



You are hereby summoned to attend a meeting of **CITY COUNCIL**
at Council House, Old Market Square on Monday, 10 July 2017 at 2.00 pm to transact the following business

<u>AGENDA</u>	<u>Pages</u>
1 APOLOGIES FOR ABSENCE	
2 DECLARATIONS OF INTERESTS	
3 QUESTIONS FROM CITIZENS	To Follow
4 PETITIONS FROM COUNCILLORS ON BEHALF OF CITIZENS	Verbal
5 TO CONFIRM THE MINUTES OF THE LAST MEETING OF COUNCIL HELD ON 8 MAY 2017	3 - 14
6 TO RECEIVE OFFICIAL COMMUNICATIONS AND ANNOUNCEMENTS FROM THE LEADER OF THE COUNCIL AND/OR THE CHIEF EXECUTIVE	Verbal
7 QUESTIONS FROM COUNCILLORS - TO THE CITY COUNCIL'S LEAD COUNCILLOR ON THE NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AND RESCUE AUTHORITY	To Follow
8 QUESTIONS FROM COUNCILLORS - TO A MEMBER OF EXECUTIVE BOARD, THE CHAIR OF A COMMITTEE AND THE CHAIR OF ANY OTHER CITY COUNCIL BODY	To Follow
9 AMENDMENTS TO THE CONSTITUTION Report of the Leader	15 - 22
10 DECISIONS TAKEN UNDER URGENCY PROCEDURES Report of the Leader	23 - 26
11 ACCEPTING DELEGATED FUNCTION FOR CCTV PARKING ENFORCEMENT FROM LEICESTER CITY COUNCIL Report of the Portfolio Holder for Community and Customer Services	27 - 40
12 MOTION Motion in the name of Councillor Jane Urquhart:	

This Council calls on the new government to repeal the 'spare room subsidy', known as the bedroom tax.

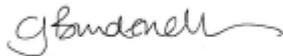
The 'tax' affects approximately 6,000 households in Nottingham, the vast majority of whom are low income and many of whom are disabled.

This Council therefore resolves to write to the government and opposition parties calling for the immediate repeal of this element of the Welfare Reform Act 2012 and in the meantime will continue to lobby our MPs for their support.

Please note that questions to Council are received after the agenda has been published. Questions will be published as a supplementary agenda by 5pm on Friday 7 July 2017.

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

CITIZENS 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. INDIVIDUALS INTENDING TO RECORD THE MEETING ARE ASKED TO NOTIFY THE GOVERNANCE OFFICER SHOWN ABOVE IN ADVANCE.



Dated 30 June 2017
Corporate Director for Strategy and Resources
To: All Councillors of Nottingham City Council

MINUTES OF THE MEETING OF THE CITY COUNCIL

held at the Council Chamber - at the Council House

on 8 May 2017 from 2.00 pm - 3.57 pm

ATTENDANCES:

✓ Councillor Mohammed Saghir (Lord Mayor)	
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✓ Councillor Liaqat Ali	✓ Councillor Gul Nawaz Khan
✓ Councillor Jim Armstrong	✓ Councillor Neghat Nawaz Khan
✓ Councillor Cat Arnold	✓ Councillor Ginny Klein
✓ Councillor Leslie Ayoola	✓ Councillor Dave Liversidge
✓ Councillor Ilyas Aziz	✓ 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 Brian Grocock	✓ Councillor Wendy Smith
✓ Councillor Chris Gibson	✓ 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 Adele Williams
✓ Councillor Corall Jenkins	✓ Councillor Michael Wildgust
✓ Councillor Glyn Jenkins	✓ Councillor Malcolm Wood
✓ Councillor Sue Johnson	✓ Councillor Linda Woodings
✓ Councillor Carole-Ann Jones	✓ Councillor Steve Young

✓ Indicates present at meeting

1 APOLOGIES FOR ABSENCE

- Councillor Azad Choudhry - personal
- Councillor Alan Clark - personal
- Councillor Corall Jenkins - personal
- Councillor Alex Norris - non-Council business

2 DECLARATIONS OF INTERESTS

None

3 TO ELECT THE LORD MAYOR AND APPOINT THE SHERIFF

RESOLVED to:

- 1) elect Councillor Michael Edwards as the Lord Mayor of the City of Nottingham until the next annual meeting of the City Council, as nominated by Councillor Brian Parbutt and seconded by Councillor Eunice Campbell;
- 2) appoint Councillor Glyn Jenkins as Sheriff of the City of Nottingham until the next annual meeting of the City Council, as nominated by Councillor Jackie Morris and seconded by Councillor Chris Gibson.

4 TO APPOINT THE LORD MAYOR'S CHAPLAIN

The Lord Mayor informed Council of the appointment of Bishop James Stapleton of the Open Christian Fellowship as the Lord Mayor's Chaplain.

5 QUESTIONS FROM CITIZENS

None.

6 PETITIONS FROM COUNCILLORS ON BEHALF OF CITIZENS

None.

7 TO CONFIRM THE MINUTES OF THE LAST MEETING OF COUNCIL HELD ON 6 MARCH 2017

The minutes of the meeting held on 6 March 2017 were confirmed as a correct record and signed by the Chair.

8 TO RECEIVE OFFICIAL COMMUNICATIONS AND ANNOUNCEMENTS FROM THE LEADER OF THE COUNCIL AND/OR THE CHIEF EXECUTIVE

The Chief Executive reported the following:

Councillor Adele Williams

I would like to welcome Councillor Adele Williams, the newly elected Labour Councillor for Sherwood to the Council, following a by-election held on Thursday 4 May 2017.

Hearts for the Arts Award 2017

I am delighted to welcome 3 very special guests who are here to present the Hearts for the Arts Award 2017 to the Nottingham Performing Arts Library Service (NPALS). We are incredibly proud that NPALS has been named the country's best local authority arts initiative 2017, for its innovative work to provide music and drama groups with an outstanding, cost-effective regional loans service for music scores and play scripts.

NPALS is part of Nottingham City Libraries Service, many of whom are here in the gallery today, and is the culmination of a project between Nottingham and Leicester city councils. The authorities worked together to transform two subsidised music and drama library services into a single sustainable unit supporting amateur groups across both areas. We are particularly pleased that a number of other councils have expressed an interest in adopting the model for their performing arts library services. We hope in the future that it will form the basis of a new regional or even national way of working, showing that Nottingham is once again in the vanguard of change and innovation in the field of arts and culture.

