



You are hereby summoned to attend a meeting of **CITY COUNCIL**

In the Council Chamber - at the Council House on Monday, 14 November 2016 at 2.00 pm  
to transact the following business

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<b>1 APOLOGIES FOR ABSENCE</b>	
<b>2 DECLARATIONS OF INTERESTS</b>	
<b>3 QUESTIONS FROM CITIZENS</b>	To Follow
<b>4 PETITIONS FROM COUNCILLORS ON BEHALF OF CITIZENS</b>	Verbal Report
<b>5 TO CONFIRM THE MINUTES OF THE LAST MEETING OF COUNCIL HELD ON 12 SEPTEMBER 2016</b>	5 - 22
<b>6 TO RECEIVE OFFICIAL COMMUNICATIONS AND ANNOUNCEMENTS FROM THE LEADER OF THE COUNCIL AND/OR THE CHIEF EXECUTIVE</b>	Verbal Report
<b>7 QUESTIONS FROM COUNCILLORS - TO THE CITY COUNCIL'S LEAD COUNCILLOR ON THE NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AND RESCUE AUTHORITY</b>	To Follow
<b>8 QUESTIONS FROM COUNCILLORS - TO A MEMBER OF EXECUTIVE BOARD, THE CHAIR OF A COMMITTEE AND THE CHAIR OF ANY OTHER CITY COUNCIL BODY</b>	To Follow
<b>9 OVERVIEW AND SCRUTINY ANNUAL REPORT 2015-16</b> Report of the Chair of Overview and Scrutiny Committee	23 - 38
<b>10 AMENDMENTS TO THE CONSTITUTION</b> Report of the Leader	39 - 46
<b>11 DECISIONS TAKEN UNDER URGENCY PROCEDURES</b> Report of the Leader	47 - 52
<b>12 MOTION</b> Motion in the name of Councillor Cat Arnold:	

“Nottingham City Council recognises and values local pharmacies as a vital primary care health service and as an integral part of the fabric of local communities throughout our city.

This City Council notes that:

- community pharmacies in Nottingham offer a range of services such as

dispensing prescriptions, disposal of unwanted medicines and supporting self-care

- pharmacies play an important role in promoting wellbeing such as healthy eating, smoking cessation, exercise, flu vaccination, sexual health and more
- advice and support services are also available to care homes
- several local pharmacies have achieved Healthy Living Pharmacies (HLP) status recognising and evidencing their role in improving the health of their local population.

This City Council is greatly concerned about Government imposed threats to pharmacies as a result of cuts in the budget of £170m nationally. This is a 6% cut in cash terms but could effectively mean a cut of 12% during the financial year which could potentially close up to a quarter of pharmacies with an increased focus on warehousing dispensary and online services. Service cuts in pharmacies put more residents at risk as well as putting pressure on GPs and on hospital services and therefore increasing NHS costs. A fully funded community pharmacy service is cost effective and is in the interest of patients and carers.

Nottingham City Council agrees to write to the Secretary of State for Health and NHS England detailing its concerns and demanding an immediate reversal of these proposals.”

### **13 MOTION**

Motion in the name of Councillor Steve Battlemuch:

“This council notes:

1. That the Bus Services Bill currently passing through Parliament includes Clause 21 that will effectively “prohibit a local authority from forming a company for the purposes of providing a local bus service”;
2. That the Localism Act (2011) provides general powers of competence to local authorities;
3. That municipal bus companies, such as Nottingham City Transport, provide some of the best bus services in the country and have a successful track record of increasing bus passenger numbers and providing high quality bus services;
4. That polling by We Own It found that a majority of the public (57%) oppose clause 21, whilst just 22% support it. The opposition to Clause 21 is consistent across voters from all political parties;
5. The House of Lords voted by a majority to remove Clause 21 from the Bus Services Bill.

Therefore, this council believes:

1. Clause 21 contradicts the spirit of the Localism Act 2011;


2. If there is a need and a demand from their public, then Councils should be able to provide their own bus services, such as Nottingham City Transport;
3. Consequently Clause 21 should be omitted from the Bus Services Bill.

This council resolves:

1. To write to Lord Ahmad and to call on the Department for Transport to omit Clause 21 from the final legislation;
2. To write to Lillian Greenwood, Graham Allen, Chris Leslie and other MPs whose constituencies are served by Nottingham City Transport to ask them to oppose clause 21 when the Bus Services Bill reaches the House of Commons and ask them to write to Lord Ahmad and the Department of Transport to raise concerns about Clause 21;
3. To work with any organisations such as We Own It to publicise our opposition to clause 21 in local media.”

IF YOU NEED ANY ADVICE ON DECLARING AN INTEREST IN ANY ITEM ON THE AGENDA, PLEASE CONTACT RAV KALSI ON 0115 8763759 OR [rav.kalsi@nottinghamcity.gov.uk](mailto:rav.kalsi@nottinghamcity.gov.uk), IF POSSIBLE BEFORE THE DAY OF THE MEETING

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.



Dated 4 November 2016  
Corporate Director for Strategy and Resources  
**To: All Councillors of Nottingham City Council**

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**MINUTES OF THE MEETING OF THE CITY COUNCIL**

held at the Council Chamber - at the Council House

on 12 September 2016 from 14.00 - 17.25

**ATTENDANCES:**

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✓ Councillor Mohammed Saghir (Lord Mayor)

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✓ Councillor Liaqat Ali	Councillor Carole-Ann Jones
✓ Councillor Jim Armstrong	Councillor Gul Nawaz Khan
✓ Councillor Cat Arnold	Councillor Neghat Nawaz Khan
✓ Councillor Leslie Ayoola	Councillor Ginny Klein
✓ Councillor Ilyas Aziz	✓ Councillor Dave Liversidge
Councillor Alex Ball	✓ Councillor Sally Longford
✓ Councillor Steve Battlemuch	✓ Councillor Carole McCulloch
✓ Councillor Merlita Bryan	✓ Councillor Nick McDonald
✓ Councillor Eunice Campbell	✓ Councillor David Mellen
✓ Councillor Graham Chapman	✓ Councillor Jackie Morris
✓ Councillor Azad Choudhry	✓ Councillor Toby Neal
✓ Councillor Alan Clark	✓ Councillor Alex Norris
✓ Councillor Jon Collins	Councillor Brian Parbutt
✓ Councillor Josh Cook	✓ Councillor Anne Peach
✓ Councillor Georgina Culley	✓ Councillor Sarah Piper
✓ Councillor Michael Edwards	✓ Councillor Andrew Rule
✓ Councillor Pat Ferguson	Councillor David Smith
✓ Councillor Chris Gibson	✓ Councillor Wendy Smith
✓ Councillor Brian Grocock	Councillor Chris Tansley
✓ Councillor John Hartshorne	✓ Councillor Dave Trimble
✓ Councillor Rosemary Healy	✓ Councillor Jane Urquhart
✓ Councillor Nicola Heaton	Councillor Marcia Watson
Councillor Mohammed Ibrahim	✓ Councillor Sam Webster
✓ Councillor Patience Uloma Ifediora	Councillor Michael Wildgust
✓ Councillor Corall Jenkins	✓ Councillor Malcolm Wood
✓ Councillor Glyn Jenkins	✓ Councillor Linda Woodings
Councillor Sue Johnson	✓ Councillor Steve Young

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✓ Indicates present at meeting

### **33 APOLOGIES FOR ABSENCE**

Councillor Alex Ball	-	work commitments
Councillor Mohammed Ibrahim	-	personal reasons
Councillor Sue Johnson	-	personal reasons
Councillor Gul Khan	-	personal reasons
Councillor Neghat Khan	-	personal reasons
Councillor Ginny Klein	-	personal reasons
Councillor Brian Parbutt	-	unwell
Councillor David Smith	-	unwell
Councillor Chris Tansley	-	work commitments
Councillor Marcia Watson	-	unwell
Councillor Mick Wildgust	-	unwell

### **34 DECLARATIONS OF INTERESTS**

None.

### **35 QUESTIONS FROM CITIZENS**

None.

### **36 PETITIONS FROM COUNCILLORS ON BEHALF OF CITIZENS**

Councillor Andrew Rule submitted two petitions on behalf of citizens:

- 1) To actively lobby Trent Barton to reinstate stops at Silverdale and Wilford for the Skylink Express Bus Service;
- 2) to actively lobby Nottingham Express Transit and the Tramlink Nottingham Consortium to install a tram stop at Silverdale, in addition to including construction of a tram stop at Silverdale as an objective within the City Council's transport plan.

### **37 TO CONFIRM THE MINUTES OF THE LAST MEETING OF COUNCIL AND THE LAST EXTRAORDINARY MEETING OF COUNCIL HELD ON 11 JULY 2016**

The minutes of the previous Council and Extraordinary Council meetings on 11 July were agreed and signed as a true record by the Lord Mayor.

### **38 TO RECEIVE OFFICIAL COMMUNICATIONS AND ANNOUNCEMENTS FROM THE LEADER OF THE COUNCIL AND/OR THE CHIEF EXECUTIVE**

The Deputy Chief Executive reported that at the annual Association of Public Service Excellence (APSE) awards event last week, Nottingham City Council was awarded Council of the Year, and is the only authority to have won this award twice. The Council also won an award for the best public/private working initiative for the "Field of Dreams" project, which replaced the derelict sports pavilion on Victoria Embankment. This was the service's fifth win in as many years. Nottingham City

Council had a record year at the APSE awards, with a total of 10 nominations and 7 finalists.

**39 QUESTIONS FROM COUNCILLORS - TO THE CITY COUNCIL'S LEAD COUNCILLOR ON THE NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AND RESCUE AUTHORITY**

None.

**40 QUESTIONS FROM COUNCILLORS - TO A MEMBER OF EXECUTIVE BOARD, THE CHAIR OF A COMMITTEE AND THE CHAIR OF ANY OTHER CITY COUNCIL BODY**

Councillor Andrew Rule asked the following question of the Portfolio Holder for Business, Growth and Transport:

I welcome the recent changes to the city council's parking permit policy, which will allow residents in areas that wouldn't previously qualify for a parking permit scheme to acquire one, however, will he consider making a provision, in the cost of the permit or in the proceeds from enforcement, to reimburse the Area Capital Fund for those wards that implement schemes under the policy, for the costs incurred in implementing schemes?

