



NOTTINGHAM CITY COUNCIL
EXECUTIVE BOARD

Date: Tuesday, 19 September 2017

Time: 2.00 pm

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

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

Corporate Director for Strategy and Resources

Governance Officer: Noel McMenamin, Constitutional Services
Direct Dial: 0115 8764304

<u>AGENDA</u>	<u>Pages</u>
1 APOLOGIES FOR ABSENCE	
2 DECLARATIONS OF INTERESTS	
3 MINUTES Last meeting held on 18 July 2017 (for confirmation)	3 - 14
4 REVIEW OF 2017/18 REVENUE AND CAPITAL BUDGETS AT 30 JUNE 2017 (QUARTER 1) Report of Deputy Leader/Portfolio Holder for Resources and Neighbourhood Regeneration	15 - 36
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7 CONVERSION OF DESIGNATED PUBLIC PLACES ORDERS AND GATING ORDERS TO PUBLIC SPACES PROTECTION ORDERS

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Report of Portfolio Holder for Community and Customer Services

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

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

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

NOTTINGHAM CITY COUNCIL

EXECUTIVE BOARD

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 18 July 2017 from 2.00 pm - 2.29 pm

Membership

Present

Councillor Graham Chapman (Chair)
Councillor Sally Longford
Councillor David Mellen
Councillor Toby Neal
Councillor Dave Trimble
Councillor Jane Urquhart
Councillor Sam Webster

Absent

Councillor Alan Clark
Councillor Jon Collins
Councillor Nick McDonald

Colleagues, partners and others in attendance:

Lisa Ball	- Strategic Planning and Performance Consultant
David Bishop	- Deputy Chief Executive/Corporate Director for Development and Growth
Candida Brudenell	- Corporate Director for Resources and Strategy /Assistant Chief Executive
Chris Carter	- Transport Strategy Manager
Councillor Georgina Culley	- Conservative Group, observing
Ian Curryer	- Chief Executive
David Hobbs	- Neighbourhood Environmental Manager
Helen Jones	- Director for Adult Social Care
Graham de Max	- Housing Strategy and Partnership Manager
Lorraine Raynor	- Head of Environmental Health and Trading Standards
Paul Seddon	- Chief Planner
Keri Usherwood	- Marketing and Communications Manager
Andy Vaughan	- Corporate Director for Commercial and Operations
Adam Volz	- Political Assistant
James Welbourn	- Governance Officer

Call-in

Unless stated otherwise, all decisions are subject to call-in and cannot be implemented until **27 July**.

24 APOLOGIES FOR ABSENCE

Councillor Alan Clark	-	personal reasons
Councillor Jon Collins	-	other Council business

25 DECLARATIONS OF INTERESTS

None.

26 MINUTES

The minutes of the meeting held on 20 June were agreed as a true record.

27 PROPOSED EXPANSION OF GLADE HILL PRIMARY SCHOOL, BESTWOOD - KEY DECISION

The Portfolio Holder for Business, Education and Skills introduced the report on the proposed expansion of Glade Hill Primary School.

Glade Hill Primary School is an OFSTED rated 'Good' school. A six week consultation took place with parents/carers, staff, governors, Councillors, local residents and citizens in March and April to expand the capacity of the school from 210 to 420 places.

RESOLVED to approve the expansion of Glade Hill Primary School from a 210 place school to a 420 place school, from 1 September 2017.

Reasons for decision

Although the city-wide picture for primary place provision is greatly improved, place pressures were still apparent in some areas, Bestwood being one of them. There has been an upward trend of pupil growth in this area and the number of children requiring a school place in the area will exceed the number of places available, if additional provision is not secured.

There will be 60 pupils in each year group instead of 30 and the school will grow by one class per year (30 pupils) over a seven year period, until the school is full.

Glade Hill Primary admitted an additional 'bulge' class of children in September 2016, over and above their normal Published Admission Number (PAN) and the school are helpfully admitting a further bulge year this September 2017. For the previous two years, another local school in the area (Westglade Primary) also admitted temporary bulge years. There is a sustained need for additional places in the area, therefore, a longer term solution was needed.