Our esteemed guests today are, Samuel West, BAFTA nominated actor, director and chair of the judging Panel for the Award, Howard Goodall (CBE) BAFTA award-winning composer of choral music, stage musicals, film and TV scores and David Brownlee from the Results Group for the Arts which supports arts and cultural professionals. It now gives me great pleasure to invite Samuel West and Howard Goodall to say a few words and present the Award to Councillor Dave Trimble.

UK Housing Awards 2017

Nottingham City Council was named Outstanding Strategic Local Authority of the Year at the UK Housing Awards at the awards ceremony on 26 April 2017. The awards are jointly organised by the Chartered Institute of Housing and Inside Housing magazine. They are regarded as the most prestigious awards in the social housing sector.

Jean Case

Finally and exceptionally at full Council in relation to a member of staff, it's with sadness that I report to Council the passing of Jean Case who worked as a Youth and Play Co-ordinator, having joined the Council in June 2005. Many of our councillors will have known Jean from her prominent role in our neighbourhoods as part of the Family Community Team.

Councillor David Mellen spoke in tribute to Jean Case and a minutes' silence was held.

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

None.

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

Regeneration of Clifton retail centre

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

As part of the wider regeneration of the retail centre in Clifton, and in support of the new retail development on the former Fairham House site, will the Deputy Leader acknowledge that removing speed humps from arterial roads in Clifton will increase the appeal and ultimately the patronage of shops from neighbouring areas like Ruddington, Silverdale, Wilford and Gotham amongst others, which will in turn enhance the success of the final regeneration scheme?

Councillor Graham Chapman replied as follows:

Thank you Lord Mayor. It may sound like a frivolous point on the part of Councillor Rule to think that the removal of road humps will be the salvation of Clifton's shopping centre, but I do believe that road humps in some cases can be a deterrent to shopping in Clifton. A further disadvantage of road humps is that they increase emissions of nitrous dioxide, as vehicles slow down. So, they are not universally a good thing and it would be lovely to live without them.

On the other hand, you do have to weigh up the advantages against the disadvantages and the disadvantages do not just tip the balance, they weigh overwhelmingly in favour of road humps, which is the reason why they were installed in the first place – such as reducing injuries and deaths. I would remind Council that traffic calming measures were introduced in Clifton at the behest of residents and businesses because of the number of accidents and fatalities on Clifton's roads.

In the five years after the introduction of the measures, this was in the early 2000s, I am told that there was a 72% reduction in serious accidents. So, weighing up between deaths/accidents and the marginal benefits to the shopping centres there is no case to answer. On top of that, we have no money for it and I do not need to explain to the councillors opposite why we have no money for that sort of scheme. This leaves us with the issue of shopping in Clifton. What we are doing is taking a whole set of other measures and will be investing £500,000 in the shopping centre, simply to upgrade it, which is being matched by finance from elsewhere. We have developed the Cornerstone in Clifton, which was no coincidence that it was located in Clifton as we felt that Clifton was the place to start. We have developed the tram, which was largely developed to help Clifton, as well as other areas.

There will be a new shopping offer of Lidl, we are upgrading the market and not only are we upgrading Clifton, it is part of a wider strategy where there will be 3000 houses along the boundary built soon and if we do not do something about upgrading the Clifton Shopping Centre those people will not shop in Clifton, they will shop elsewhere. This is one of the reasons why we have liaised with Rushcliffe about leaving room for a further spur of the tram network so that we can encourage people directly into the Clifton Shopping Centre.

The way forward for Clifton, is not by the removal of road humps but by attracting investment which is far more likely to deliver results. So, I am afraid Councillor Rule, although you have part of a case, it is a very weak case compared to the consequences of removing road humps. I'll leave you with one final thought, if you were to remove the road humps and then suffer a child death I wouldn't like to take responsibility for it.

Bestwood and Bulwell Foodbanks

Councillor Steve Battlemuch asked the following question of the Deputy Leader:

Would the Deputy Leader comment on the report from the Bestwood and Bulwell Foodbank on the 25th April that stated 3251 emergency food supplies were given to local people by them in the past year, a record number – why is this issue arising and what is the council doing to help?

Councillor Graham Chapman replied as follows:

Thank you Lord Mayor and I really welcome this question. There are four to five indicators of a Conservative government. One is decline in the NHS, second is a decline in the state of roads and paths, three is a decline in investment into schools and further education and four is a rise in homelessness. The final indicator is the general impoverishment of the already poor of which food banks are the best indicator. It happened in the 1980s and 1990s after the Conservatives had been in power for a long period and it took the Labour government almost 15 years to get some of the investment recovery into schools. I'll remind people just as a matter of interest, when I was Leader of the Council we took over schools in 1997 and we had £500,000 to invest in the whole of the schools physical infrastructure. By the time the Labour government left in 2010 we were talking about £30 million a year.

People will also remember the famous saying by Sir George Young that, "the homeless are the people you step over when going to the opera." That is an indicator of the Conservative government and the increase in the number of food banks is entirely down to government policy. There are 13 food banks in the city and in 2010, there were none. In Bulwell, the number of people using a foodbank has gone up 15% during 2016/17. The number of food parcels for children has gone up 20% and this increase is reflected in every other food bank in the city. The reasons are down to benefit delays and sanctions, benefit changes, benefit cuts, people on low incomes or on zero hours where the benefit is unstable. More specifically, out of work benefits were frozen in April 2016, there are blockages on PIP assessments were are becoming more restrictive. I had a case during the week of somebody who has had a leg amputated, they are being reassessed for PIP, and they are now on less money, after that reassessment, after that amputation than they were before.

There are more children in low income households than there used to be. This means that benefits and income is going down and there is more poverty amongst the children because the income from work is less than they were on before. That is not rewarding work – that is penalising people as they go into work. With regards to homelessness, there were 276 cases in 2013/14 and 461 in 2016/17. None of this has happened by coincidence, they are acts of government. As for the use of foodbanks, this is likely to get worse for a number of reasons. From this month new ESA claimants will receive £29 a week less than current claimants. Universal Credit is being rolled out which means direct payments of rent – we know what happens when rent goes directly to the tenants, we know that there are many other calls for that income and the chances are that rent will not always get paid. Therefore, you end up with more homelessness and a greater demand on food banks. Payments will now be paid monthly and in arrears to people who usually have no money in the bank yet they are expected to survive the whole month without any income.

