is open to the air and to which the public are entitled or permitted to have access (with or without payment) OTHER THAN the land that the Nottingham City Council Dogs Exclusion Public Spaces Protection Order 2015 and the Nottingham City Council Dogs on Leads by Direction Public Spaces Protection Order 2016 apply to.

For the purposes of this Schedule, land which is covered is to be treated as land which is “open to the air” if it is open to the air on at least one side.

DRAFT

NOTTINGHAM CITY COUNCIL DOGS ON LEADS PUBLIC SPACES  
PROTECTION ORDER 2016

(ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 CHAPTER  
2, SECTION 59 – 75)

DRAFT



**NOTTINGHAM CITY COUNCIL DOGS EXCLUSION PUBLIC  
SPACES PROTECTION ORDER 2016**

**(ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014,  
CHAPTER 2, SECTION 59 – 75)**

1. Nottingham City Council, being satisfied that dogs in the Restricted Area may cause danger to themselves danger nuisance annoyance or disturbance to persons damage to property the worrying or disturbance of other animals or birds or harm to public health likely to have a detrimental effect on the quality of life of those in the locality, hereby makes the following Order

2. In this Order:-

|                    |                                                                                                                                                                                                                                          |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Person in Charge   | means the person who has the dog in his possession, care or company at the time the Relevant Offence is committed, or if none, the owner or person who habitually has the dog in his possession                                          |
| Prescribed Charity | means any of the following:-<br><br>(i) registered charity number 700454 (Dogs for the Disabled);<br>(ii) registered charity number 1088281 (Support Dogs);<br>(iii) registered charity number 803680 (Canine Partners for independence) |
| Relevant Offence   | an offence under Article 4 of this Order                                                                                                                                                                                                 |
| Restricted Area    | means the land designated in the Schedule to this Order                                                                                                                                                                                  |

3. This Order comes into force on [insert date] 2016 and remains in effect for a period of three years from that date



## **SCHEDULE OF LAND**

This Order applies to the following areas within the administrative area of Nottingham City Council that are open to the air and to which the public are entitled or permitted to have access (with or without payment):

1. Any clearly demarcated children's play area;
2. Areas designated as being of special scientific interest. Details of these areas can be viewed at <http://info.nottinghamcity.gov.uk>
3. Areas designated as local nature reserves. Details of these areas can be viewed at <http://info.nottinghamcity.gov.uk> and
4. "School land" meaning land that is used for Education as defined by the Education Act 1996, and land that is identified by the Academies Act 2010.

For the purposes of this Schedule land which is covered is to be treated as land which is "open to the air" if it is open to the air on at least one side.

NOTTINGHAM CITY COUNCIL DOGS EXCLUSION PUBLIC SPACES  
PROTECTION ORDER 2016

(ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, CHAPTER  
2, SECTION 59 – 75)

DRAFT

**NOTTINGHAM CITY COUNCIL FOULING OF LAND BY DOGS AND  
REQUIREMENT TO PRODUCE DEVICE FOR OR OTHER SUITABLE  
MEANS OF REMOVING DOG FAECES PUBLIC SPACES  
PROTECTION ORDER 2016**

**(ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014,  
CHAPTER 2 SECTION 59 – 75)**

1. Nottingham City Council being satisfied that dog faeces which is not removed from land forthwith has a detrimental effect on the quality of life of the general public in the locality of the Restricted Area, the public health implications of dog faeces being well documented hereby makes the following Order
2. In this Order:-

|                                     |                                                                                                                                                                                                                                                                                                         |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Authority                       | means Nottingham City Council                                                                                                                                                                                                                                                                           |
| Authorised Officer of the Authority | means an employee of the Authority who is authorised in writing by the Authority for the purpose of Article 5 of this Order                                                                                                                                                                             |
| Person in Charge                    | means the person who has the dog in his possession, care or company at the time the Relevant Offence is committed, or, in respect of Article 4 only, if none, the owner or person who habitually has the dog in his possession                                                                          |
| Prescribed Charity                  | means any of the following:-<br><br><ul style="list-style-type: none"> <li>(i) registered charity number 700454 (Dogs for the Disabled);</li> <li>(ii) registered charity number 1088281 (Support Dogs);</li> <li>(iii) registered charity number 803680 (Canine Partners for Independence).</li> </ul> |
| Relevant Land                       | the piece of land in the Restricted Area where the fouling occurred for the purposes of Article 4                                                                                                                                                                                                       |
| Relevant Offence                    | an offence under Article 4 or 5 of this Order                                                                                                                                                                                                                                                           |
| Restricted Area                     | means the land designated in the Schedule to this Order                                                                                                                                                                                                                                                 |