One of the 5 key objectives of the Council Plan 2015-19 is to ensure that every child in Nottingham is taught in a school that is judged good or outstanding by Ofsted. The proposal to expand Glade Hill Primary School also supports the priority of access to a good school close to home for every young person in Nottingham, and to meet parental preferences of places for every child at a local primary school.

Parents/carers quite rightly expect their children to be offered a local school place and the case for expanding a school which delivers a quality provision in an area where there are insufficient school places is a strong one.

Glade Hill Primary is located on a large site and the required building work can be easily accommodated. Nine years ago, the school was at the higher capacity, therefore with some alterations, some internal space can be reconfigured back into classrooms. From September 2017, additional teaching and learning space will be required to accommodate the growth in pupil numbers. The initial estimated date of completion for Key Stage One is September 2018 and for Key Stage Two, is August 2019, but this is subject to the completion of full feasibility and design works. The build will be funded by Basic Need funding allocated to the LA by Central Government, for expanding primary place provision. At this stage, it is estimated that the expansion of Glade Hill Primary School will cost £1.8m.

The school leadership team and the governing body are fully committed in their support for the proposal to expand the school. Successful initial feasibility investigations and a full and thorough consultation process with all stakeholders have been undertaken. The number of respondents in support of the proposal to expand the school exceeded the number against. No representations were made during the Statutory Notice stage. The full consultation results and summary of responses are included at Appendix A of the report.

Other options considered

The following other options were considered, but not recommended:

- Add a further bulge year at Glade Hill Primary. This was not a favourable option as it would not address the sustained pupil growth in the area.
- Other local schools were also considered for expansion (Westglade and Henry Whipple). Glade Hill was considered the preferred option for the reasons stated in the report.
- Do nothing – this was not a favourable option as additional school places were required in the area. Sustained growth in pupil numbers requires a longer term solution to meet the needs of this community by providing a good school close to home..

28 REGULATION 7 DIRECTION CONTROLLING LETTING BOARDS - KEY DECISION

The Portfolio Holder for Planning, Housing and Heritage introduced the report on Regulation 7 Direction Controlling Letting Boards.

The current Regulation 7 Direction approved by the Secretary of State for Communities and Local Government (CLG) will expire on 16 October 2017. The key benefits of the control of letting boards for citizens are the visual and environmental enhancement, improvements to community safety in mainly residential neighbourhoods, together with the further protection of the special character of the conservation areas contained within it.

RESOLVED to:

- (1) authorise the Chief Planner to make an application to the Secretary of State for a further direction under Regulation 7 Town and Country (Control of Advertisement) Regulations 2007, which withdraws deemed consent' rights for Class 3A of Schedule 3 for the display of residential letting boards in the Letting Board Control Area (Appendix One of the report);**
- (2) authorise that the area to form the subject of the 'renewal' Direction be that outlined on the plan included as Appendix One of the report;**
- (3) note that the successful delivery of the Direction's current enforcement regime and implementation procedures, involving the coordination of enforcement resources would continue upon 'renewal' of the Direction by the Secretary of State;**
- (4) delegate the authorisation to the Portfolio Holder for Planning, Housing and Heritage, in consultation with the Chief Planner to make further applications to the Secretary of State for all future directions under Regulation 7 Town and Country (Control of Advertisement) Regulations 2007 for letting boards.**

Reasons for decisions

The large number of letting boards previously on display in the Area (Appendix 1 of the report) visually detracted from the character and appearance of these predominantly residential neighbourhoods and the special character of the conservation areas contained within it. They were seen by the Police to contribute towards community safety by earmarking the nature and transient character of the population to those who would target the area for criminal purposes and have a negative impact on maintaining sustainable balanced community in the area.

The mandatory control of letting boards, over the last 5 years, together with the implementation of an effective enforcement strategy, including the production of the Lettings Board Design Guidance resulted in the immediate transformation in the environmental quality of these areas. The successful prosecution of repeat offenders in the final year of the Direction has also helped maintain control over its enforcement. A further Direction ("the renewal") enables the Local Authority to continue with its enforcement policy which serves as a significant deterrent to others when deployed.