Councillor Nick McDonald replied as follows:

Thank you Lord Mayor, and can I thank Councillor Rule for his question. The answer is no, and a colleague of mine noted that the Conservatives do seem to have something of an inconsistent position with regards to the Area Capital Fund, but actually can I thank Councillor Rule for his question and may I say it's nice to get a question from an opposition member that is an attempt at a genuine debate about a genuine policy issue.

I can confirm that the current policy regarding residents' parking schemes is to allow such schemes where the following criteria apply:

- there are fewer than 50% of properties that have off-street parking facilities;
- the parking problems occur during the day and are created by non-residents;
- the amount of on-street parking available to residents is inadequate for the number of properties in the area.

The schemes are funded through the Area Capital programme, subject to the approval of local councillors, and this requires a Traffic Regulation Order, and that is not going to change. What I do recognise is that there needs to be greater flexibility, and that is why we've made the change that we've made to the policy, particularly where there are specific considerations. I've had that discussion with a number of Labour members, and I'm happy to have that discussion with Councillor Rule.

What I would also say is that we need to achieve financial balance. We need to have a policy that is clear and applicable within a sensible financial envelope. We cannot fund these schemes everywhere, so that means we have to apply sensible criteria, but what I will also say is that I've asked officers to develop options that will allow residents' parking schemes to be considered in these circumstances, for example

where regular events could lead to parking problems. As a result, a number of schemes are being progressed to trial arrangements.

As regards to costs themselves, the cost of the permits has been set to reflect the cost of issuing permits, and if this is set at a level to meet or contribute to the cost of implementation, this would mean there would have to be a significant increase in permit costs, which is clearly not something that we want to see. So, as with all things, there is an ideal scenario, and there is a reality of how we implement and how we fund the implementation of these schemes; they cannot always be the same. For greater flexibility, whilst having clear rules and a cost that is sufficient, but no more than sufficient, are for me the guiding principles here. As we review the impact of the trial schemes we've been looking at over recent months, I will ensure that those principles are adhered to.

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

Could the Portfolio Holder for Leisure and Culture explain what he believes the impact on tourism will be of moving the taxi rank away from the main entrance of the train station, given that Nottingham is now one of the only cities where there is not a taxi rank directly outside the main entrance to the train station?

Councillor Dave Trimble replied as follows:

Thank you Lord Mayor, and could I thank Councillor Armstrong for his question. I have been to many train and bus stations in my time, and I have to say that there are plenty of train and bus stations with taxi ranks not directly outside the main entrance of a station. Perhaps Councillor Armstrong drives far too many places; perhaps he should start using the train?

My recent experiences are: I've been to Liverpool Lime Street, which has a taxi rank at the side of it. It works absolutely fine. I've been to Manchester Oxford Road recently, that has one at the front, but because of the lack of space and the amount of people coming off the train, it's really really difficult to get a taxi. So there are different factors really on how it works. They include the size, the length, the width, the number of platforms, the design and the accessibility within the station itself, being every bit as important as the street and the public realm outside.

Now, in Nottingham the road layout and the public realm has only just been completed, so it's absolutely far too early to say what, if any, impact there could be.

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Councillor Georgina Culley asked the following question of the Portfolio Holder for Business, Growth and Transport:

What are the costs of implementing extra measures to safeguard residential properties from the results of displaced parking?



Councillor Nick McDonald replied as follows:

Thank you Lord Mayor and thanks to Councillor Culley for her question. As Councillor Culley will no doubt already be aware, part of the implementation of residents' parking schemes and the consultation process involved in their introduction is consideration of potential displacement on residential parking. It is considered in every case. Where displacement could transfer to adjacent residential streets, options to include these streets would be routinely included in the proposals. If residents feel those restrictions are not appropriate as part of the scheme, but it is still considered that this will be a risk, then it is possible to include these streets in the scheme.

As all Councillors know, when they look at these issues, the issue of displacement is often the key question with any scheme of this nature. Residents tend to support restrictions where they have current parking problems, unsurprisingly. Those restrictions, if introduced, often do make displacement to adjacent streets likely, and where there's not a current problem, often residents won't support restrictions at that time, but may change their view later down the line. This is why we need to take a strategic approach to each scheme; it is why we need to think about these things carefully, it is why we need a dynamic approach in every case.

Now Councillor Culley asks about the costs. Of course, this is an impossible question to answer. Costs of the scheme to protect any surrounding area from displacement are dependent on the nature and extent of the areas affected, and the scale of the problems generating the issues. Therefore there is no figure that can be placed on this, a large scheme would be more expensive to implement than a smaller scheme, and also to police.

As Councillor Culley is aware, we do our very best to ensure, and I believe we have been successful in ensuring, that we maintain a good on-street presence in our neighbourhoods, and we enforce Traffic Regulation Orders across the city. But of course, it does get more difficult every year to do that, as her party in government continues to slash our budgets year on year.

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Councillor Andrew Rule asked the following question of the Deputy Leader:

Could the Deputy Leader explain why supplementary questions and their answers are not fully recorded in the minutes of full council meetings, and does he not agree that by doing this it would only serve to increase the transparency of proceedings in this chamber?

Councillor Graham Chapman replied as follows:

Thank you Lord Mayor and can I thank Councillor Rule for his question. There is no legislative or constitutional requirement to record responses to questions, or supplementary questions asked at Council. At Nottingham City Council, we choose to record a verbatim response to the initial question, which I think is sensible. Many other Councils do not. Some record a summary of the answer provided, and some

merely present to the meeting the suggested written response with no question or supplementary question even asked at the meeting.

I'll give you some examples. In Birmingham, minutes do not record questions or answers. In Bristol, questions are not asked at Council, but at a pre-meeting, where verbatim responses are not recorded, rather there is a summary. In Cardiff supplementary answers are recorded, so you'd get what you want in Cardiff! In Glasgow no responses to any questions are recorded in the minutes. In Leeds, the entire meeting, God help them, is transcribed verbatim, including notes indicating when the chamber has applauded, by an external court transcriber, well I would suggest to the Leader of Leeds that there might be a bit of a saving there for next year! In Liverpool, no supplementary questions appear to be asked. In Manchester, no responses to any questions are recorded. In Newcastle, answers to supplementary questions are recorded in summary style. In Sheffield, no supplementary questions appear to be asked. On that basis, that Nottingham are recording the answers to the main question is very transparent, and in my view there is no real case for extending it.

But my real answer, however, is to do with cost benefit. And we all know that Councillor Rule likes cost benefit. Recording questions is an arduous and painstaking exercise, and it would probably take an estimated 3 or even 4 extra days of officer time to unpick it. It already takes 2 days to do the normal responses, where much of the answer is written. If Councillor Rule had 3 days per meeting, 18 days per year, of middle cost officer time at his disposal, at a time of fairly savage cuts to the council's budget, would he really want those 18 days to be taken away from people, for example dealing with child mental health, or probably at the rate of pay that is given to the Committee Section, 36 days of people tending to the elderly out of hospital? Because that is the game the government has forced upon us. It's a zero sum game. You spend 36 days on recording answers to supplementaries; it's taken away from somewhere else in the system. And I genuinely don't think he would want that to happen. But I'll do a deal with him: if he can persuade his government to give us the same preferential treatment that they've dished out to places like Surrey, to Kent, to Buckinghamshire, to Rutland, to many Tory shires last year in the supplementary grant, then we might have a little latitude to record the supplementary questions.

The bill would be £2,000,000.00. So I'm setting you a target: you get that £2,000,000.00 from your government which is Nottingham's fair share, and we will be only too delighted to record supplementaries to your questions. In fact, we will get them embossed in gold. Thank you.

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

Would the Portfolio Holder for Energy and Sustainability explain why our approach in Nottingham has resulted in successfully meeting our climate change targets 4 years early, in comparison to the weak performance of the Conservative government, which has recently abolished the Department of Energy and Climate Change?

Councillor Alan Clark replied as follows:

Thank you Lord Mayor and I thank Councillor Peach for her question. We are very proud to have reached our climate change targets four years early. This has been achieved through a number of ambitious programmes the council has taken forward to drive up low carbon energy generation, drive down energy usage, and tackle fuel poverty. This included the external wall insulation programmes, which have seen Nottingham City Homes and Nottingham City Council work together to clad around 5,000 homes across the city and across tenures.

Our efforts to fit solar panels have reached over 4,000 homes. The council's own energy efficiency projects have cut our energy usage very significantly through measures such as LED lighting, and we continue to expand the district heating network into new developments like BioCity and the fire station.

We don't want to stop there. We're already working with both universities on innovative projects around the city involving new ways to save, generate and store energy, with the communities we serve.

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Councillor Michael Edwards asked the following question of the Deputy Leader:

Could the Deputy Leader comment on the fact that the Parliamentary Boundary Review will be based on the electoral register prior to the substantial interest in registration stimulated by the EU Referendum?

Councillor Graham Chapman replied as follows:

Yes I'd be delighted to respond, thank you for the question and thank you Lord Mayor. The Parliamentary Boundary Review will be published for consultation this autumn, based on the Electoral register published on 1 December 2015. Now remember that date, 2015, 1 December, I'll be referring to it later. You would have expected the criteria to have been based on what was the most effective way of representing the democratic rights of a given population, and respecting the integrity of an area. That's what you would have expected from the oldest democracy in the world, and from the mother of all parliaments. Is that what we're going to get? It most definitely is not.