3. This Order comes into force on [insert date] 2016 and remains in effect for a period of three years from that date

## **Offences**

### **Fouling of Land by Dogs**

4.
  - (1) If a dog defecates at any time on land in the Restricted Area and the Person in Charge of the dog at that time fails to remove the faeces from the Relevant Land forthwith, that person shall be guilty of an offence unless
    - a) he has a reasonable excuse for failing to do so; or
    - b) the owner, occupier or other person or authority having control of the Relevant Land has consented (generally or specifically) to his failing to do so
  - (2) For the purposes of this Article –
    - a) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;
    - b) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces

### **Failure to produce device for or other suitable means of removing dog faeces on demand**

5. A Person in Charge and in the company of a dog on the Restricted Area shall be guilty of an offence if, on the request of an Authorised Officer of the Authority he fails to forthwith produce a device for or other suitable means of removing dog faeces and transporting it to a suitable waste disposal receptacle (whether or not the dog has defecated) unless
  - a) he has a reasonable excuse for not doing so

## **Exemptions**

6. Nothing in Articles 4 and 5 applies to a person who –
  - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
  - (b) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move



## **SCHEDULE OF LAND**

This Order applies to all land in the administrative area of the Authority that is open to the air and to which the public are entitled or permitted to have access (with or without payment). For the purposes of this Schedule land which is covered is to be treated as land which is “open to the air” if it is open to the air on at least one side.

DRAFT



THE NOTTINGHAM CITY COUNCIL FOULING OF LAND BY DOGS AND  
REQUIREMENT TO PRODUCE DEVICE FOR OR OTHER SUITABLE  
MEANS OF REMOVING DOG FAECES PUBLIC SPACES PROTECTION  
ORDER 2016

(ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, Chapter 2,  
SECTION 59 – 75)

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**REPORT ON**

**THE RESPONSES RECEIVED FROM**

**THE CONSULTATION PROCESS ON**

**THE PROPOSED PUBLIC SPACES**

**PROTECTION ORDERS IN RESPECT**

**OF DOGS**

**ACROSS THE NOTTINGHAM CITY**

**COUNCIL'S ADMINISTRATIVE AREA**

**REPORT COMPILED BY**  
**MELANIE FRETWELL**  
**PRINCIPAL ENFORCEMENT OFFICER**  
**COMMUNITY PROTECTION**

**DATE 9<sup>TH</sup> FEBRUARY 2016**

Melanie Fretwell



**NOTTINGHAMSHIRE**  
**POLICE**  
PROUD TO SERVE



**Nottingham**  
**City Council**

## Report

This report outlines the responses received following the consultation process which commenced on 16<sup>th</sup> October 2015 in respect of:

- The proposals to revoke the Nottingham City Council Dog Fouling Order 1998
- The eight Dog Control Orders implemented at various times and in various parts of Nottingham City
- Replace these with four Public Spaces Protection Orders:-
  1. Nottingham City Council Dogs on Leads by Direction Public Spaces Protection Order 2016
  2. Nottingham City Council Dogs on Leads Public Spaces Protection Order 2016
  3. Nottingham City Council Dogs Exclusion Public Spaces Protection Order 2016
  4. Nottingham City Council Fouling of Land by Dogs and Requirement to Produce Devices for or Other Suitable Means of Removing Dog Faeces Public Spaces Protection Order 2016

The consultation ended on 22<sup>nd</sup> January 2016. During this period, over 1000 people who live in, work in or visited Nottingham engaged in the consultation process and responded to the questionnaire. A copy of the consultation document is attached as appendix 1

Chapter 2 Section 72 (3) of the Anti-Social Behaviour Crime and Policing Act 2014 states that

72 (3) a local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any) before –

- (a) Making a public spaces protection order,
- (b) Extending the period for which a public spaces protection order has effect, or
- (c) Varying or discharging a public spaces protection order.