A further Regulation 7 Direction is considered to be crucial to both regulating and maintaining the current environmental quality of these areas, and generates a high turnover of tenants and therefore demand for letting boards.

The Area is considered to correspond with the main concentration of private rented property in the city which predominantly caters for the student markets.

The intention is to apply for a permanent Regulation 7 Direction for the Area. In the event that the Secretary of State permits only a further 5 year period, it

is considered that the authorisation to apply for a further direction be delegated to the Portfolio Holder for Planning, Housing and Heritage, in consultation with the Chief Planner.

Other options considered

Do nothing: to not apply for a further Direction. If no action was taken, the existing direction will lapse in October this year. Evidence from enforcement activity during the current direction period suggests that there is still a high level of demand to display letting boards, and that without the additional control provided by the Direction, the number of letting boards on display is likely to rise to equal the numbers that were displayed prior to the Direction being put in place. Doing nothing is therefore not a realistic option, given the scale of the public concerns raised and the inability of the current Advertisement Regulation regime and previous voluntary codes to regulate the level of letting boards at an environmentally acceptable level.

29 EAST MIDLANDS GATEWAYS CONNECTIVITY PLAN - KEY DECISION

With the Leader/Portfolio Holder for Strategic Infrastructure and Communications giving apologies, the Deputy Leader/Portfolio Holder for Resources and Neighbourhood Regeneration introduced the East Midlands Gateways Connectivity Study, which is the next stage in increasing connectivity in the Nottingham to Derby corridor. The output of the Study will be to develop the case and quantify the outputs and benefits from the proposals identified in the HS2 Growth Strategy.

Members added the following:

- This money enables the linking up of the tram, major roads and the airport to HS2;
- It is important for Nottingham that links to other cities in Midlands and North are better than they are now;
- Businesses need to take advantage of HS2 investment to drive jobs growth;
- There are still issues on the main line Nottingham to London railway route with electrification and extra traffic on route to Luton.

RESOLVED to:

- (1) approve the City Council acting as the lead authority for the preparation of the East Midlands Gateways Connectivity Study under the guidance of the HS2 Strategic Board and Midlands Connect;**
- (2) approve expenditure of up to £1.2m on the development of a combined and updated transport model primarily covering the Nottingham conurbation and Derby built up areas and quantification of outputs and benefits of East Midlands Gateways Connectivity Plan for strategic transport options in the A52 corridor, including infrastructure in readiness for the proposed HS2 Station at Toton as set out in the HS2**

Growth Strategy, and for a fixed public transport link to East Midlands Airport;

- (3) accept contributions of £0.5m from Midlands Connect, and £0.1m from each of the HS2 Strategic Board, Highways England, HS2 Ltd, Nottinghamshire and Derbyshire County Councils, and Derby City Council;**
- (4) approve the City Council's contribution of £0.1m to be funded from the Transport Strategy reserve;**
- (5) approve the transport modelling and assessment work to be procured by the City Council on behalf of the project partners through a compliant procurement process;**
- (6) approve variations to budget allocations and the decision on the award of contract to be delegated to the Corporate Director of Development and Growth.**

Reasons for decisions

To put in place the necessary management arrangements and resources to enable transport modelling and the East Midlands Gateways Connectivity Study to be progressed on behalf of the HS2 Strategic Board, Midlands Connect, and project partners.

The Study will develop the case and quantify the outputs and benefits from the proposals identified in the HS2 Growth Strategy, including:

- public transport and highway improvements in the A52 Nottingham-Derby corridor;
- transport infrastructure in readiness for proposed HS2 East Midlands Hub Station at Toton;
- a fixed public transport link to East Midlands Airport.

These will be assessed to maximise economic opportunities in the area and inform future national transport infrastructure investment plans.

Other options considered

Doing nothing risks that economic benefits will not be maximised, particularly as benefits from the HS2 Station Hub are dependent on achieving high levels of connectivity to key population and employment centres.