There is also the expectation under Universal Credit that they will have a bank account but you try getting a bank account if you've got no income, it is extremely difficult and a major issue. So, what has the Council been doing? Well, we are trying to support people getting bank accounts and I will be looking to have a much broader advertising campaign to encourage that, as well as working with the voluntary sector to do so. We have kept the Advice Sector funding, unlike other councils our Advice Sector has not been hit by cuts, we've tried to protect it. Our own Advice Division has dealt with 1,245 issues over the last year. Two thousand cases of debt or benefit advice in this calendar year already. Through good budgeting, we are one of the few councils still providing top-up payments to discretionary housing payments and support with the 'Bedroom Tax.' We have also provided an extra £500,000 to combat homelessness, again, through good budget management and some other councils have been unable to respond.

Unlike the government, apart from being cruel, we know that as people are driven into poverty the social cost elsewhere rises, child protection costs rise, homelessness costs rise, the long-term costs in education rise, it divides society, it undermines the economy by taking independence away from people and lowers aspiration. In fact, it cuts across everything the government says it wants to promote. In the end, making the poor pay for austerity is motivated by one thing alone and it is not economics, it is malice. Theresa May was right, the Conservatives are the nasty party and the point is, they're actually getting nastier by the day. As for food banks, I can only say how grateful this Council is to all the volunteers who run them and all those who give up their time to support food banks. However, we should never forget that they are not the solution. The one thing we should be working towards, in this Council, is the day when we do not have food banks.

Air Quality Strategy

In Councillor Clark's absence, a written response has been appended to the minutes in response to Councillor John Hartshorne's question:

Does the Portfolio Holder think the government has been straightforward in its publication of an air quality strategy?

Transitional Grants

Councillor Chris Gibson asked the following question to the Deputy Leader:

Could the Deputy Leader inform Council on progress that's been made in his attempt to persuade the DCLG to release information about the basis on which transitional grants are distributed?

Councillor Graham Chapman replied as follows:

Can I thank Councillor Gibson for his question. This is about the misallocated of millions of public finance to mainly Conservative authorities at the rate of 80%. In April 2016, the Government handed out an extra £300million over two years in funding through their Transitional Grant scheme. This additional money went particularly to more affluent councils in the south of the country who, over the austerity years have escaped serious funding cuts that places like Nottingham have

had. At the same time, more northerly places like Nottingham, Derby and Leicester who have borne the brunt of severe funding cuts from Government received no additional money, so we asked why. We found that no such detail was available for the Transitional Grant.

In fact, I've submitted two Freedom of Information requests and have pursued this through several written Parliamentary Questions and when the government refused to provide the information I put in an appeal to the Information Commissioner. All this was met with a brick wall. Despite the DCLG confirming they held the detailed information on the basis on which the grant was distributed, they would not provide it. On one occasion they said that "it is not in the public interest to disclose this information at this time". On another they said that "the public interest served by disclosure of the information we hold would be minimal beyond a small number of interested parties". When I appealed against this they used a different reason stating that it was exempt from disclosure because Government policy formulation relating to the 2017/18 Transition Grant was still active. So, I've had three justifications for not giving the information as to why £300 million was distributed to a load of Conservative authorities.

I then took my appeal to the Information Commissioner who disappointingly agreed with the DCLG's somewhat creative reasoning that Transition Grant was still an active policy matter. So, it seemed clear to us that the next step was to wait until February this year when the allocation of the second and final round Transitional Grant funding had been announced. At this point the requested information should no longer be exempt as any policy formation would be over and done with and any policy activity would have ceased and we expected to get an answer. As such, I submitted a fresh FOI in February and received a response from the DCLG in March this year. Rather than the providing the information, given that the policy was now over, the DCLG asked for an additional 20 working days to consider using an exemption – something they are entitled to do under the FOI guidelines. Interestingly, they revealed they were considering using a new exemption to block the release of the information I have requested.

After the further 20 working days had expired, I chased the response only to be told that the DCLG wanted another time extension to continue to look at their exemption. I took advice and believe this to be contrary to the FOI guidelines so I lodged an immediate objection with the Information Commissioner to which I am currently awaiting a response. So, there we have it – a year after our original request to know why Sussex got £22 million and we got nothing, all we've got is obfuscation. And of course, all this has real implication. It's not just that we have lost money but other councils have. Other councils who are desperate like Liverpool, Birmingham and Newcastle have not had any additional money. We're talking about millions of pounds of public money for vital services which has been dished out to better off councils while poorer, needier councils have received nothing.

Recently, the National Audit Office has investigated the Transition Funding Scheme and they have come to the conclusion that:

".... the overall reductions in spending power experienced by authorities either in this or previous settlements were not involved in the design of the grant. The level of need or demand for local services was also not considered."

This distribution was nothing to do with the need or the demand of local services. You can only conclude that because 80% went to Conservative authorities that it was a bung. The National Audit Office was also unable to identify where the funding had come from, actually, I think I know where it has come from – it came from the top sliced Local Government Grant which the government does not redistribute all of. To summarise, £300 million has been handed out, to mainly better off councils, mainly in the south and mainly Conservative. We know that the DCLG has the information on the Transitional Grant Scheme as well as its distribution. They are still refusing to disclose this information, despite FOI requests and the National Audit Office have confirmed that the levels of need or demand were not a consideration.

In my view, it is a misuse of public funds for political purposes and that's enough to convince me that I need to continue to press the government on this matter and I intend to do so. I smell a rat and I smell a Conservative rat.

11 EXECUTIVE APPOINTMENTS, REMITS AND FIRST MEETINGS 2017-18

The Leader submitted a report on Executive appointments, remits and first meetings 2017/18, as set out on pages 23 – 24 of the agenda, and 3-34 of the Executive Appointments supplementary agenda.

RESOLVED to:

- (1) note the appointment of Councillor Graham Chapman as Deputy Leader;**
- (2) note the appointments of the Portfolio Holders, their Executive Assistants, and their remits as below and in appendix 1 to the report, and their responsibilities and remits as detailed in appendix 2 to the report;**

PORTFOLIO HOLDER NAME	PORTFOLIO
Jon Collins	Portfolio Holder for Strategic Infrastructure
Graham Chapman	Portfolio Holder for Resources and Neighbourhood Regeneration
Alan Clark	Portfolio Holder for Energy and Sustainability
Sally Longford	Portfolio Holder for Neighbourhood Services
Toby Neal	Portfolio Holder for Community and Customer Services
David Mellen	Portfolio Holder for Early Intervention and Early Years Adults and Health (Interim)
David Trimble	Portfolio Holder for Leisure and Culture
Jane Urquhart	Portfolio Holder for Planning, Housing and Heritage
Sam Webster	Portfolio Holder for Business, Education and Skills
Vacancy	Vacant Position

EXECUTIVE ASSISTANT NAME	REMIT
Marcia Watson	Local Transport
Rosemary Healy	Neighbourhoods
Neghat Khan	Housing and Flooding
Leslie Ayoola	Business and Employment
Linda Woodings	Communications

- (3) note the appointments and first meeting dates of Executive meetings, as detailed in appendix 3 to the report;
- (4) note the terms of reference for Executive committees and agree the related changes to the Constitution, as detailed in appendix 4 to the report.