72 (4) in subsection (3) –

“the necessary consultation” means consulting with –

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- (a) The chief officer of police, and the local policing body, for the police area that includes the restricted area;
- (b) Whatever community representatives the local authority thinks it appropriate to consult;
- (c) The owner or occupier of land within the restricted area;

“the necessary publicity” means –

- (a) In the case of a proposed order or variation, publishing the text to it
- (b) In the case of a proposed extension or discharge, publicising the proposal;

“the necessary notification” means notifying the following authorities of the proposed order, extension variation or discharge –

- (a) The parish council or community council (if any) for the area that includes the restricted area;
- (b) In the case of a public spaces protection order made or to be made by a district council in England, the county council (if any) for the area that includes the restricted area.

In satisfying the requirement to consult with the Chief Officer of Police for the policing area, an e-mail was sent to SUPT Mike Manley of Nottinghamshire Police who is the Policing representative for the Nottingham City Council’s administrative area. This was followed up by a meeting between Steve Stott, ASB Manager for Community Protection and SUPT Mike Manley whereupon SUPT Manley confirmed his support for the proposals verbally. Additionally, in satisfying this requirement, an e-mail was also sent to the Police and Crime Commissioner’s Office who responded stating

*“On behalf of the Commissioner I can state that he supports these proposals. He has made a commitment to reduce ASB (which also includes this form of antisocial behaviour) and supports the use of all available powers to enforce such breaches.”*

In satisfying the requirement to consult with community representatives within Nottingham City, on 16<sup>th</sup> October 2015 I sent letters by 1<sup>st</sup> class Royal Mail to all schools listed across Nottingham. I also sent letters to all the Community Centres listed across Nottingham. I sent letters to all libraries listed and all Sports Centres listed across Nottingham. I have also sent e-mails via the Nottingham Parks Association to all Park User Groups including copies of the consultation paperwork for them to respond to the consultation.

Additionally, we set up an online questionnaire for citizens to log into the City Council’s website and respond to the consultation.

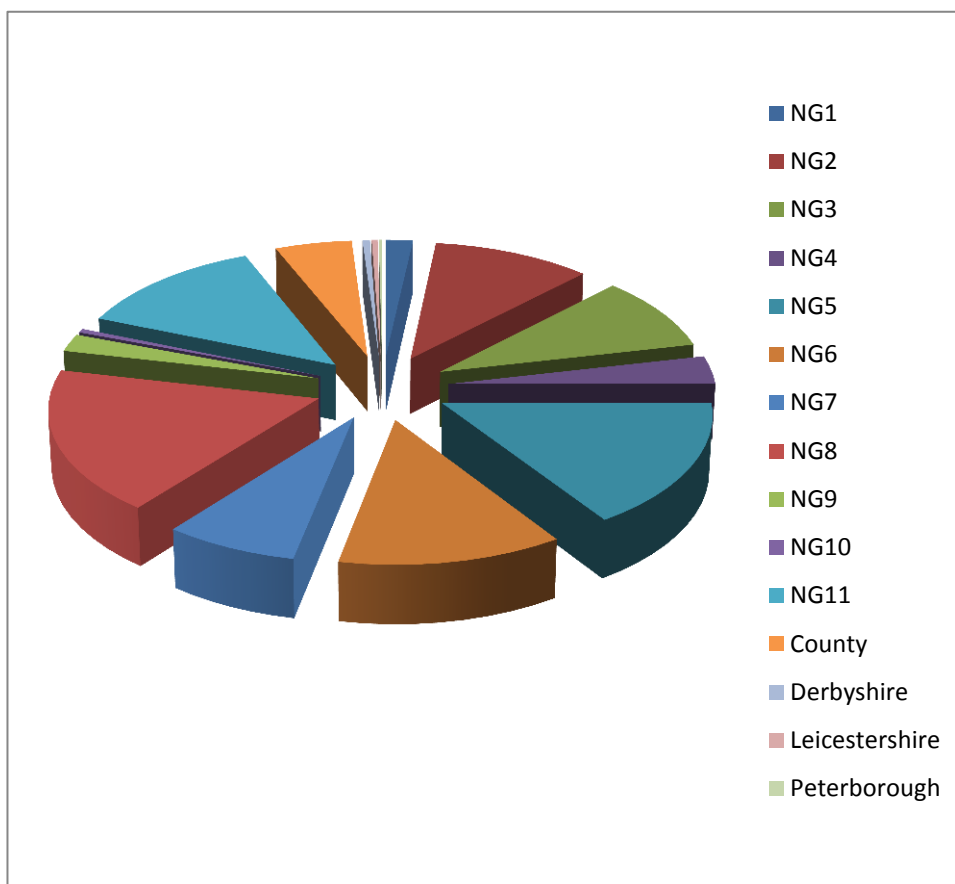
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In addition to the above, Nottingham City Council's Community Protection Officers carried out a significant portion of the consultation by visiting the local towns, libraries, community centres and speaking with members of the public out and about around Nottingham to ask their opinion on the proposals.