The option of partner organisations (such as Network Rail and Highways England) independently assessing improvements that fall into their sphere of responsibility was considered but the proposed combined approach is favoured due to economic efficiency and benefits of a coordinated approach ensuring the best outcome for the region as a whole.

30 PROPOSAL FOR A SCHEME OF SELECTIVE LICENSING FOR PRIVATELY RENTED HOUSES - KEY DECISION

The Portfolio Holder for Planning, Housing and Heritage introduced the Proposal for a Scheme of Selective Licensing for Privately Rented Houses, informing the Executive Board of the results of the consultation that has been completed.

Following the consultation, it was proposed that a reduced area be subject to selective licensing. In addition, the Portfolio Holder informed those present of the following:

- There would be a differential between the price for a licence for those landlords that gain accreditation and those that don't;
- The consultation received a large number of responses, mainly from landlords but also from residents. The outcome showed that residents were broadly in favour of the scheme, whereas landlords were broadly against it. Suggestions arising from the consultation were to change the borders of the scheme, and to look at the accreditation element;
- A number of arrangements are in place for social housing already. This selective licensing scheme would enable a degree of control over privately rented properties.

RESOLVED to:

- (1) approve the Designation contained in Appendix 1 of the report as being subject to selective licensing and confirm that Board is satisfied:-**
 - **that the statutory grounds for making a designation outlined in paragraph 2.6 of this report and all other statutory requirements have been met;**
 - **that it has considered the other courses of action available to it that might provide an effective method of achieving the objective(s) that the designation would be intended to achieve, and;**
 - **that it considers that making the designation will significantly assist it to achieve that/those objective(s);**
- (2) approve in principle the revised operational detail of the scheme of selective licensing outlined in the report;**
- (3) agree that a submission be made to the Secretary of State for Communities and Local Government requesting confirmation of the Designation;**
- (4) delegate to the Portfolio Holder for Planning, Housing and Heritage the power:-**
 - **to finalise and approve the submission documentation and operational scheme to be submitted to the Secretary of State for confirmation, and**
 - **to liaise with Officers and the Department for Communities and Local Government in relation to the Confirmation of the Scheme and make**

any subsequent determinations that may be necessary in relation to it arising from that process;

- (5) note the requirement to establish a ring fenced reserve, as detailed in paragraph 4.4 of the report, for this scheme;**
- (6) approve spend of £0.139m for set up costs and note in paragraph 4.1 of the report how this will be funded;**
- (7) approve the financial application of the set up costs if the Department for Communities and Local Government (DCLG) do not approve the scheme;**
- (8) note the use of the Council's Firmstep system as the on line portal for the operational delivery of the scheme.**

Reasons for decisions

Having given full consideration to the consultation responses there is still believed to be a case for selective licensing in Nottingham. It is however no longer recommended that a Citywide scheme is pursued, but that the focus of the scheme should be on those areas which contain a high proportion of Private Rented Sector (PRS) properties. This is felt to be more proportionate to the problems being experienced in Nottingham and will provide a targeted response which can be reviewed and assessed. The reasons for proposed reduction in the size of the designation are outlined more fully in section 2 of the report.

Because the proposed designation still exceeds both 20% of the City's private rented sector, and 20% of its geographical area, it will still be necessary to apply to the Secretary of State for Communities and Local Government for confirmation of the scheme.

Other options considered

To not pursue the scheme any further: rejected because the evidence presented to Executive Board in November 2016 shows a clear need for the scheme. The alternative ways of dealing with the problems identified were set out in the November 2016 Board report. It was shown that although a number of initiatives, combined with the use of statutory powers had been successful, problems persisted and there was no alternative than to implement a scheme of selective licensing in order to tackle them.

31 ULTRA LOW EMISSION VEHICLES CHARGING POINT INFRASTRUCTURE NETWORK - KEY DECISION

With the Leader/Portfolio Holder for Strategic Infrastructure and Communications giving apologies, the Deputy Leader/Portfolio Holder for Resources and Neighbourhood Regeneration introduced the report on Ultra Low Emission Vehicles (ULEV) Charging Point Infrastructure Network.