There has been a crude dictat in the Redistribution Act. The starting point for the whole exercise has not been what is best for the electorate; it has been the number of constituencies, and the reduction of the number of constituencies to 600. 600, I'll remind any statistician, is an arbitrary figure. Just because it's got some noughts on, doesn't mean it is set in stone. It is an arbitrary figure, and it's no less arbitrary than 601, or 633, or any other figure. The other point that's been specified is that there should only be a 5% variation between constituencies, which is equally arbitrary. It means that at a time when constituency work is going up, the number of MPs is going down. The reasoning is, we are told, that it saves £12,000,000.00. But this from a government which has created, does anybody know how many Lords the last government has created? I think the figure is 240, it has created 240 Lords, but it tells us it needs to reduce 50 MPs in order to save money. I'd suggest that it's spent that money already.

A further expectation would have been that the key issue would be the population represented. But no, it is the number of electors, not the number of people that is the starting point. And we all know that in cities there are more under 18s, there is immigration which is a large part of an MP's job, there are unregistered people because it's become harder to register. And no MP is going to refuse to deal with a person because they are children or because the issue involves children, or they are not on the register, or they are an immigrant. The criteria will not be for an MP, "are you on the Electoral register in my constituency?" It will be "do you live in my constituency?" and the result will be that places like Nottingham will suffer in terms of representation.

You would also expect that the commission would want to use the most accurate figures available. But again, this is not happening. It is basing its judgements on the Electoral register published on 1 December 2015, which is already outdated. It has however, been our position in this council for some time, to question using 1 December each year, never mind 2015, as a basis. It has also been a concern of ours that since the introduction of the Individual Electoral register, the electorate in Nottingham and across the country has dropped significantly, especially at the point of publication on 1 December each year. So not only are the criteria not based on the population, it is on a more and more artificial basis of people on the register. There is a bigger and bigger gap growing between population and people on the register.

The main reason for this additional requirement, and why it has become more problematic getting people on the register, is that they are now expected to fill in their national insurance, which takes time for verification, which often means that by 1 December date there is slippage, and therefore the register for 1 December is that much more inaccurate. This has caused an additional problem for us in Nottingham, particularly in places where there is a student population, as students also have to go through this process. Students do not arrive at their term time address until September or October, and this gives them little time to register. It is also now their individual decision whether to register, and we all know about students, for their first term time address or not. Previously universities were able to provide us with a list of all students, who are then automatically registered to vote. So there is a further distortion for any place with students.

If we want a far more accurate measure, therefore, we should be using the register of the electorate from before an election. What happens is, the most accurate register is always prior to an election. And I'll give you examples. From 1 December 2014 there were 181,000 people on the register. By the time of the parliamentary election in 2015 that had gone up to 195,000; that's a 14,000 increase because of a parliamentary election. I will also give you the example of the EU referendum. There were 187,000, but at the EU referendum there were 195,000; that's an increase of 8,000 people. So there is no excuse for not using the most accurate figures, which relate to the pre-election process rather than 1 December each year.

But we all know that this is not the aim. The aim is to skew the system in favour of those non-urban areas which most favour the Conservatives. Hence the arbitrary reduction in seats, hence the criteria of electors and not population, hence Individual Electoral Registration, hence maintaining the date of 1 December for the cut-off

period, hence ignoring the additional 2,000,000 people who registered up to 16 June 2016 for the referendum.

As a result of all this, Nottingham, and indeed other cities, are likely to get a raw deal. If based on 187,000 electors and not 195,000 as after the referendum, and with only a 5% variation rather than a 10% as recommended by the Parliamentary Commission, then the city will end up with at least 1 MP, if not all 3, covering different local government boundaries. They will be covering far more than their fair share of people as opposed to constituents, with workloads far greater than their rural equivalents. It will be a dog's breakfast, and the sole beneficiary will be the Conservative party. As Councillor Collins said, it is gerrymandering on quite a shameless level. So much for the oldest democracy in the world, and so much for the mother of parliaments. Thank you.

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Councillor Rosemary Healy asked the following question of the Portfolio Holder for Education, Employment and Skills:

Does the Portfolio Holder agree with the Chief Inspector of Schools that a government reintroduction of grammar schools would be "an entirely retrograde step"?

Councillor Sam Webster replied as follows:

Yes Lord Mayor, thank you. Thank you Councillor Healy for providing me with this opportunity to declare myself on this occasion to be in complete agreement with Sir Michael Wilshaw, Her Majesty's Chief Inspector of Schools. Indeed, he is correct, Theresa May's proposed re-introduction of grammar schools, and therefore secondary moderns, is a retrograde step. I'm opposed to expansion of existing grammar schools, opposed to the opening of new grammar schools, and fundamentally opposed to the re-introduction of an outdated education system that segregates and divides children. The evidence couldn't be clearer: grammar schools do not improve social mobility; in fact the evidence shows the opposite. They stigmatise children, they create a 2 tier education system, and they truly are a symbol of social division.

In my view, the aim must always be to offer the very best education to every child; that's what parents expect, and that's what children deserve. So it's only common sense that we should be working to deliver the highest standards of education, nationally and locally, for all children. And that's why there's been widespread dismay and disappointment at the Prime Minister's announcement that she intends to bring back a grammar and secondary modern education system. But as well as a chorus of criticism from education experts, I'm heartened to see cross-party opposition to the proposal.

This Labour group is opposed, as is the Labour party nationally. My party has committed to fight these proposals every step of the way. The Tory chair of the Education Select Committee, Neil Carmichael MP, is opposed. The former Secretary of State for Education, Nicky Morgan, is opposed. The chair of the government's own Social Mobility Commission is opposed, and judging by the half-hearted manner in

which she responded to questions about grammar schools in the House of Commons last week, the comprehensive school educated Secretary of State for Education, Justine Greening, doesn't seem too convinced herself. So the new PM has no mandate for this crazy policy, but she does have lots of opposition.

I think Sir Michael's choice of the word "retrograde" was particularly significant, because the proposal to re-introduce grammar schools appears, to anybody who has a genuine concern for seeing educational attainment improve for all children and young people, to be a dangerous exercise in nostalgia. I'd suggest it's a desperate attempt to pursue a retro-vision of education, based not upon evidence, but the comforting glow of an imagined past. A bit like the EU referendum debate, the grammar schools debate will be filled with anecdotes and rose-tinted nostalgia, but those things should have no part to play in determining the futures of our children and young people.

There is lots of evidence available on this subject, and the Prime Minister should use it. Given the obsession with school structures that has been at the heart of education policy since the Tories took control back in 2010, it is sadly no surprise that the new Prime Minister should grasp this idea as the centrepiece of her thoroughly disheartening contribution to the education debate. Sadly, in doing so, she's ignoring the truly important issues that need to be tackled. So for her benefit, before we introduce even more structural change, how about her government deals with the problems of recruiting and retaining high quality teachers, or how it might reverse the year-on-year reduction in real term funding to schools, or dealing with the ongoing failure to provide a coherent vision and strategy for vocational education, one that might focus on the skills our young people need to enter the workforce and begin closing our nation's shameful productivity gap? This is a productivity gap that we know affects Nottingham, its residents, and its businesses.

I can't see how the re-introduction of grammar schools will make any positive difference to this set of issues; in fact, I can only see it having a completely negative impact on all 3. In terms of recruiting teachers, the likely effect would be the creaming off to grammar schools of the best teachers, when it's clear that the best teachers need to be working in those schools that provide the greatest challenge in terms of the social deprivation of its pupils and attainment outcomes. We know from the massive financial waste of the free school programme that a major structural change brings with it the redeployment of precious resources from schools with the greatest need, to those that best fit the ideological vision of those in power. In the case of free schools, we saw Michael Gove dipping his hand into the budget for those children with special needs to fund his ideological folly. What educational needs will be sacrificed to fund Theresa May's grammar school vanity project? And in terms of equipping our children with the right skills for the future, how would a focus and targeting of resources on a narrow, largely academic curriculum, benefit the country?

The fundamental problem with allowing selective education is that it creates a binary system, and inevitable a grammar school has a negative impact on the outcomes of those children who are unable to access it. By taking the brightest children into one school, the results of all those non-selective schools that surround it are depressed. So we see in Kent, an area that has retained a full grammar school system, that overall only 27% of pupils receiving free school meals gained 5 good GCSEs including English and Maths, compared to the national average of 33%, and in

London, which has virtually no grammar schools, 45%. The evidence is there: where a grammar school system is in place, poorer children receive lower results. It does not help poorer children, it hinders them, and it holds them back. An education system that will advantages the 20% who will benefit at the expense of the 80% who don't, surely has no place in a modern country that aspires to be, in Mrs May's own words, a country where everyone has a fair chance to go as far as their talent and their hard work will allow.

But my concern is not simply about party political dogma or ideology. It is a view shared by politicians of all hues, who see that there is a real danger in talking about increasing social mobility, whilst introducing policies that have the completely opposite impact. Let's not pretend, however, that the current education system delivers for every child, because it doesn't. There is still far too much inequality in our schools, there is still too much left to luck, background, or parental investment, and far too many children get left behind. We know this in Nottingham; too many children in our city do not achieve to their full potential, and the government must accept responsibility for a lack of progress on this issue nationally.

It is important that we put forward alternatives if we're going to criticise, because things do need to change. Selection is not the change we need. Division is not the change we need. High standards for a few, whilst others suffer second rate education standards, is not the change we need. So what would I like to see? What is our alternative? The best teachers in the most challenging schools. More high quality, well-trained, qualified teachers. A more individualised approach where the potential of every child is unlocked. More high quality technical and vocational education in schools. More exposure to careers education, employability and employer interactions, and a move away from the damaging government obsession with school structures. An understanding that a good school with good teachers, good facilities, good leadership and good governance can deliver for children regardless of whether it says academy, free, community or grammar over the door. A good school is a good school.

Bringing back a system that allows the many to fail so that a few can do well is indeed retrograde. It is the wrong choice, possibly driven by the wrong motive, and I hope the proposal is scrapped. Thank you.

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

The Leader submitted a report on decisions taken under urgency procedures, as set out on pages 23 to 28 of the agenda.