In total, well over 1000 citizens responded to the consultation.

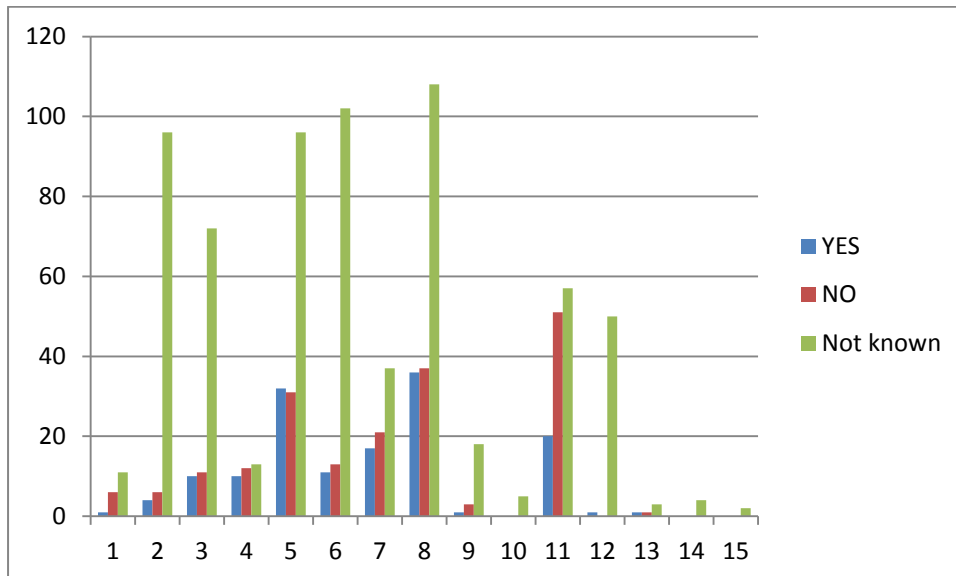
The below graph shows the area in which the respondents reside. As can be seen by this graph, there is a good spread of respondents from across the city including some from the County and even some respondents from Derbyshire, Leicestershire and Peterborough. It is likely that these respondents work within the City Boundary.



Although not forming part of the original consultation questionnaire, the Community Protection Officers asked respondents whether they had a dog or not. I found this to be very useful in assessing whether we were targeting dog owners or getting a good representation of respondents across the board.

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Out of the 1010 respondents, 144 of those stated that they did own a dog, 192 stated that they did not own a dog and 674 either did not wish to state whether they owned a dog or the Community Protection Officer did not ask for the information



**PSPO 1 the Nottingham City Council Dogs on Leads by Direction Public Spaces Protection Order 2016.**

On looking at the first proposal, the “Nottingham City Council Dogs on Leads by Direction Public Spaces Protection Order 2016” we can see that out of the 1010 respondents that were interviewed by the Community Protection Officers, 988 respondents stated that they agreed with the implementation of this proposed Public Spaces Protection Order with only 22 respondents stating that they did not agree.

Having read through the responses carefully I have noted that the only concerns that are being raised in respect of these proposals are those where some respondents have raised concerns about the opinion of the Officer at the time. When it has been explained to the respondent that an Officer would discuss the concerns being caused by the dog being exercised off lead in the park prior to asking the dog walker to put the dog on the lead and it would only become an offence if the dog walker refused to comply with this request, the respondents were satisfied and responded in favour of the proposal.