12 APPOINTMENTS AND FIRST MEETINGS OF COMMITTEES AND JOINT BODIES 2017-18

The Leader submitted a report on appointments and first meetings of committees and joint bodies 2017/18, as set out on pages 25-68 of the agenda and 3-16 of the Appointments and first meetings supplementary agenda.

RESOLVED to:

- (1) agree the first meeting dates of Council bodies and Joint Bodies as set out in appendix 1 to the report;
- (2) agree the terms of reference of Council bodies and Joint bodies, and any related changes to the Constitution, as set out in appendix 2 to the report;
- (3) agree the membership of Council bodies and the City Council membership of Joint Bodies, as set out in appendix 3 to the report;
- (4) agree substitutes, where applicable, as set out in appendix 3 to the report.

13 AMENDMENTS TO THE CONSTITUTION AND APPOINTMENT OF INDEPENDENT PERSON FOR STANDARDS

The Leader submitted a report on Amendments to the Constitution and the appointment of an Independent Person for Standards, as set out on pages 69-84 of the agenda.

Councillors Georgina Culley, Jim Armstrong and Andrew Rule all requested that their vote against the recommendation 2.1 in the report and (1) listed below.

RESOLVED to:

- (1) agree the changes in the operation of Overview and Scrutiny, as outlined in paragraphs 5.1, 5.2, 5.3 and 5.4 of the report;

- (2) agree the changes to the operation of Licensing and Regulatory and Appeals Committees, as outlined in paragraph 5.5 of the report;
- (3) note the amendments to the Health and Wellbeing Board Commissioning Sub Committee terms of reference, as outlined in paragraph 5.6 of the report;
- (4) approve the amendments to Part 2 and Part 4 of the Constitution required by the above changes;
- (5) appoint an Independent Person to perform the following roles:
 - to assist the Council in investigations into Member conduct;
 - to be invited to act as an Independent Person in cases of possible dismissal of the Chief Executive, Monitoring Officer or Chief Finance Officer, as outlined in paragraphs 3.4 and 5.7-5.9 of the report.

14 DECISIONS TAKEN UNDER URGENCY PROCEDURES

The Leader submitted a report on decision taken under urgency procedures, as set out on pages 85 to 90 of the agenda.

RESOLVED to note the urgent decisions taken, as follows:

1) urgent decisions (exempt from call-in):

<u>Ref no</u>	<u>Date of decision</u>	<u>Subject</u>	<u>Value of decision</u>	<u>Reasons for urgency</u>
2770	08/03/17	Keeping the balance – DCLG funding	£3,000,000	The bidding process had strict deadlines and urgent approval was required in order to accept the funding from the DCLG.
2773	13/03/17	Planning Applications fees: Increase in nationally set planning fees	£200,000	The government provided a short timescale for the City Council to respond and confirm its decision. The decision had to be communicated by 13/03/17.

<u>Ref no</u>	<u>Date of decision</u>	<u>Subject</u>	<u>Value of decision</u>	<u>Reasons for urgency</u>
2800	30/03/17	Department for Communities and Local Government: Infrastructure Funding Capital Grant	£1,250,000	The funding needed to be drawn down by 31 March 2017.
2809	11/04/17	Investment Acquisition – Project Wellington	Exempt	The call-in period would seriously prejudice the Council's ability to meet the timescales proposed by the vendor which could result in the loss of the investment and result in abortive costs.

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>
08/03/17	Keeping the balance – DCLG funding	£3,000,000	Leader of the Council	The decision is urgent and the business cannot be deferred because a delay could seriously jeopardise the Council's receipt of substantial funding from the DCLG.

15 **DATES OF FUTURE MEETINGS**

RESOLVED to hold meetings of Council at 2pm on the following dates:

- 10 July 2017
- 11 September 2017
- 13 November 2017
- 22 January 2018
- 5 March 2018

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CITY COUNCIL – 10 JULY 2017

REPORT OF THE LEADER

AMENDMENTS TO THE CONSTITUTION

1 SUMMARY

- 1.1 The Local Government Act 2000 requires the Council to keep its Constitution up to date. The amendments to be reported and/or agreed are outlined below.
- 1.2 Councillors may wish to make reference to the current Constitution, which can be viewed online via the following link <http://beta.nottinghamcity.gov.uk/about-the-council/nottingham-city-councils-constitution/>. If you have any difficulty accessing the Constitution, please contact Constitutional Services on 0115 8764301.

2 RECOMMENDATIONS

- 2.1 To note the amended Portfolio Holder/Executive Assistant appointments/remits and executive committee membership appointments made by the Leader, as detailed in Appendix 1.
- 2.2 To note the amended memberships of non-executive committees, approved by the Corporate Director for Strategy and Resources as in-year changes, as detailed in Appendix 2.
- 2.3 To note that Nottinghamshire County Council decided not to include the Joint Health Scrutiny Committee in its governance arrangements for the 2017/18 municipal year, therefore the City Council is no longer required to appoint councillors to its membership.
- 2.4 In relation to the Health Scrutiny Committee (in addition to the change outlined in Appendix 2):
- (a) to increase the membership from 10 (9:1) to 14 (13:1) to accommodate councillors who were previously on the Joint Health Scrutiny Committee; and
 - (b) appoint Councillor Eunice Campbell, Councillor Jackie Morris, Councillor Adele Williams and Councillor Brian Parbutt to the committee.
- 2.5 To approve the amendments to the Constitution required by the above changes.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The Local Government Act 2000 requires the 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, therefore, not updating the Constitution is 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, and regular reports are submitted to Council detailing changes.

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

6.1 None.

7 LEGAL AND PROCUREMENT COLLEAGUE 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 EIA is not required because the report contains no changes to policy.

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 7.22.