**RESOLVED to note the urgent decisions taken, as follows:**

##### **1) urgent decisions (exempt from call-in);**

<b><u>Decision reference number</u></b>	<b><u>Date of decision</u></b>	<b><u>Subject</u></b>	<b><u>Value of decision</u></b>	<b><u>Reasons for urgency</u></b>
2519	29/06/16	Island Site - consultancy fees to support CPO business case	£190,000	To bring forward development of the site

<u>Decision reference number</u>	<u>Date of decision</u>	<u>Subject</u>	<u>Value of decision</u>	<u>Reasons for urgency</u>
2520	30/06/16	Lease of Land at Hoewood Road, Bulwell, Nottingham	Nil	There is a need for the lease to be entered in to as soon as possible and it was agreed that the call-in period could be waived in this instance to facilitate this.
2534	21/07/16	Procuring four videos to promote the Midlands Engine	up to £60,000	The videos (which aren't being funded by the council) are required by the Midlands Engine urgently
2535*	21/07/16	Broadmarsh Shopping Centre Redevelopment - approval of further development funding	Exempt	To enable works to take place within the tight timescales
2552	02/08/16	Property Investment Acquisition	£2,443,980	A delay in this decision would prejudice the Council's interests in making the purchase
2553	02/08/16	Property Investment Acquisition - Nottingham	Exempt	Call-in would delay the exchange of contracts
2554	02/08/16	Property Investment Acquisition - Birmingham	£4,634,925	Time constraints that call-in may provide
2567	18/08/16	Homecare price increase 2016/17	Exempt	Urgent need to implement the decision
2580	26/08/16	Funding of legal support in relation to employment matters	Exempt	Urgent decision required for funding to be pursued

## 2) key decisions (taken under special urgency procedures)

<u>Date of decision</u>	<u>Subject</u>	<u>Value of decision</u>	<u>Decision Taker</u>	<u>Reasons for special urgency</u>
22/07/2016	Broadmarsh Shopping Centre Redevelopment - Approval of further development funding	Exempt	Leader of the Council	The decision is urgent and the business cannot be deferred to enable the detailed design work to continue and adhere to the timescale for development.



26/07/2016	Commercial Opportunity for Trading Operations	£1.587m revenue expenditure over 5 years	Leader of the Council	The decision is urgent and cannot be deferred because should Nottingham City Council be successful in its tender, it would need to sign and enter into a contract.
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## **42 AMENDMENTS TO THE CONSTITUTION**

The Leader presented a report on amendments to the Constitution, as set out on pages 29 to 42 of the agenda.

### **RESOLVED to:**

- 1) **note the addition of the designation of Assets of Community Value to the responsibilities of the Portfolio Holder for Planning and Housing as agreed by the Leader of the Council and outlined in paragraph 5.2 of the report;**
- 2) **note the new/ revised executive delegations as agreed by the Leader of the Council outlined in paragraph 5.3 and appendix one of the report;**
- 3) **agree the new/ revised non-executive delegations outlined in paragraphs 5.4 and appendix one of the report;**
- 4) **agree the revisions to the terms of reference for the Health and Wellbeing Board Commissioning Sub-Committee outlined in paragraph 5.5 of the report;**
- 5) **agree the revised terms of reference for the Health and Wellbeing Board as outlined at appendix two of the report;**
- 6) **approve the amendments of the Constitution required by the above changes.**

## **43 MOTION**

Moved by Councillor Wendy Smith, seconded by Councillor Steve Battlemuch:

“This Council calls upon the Government to make fair transitional state pension arrangements for all women born on or after 6th April 1951, who have unfairly borne the burden of the increase to the State Pension Age with lack of appropriate notification.

This Council notes the damage caused to the lives of these approximate 11,900 women across Nottingham who were born between 1951 and 1959 and face a changed future as a consequence”

Councillor Georgina Culley proposed an amendment. Upon taking advice, the Lord Mayor ruled the amendment to be not in order, as it effectively negated the operative part of the motion.

**RESOLVED to carry the motion.**

#### **44 MOTION**

Moved by Councillor Jackie Morris, seconded by Council Leslie Ayoola:

“This Council notes that Female Genital Mutilation represents a risk to physical health, mental health and quality of life for young women across the whole of the United Kingdom. It is believed over 60,000 people are at risk of this abuse in this country alone.

The City Council stands against Female Genital Mutilation (FGM) and resolves to:

- Make Nottingham a “Zero Tolerance” City in respect to Female Genital Mutilation.
- Work to end the procedure within the city by working closely with survivors, affected communities and other agencies with a responsibility to safeguard and protect.
- Provide training for staff to help spot the signs associated with Female Genital Mutilation.
- Work closely with grassroot organisations, survivors and communities to prevent children being removed from the city to experience Female Genital Mutilation.
- Help support potential survivors of Female Genital Mutilation to say no and raise awareness amongst their peers and communities.
- Help with raising awareness and keep the subject on the agenda while showcasing the successes of Nottingham.
- Support the establishment of a referral pathway for the City”

The following amendment was proposed by Councillor Jim Armstrong, seconded by Councillor Andrew Rule:

**In the opening paragraph, replace “This Council notes that Female Genital Mutilation” with “This Council is appalled at the latest figures available for newly recorded cases of Female Genital Mutilation (‘FGM’) in Nottingham, which stood at around 80 between April 2015 and March 2016. The Council considers this to be far too high, especially given that FGM is under-reported and often only discovered when women are in maternity care. This Council believes that all action should be taken to prevent this practice, which...”**

**In the second paragraph, delete “(FGM)”**

**In the second bullet point, delete “work to”**

**In the third bullet point, replace “provide training for” with “train”**

**In the fifth bullet point, delete “help”**

**In the sixth bullet point, replace “help with raising awareness” with “raise awareness of FGM”**

Councillors voted on the proposed amendment.

**RESOLVED to reject the proposed amendment.**

Councillors then voted on the original motion.

**RESOLVED to carry the original motion.**

## **45 MOTION**

Moved by Councillor Andrew Rule, seconded by Councillor Jon Collins:

“Nottingham City Council recognises the achievements of Team GB during the Rio 2016 Olympic Games, and takes particular pride in the 2 gold medals that the county of Nottinghamshire itself delivered during the most successful Games for British athletes ever, which saw Team GB finish second in the medal table.

The Council also proudly acknowledges the achievements of Nottingham and Nottinghamshire’s Paralympians.

The Council also acknowledges the foresight of Sir John Major’s government in setting up the National Lottery in 1994, and the role played by the National Lottery in funding sports development in the UK ever since.

This Council pledges to continue to do its part to ensure that the children of Nottingham have the opportunity to participate in sport and go on to represent Great Britain in the future, by promoting sport in schools and supporting the volunteer organisations in local communities. The Council supports the Conservative Government’s ‘Sporting Future’ strategy, published in December 2015, to encourage more participation in sport across the board, with a particular focus on raising engagement levels amongst sections within the community with lower participation rates. Prime Minister Theresa May’s commitment to continue to encourage increased participation in sport is therefore welcomed by the Council”

The following amendment was proposed by Councillor Dave Trimble, seconded by Councillor Alan Clark:

**At the end of the third paragraph, replace “.” with “, as well as the partnership work with Sport England”**

**In the fourth paragraph, after “this Council”, insert “, having successfully developed the Ice Arena, Harvey Hadden Sports Village and the Tennis Centre as well as other community venues”**

**In the fourth paragraph, replace “Prime Minister Theresa May’s commitment to continue to encourage increased participation in sport” with “The commitment of the Council to ‘Make Nottingham the fastest growing city for disability sports participation in England””**

**At the end of the fourth paragraph, delete “by the Council”.**

Councillors voted on the proposed amendment.

**RESOLVED to accept the proposed amendment.**

The new motion therefore read:

“Nottingham City Council recognises the achievements of Team GB during the Rio 2016 Olympic Games, and takes particular pride in the 2 gold medals that the county of Nottinghamshire itself delivered during the most successful Games for British athletes ever, which saw Team GB finish second in the medal table.

The Council also proudly acknowledges the achievements of Nottingham and Nottinghamshire’s Paralympians.

The Council also acknowledges the foresight of Sir John Major’s government in setting up the National Lottery in 1994, and the role played by the National Lottery in funding sports development in the UK ever since., as well as the partnership work with Sport England.

This Council pledges to continue to do its part to ensure that the children of Nottingham have the opportunity to participate in sport and go on to represent Great Britain in the future, by promoting sport in schools and supporting the volunteer organisations in local communities. The Council supports the Conservative Government’s ‘Sporting Future’ strategy, published in December 2015, to encourage more participation in sport across the board, with a particular focus on raising engagement levels amongst sections within the community with lower participation rates. The commitment of the Council to ‘Make Nottingham the fastest growing city for disability sport participation in England’ is therefore welcomed”

The following amendment was proposed by Councillor Andrew Rule, seconded by Councillor Dave Trimble:

**At the end of the fourth paragraph, replace “The commitment of the Council to ‘Make Nottingham the fastest growing city for disability sports participation in England’ is therefore welcomed” with “As part of its commitment to ‘Make Nottingham the fastest growing city for disability sports participation in England’ the Council recognises:**

- **The importance of hosting sporting events in raising participation levels; and further resolves to;**
- **Place Nottingham’s sporting facilities at the forefront of the development of sports for people with disabilities;**
- **And ambitiously set itself the objective of holding as many international disability sporting events as possible by 2024.”**

Councillors voted on the proposed amendment.

**RESOLVED to accept the proposed amendment.**

The new motion therefore read:

“Nottingham City Council recognises the achievements of Team GB during the Rio 2016 Olympic Games, and takes particular pride in the 2 gold medals that the county of Nottinghamshire itself delivered during the most successful Games for British athletes ever, which saw Team GB finish second in the medal table.

The Council also proudly acknowledges the achievements of Nottingham and Nottinghamshire’s Paralympians.

The Council also acknowledges the foresight of Sir John Major’s government in setting up the National Lottery in 1994, and the role played by the National Lottery in funding sports development in the UK ever since., as well as the partnership work with Sport England.