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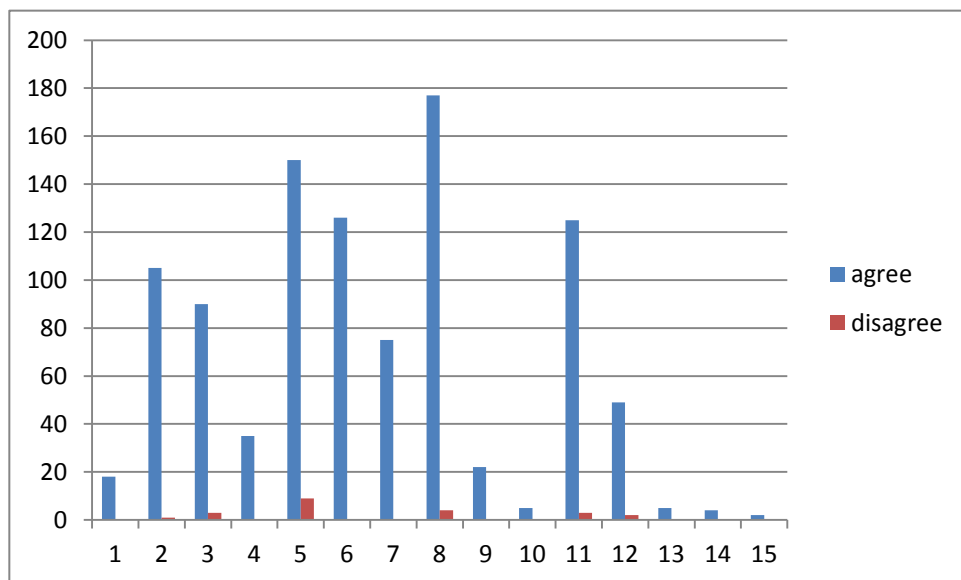


## Some other comments made in the negative included

- “It’s the council wanting even more control of people. It will be CCTV in every corner soon”
- “I don’t agree with any of it as it’s all about control”

## Some of the Positive Comments included

- It seems a good idea and one I would go along with
- Sounds a very useful power
- It’s the first I have heard of it but I agree it is useful
- A good idea if we have it brought in
- Very good, the sooner this is done the better
- Please get this done ASAP
- I agree with it as a way of making the owner responsible
- This sounds a good idea on the face of it
- A good idea if it stops bad owners
- This sounds a good idea
- I would support the idea if it targets the right people
- My dog’s been attacked by other dogs and owners have refused to put them on a lead
- Big dogs should be on the lead as I’m very scared of dogs
- As long as the authorised officer is only challenging irresponsible dog owners who cannot control their dogs



## PSPO 2 Nottingham City Council Dogs on Leads

On looking at the second proposal, the “Nottingham City Council Dogs on Leads Public Spaces Protection Order 2016” we can see that out of the 1010 respondents

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that were interviewed by the Community Protection Officers, 982 respondents stated that they agreed with the implementation of this proposed Public Spaces Protection Order with only 29 respondents stating that they did not agree.

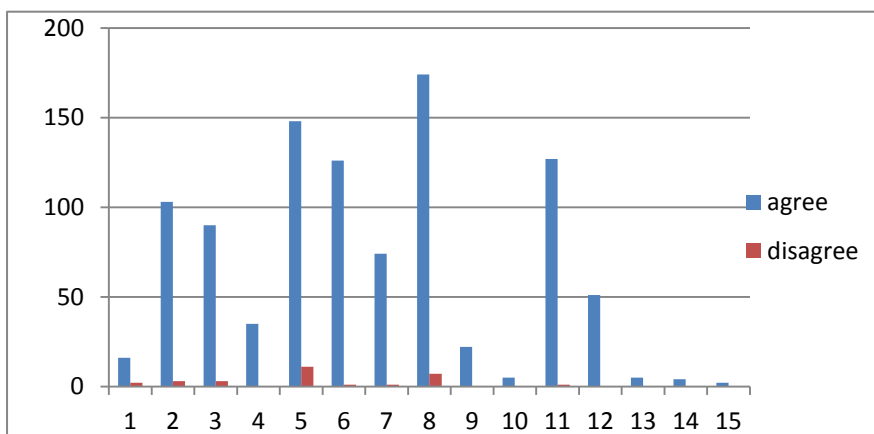
Having looked carefully through the responses given by people who disagreed with this particular proposal, it is clear that the largest proportion of those particular respondents did not understand the proposals. Many of the respondents stated that they did not agree with the proposal because they felt that the dogs should have somewhere to exercise. They did not understand that the proposals were in respect of the urban highways, town centres and pavements with the open spaces and parks being the proposed areas designated as areas where dogs can be exercised off lead. When I have questioned the respondents and explained this in greater detail, they have changed their opinion and stated that they would now be in agreement with the proposals being introduced.