Nottingham has been identified as one of the UK's major cities to put in interventions that help to deliver air quality compliance as soon as possible. The Go Ultra Low Nottingham programme initiatives will encourage the use of cleaner private and commercial road transport, complemented by existing measures to promote the use of walking, cycling and public transport.

Electric vehicle uptake is highest in areas where there is a good publically accessible network. Fleet managers and the public cite the lack of a local charge point network as a major barrier to investing in electric vehicles. Furthermore motorists without off street parking who cannot charge at home will rely on a public network.

RESOLVED to:

- (1) approve the updated procurement strategy for the project and delegate authority to the Deputy Chief Executive/Corporate Director of Development and Growth to enter into all necessary contractual documentation with the successful concession operator following a compliant procurement exercise;**
- (2) approve the partnering arrangements with Nottinghamshire County Council and Derby City Council and delegate authority to the Deputy Chief Executive/Corporate Director of Development and Growth to enter into legal agreements with the respective Local Authorities to support the delivery of the charging infrastructure network post contract award;**
- (3) approve the investment and revenue share principles set out in the updated procurement strategy and delegate authority to the Deputy Chief Executive/Corporate Director of Development and Growth to approve, in consultation with the Portfolio Holder :
 - i) any additional investment from the concessionaire to further enhance the charging infrastructure network; and**
 - ii) any revenue share arrangements from the scheme which shall be secured to support transport related measures of the Go Ultra Low Nottingham programme.****
- (4) approve the land ownership principles set out in the report and delegate authority to the Corporate Director of Development and Growth to enter into all necessary legal agreements and documentation with the Concessionaire, third party land owners and electricity utility companies to ensure the necessary land rights and permits are in place to enable the installation of the charging points, secure the ownership rights of the infrastructure below ground and enable electricity supply for operation of the network.**

Reasons for decisions

An Official Journal of the European Union (OJEU) competitive procedure with bidder dialogue is being carried out to appoint a concessionaire to supply, install, operate and maintain the network. The previous Executive Board decision of 22 March 2016 delegates authority to the Deputy Chief

Executive/Corporate Director for Development and Growth in consultation with the Portfolio Holder to approve the initiation of procurement activities for this project and to appoint a preferred bidder. Delegating authority in the same way to enter into the contract documentation once a preferred bidder has been selected will ensure the concessionaire will be appointed promptly to deliver the works without undue delay to the project timeline.

Nottingham City Council is the lead authority and accountable body for the Go Ultra-Low Nottingham programme with support from Nottinghamshire County Council and Derby City Council to deliver the ultra-low emission vehicles charging infrastructure network. Separate agreements have been negotiated with both local authorities which outline their roles and responsibilities in the project up to contract award. Following the appointment of a concessionaire, further legal agreements will be entered into with Nottinghamshire County Council and Derby City Council to regularise how the scheme will operate post contract award, including the rights and responsibilities of all parties.

The concession framework seeks to secure from the concession operator additional investment to help support the network, as well as a revenue income share for the Council. Authority is now sought to approve such arrangements.

The sites identified for installation during the initial phases of the project consist of sites owned by the City Council and sites owned by third party land owners. Following appointment, the concessionaire will work with the Council's Property Team to ensure the necessary land rights and permits are in place with third party land owners to enable the installation and operation of the charging points. Authority is therefore to enter into all necessary documentation with third party land owners. The wayleaves and licences or leases for the sites owned by the City Council will be produced by the Council's Property and Legal teams. Agreements will also be required with the electricity utility providers to ensure the supply of electricity to the network and authority is sought to enter into such agreements.

Nottingham City Council will retain full rights and ownership of site agreements and below ground infrastructure. This will ensure that should the concessionaire fail or breach the terms of their agreement then a new concessionaire may be appointed without delay or significant interruption of service.

Other options considered

The options considered to deliver the scheme were:

1. Do nothing
2. Fully managed solution whereby the Supplier will supply, install, maintain and operate the network.
3. Make or Buy – with an internal end to end solution being considered.
4. Councils partnering with a supplier. The Council would buy the hardware and then contract for operation, maintenance and installation.