This Council pledges to continue to do its part to ensure that the children of Nottingham have the opportunity to participate in sport and go on to represent Great Britain in the future, by promoting sport in schools and supporting the volunteer organisations in local communities. The Council supports the Conservative Government’s ‘Sporting Future’ strategy, published in December 2015, to encourage more participation in sport across the board, with a particular focus on raising engagement levels amongst sections within the community with lower participation rates. As part of its commitment to ‘Make Nottingham the fastest growing city for disability sports participation in England’ the Council recognises:

- The importance of hosting sporting events in raising participation levels; and further resolves to;
- Place Nottingham’s sporting facilities at the forefront of the development of sports for people with disabilities;
- And ambitiously set itself the objective of holding as many international disability sporting events as possible by 2024.”

Councillors voted on the amended motion.

**RESOLVED to carry the motion.**

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**CITY COUNCIL – 14 NOVEMBER 2016**

**REPORT OF THE CHAIR OF THE OVERVIEW AND SCRUTINY COMMITTEE**

**OVERVIEW AND SCRUTINY ANNUAL REPORT 2015-16**

**1 SUMMARY**

1.1 In 2015-16 the statutory scrutiny function was delivered through an Overview and Scrutiny Committee, which agreed and co-ordinated the overall work programme and carried out scrutiny of key strategic issues. This Committee was supported by the Children and Young People Scrutiny Committee, the Health Scrutiny Committee, the Joint Health Scrutiny Committee, the Call-in Panel and a number of Scrutiny Review Panels commissioned by the main Overview and Scrutiny Committee.

1.2 I would like to record the Council's thanks to the following individuals, organisations and groups who supported Overview and Scrutiny during the last Municipal Year:

- Our partners and Executive Councillors who have been involved in overview and scrutiny work, both in providing the evidence that underpins our reports and in responding to our recommendations;
- The many community representatives, voluntary and community sector groups and individual citizens who have contributed to and supported Overview and Scrutiny; and
- Colleagues in the Council who have also supported our work.

1.3 The Overview and Scrutiny Annual Report for 2015-16 is appended to this report for the consideration of Council.

**2 RECOMMENDATIONS**

2.1 IT IS RECOMMENDED that the Overview and Scrutiny Annual Report for 2015-16 is accepted.

**3 REASONS FOR RECOMMENDATIONS**

3.1 The Overview and Scrutiny Annual Report provides an opportunity to summarise the work of the Council's Overview and Scrutiny Committees and to remark on the considerable contribution from partners and the local community.

**4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

4.1 No other options have been considered.

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

5.1 None.

**6 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)**

6.1 None.

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

7.1 None.

**8 EQUALITY IMPACT ASSESSMENT (EIA)**

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

No



An EIA is not required because this report does not relate to changing policies, services or functions.

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

9.1 None.

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

10.1 Reports, agenda and minutes of the Overview and Scrutiny Committee, Children and Young People Scrutiny Committee, Health Scrutiny Committee, Joint Health Scrutiny Committee, Call-in Panel and Scrutiny Review Panels during the municipal year 2015-16.

**COUNCILLOR BRIAN PARBUTT  
CHAIR OF THE OVERVIEW AND SCRUTINY COMMITTEE**



# Overview and Scrutiny **Annual Report** 2015-16



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## **FOREWORD**

I am very pleased to introduce this Annual Report to Council which outlines the continued contributions made by the overview and scrutiny committees during 2015-16. Throughout the year scrutiny councillors have engaged in a number of significant reviews and have worked to add value to the delivery of City Council services in a challenging operational environment.

This year, the Council established the Children and Young People Scrutiny Committee providing robust scrutiny of issues relevant to the wellbeing and safeguarding of children and young people in the city. As elected members of overview and scrutiny committees we are aware of the need to consider the effectiveness of local safeguarding arrangements and over the past 12 months we have contributed to the effective partnership working around child safeguarding.

As scrutiny councillors we talk a lot about the need for scrutiny to work closely with the Executive and the Council's leadership and this is something we will continue to do – both providing constructive and critical challenge and gathering data from a range of sources to contribute to service improvement in a meaningful way. In the future it will be increasingly important, as we continue to navigate our way through this period of financial constraint, that we focus our scrutiny resource on areas that matter most to the public and areas where we feel we can help the Council to work smarter and more efficiently.

As is often the case, we owe much of our achievement to the continued support and engagement of councillors and colleagues across the Council and our partners and

contributors from outside the Council. I would like to take this opportunity to acknowledge and thank all of those people who contributed to, and supported the work of all the scrutiny committees and review panels this year.

In particular I would like to thank Beverley Frost (third sector representative), Maria Ward (Children and Young Peoples Network) and Martin Gawith (Healthwatch Nottingham) who regularly attend and contribute to our meetings adding valuable insight and evidence from their organisations and sectors.



*Brian Parbutt*

**Councillor Brian Parbutt**  
Chair of the Overview and Scrutiny Committee  
Nottingham City Council

## **INTRODUCTION**

Overview and scrutiny exists to help improve governance and public services. It ensures the Council's Executive is publicly held to account for its decisions and actions and promotes open and transparent decision-making and democratic accountability. It also has a wide remit to explore how the Council and its partner organisations could improve services for the people of Nottingham by:

- reviewing existing policy and contributing to the development of new policy;
- acting as a 'critical friend' to those making decisions;
- holding decision-makers to account for their decisions and actions through the call-in process; and
- challenging performance to ensure that services are meeting the needs of local communities.

This Annual Report reviews how the overview and scrutiny function performed in 2015-16 and provides a snapshot of some of the contributions it made to improving public services.

The structure for overview and scrutiny in 2015-16 was:

- an Overview and Scrutiny Committee to determine and co-ordinate a prioritised work programme and carry out scrutiny and review of key strategic issues;
- a Children and Young People Scrutiny Committee to provide robust scrutiny of issues and services relevant to the wellbeing and safeguarding of children and young people;
- a series of single session reviews, carried out by review panels, with very focused scopes;
- a Health Scrutiny Committee to scrutinise health and adult social care issues affecting City residents;

- a Joint Health Scrutiny Committee to scrutinise health issues across the Nottingham conurbation with councillors from both the City and County Councils; and
- a Call-in Panel to review executive decisions when requested by non-executive councillors.

The function was supported by two Senior Governance Officers (as part of their wider role), with support from other colleagues in Constitutional Services.

Successful overview and scrutiny is reliant upon active participation not only from non-executive councillors, but also from many others including executive councillors, colleagues, representatives of external organisations and partners, interest groups and individual citizens.

This year scrutiny has been supported by many organisations and individuals including: One Nottingham, Nottingham Community and Voluntary Service (NCVS), Nottingham Crime and Drugs Partnership, Nottinghamshire Police, Nottingham City Safeguarding Children Board, Nottingham University Hospitals NHS Trust, Nottinghamshire Healthcare NHS Foundation Trust, Nottingham CityCare Partnership, Healthwatch Nottingham and Healthwatch Nottinghamshire, NHS England, local Clinical Commissioning Groups, Arriva Transport Solutions, East Midlands Ambulance Service, Circle Partnership, GP representatives, Nottinghamshire Hospice, Alzheimers Society, Royal College of Nursing, Health Education East Midlands and individual service users and carers.

We would like to thank all those who provided us with information, attended meetings and responded to our recommendations throughout 2015-16.

## **CONTRIBUTING TO IMPROVEMENT IN PUBLIC SERVICES**

### **The way we work**

The overview and scrutiny committees look at strategic issues and the work of cross-cutting partnerships which affect the Council, the City's residents and those who work in and/ or visit the City. In this way the committees contribute to the development of policy and strategy and identify priority areas to review in more detail. We look to maximise the opportunities for overview and scrutiny to be of value to the Council, our partners and citizens of Nottingham. With this in mind the annual programme for scrutiny is developed to ensure that each review topic has a clear purpose and focuses on achieving outcomes.

Key in the approach to scrutiny in 2015-16 was continuing to respond to the issues raised in the Jay Report into child sexual exploitation in Rotherham. Following publication of the report in 2014, media attention focused on the sexual exploitation of children and young people across the country. As with the Francis Report into failings at Mid Staffordshire NHS Trust before that, the report highlighted failings in public services but also failings in scrutiny of the provision of those services and outcomes for individuals. We have responded to that. Scrutiny must not place too much emphasis on the assurances of people responsible for services that everything is in order and that they are performing well. It is crucial to consider robust evidence provided by a range of contributors to get a valid picture of what is or isn't happening. We identified the need to prioritise robust scrutiny of issues relevant to the wellbeing and safeguarding of our children and young people and established

the Children and Young People Scrutiny Committee to support services to find solutions to problems, set aspirational targets and instil public confidence.

### **Adding value and making an impact**

#### **Overview and Scrutiny Committee**

This year scrutiny work has been carried out in Overview and Scrutiny Committee meetings and in review panels, which focus on a topic in more depth over one or two meetings. Examples of this work are outlined below to give a flavour of what scrutiny councillors did in 2015-16.

#### **Council Plan**

Both the Council Leader, Councillor Jon Collins, and the Chief Executive, Ian Curryer, discussed their priorities with the Overview and Scrutiny Committee to help shape the work programme for 2015-16. Following the local government election in 2015, the Leader set out a clear context of the need to be as creative as possible to continue to provide services within severe budget constraints.

As a result of the discussion with the Leader, it was agreed that all Executive Portfolio Holders would present their Council Plan priorities to the Committee to enable public scrutiny of progress being made towards delivery of commitments set out in the Council Plan and how challenges are being addressed.

### Putting citizens at the heart of service delivery

The Committee reviewed the Council's drive to put citizens at the heart of service delivery. As part of this strategy, the Council carried out a series of engagement sessions with its employees which became the focus for the 'Summer of Engagement' 2015. In September 2015, the Overview and Scrutiny Committee contributed to this by reviewing 'how do we create a workforce that's right for our citizens?' The Committee made a number of recommendations which included proposing more involvement from scrutiny to support the Council on its journey from 'Good to Great' and the employee transformation strategy. This would enable the Committee to help shape the Council's approach to creating the workforce of the future, to improve their understanding of how it feels to work for the Council, allow the Committee to influence equality objectives and provide insight on how we make the Council more diverse.