Several of the respondents did not comment as to why they did not agree with this proposal however one of the comments where the respondent did not agree included

- Disagree – they should be on leads in town centres but if they're well trained they should be allowed off the lead on estate streets

#### Positive comments included

- I agree, I do think dog walkers should have bags and leads for the safety of the dog and the public
- My dog's been attacked by other dogs and owners have refused to put them on a lead
- Big dogs should be on the lead as I'm very scared of dogs
- As long as the authorised officer is only challenging irresponsible dog owners who cannot control their dogs
- I would not have an issue with anyone telling me to put my dog on a lead
- They should have to be on a lead by Law
- Forest Fields have dogs I am scared of and I hate it when they aren't on a lead. A lot of the community complain about this



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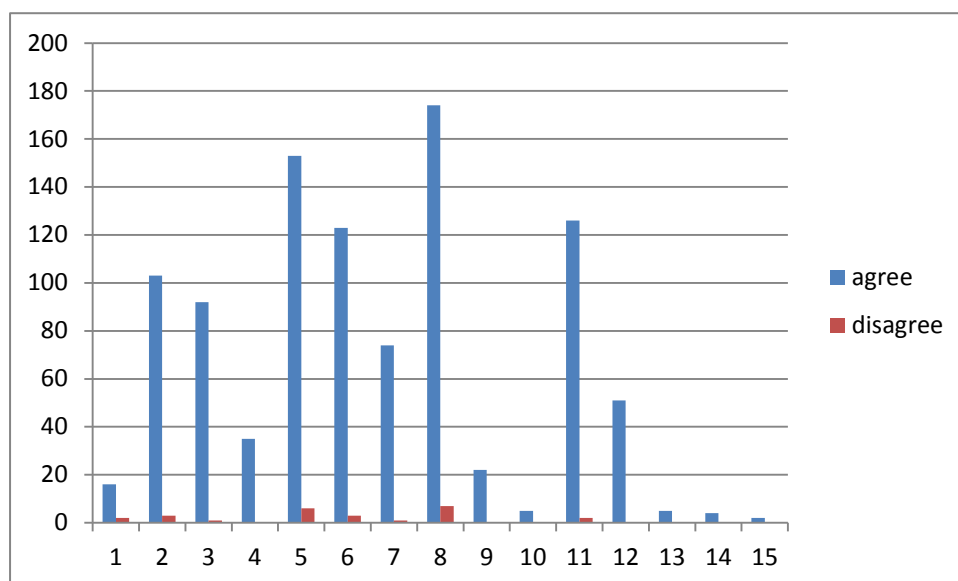
## PSPO 3 Nottingham City Council Dogs Exclusion Public Spaces Protection Order 2016

On looking at the third proposal, the “Nottingham City Council Dogs Exclusion Public Spaces Protection Order 2016” we can see that out of the 1010 respondents that were interviewed by the Community Protection Officers, 985 respondents stated that they agreed with the implementation of this proposed Public Spaces Protection Order with only 25 respondents stating that they did not agree.

This surprised me somewhat as dogs are excluded from Children’s Play Parks regularly by request due to the dangers that dogs and dog faeces pose to children. I therefore questioned a number of these responses and it became clear that many of the respondents were answering by rote purely in a facetious manner. It became apparent that some respondents did not appreciate being asked questions by a “uniformed officer” as they perceived this to signify that they were causing problems personally. Some people were even concerned about being seen speaking with a uniformed officer. As a result, they “disagreed” with everything that was being proposed

Positive comments made include:-

- School land Yes, not sure about the others
- Agree
- Agree – Especially in areas with kids
- Get this approved
- I have always wanted something along these lines implemented I hope it happens
- I’m surprised this isn’t in place already. It’s common sense



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## **PSPO 4 Nottingham City Council Fouling of Land by Dogs and Requirement to Produce Devices for or Other Suitable Means of Removing Dog Faeces Public Spaces Protection Order 2016**

This is perhaps the most contentious of the four proposed Public Spaces Protection Orders and I was particularly interested in the responses received in respect of these proposals however I was pleasantly surprised to note that many people are actually in favour of this proposal, particularly the requirement to have the means of removing dog faeces with several of the respondents narrating how they have been affected by dog poo when out on the streets of Nottingham.