10.2 Local Government Act 200 and the Localism Act 2011.

**COUNCILLOR JON COLLINS
LEADER OF THE COUNCIL**

EXECUTIVE APPOINTMENTS**Portfolio Holder and Executive Assistant Appointments and Remits**

Title	Broad Responsibilities
<p>Strategic Infrastructure and Communications - Councillor Jon Collins</p> <p>Executive Assistant (Communications) - Councillor Linda Woodings</p>	<p>Strategic Regeneration and Development Overview of all regeneration activity across the City City Centre, major regeneration projects Local Economic Partnership and European Funding</p> <p>Strategic and Operational Property</p> <p>Strategic Transport HS2 NET phase 1, 2 and 3 NCT board member</p> <p>Communications and Marketing</p> <p>Crime and Drugs Partnership</p> <p>International and European Links</p>
<p>Resources and Neighbourhood Regeneration - Councillor Graham Chapman</p> <p>Executive Assistant (Neighbourhoods) - Councillor Rosemary Healy</p>	<p>Resources Finance Legal and Democratic Services, Monitoring Health and Safety Risk Management and Emergency Planning Collection of Council Tax and NNDR Housing and Council Tax Benefits Welfare Rights Income Generation and Commercialisation Facility and Building Services Corporate Council Transport Fleet</p> <p>Commissioning and Procurement Corporate Strategic Commissioning</p> <p>Neighbourhood Regeneration Neighbourhood Retail Management Neighbourhood Management and Engagement Area Working Community Development</p> <p>Shareholder – Nottingham City Transport</p>
<p>Early Intervention and Early Years - Councillor David Mellen</p>	<p>Children’s Services Performing the Lead Role for Children’s Services in accordance with statutory requirements and guidance. Children’s Safeguarding, children’s social care Children in Care and Care Leavers Leading on early-intervention Children’s Partnership and Young People’s Plan Integrated youth service including YOT Early Years including Children’s Centres Children’s Disability and Children’s Mental Health Lead on commissioning of Children’s Services</p> <p>Lead on refugees and asylum seekers</p>
<p>Adults and Health - Councillor Nick McDonald</p> <p>Executive Assistant (Social Care) - Councillor Marcia Watson</p>	<p>Health and Social Care Integration</p> <p>Adults Corporate Strategies for Older People and Vulnerable Adults Championing Independent Living - telecare</p>

Title	Broad Responsibilities
	<ul style="list-style-type: none"> - catering Adult Safeguarding Health Public Health and Wellbeing - health inequalities - smoking and avoidable injuries Chair of the Health and Well Being Board Mental Health and Well-being Teenage Conception Wider Health Links Lead on commissioning of Adults Services Passenger Transport Creative Quarter
<p>Energy and Sustainability - Councillor Alan Clark</p>	<p>Sustainability</p> <ul style="list-style-type: none"> Robin Hood Energy Climate change and Carbon Reduction. Nature Conservation - Strategy Energy and energy bills Energy from Waste inc Enviroenergy (WRG) Nottingham Energy Partnership Waste disposal Air Quality
<p>Planning, Housing and Heritage - Councillor Jane Urquhart</p> <p>Executive Assistant (Housing and Flooding) - Councillor Neghat Khan</p>	<p>Planning</p> <ul style="list-style-type: none"> Planning Policy and Development Management <p>Housing</p> <ul style="list-style-type: none"> Physical neighbourhood transformation and regeneration. Estate Management – Council and private Estates Private Housing and Private Rented Sector Performance of NCH and Housing Associations Student Housing Support to vulnerable people - homelessness - housing with care and support. Strategic and Retained Housing functions Regeneration Land and Property (tied in with above) HiMOs <p>Flooding</p> <p>Responsibilities as a Lead Local Flood Risk Authority</p> <p>Heritage</p>
<p>Business, Education and Skills - Councillor Sam Webster</p> <p>Executive Assistant (Business and Employment) - Councillor Leslie Ayoola</p>	<p>Business & Growth</p> <ul style="list-style-type: none"> Growth Plan Delivery City Centre Retail Management Business Support, Development and Liaison Inward Investment Place Marketing Organisation Sector Development Social Enterprise and Enterprise Development Smart Cities <p>Schools</p> <ul style="list-style-type: none"> Education Improvement Board Educational provision 3 – 16 including school re-organisation and governance, Academies and Free

Title	Broad Responsibilities
	<p>Schools Attendance Special Educational Needs – Special Education Schools Pupil Referral Units Employability in Schools</p> <p>Jobs and Skills Lead on skills and employment</p> <ul style="list-style-type: none"> - Post 16 Training, FE and HE - Develop opportunities for young people and adults - Local Jobs for Local People and Making the Connections - Investment initiatives - Nottingham and Notts Futures Advice, Skills and Employment
<p>Leisure and Culture - Councillor Dave Trimble</p>	<p>Leisure and Culture Parks, allotments and open spaces and playgrounds Street Parks (Play Zones Leisure Transformation Programme Museums and Heritage Sites Libraries, Arts and Events, Museums, Theatres and Sport Lead on arms length venues – Ice Arena, Playhouse, Theatre Royal, Royal Centre Nature Conservation – operational</p> <p>Tourism Markets, Fairs and Toilets Cemeteries and Crematoriums</p>
<p>Neighbourhood Services and Local Transport - Councillor Sally Longford</p>	<p>Cleansing Waste collection Street Scene Street Lighting Woodfield Industries Catering Meals at Home Neighbourhood Transport Traffic Management and Parking Highways Design and Maintenance Public Transport Area committee highways work</p>
<p>Community and Customer Services - Councillor Toby Neal</p> <p>Executive Assistant (Community Safety) - Councillor Linda Woodings</p>	<p>Customer Services and customer care HR & Transformation Information Management and Assurance Equalities Partnerships- voluntary sector and faith Digital Inclusion and IT Community Sector Lead role with the Community Sector and Volunteering Community Centres Community Cohesion Community Safety Overview of the Council's Section 17 responsibilities. Public and Consumer Protection Community Safety and Respect for Nottingham</p>

Title	Broad Responsibilities
	Domestic Violence Licensing and Environmental health Trading Standards Taxi Strategy One Nottingham

Executive Committee Membership

Executive Board

Councillor Jon Collins
 Councillor Graham Chapman
 Councillor David Mellen
 Councillor Nick McDonald
 Councillor Alan Clark
 Councillor Jane Urquhart
 Councillor Sam Webster
 Councillor Dave Trimble
 Councillor Sally Longford
 Councillor Toby Neal

Executive Board Commissioning and Procurement Sub Committee

Councillor Graham Chapman (Chair)
 Councillor Nick McDonald
 Councillor David Mellen
 Councillor Dave Trimble
 Councillor Jon Collins
 Councillor Jane Urquhart
 Councillor Toby Neal