It was acknowledged that scrutiny councillors can play a role in the development and monitoring of the model as they scrutinise services, checking for a balanced approach to risk, encouraging innovation and creativity and reducing unnecessary bureaucracy.

As a result of previous scrutiny of Nottingham Plan performance it was agreed that scrutiny councillors should be more involved and engaged in performance monitoring of Plan priorities and three scrutiny councillors now attend the Joint One Nottingham and Scrutiny Performance Panel to take part in regular monitoring and evaluation of progress.

### Management and organisation of elections

On 7 May 2015, Nottingham City Council organised and managed the combined parliamentary and local elections. The elections were held against the backdrop of a new system of voter registration – Individual Electoral Registration (IER) –

which brought a significantly increased level of complexity to the management of the elections for electoral administrators nationwide. In October 2015 Overview and Scrutiny Committee reviewed the management and organisation of the combined election and commented that overall the elections in Nottingham were delivered effectively. To support the review process Democratic Services held conversations with key colleagues who took part in the administration of the elections and sent out questionnaires to polling and count staff, candidates and agents.

Outcomes of the discussion focused on how citizens, candidates and agents can be better supported in the future, how polling station and count management procedures can be improved going forward, and how Electoral Services colleagues can be better supported to ensure that they have the capacity to plan and organise elections effectively.

In its recommendations the Committee requested that Electoral Services produce an instruction manual on the nomination process on how to successfully complete the nomination paperwork and encouraged periodic dialogue with local political parties on best practice in order to improve the standard of submissions in the future.

### Crime and disorder

Major crime related issues are reported on annually by the Crime and Drugs Partnership (CDP) to the Overview and Scrutiny Committee. In February 2016, Tim Spink, Head of the CDP, and his colleagues provided a helpful update to the Committee on the progress in meeting the targets in their Partnership Plan and the results of their Strategic Assessment 2014/15. As part of the discussion, the Committee also welcomed Chief Superintendent Mike Manley, Commander for the City Division at Nottinghamshire Police who attended to

discuss and evaluate performance figures and policing in Nottingham. The Committee was pleased to hear that Nottingham had made huge strides in recent years in reducing crime and anti-social behaviour and the factors that drive them, such as the misuse of drugs and alcohol.

### **Children and Young People Scrutiny Committee**

In September 2015, Nottingham City Council established the Children and Young People Scrutiny Committee to facilitate the scrutiny of issues and services relevant to the wellbeing and safeguarding of children and young people in Nottingham. The Jay and Casey Reports into child sexual exploitation, and how it was addressed in Rotherham, drew specific attention to the need for better local authority scrutiny to contribute to the protection of children and young people, through listening to local people, influencing policy and holding decision makers to account.

The Committee meets bi-monthly and provides an appropriate and robust level of challenge to those in authority, and on actions and performance where they impact on Nottingham's children and young people. The Committee is well attended by a range of senior managers, executive portfolio holders and frontline service providers, including a representative of the Children and Young Peoples Network.

#### **Child sexual exploitation**

In December 2015, the Children and Young People Scrutiny Committee reviewed what action the Council and its partners are taking to protect children in Nottingham from sexual exploitation (CSE). The Committee heard that considerable work had taken place in Nottingham to protect children from harm, including ongoing training and awareness sessions for

staff, carers and young people. The Committee was also reassured by the joined-up working across Nottingham City to track children at risk of CSE and collate information relating to perpetrators by Council colleagues, community protection, police and health colleagues.

#### **Engagement of children and young people**

Part of the Committee's focus is to ensure that children, young people and families are listened to and involved in decisions that affect their lives. As part of this vision, the Committee has sought to support participation in scrutinising services and in February 2016 invited Engagement Officers from the Council to encourage greater participation. The Committee agreed to support and attend the activities that enable children and young people to regularly come together with partners from the Children's Partnership to influence strategic decision making. These include Youth Cabinet meetings, Primary Parliament sessions and engaging with the Action for Young Carers Forum.

#### **School places**

The impact of rising school-age children is an important issue locally which carries significant financial implications. The number of pupils on roll in Nottingham schools has increased steadily since 2011 and the demand for school places continues to grow. In February 2016, the Committee explored the work taking place in Nottingham to support children without school places to ensure that the school organisation programme is being developed and delivered in a way that meets the demand for school places in the City. The Committee heard that the issue of school place availability has been a national problem brought about by an unexpected increase in population and whilst there had been a shortage of school places within the City, the Council responded by expanding school place provision by 4,000 additional school

places by 2017 at a cost of £33 million. The Committee was also reassured by the creation of a dedicated post of a Children Without a School Place Manager to focus on finding school places for children.

### **Scrutiny Review Panels**

#### **Support for children with disabilities or special educational needs**

In 2015, councillors carried out a review on action the Council is taking in relation to:

- school attendance for children with disabilities or special educational needs and the support mechanisms in place to improve attendance; and
- progress on the transition from Statement of Special Educational Needs to the new Educational, Health and Care Plans, arising from the Children and Families Act 2014.

The Panel concluded that parents and carers did not have sufficient understanding of personal budgets and what they were entitled to and the Panel supported the view that clear guidance should be made available.

The Panel recognised the efforts of the Council and noted that it is performing well in transitioning Statements of Special Educational Needs to the new Educational, Health and Care Plans.

Panel members were very appreciative of the time and input given by 10 parents/carers who are service users and whose insightful testimony formed part of the evidence considered by the Panel. The Panel were also grateful to the Special

Educational Needs staff that supported the review and explained how these services are managed and run.

#### **Enforcement agents**

In October 2015, councillors reviewed the use of enforcement agents by Nottingham City Council, with a particular focus on the collection of council tax. This followed the implementation of new procedures and a fee scale relating to the enforcement of debts, such as the non-payment of council tax. The review focussed on:

- the use of enforcement agents, seeking to balance the ability to collect debt with the rights of the creditor to receive effective and proportionate enforcement;
- are the processes adopted by the Council reasonable and are they applied reasonably;
- how the Council compares with the recommendations made by the Children's Society in its report titled, 'The Wolf at the Door'; and
- whether the collection of debt by the Council could be improved for both debtors and enforcement agents by being provided in-house.

During the review, councillors were supported by the Citizens Advice Bureau, the Nottingham Law Centre and the Head of Operations for Revenue and Benefits at Nottingham City Council.

The review found that the Council currently utilises 3 external enforcement agencies for the collection of debt. Following the publication of the Children's Society's report, 'The Wolf at the Door', Nottingham City Council carried out a self-assessment against the recommendations. The Panel concluded that the Council exhaust a range of alternatives prior to the use of enforcement agents, and in practice, the Council has a very good working relationship with debt and specialist support



services in Nottingham, such as Advice Nottingham and the Nottingham Law Centre. The Council regularly refers citizens to support services prior to enforcement.

There was little evidence available to suggest that adopting an in-house enforcement service would reduce the number of cases currently referred to enforcement in Nottingham and the Panel were satisfied that the current process already includes a number of referral stages to local and independent debt agencies.

### **Call-in Panel**

The Call-in Panel met three times in this last year:

#### Wollaton Vale Service Station

On 22 June 2015, the Panel considered a call-in request from non-executive councillors on the delegated executive decision 'Wollaton Vale Service Station, NG8 2GR – Variation of User Clause.' This decision varied the user covenant under the lease allowing for the development of a larger scale shop unit at Wollaton Vale Service Station. The existing lease prohibited use of the site for anything other than a filling station. The decision was called in on the basis that relevant information had not been considered and that there was justification for the decision being open to challenge on the basis of the evidence considered. However, the Panel did not uphold the request to reconsider the decision and supported its immediate implementation.

#### Fernwood Primary School

On 30 March 2015, the Panel considered a call-in request from non-executive councillors on the delegated executive decision

'Approval of the allocation of funding for the provision of additional accommodation at Fernwood Primary School for September 2016'. The decision was to approve the allocation of £750,000 to create two infant classrooms at Fernwood Primary School. The decision was called-in on the basis that there had been inadequate consultation relating to the decision, that relevant information had not been considered, that viable alternatives had not been considered and that the decision was open to challenge on the basis of evidence considered. However, the Panel did not uphold the request to reconsider the decision and supported its immediate implementation.

On 12 April 2016, the Panel considered a call-in request from non-executive councillors on Executive Board decision – 'Proposed expansion of Fernwood Primary and Nursery School, Wollaton'. The decision was to approve the expansion of Fernwood Primary and Nursery School from an 840 place school to a 1050 place school from September 2016 and to approve the allocation of £1.250 million for the expansion of Fernwood Primary and Nursery School. The decision was called-in on the basis that the decision was outside the budgetary and policy framework, that there had been inadequate consultation relating to the decision, that relevant information had not been considered, that viable alternatives had not been considered and that the decision was open to challenge on the basis of the evidence considered. The Panel did not uphold the request to reconsider the decision and supported its immediate implementation.

## Health Scrutiny

The Council has a statutory role to review and scrutinise the planning and delivery of local health services. This role includes:

- strengthening the voice of local people in decision making, through democratically elected councillors, to ensure that their needs and experiences are considered as part of the commissioning and delivery of health services;
- proactively seeking information about the performance of local health services and challenging and testing information provided to it by health service commissioners and providers; and
- being part of the accountability of the whole health system and engaging with the commissioners and providers of health services and other relevant partners such as the Care Quality Commission and Healthwatch.

In addition to the powers afforded to all overview and scrutiny committees, health scrutiny committees have additional powers to require information from, and make reports and recommendations for improvement to organisations which commission and provide NHS funded services. They also have a statutory role in considering proposals to substantially develop or vary health services affecting City residents to ensure that patients and the public have been fully consulted and their views taken into account when making significant changes, as well as ensuring that such changes are in the best interests of patients and the public.

During 2015-16 health scrutiny was carried out by the Health Scrutiny Committee (for issues affecting only City residents) and the Joint City and County Health Scrutiny Committee (for issues affecting residents in both the City and County).