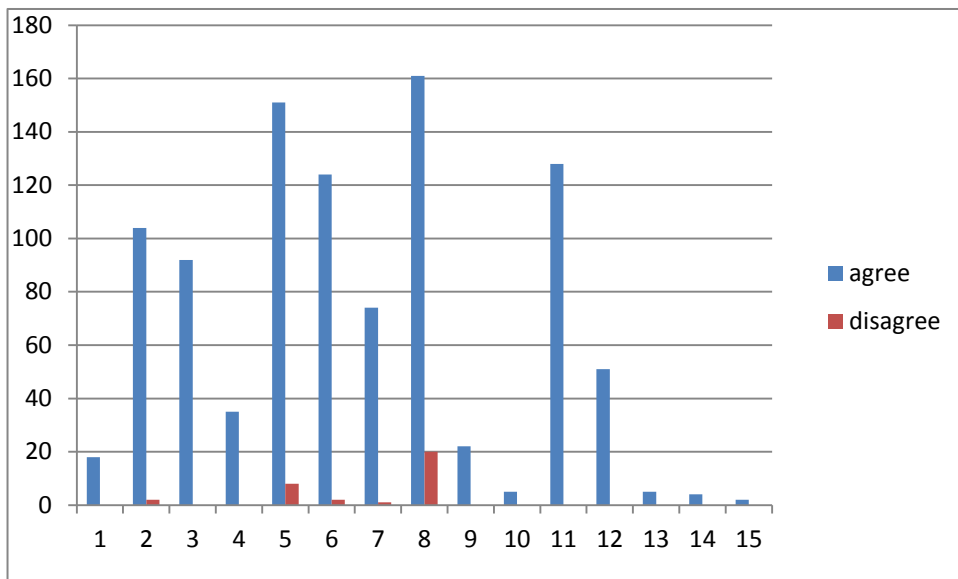
One of the main disagreements to come out of this included a comment in respect of the requirements to produce a device or other suitable means of removing the dog faeces and the comments made included several people questioning what would happen if they had used up all of the dog poo bags during the walk and they were on their way home.

- Disagree they may have forgotten them or used them all up (dog poo bags)

This proposal was discussed in detail with the respondents and when suggestions were made that they take more than one dog poo bag out with them and always ensure that they keep dog poo bags affixed to the dog lead as a constant reminder to take dog poo bags out with them, respondents appeared to accept this. Many respondents stated that:-

- My area has dog mess problems so I see it as a good idea
- Will make parks etc cleaner
- I agree, I do think dog walkers should have bags and leads for the safety of the dog and the public
- Think responsible dog owners would have bags anyway
- Agree – Dog poo bags should be attached to bins
- Very good proposal on the whole – disagree if the owner has used up their bags and is close to home it wouldn't be fair
- I wouldn't be offender to be asked to produce a bag and think this should be the law

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### Responses to the online survey

The online survey responses showed that 38 people visited the web site during the consultation period and completed the questionnaire.

Out of the 38 respondents, 31 of them stated that they were dog owners and 7 stated that they were not dog owners.

The online survey was slightly different to the public consultation questionnaire and the report from the online survey is attached in the background documents section of the main report

Overall, a significant proportion of the citizens in Nottingham responded to the consultation via a variety of methods and the responses have been overwhelmingly positive with the small proportion of those not initially in agreement, changing their views once they have been provided with more information and the proposals have been made clearer to them.

Melanie Fretwell

## Equality Impact Assessment Form (Page 1 of 2)

**Title of EIA/ DDM: Public Spaces Protection Orders in respect of Dogs**    **Name of Author: Melanie Fretwell**  
**Department: Commercial and Operations**    **Director: Andrew Errington**  
**Service Area: Community Protection**    **Strategic Budget EIA Y/N (please underline)**  
**Author (assigned to Covalent):**

**Brief description of proposal / policy / service being assessed:**

Implementation of four Public Spaces Protection Orders across the City of Nottingham in respect of Dogs.