East Midlands Shared Services

Councillor Toby Neal
 Councillor Alan Clark

The City of Nottingham and Nottinghamshire Economic Prosperity Committee

Councillor Sam Webster

CHANGES TO MEMBERSHIP OF NON-EXECUTIVE COMMITTEES

Audit Committee

Councillor Adele Williams appointed in place of Councillor Toby Neal

Greater Nottingham Light Rapid Transit Advisory Committee

Councillor Sally Longford appointed in place of Councillor Marcia Watson

Health Scrutiny Committee

Councillor Carole Jones appointed to the vacant position

Joint Committee on Strategic Planning and Transport

Councillor Alan Clark appointed

Councillor Sally Longford appointed in place of Councillor Jon Collins

Councillor Neghat Khan appointed in place of Councillor Marcia Watson

Licensing Committee

Councillor Adele Williams appointed in place of Councillor Sally Longford

Overview and Scrutiny Committee

Councillor Jackie Morris appointed in place of Councillor Nick McDonald

Overview and Scrutiny Call-in Panel

Councillors Carole McCulloch and Marcia Watson appointed to the vacant substitute positions

Standards Committee

Councillor Ginny Klein appointed in place of Councillor Carole McCulloch

Councillors Leslie Ayoola and Neghat Khan appointed to the vacant substitute positions

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CITY COUNCIL – 10 JULY 2017

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 the circumstances and that it should be treated as a matter of urgency. In the absence of the Chair, one of the Vice-Chair'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 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 is 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 procedure are set out in Appendix 2.

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

- 6.1 None.

7 LEGAL AND PROCUREMENT COLLEAGUE 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 the report, as published on the City Council's website.

**COUNCILLOR JON COLLINS
LEADER OF THE COUNCIL**

URGENCT DECISIONS (EXEMPT FROM CALL-IN)

<u>Decision reference number</u>	<u>Date of decision</u>	<u>Subject</u>	<u>Value of decision</u>	<u>Decision Taker</u>	<u>Consultee on urgency</u>	<u>Reasons for urgency</u>
2827	04/05/2017	Woodthorpe and Winchester Extra Care Scheme: Contractual Arrangements	Exempt	Portfolio Holder for Planning and Housing	Chair of Overview and Scrutiny	The urgency of the SCAPE framework, detailed in the exempt appendix
2841	12/05/2017	The granting of a lease for a new substation at Nottingham bus depot	Nil	Leader of the Council	Chair of Overview and Scrutiny	Nottingham City Transport has a ground lease which expires in September 2019 on land at Lower Parliament street. They need to install a new electricity substation on site to power a gas compressor to supply gas to a fleet of new gas powered buses. The electricity supplier will only install power to the substation if they have a long lease on this site so a new 99 year term has been agreed. The substation is to be in use by the end of April
2857	09/06/2017	Property Investment Acquisition - Project 118	Exempt	Leader of the Council	Chair of Overview and Scrutiny	The call in period would seriously prejudice the Council's ability to meet timescales proposed by the vendor. This could result in the loss of the investment and result in abortive costs

SPECIAL URGENCY PROCEDURE – KEY DECISIONS

None

CITY COUNCIL – 10 JULY 2017

REPORT OF THE PORTFOLIO HOLDER FOR COMMUNITY AND CUSTOMER SERVICES

ACCEPTANCE OF DELEGATION FROM LEICESTER CITY COUNCIL IN RESPECT OF BUS LANE ENFORCEMENT AND CCTV PARKING FUNCTIONS

1 SUMMARY

- 1.1 Nottingham City Council's CCTV enforcement system of bus lanes and parking is considered to be a model of excellence.
- 1.2 Leicester City Council, in the delivery of effective sustainable transport solutions, intend to implement camera enforcement of bus stop clearways and mandatory entrance clearways (school entrance markings and variants) in addition to the bus lane enforcement service already provided by Nottingham City Council. It is proposed that Nottingham City Council will work with Leicester City Council under an existing partnering agreement to delegate Leicester's CCTV parking functions to Nottingham City Council.
- 1.3 Acceptance of such a delegation must be made by Full Council in accordance with Part 2 of the Council's Constitution.

2 RECOMMENDATIONS

- 2.1 That Nottingham City Council formally accepts the additional CCTV Parking delegation given by Leicester's City Mayor on 21 April 2017, and as detailed in appendices 1 and 2.
- 2.2 To note that further approval will be sought by the Portfolio Holder in respect of the discharge of the executive functions by the Executive, and in relation to the Partnership Agreement reflecting the extended functions.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The acceptance of a delegation made in accordance with the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2000 must be taken by Nottingham City Council (Full Council).
- 3.2 The CCTV parking enforcement function is an executive function and therefore any decision regarding the discharge of the function is either to be made by the Leader or by a Committee or persons to whom they delegate this function. This function is currently delegated to the Portfolio Holder for Community and Customer Services and approval to discharge this function will be made under the Portfolio Holder report as detailed in 2.2 above.

4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 4.1 Not accepting the delegation from Leicester City Council has been rejected because it would not allow Nottingham City Council to carry out the work for other authorities, achieve economies of scale within the authority, and work towards a Partnership Agreement that promotes Nottingham City Council's commercialism agenda.

5 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 5.1 Discussions are currently taking place between Nottingham and Leicester City Councils regarding Leicester's scheme to deliver effective sustainable transport solutions in Leicester city centre, and wider objectives for Leicester's public transport policy, economic objectives and the ambition to make Leicester a low carbon city and contribute to Leicester's 2016 Parking Improvement Plan.
- 5.2 A Partnership Agreement already exists between Nottingham and Leicester for bus lane enforcement, this delegated function was accepted by Nottingham's full Council on 14 May 2012 and associated decision DD0067, a financial arrangement already exists and this will continue with the addition of CCTV parking enforcement that will be reflected in the Agreement.
- 5.3 Leicester City Council, through its City Mayor, has approved the decision to delegate those CCTV parking enforcement functions (which do not include decision making in respect of appeals and representations as this remains a non-delegable function of Leicester as the enforcement authority) to Nottingham City Council from 21 April 2017. The Agreement will continue on annual on-going basis until terminated in accordance with its terms.
- 5.4 Any commencement date for the implementation of the delegated functions will be finalised following the acceptance of the delegation and the amendment of the current partnership agreement.
- 5.5 Acceptance of the delegation must be by Nottingham's full Council.

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

- 6.1 Nottingham City Council is adding another function to their enforcement arm, as such there will be an increase in PCNs. The unit cost that Nottingham receives is determined by how many PCNs are issued within the current SLA. The financial implications of adding to the current agreement will make a further positive contribution to the fixed overheads.
- 6.2 Should there be a need to increase the establishment due to an increased workload, this will be managed by Nottingham City Council and will be funded from the income generated. Should the income decrease due to lack of PCN's processed, any redundancy/exit costs need to be considered and accounted for in order that there is no liability to Nottingham City Council's existing budget.
- 6.3 Nottingham City Council have been working with Leicester City Council for a number of years and have demonstrated value for money throughout. Reputation wise, this is also a positive for Nottingham City Council and will also assist in future venture/opportunities with other authorities.