During the year, health scrutiny has continued to build good working relationships with its partners including commissioners, providers, Care Quality Commission, Nottingham City Health and Wellbeing Board and Healthwatch. The Chair of Healthwatch Nottingham regularly attends health scrutiny meetings to provide insight and evidence gathered by Healthwatch on issues under scrutiny. Informal meetings are also held regularly with Chief Executives and/or other senior representatives of key organisations such as Nottingham University Hospitals NHS Trust and East Midlands Ambulance Service to build relationships, share information on current and future issues and provide a mechanism for councillors to informally raise questions and issues of concern in support of public scrutiny further down the line.

Set out below are just some of the issues that health scrutiny has engaged with during the last year:

### Urgent Care Centre

During 2014-15 councillors scrutinised substantial changes to the provision of urgent care services with the closure of two walk-in centres in the City and the commissioning of an Urgent Care Centre. The new Urgent Care Centre opened in October 2015 run by Nottingham CityCare Partnership. The Health Scrutiny Committee visited the Centre to see how it operates in practice and speak to the Centre Manager. Future scrutiny will focus on whether the Centre is achieving expected outcomes, including how effective it is in reducing pressures on the emergency care system.

### Dermatology services

During 2014-15 the Joint Health Scrutiny Committee received information from the British Association of Dermatologists expressing concern about the availability of dermatology services in Nottingham. In April 2015, NHS Rushcliffe Clinical Commissioning Group (on behalf of all commissioners) commissioned an independent review of the dermatology service in Nottingham and during 2015-16 the Committee monitored implementation of the arising recommendations. Councillors concluded that the action plan had been successfully implemented and had positively impacted on patient experience.

### End of life and palliative care services

The Health Scrutiny Committee carried out a review of end of life and palliative care services with a focus on whether services are meeting the needs of patients, their families and carers, including in relation to cultural and faith needs. Councillors gathered evidence from desk top research and speaking to contributors including representatives of Nottingham City Clinical Commissioning Group, Nottingham University Hospitals NHS Trust, Nottingham CityCare Partnership, Nottinghamshire Hospice, service users in receipt of end of life care and carers of people who have received end of life care services. Study group members also visited some services.

Based on the evidence gathered, the Committee made seven recommendations to commissioners and providers on issues including support for carers; provision of services at weekends; GP engagement with end of life care and the recording of information; and ensuring the needs of BME communities are taken into account in commissioning. All of the recommendations were either fully or partially accepted.

Progress in implementing the recommendations will be monitored during 2016-17.

### Services for people with Dangerous and Severe Personality Disorders

The Joint Health Scrutiny Committee was advised of proposals to change services for the treatment and care of people with dangerous and severe personality disorders (DSPD) at Rampton Secure Hospital. Members of the Committee visited Rampton Hospital to see the current service in operation and speak with the Clinical Director and front line staff about the mitigation plan to manage the impact of decommissioning the DSPD service at Rampton. Next steps for the Committee will be to speak with NHS England about how the quality of care provided under the new Offender Personality Disorder Pathway will be assured and to explore Psychologically Informed Placement Environments and services for those with personality disorders in prison.

### East Midlands Ambulance Service (EMAS) – CQC inspection

The Care Quality Commission (CQC) carried out an inspection of EMAS and concluded that it 'requires improvement' with a rating of 'inadequate' for the safe domain. A representative of health scrutiny attended the Quality Summit at which CQC presented its findings and EMAS and commissioners outlined their initial response to the findings. We subsequently worked with health scrutiny colleagues across the East Midlands to organise a regional meeting with the EMAS Chief Executive and Chair and the commissioner, Hardwick CCG, to hear about their response in more detail and to discuss how scrutiny can work together to support improvement. A key action taking place is a Strategic Demand, Capacity and Price Review and health scrutiny councillors will be considering the outcomes of this Review in due course.

### Health and social care workforce

A recurrent theme in many issues considered by health scrutiny is workforce challenges with a lack of medical, nursing and allied health professionals in many disciplines. Councillors frequently hear about the significant impact that this has on the delivery of many services. The Joint Health Scrutiny Committee invited a representative of Health Education East Midlands to outline the current workforce challenges and how these are being tackled. Councillors heard that one factor is that evidence shows that the East Midlands is not a popular place in the country to come and train. Building on good work already taking place to promote the City, the Committee recommended that the councils work with partners such as Marketing Nottingham and Nottinghamshire to support Health Education East Midlands to promote the East Midlands as a place for health professionals and students to train and work. This recommendation was positively welcomed and the Committee will be reviewing action taken during 2016-17.

### Care for people with learning disabilities and/or autism spectrum disorders

Following the response to failings at Winterbourne View, nationally plans have been developed to transform care for people with learning disabilities and/or autism spectrum disorders. Nottingham is one of five 'fast-track' areas and was required to submit plans in autumn 2015 to design services that would strengthen community services, reduce reliance on in-patient facilities and close some in-patient facilities. Health scrutiny councillors have reviewed consultation plans and the outcomes of consultation carried out to ensure plans reflect the issues raised. The Committee will monitor implementation of the Plan to ensure it is in the best interests of service users and carers.

### Merger between Nottingham University Hospitals NHS Trust and Sherwood Forest Trust NHS Foundation Trust

In spring 2016 it was announced that Nottingham University Hospitals Trust (NUH) would be entering into a long term partnership arrangement with Sherwood Forest Hospitals Trust. The Joint Health Scrutiny Committee had submitted a letter of support for the partnership given the potential for benefits across the Nottinghamshire health system, particularly in the context of the Sustainability and Transformation Plan. The Joint Health Scrutiny Committee heard from NUH Chief Executive about future plans for the partnership and received reassurance around minimising risks to NUH, including from Sherwood Forest's PFI investment. The Committee will keep an eye on how the partnership/ merger develops to ensure that risks to services for patients at NUH are minimised and benefits maximised.

## **LOOKING AHEAD**

The scrutiny committees held sessions to give in-depth consideration to the areas for overview and scrutiny to focus on during 2016-17. This included a review of lessons learnt from 2015-16; gathering information about the priorities of councillors, colleagues and partners; and horizon-scanning of forthcoming issues.

Following the result of the referendum on Britain's membership of the European Union, there is considerable uncertainty regarding both the process leading up to withdrawal and the impact that withdrawal will have on the UK economy. Whilst the medium and long-term impact is difficult to assess at this stage there are some immediate implications that require understanding over the coming months, such as the impact on jobs, growth, investment, community cohesion and infrastructure. This is likely to be a theme in review work during the year ahead.

In 2015-16 we established the Children and Young People Scrutiny Committee and during 2016-17 we will work to embed this new scrutiny committee so that it can effectively drive and support services to find solutions to problems and set aspirational targets, instilling public confidence in relation to the safeguarding and wellbeing of our children and young people.

As councils continue to operate within tight financial constraints, scrutiny will seek to continue its contribution to making sure that best use is made of Council resources and assets. As local government continues to evolve overview and scrutiny will also evolve while maintaining its approach to promoting improvement through focussed scrutiny and constructive challenge.

## **CONTACT INFORMATION**

For further information about this report, and anything else related to overview and scrutiny, please contact:

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If you require this information in an alternative language, **large font**, Braille, audio tape or text only version, please contact us on 0115 8763759 or 0115 8764315

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**CITY COUNCIL – 14 NOVEMBER 2016**

**REPORT OF THE LEADER**

**AMENDMENTS TO THE CONSTITUTION**

**1 SUMMARY**

- 1.1 The Local Government Act 2000 requires Council to keep its Constitution up to date. Amendments to be reported and/ or agreed are outlined below.
- 1.2 Councillors may wish to make reference to the current Constitution, Version 7.21, which can be viewed on line via the following link: <http://www.nottinghamcity.gov.uk/about-the-council/nottingham-city-councils-constitution/>. If you have any difficulty accessing the Constitution, please contact Constitutional Services on 0115 8763759.

**2 RECOMMENDATIONS**

- 2.1 To note the addition of Community Centres to the responsibilities of the Portfolio Holder for Strategic Regeneration as agreed by the Leader of the Council and outlined in paragraph 5.2;
- 2.2 To note the revised/ new executive delegations as agreed by the Leader of the Council outlined in paragraph 5.3 and Appendix One;
- 2.3 To agree the new/ revised non-executive delegations outlined in paragraph 5.4 and Appendix One;
- 2.4 To approve the amendments of the Constitution required by the above changes.

**3 REASONS FOR RECOMMENDATIONS**

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

**4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

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

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

- 5.1 The Constitution needs to be updated regularly to reflect changes in legislation and to ensure clarity of rights and duties. This report is submitted further to reports presented to Council in September 2016 and March 2016, together with the revisions presented at the Annual meeting of the Council in May.
- 5.2 **Community Centres**  
In order to support the timely processing of decisions relating to Community Centres, authority to approve matters in relation to Community Centres has been added to the portfolio responsibilities of the Portfolio Holder for Strategic Regeneration as outlined in section 7 of Part 2 of the Constitution. Council is asked to note this change.

### 5.3 **Amendments to the table of delegations (Executive)**

The Leader of the Council has agreed changes to a number of delegations for clarification and new delegations to provide officers with the necessary powers to meet existing duties and/ or duties of new legislation. The agreed changes relate to:

- a) To carry out eviction proceedings following the expiry of the duty to provide interim homelessness accommodation, following the issuing of reasonable written notice. To be added as a new delegation 252b(i);
- b) To instruct the recovery of possession of land where illegal encampments exist. Delegation 251 has been amended to clarify authorisation routes and powers held;
- c) Amendment of delegation 127(a) Public Space Protection Orders (PSPOs) to clarify consultation and approval of the variation, extension or revocation of PSPOs.

### 5.4 **Amendments to the table of delegations (Non-Executive)**

Council is asked to approve the amendment to delegation 155 to enable the Director of Community Protection to authorise notices under s151 of the Highways Act 1980 (also contained within Appendix One).