1. Nottingham City Council Dogs on Leads by Direction Public Spaces Protection Order 2016
2. Nottingham City Council Dogs on Leads Public Spaces Protection Order 2016
3. Nottingham City Council Dogs Exclusion Public Spaces Protection Order 2016
4. Nottingham City Council Fouling of Land by Dogs and Requirement to Produce Device for or Other Suitable Means of Removing Dog Faeces Public Spaces Protection Order 2016

If approved, then approval will be sought to revoke the Dog Fouling Order of 1998 and the eight Dog Control Orders already in place across Nottingham as they will be replaced by the Public Spaces Protection Orders.

**Information used to analyse the effects on equality:**

Consultation commenced on 16<sup>th</sup> October 2015 and ended 22<sup>nd</sup> January 2016 with over 1100 members of the public responding to the proposals. Over 97.5% of the public were in agreement with the proposals. Some concerns raised appear to have been as a result of a misunderstanding in respect of what is being proposed.

|                                                          | <b>Could particularly benefit</b><br><b>X</b> | <b>May adversely impact</b><br><b>X</b> | <b>How different groups could be affected</b><br>(Summary of impacts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Details of actions to reduce negative or increase positive impact</b><br>(or why action isn't possible)                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------|-----------------------------------------------|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| People from different ethnic groups.                     | <input type="checkbox"/>                      | <input type="checkbox"/>                | <p>The proposals are to introduce Public Spaces Protection Orders (PSPOs) across Nottingham.</p> <p>PSPO 1 is to allow dogs to be exercised freely on parks and open spaces. This is unlikely to have any adverse impact on any group</p> <p>PSPO 2 is to ensure dogs are kept on leads at all times within the urban areas of Nottingham including on streets, public footpaths and in town centres. This is unlikely to have any adverse impact on any group</p> <p>PSPO 3 is to prohibit dogs from entering children's play areas, school</p> | <p>What will be done to reduce negative or increase positive impact. Actions should be SMART (Specific, Measurable, Achievable, Realistic, Timebound) and correspond to identified impacts.</p> <p><b>Actions will need to be uploaded on Covalent.</b></p> <p>There is the potential for these proposals to positively impact all members of the community by increasing public safety, health and well-being through providing the tools and powers to ensure that dogs are kept</p> |
| Men                                                      | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Women                                                    | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Trans                                                    | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Disabled people or carers.                               | <input type="checkbox"/>                      | <input checked="" type="checkbox"/>     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Pregnancy/ Maternity                                     | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| People of different faiths/ beliefs and those with none. | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Lesbian, gay or bisexual people.                         | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Older                                                    | <input type="checkbox"/>                      | <input type="checkbox"/>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

|                                                                                                                                                                                                                              |                          |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| Younger                                                                                                                                                                                                                      | <input type="checkbox"/> | <input type="checkbox"/> | grounds and special areas of scientific interest. This may adversely affect disabled members of the community however there are special exemptions in the Order in respect of disabled people with assistance dogs<br>PSPO 4 is in respect of dog fouling and having the means to pick up after a dog has fouled. This may adversely affect disabled members of the community however there are special exemptions in the Order in respect of disabled people and assistance dogs. | under proper control throughout Nottingham. |
| Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults).<br><br><b><i>Please underline the group(s) /issue more adversely affected or which benefits.</i></b> | <input type="checkbox"/> | <input type="checkbox"/> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                             |

**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:**

Note when assessment will be reviewed (e.g. Review assessment in 6 months or annual review); Note any equality monitoring indicators to be used; consider existing monitoring/reporting that equalities information could form part of.

**Approved by (manager signature):**

The assessment must be approved by the manager responsible for the service/proposal. Include a contact tel & email to allow citizen/stakeholder feedback on proposals.

**Date sent to equality team for publishing:**

Send document or link to:  
equalityanddiversityteam@nottinghamcity.gov.uk

**Before you send your EIA to the Equality and Community Relations Team for scrutiny, have you:**

1. Read the guidance and good practice EIA's  
<http://www.nottinghamcity.gov.uk/article/25573/Equality-Impact-Assessment>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly when this is going to happen.
7. Clearly cross referenced your impacts with SMART actions.



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