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

- 7.1 Local Authorities are permitted to implement camera enforcement of bus stop clearways and mandatory entrance clearways in accordance with the Traffic Management Act 2004 and associated Regulations.

- 7.2 Regulations 3 and 7 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 permits Leicester's City Mayor to make arrangements for a function which is the responsibility of Leicester's executive, (of which these functions are), to be discharged by Nottingham City Council or its Executive.
- 7.3 Whilst the functions are to be discharged by Nottingham City Council's Executive following Portfolio Holder approval, Part 2 of Nottingham City Council's Constitution requires acceptance of the delegation from Leicester to be exercised only by full Council.
- 7.4 The discharge of the new CCTV parking enforcement function will be reflected by way of amendments to the existing Partnering Agreement between the two authorities which will provide for clear provisions in respect of any liabilities and termination agreements

8 EQUALITY IMPACT ASSESSMENT (EIA)

- 8.1 An EIA is not required because the report does not contain financial decisions.

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

- 9.1 None.

10 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 10.1 Local Authorities (arrangement for the Discharge of Functions) (England) Regulations 2000.
- 10.2 Traffic Management Act 2004.
- 10.3 The Civil Enforcement of Parking Contraventions (England) General Regulations 2007.
- 10.4 The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
- 10.5 The Civil Enforcement of Parking Contraventions (England) General (Amendment No.2) Regulations 2015.

**COUNCILLOR TOBY NEAL
PORTFOLIO HOLDER FOR COMMUNITY AND CUSTOMER SERVICES**

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Executive Report

Decision to be announced on: 21st April 2017

**Bus Stop and other clearway restrictions,
enforcement with cameras**

Decision to be taken by: City Mayor

Lead director: Andrew L Smith



Useful information

- Ward(s) affected: All
- Report author: Steve Warwick
- Author contact details: steve.warwick@leicester.gov.uk tel 0116 454 2835

1. Summary:

- 1.1 This report is to seek approval to undertake enforcement of bus stop clearways and mandatory entrance clearways (school entrance markings and variants) in Leicester with an approved device (camera enforcement). The report also seeks approval to vary the existing Partnership Agreement with Nottingham City Council for bus lane enforcement to include camera enforcement of bus stop clearways and other mandatory clearways and to delegate such functions for processing of the Penalty Charge Notices as set out in the 'The Traffic Management Act 2004, The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 and the Civil Enforcement of Parking Contraventions (England) General (Amendment No. 2) Regulations 2015' to Nottingham City Council as shown in appendix A.

2. Recommendations

- 2.1 The City Mayor is requested to approve the implementation of camera enforcement of mandatory bus stop clearways to diagram 1025.1 and other entrance clearways to diagram 1027.1 with appropriate upright signing of the Traffic Signs Regulations and General Directions 2016 as approved under the Traffic Management Act 2004 and the Road Traffic Regulation Act 1984. (Subject to a further report being presented).
- 2.2 The City Mayor is requested to approve the delegation of functions for Nottingham City Council to allow them to provide the 'back office' function of processing and issuing PCN's for contravening vehicles captured with an approved device.

3. Supporting information including options considered:

- 3.1 The Traffic Management Act 2004 permits the enforcement of mandatory bus stop clearways by civil enforcement with an approved device. It is proposed for Leicester City Council to exercise this power for all mandatory bus stop clearways in the City as it sees fit. Civil enforcement with patrolling officers is not affected by this proposal.
- 3.2 The Council has acted following recent road safety concerns at Leicester Railway Station. Camera enforcement would enhance enforcement and would make 24 hour coverage possible.
- 3.3 The Traffic Management Act 2004 also permits the enforcement of other mandatory entrance clearways (such as school entrance markings) by civil

enforcement with an approved device. In order to enforce a stopping offence, it will be necessary for any mandatory clearway marking to be reinforced by a Traffic Regulation Order under the 1984 Act.

- 3.4 The council's 2016 Parking Improvement Plan highlighted the Council's intention to introduce camera enforcement of bus stop and other mandatory clearway markings.
- 3.5 Leicester City Council has enforced bus gates and lanes with approved devices at certain locations since 2012. To facilitate this activity, Leicester City Council entered into a Partnership Agreement with Nottingham City Council for them to provide the back office functions of PCN issuing. Footage of the offence is manually reviewed, and if an offence is deemed to have taken place, a PCN is issued and the evidence stored. In this arrangement, Leicester pays Nottingham a fee (currently £10.20) per capture to cover their expenses, the remainder of the penalty charge amount is retained by Leicester. Leicester City Council represents itself at adjudication hearings and retains its powers granted to it by the Secretary of State, and day to day decisions are made by Leicester City Council.
- 3.6 Under the partnership agreement's change order procedure, we propose to delegate further functions to Nottingham City Council for back office processing of PCN's issued for clearway contraventions captured by an approved device. Contraventions issued by a patrolling Civil Enforcement Officers will be processed by Leicester City Council along with PCN's issued for other parking offences.
- 3.9 Camera enforcement would be undertaken using a static enforcement camera or a camera car operating at times when the restrictions are applicable.

Project Programme

- 3.10 It is envisaged that camera enforcement of the bus stop clearways outside the railway station would be implemented in June 2017.
- 3.11 A programme for introducing camera enforcement mandatory clearway markings will be subject to a further report.

4. Details of Scrutiny

- 4.1 The Parking Improvement Plan was presented to Scrutiny in September 2016 and the results of consultation presented in December 2016.

5. Consultation

- 5.1 No formal consultation is required for the installation of a bus stop clearway marking or an enforcement camera. For other mandatory clearway markings, consultation on the required Traffic Regulation Orders would take place in

accordance with the legislation and Council procedures.

- 5.2** Consultation on Parking Improvement Plan took [place for 6 weeks in autumn 2016 and demonstrated strong support for more enforcement of illegal parking including outside of schools.

6. Financial, legal and other implications

6.0 Financial implications

- 6.1 There are no costs associated with delegating functions to Nottingham City Council. Under the existing partnership agreement for bus lane enforcement, Nottingham receive a proportion of the Penalty Charge income, currently £10.20. This arrangement would be expanded to include penalty charges issued for contravention of clearways.
- 6.2 The capital set up costs and potential income will be subject to a further report.