## **6 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)**

6.1 The proposals in this report have no significant financial implications for the Council.

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

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

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

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

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

9.1 None.

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

10.1 The Council's Constitution version 7.21

**COUNCILLOR JON COLLINS  
LEADER OF THE COUNCIL**



**New and amended executive delegations which have been agreed by the Leader**

**New and amended non-executive delegations for approval by Council**

(Struck through – to be deleted/ Bold – to be added)

**Evictions Following the Expiry of Duty to Provide Interim Homelessness Accommodation**

New delegation.

No	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
252b(i) Page 41	<p><b><u>Evictions Following the Expiry of Duty to Provide Interim Homelessness Accommodation</u></b>  <b>To carry out eviction proceedings following the expiry of the duty to provide interim homelessness accommodation in accordance with s188 of the Housing Act 1996 following the issuing of reasonable written notice and with the assistance of a private bailiff and in accordance with City Council procedures.</b></p>	s.188 Housing Act 1996 (as amended)	Executive	Head of Housing Solutions

### Recovery of Land (Executive)

Amended to enable appropriate officers to instruct the recovery of possession of land where illegal encampments exist. This amendment clarifies authorisation routes and powers held.

No	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
251	<u>Land and Property – Recovery of Land</u> To authorise recovery of possession of land and property from trespassers	-	Executive	Corporate Director for Development and Growth  Director for Strategic Asset and Property Management  Director for Legal and Democratic Services  Legal Services Manager(s)  <b>Director of Community Protection</b>

## Public Space Protection Orders (PSPOs) (Executive)

Amended to clarify consultation and approval of the variation, extension or revocation of PSPOs.

No	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
<p>127(a)</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 43</p>	<p><u>Public Spaces Protection Orders (PSPOs)</u>            To commence consultation on <b>(which includes the necessary publicity and necessary notification)</b> and approve the making, <b>variation, extension or discharge</b> of Public Spaces Protection Orders in the following circumstances:</p> <ul style="list-style-type: none"> <li>• Where a proposed PSPO <b>(or proposed variation, extension or discharge of a PSPO)</b>, in the opinion of the relevant Director, is significant or likely to be politically sensitive or contentious, the relevant Portfolio Holder is responsible for commencing the consultation process via a Portfolio Holder Decision.</li> </ul> <p>Executive Board is responsible for deciding whether to approve the making <b>variation, extension or discharge</b> of the order following the consultation.</p> <ul style="list-style-type: none"> <li>• Where a proposed PSPO <b>or proposed variation, extension or discharge of a PSPO</b> impacts on the City Centre (ie crosses several ward areas), and therefore impacts on those working in or visiting the City Centre as well as residents <b>(and is not deemed by the relevant Director to be politically contentious or sensitive)</b>, the Director of Community Protection is responsible for commencing the consultation process.</li> </ul> <p>The relevant Portfolio Holder is responsible for deciding</p>	<p>Anti-social Behaviour, Crime and Policing Act 2014 –Part 4, Chapter 2</p>	<p>Executive</p>	<p>Relevant Portfolio Holder</p> <p>Executive Board</p> <p>Director of Community Protection</p>

	<p>whether to approve the making, <b>variation, extension or discharge</b> of the order following consultation.</p> <ul style="list-style-type: none"> <li>Where a proposed PSPO (<b>or proposed variation, extension or discharge of a PSPO</b>) impacts only on part of the city covered by one Area Committee (and is not deemed by the relevant Director to be politically contentious or sensitive) the Director of Community Protection is responsible for commencing the consultation process.</li> </ul> <p>The relevant Area Committee is responsible for deciding whether to approve the making, <b>variation, extension or discharge</b> of the order following consultation.</p>			<p>Relevant Portfolio Holder</p> <p>Director of Community Protection</p> <p>Relevant Area Committee</p>
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**Obstruction and other items on the Highway (Non-Executive)**

Amended to enable officers to instruct the power to service notice under section 151 of the Highways Act 1980 as this power is not specifically delegated within the Council's Scheme of Delegation.

No	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
155	<u>Action in relation to obstructions and other items on the Highway</u> Power to take action in relation to obstructions, structures, things deposited and booths placed on or over the highway.	Highways Act 1980 - Section 130A, 137, 137ZA, 143, 148, 149, <b>151</b> 154,155, 161 and 162	Non-Executive	Corporate Director for Development and Growth  Corporate Director for Communities  Director for Community Protection

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**CITY COUNCIL – 14 NOVEMBER 2016**

**REPORT OF THE LEADER**

**DECISIONS TAKEN UNDER URGENCY PROCEDURES**

**1 SUMMARY**

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

**2 RECOMMENDATIONS**

- 2.1 To note the urgent decisions taken, as detailed in the appendices.

**3 REASONS FOR RECOMMENDATIONS**

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

**4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 4.1 None.

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

- 5.1 Call-in and Urgency (Overview and Scrutiny) Procedure Rules: Councillors will be aware that the call-in procedure does not apply where the decision taken is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. Part 4 of the Constitution requires that where a decision is taken under the urgency procedure that decision needs to be reported to the next available meeting of Council, together with the reasons for urgency. The urgency procedure requires that the Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and that it should be treated as a matter of urgency. In the absence of the Chair, the Vice-Chair's consent is required. In the absence of both, the Chief Executive or his nominee's consent is required. Details of the decisions made where the call-in procedure has not applied due to urgency are set out in Appendix 1;
- 5.2 Special Urgency – Access to Information Procedure Rules: The Local Authorities Executive Arrangements (Access to Information) (England) Regulations 2012 introduced a requirement for 28 clear days public notice to be given of all proposed key decisions. Where it is not possible to give the full 28 days' notice, but there is time to give at least 5 clear days' notice, then the General Exception procedure (as set out in Part 4 of the Constitution, paragraph 13 of the Access to Information Procedure Rules) applies. Where 5 clear days' notice is also not possible, the above regulations provide for a Special Urgency Procedure;
- 5.3 An urgent key decision may only be taken under the Special Urgency procedure where the decision taker has obtained agreement that the decision is urgent and cannot reasonably be deferred from:

- (i) the Chair of the Overview and Scrutiny Committee or

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

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

- 5.4 In addition the procedure requires that the Leader submits at least quarterly reports to Council containing details of each executive decision taken during the period since the last report where the making of the decision was agreed as a case of special urgency (paragraph 16.2, Part 4 of the Constitution). Details of key decisions taken under the special urgency procedures are set out in appendix 2.

## **6 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY)**

- 6.1 None.

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

- 7.1 None.

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

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

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

- 9.1 None.

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

- 10.1 The City Council's Constitution;
- 10.2 The delegated decisions and committee reports detailed in the appendices to this report, as published on the City Council's website.

**COUNCILLOR JON COLLINS  
LEADER OF THE COUNCIL**



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

<b><u>Decision reference number</u></b>	<b><u>Date of decision</u></b>	<b><u>Subject</u></b>	<b><u>Value of decision</u></b>	<b><u>Decision Taker</u></b>	<b><u>Consultee on urgency</u></b>	<b><u>Reasons for urgency</u></b>
2597	15/09/2016	Financial dispensation request for urgent building works	£98,000	Deputy Leader of the Council	Chair of Overview and Scrutiny	Imminent replacement of equipment required to ensure continued health and safety compliance.
2599	16/09/2016	Supply of books and DVDs to Nottingham Library Service, including library in HMP Nottingham, over 4 years	£828,000	Portfolio Holder for Leisure and Culture	Chair of Overview and Scrutiny	In order to meet the deadline for the submission urgent approval is required.
2605	28/09/2016	Purchase of Sneinton Dale police station and leaseback of part to create new library and Police contact point.	Exempt	Leader of the Council	Chair of Overview and Scrutiny	Urgent purchase in order to let the refurbishment contract.
2606	28/09/2016	Procurement for a Cafe/Bar & Event Catering Management Concessionaire at The Nottingham Theatre Royal and Concert Hall	Exempt	Leader of the Council	Chair of Overview and Scrutiny	Urgent decision required in order to maximise the income to the Council.
2610	29/09/2016	Purchase of Civica Software with House of Multiple Occupancy and Mobile Modules	£350,507	Deputy Leader of the Council	Chair of Overview and Scrutiny	Urgent decision in order to benefit from discounted Civica quote.
2614	03/10/2016	Commercial Opportunity for Energy Services	Exempt	Portfolio Holder for Energy and Sustainability	Chair of Overview and Scrutiny	In order to meet an urgent submission date.
2617	03/10/2016	Unity Learning Centre - additional funding	£219,000	Portfolio Holder for Education, Employment and Skills	Chair of Overview and Scrutiny	A delay would jeopardise an academisation decision.

<u>Decision reference number</u>	<u>Date of decision</u>	<u>Subject</u>	<u>Value of decision</u>	<u>Decision Taker</u>	<u>Consultee on urgency</u>	<u>Reasons for urgency</u>
2644	17/10/2016	Property Investment Acquisition – Project Highland	Exempt	Leader of the Council	Chair of Overview and Scrutiny	To allow for a timely purchase.

**KEY DECISIONS – SPECIAL URGENCY PROCEDURE**

<b><u>Date of decision</u></b>	<b><u>Subject</u></b>	<b><u>Value of decision</u></b>	<b><u>Decision Taker</u></b>	<b><u>Reasons for special urgency</u></b>
28/09/2016	Procurement for a Cafe/Bar & Event Catering Management Concessionaire at The Nottingham Theatre Royal and Concert Hall	Exempt	Leader of the Council	The decision is urgent in order to meet the deadline, maximise the quality of tender and increase the amount of income to the City Council.
29/09/2016	Letting of Vacant Office Space at No. 1 Nottingham Science Park, Jesse Boot Way, Nottingham, NG7 2RU	Exempt	Leader of the Council	The decision is urgent because terms have been agreed between the parties which include the date on which the lease is to commence.
Page 51 29/10/2016	Invest in D2N2 Nottingham City as Accountable Body	£ 2,369,624	Leader of the Council	It has only recently been announced by government that ERDF bids approved before the Autumn Statement will be honoured, so there is a requirement now to seek approval to the change in role to ensure the bid is approved.

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