Paresh Radia, Principal Accountant 374082

7. Legal implications

The Traffic Management Act 2004 permits the imposition of a penalty charge on the basis of a record produced by an approved device.

Regulations 3 and 7 of The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 (made under section 19 of the Local Government Act 2000) permits the City Mayor to make arrangements for a function which is the responsibility of Leicester City Council's executive to be discharged by Nottingham City Council, or its executive. Those arrangements must be made with "the other local authority concerned," i.e. the delegation can be accepted by Nottingham City Council's full council, which then delegates in turn to its executive.

These powers are reflected in Article 11.04 of Leicester City Council's Constitution and Part 2 of Nottingham City council's Constitution.

The discharge of the bus lane enforcement functions is intended to be coordinated through a Partnering Agreement made between the City Council and Nottingham City Council. Schedule 1a, part 1a of the Partnering Agreement details which of the functions acquired by Leicester City Council will be delegated to Nottingham City Council, following such a delegation by the City Mayor and acceptance of that delegation by Nottingham City Council. A copy of Schedule 1a, part 1a is annexed to this Report to detail the terms of that delegation.

Nilesh Tanna, Qualified Lawyer (Contracts) 371434
John McIvor, Principal Lawyer, (Property and Planning) 371409

8.0 Climate Change and Carbon Reduction implications

8.1 Increased enforcement of bus stop restrictions should help to reduce carbon emissions from traffic in the city, by supporting reliable bus services which offer an attractive alternative to private car travel. Enforcement of parking restrictions, including those at school gates, should also have a positive impact, by creating a safer environment to encourage walking as an alternative to driving.

Duncan Bell, Environment Team. Ext. 37 2249

9.0 Equality Impact Assessment

9.1 None required

10.0 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

No other implications

11. Background information and other papers

None

12. Is this a confidential report?

No

13. Is this a “key decision”?

No

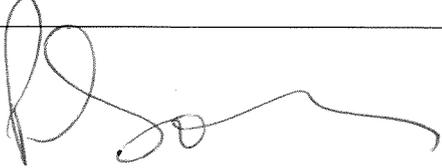
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**RECORD OF DECISION BY CITY MAYOR OR INDIVIDUAL
EXECUTIVE MEMBER**

1.	DECISION TITLE	Bus Stop and other clearway restrictions, enforcement with cameras
2.	DECLARATIONS OF INTEREST	None
3.	DATE OF DECISION	21 April 2017
4.	DECISION MAKER	City Mayor
5.	DECISION TAKEN	<p>To approve:</p> <p>(1) The implementation of camera enforcement of mandatory bus stop clearways to diagram 1025.1 and other entrance clearways to diagram 1027.1 with appropriate upright signing of the Traffic Signs Regulations and General Directions 2016 as approved under the Traffic Management Act 2004 and the Road Traffic Regulation Act 1984. (Subject to a further report being presented).</p> <p>(2) The delegation of functions to Nottingham City Council to allow them to provide the 'back office' function of processing and issuing PCN's for contravening vehicles captured with an approved device.</p> <p>(3) Authorise the use of those enforcement functions conferred on "approved authorities" 'The Traffic Management Act 2004, The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 and the Civil Enforcement of Parking Contraventions (England) General (Amendment No. 2) Regulations 2015' to Nottingham City Council in the City of Leicester and more particularly described in schedule 1 Part 1a-d, that is to be included in the existing Partnering Agreement entered into by both Councils in May 2012.</p>
6.	REASON FOR DECISION	The Scheme is a key element in delivering effective sustainable transport solutions in the City Centre and wider objectives for the Council's public transport policy, economic objectives and the ambition to make Leicester a low carbon city.
7.	a) KEY DECISION Y/N? b) If yes, was it published 5 clear days in advance? y/n	No
8.	OPTIONS CONSIDERED	None



**RECORD OF DECISION BY CITY MAYOR OR INDIVIDUAL
EXECUTIVE MEMBER**

9.	DEADLINE FOR CALL-IN <ul style="list-style-type: none">• 5 Members of a Scrutiny Commission or any 5 Councillors can ask for the decision to be called-in.• Notification of Call-In with reasons must be made to the Monitoring Officer	28 April 2017
10.	SIGNATURE OF DECISION MAKER (City Mayor or where delegated by the City Mayor, name of Executive Member)	

DIRECTOR OF PLANNING, DEVELOPMENT AND TRANSPORTATION

Delegated Powers Certificate for the Authorisation of Contracts

To: Director of Legal Services

This is to certify that the proposal, details of which are set out below, has been approved by me under Part 3 of the Constitution (Executive Arrangements)*

And the requirements of the Council's Articles of the Constitution and Rules of Procedure have been complied.

Please complete and execute the necessary contract

* **Delete if not applicable**

Signed	Date
Divisional Director	

Approved Procuring Officer who has carried out the market engagement	Stuart Maxwell, Director of Transport.
Legal Services Adviser who has been consulted on the form of contract	Nilesh Tanna, Solicitor (Commercial, Property and Planning)

Please confirm the basis of this instruction:		Tick (✓)	Additional information required (please attach relevant documents)
<u>Contract over the EU Threshold</u>	A fully compliant tendering procedure has been completed in accordance with the Public Contracts Regulations 2006 (and as amended 2009)		<ul style="list-style-type: none"> • Member Consultation Form • Financial evaluation scores
<u>Large Contract</u> Contract valued between £50,000 (or £250,000 for works) and the EU threshold.	A tendering procedure has been completed in compliance with Contract Procedure Rules		<ul style="list-style-type: none"> • Financial evaluation scores
	An Exemption to competition requirements has been identified (in accordance with Contract Procedure Rules)		<ul style="list-style-type: none"> • Completed Exemption Form
	A Waiver to Contract Procedure Rules has been granted	X	<ul style="list-style-type: none"> • Local Government Act delegation of function
<u>Small or Minor Contract</u>	The contract is valued below £50,000, but a non-standard form of contract is to be used		<ul style="list-style-type: none"> • The proposed form of contract • Copy of any Exemption Form or authorised Waiver request relied upon

Please provide details of the intended contract on the next page.

DETAILS OF PROPOSALS

Brief description of contract/purpose
Leicester City Council Partnership Agreement with Nottingham City Council's executive. Annual Review and Change Control (Section 5) procedure. Proposed Change Order Notices to the Agreement in accordance with Section 5 to vary the Agreement.
Value and duration of contract
Rolling Agreement. Value of contract depends on number of Penalty Charge Notices issued. Change Order Notices do not affect contract value
Name of provider(s)
Nottingham City Council
Tender evaluation scores (if applicable)
N/A
Other relevant information
N/A