5. Procure each of the components for an ULEV charging network in individual lots.

Option 1 was discounted as this will prevent the delivery of the scheme for which grant funding has been received.

Options 3, 4 and 5 were discounted as they carried a greater amount of risk and potential cost liability for the partner Councils.

Option 2 was the preferred option with the supplier providing a fully managed solution. The supplier will buy the hardware, install, operate and maintain the charging point network. Therefore, in this option the supplier will own the network with minimal risks to the Council(s). They will be responsible for upgrading the network as and when required as smart technologies develop.

32 EXCLUSION OF THE PUBLIC

RESOLVED to exclude the public from the meeting during consideration of the remaining item(s) in accordance with Section 100A(4) of the Local Government Act 1972 on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighs in the public interest in disclosing the information.

33 ULTRA LOW EMISSION VEHICLES CHARGING POINT INFRASTRUCTURE NETWORK - EXEMPT APPENDICES

The Board considered the exempt appendices to the Leader/Portfolio Holder for Strategic Infrastructure and Communication's report.

RESOLVED to note the information contained within the exempt appendices.

Reasons for decision

As detailed in minute 31.

Other options considered

As detailed in minute 31.

34 PROPOSAL FOR A SCHEME OF SELECTIVE LICENSING FOR PRIVATELY RENTED HOUSES - EXEMPT APPENDIX

The Board considered the exempt appendix to the Portfolio Holder for Planning, Housing and Heritage's report.

RESOLVED to note the information contained within the exempt appendix.

Reasons for decision

As detailed in minute 30.

Executive Board - 18.07.17

Other options considered

As detailed in minute 30.

Subject:	Review of 2017/18 Revenue and Capital Budgets at 30 June 2017 (Quarter 1)
Corporate Director(s)/Director(s):	Geoff Walker, Strategic Director of Finance
Portfolio Holder(s):	Councillor Graham Chapman, Deputy Leader/Portfolio Holder for Resources and Neighbourhood Regeneration
Report author and contact details:	Theresa Channell, Head of Strategic Finance 0115 8763649 theresa.channell@nottinghamcity.gov.uk
Subject to call-in:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Key Decision:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Criteria for Key Decision:	
(a) <input type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision	
and/or	
(b) Significant impact on communities living or working in two or more wards in the City <input type="checkbox"/> Yes <input type="checkbox"/> No	
Type of expenditure:	<input checked="" type="checkbox"/> Revenue <input checked="" type="checkbox"/> Capital
Total value of the decision: £33.135m	
Wards affected: All	
Date of consultation with Portfolio Holder(s): Throughout April – June 2017	
Relevant Council Plan Key Theme:	
Strategic Regeneration and Development	<input checked="" type="checkbox"/>
Schools	<input checked="" type="checkbox"/>
Planning and Housing	<input checked="" type="checkbox"/>
Community Services	<input checked="" type="checkbox"/>
Energy, Sustainability and Customer	<input checked="" type="checkbox"/>
Jobs, Growth and Transport	<input checked="" type="checkbox"/>
Adults, Health and Community Sector	<input checked="" type="checkbox"/>
Children, Early Intervention and Early Years	<input checked="" type="checkbox"/>
Leisure and Culture	<input checked="" type="checkbox"/>
Resources and Neighbourhood Regeneration	<input checked="" type="checkbox"/>
Summary of issues (including benefits to citizens/service users):	
This report provides an up to date assessment of the Council's current and forecast year-end financial position for the General Fund revenue account, Capital Programme and the Housing Revenue Account (HRA) based on activity to the end of June 2017.	
Strong financial planning and management are essential in the Council's work to commission, enable and provide value for money services to citizens to deliver corporate priorities.	
Exempt information: State 'None' or complete the following	
None.	
Recommendation(s):	
1 To note:	
a) the overall current (medium case) forecast net overspend of £7.858m , as set out in paragraph 2.2 and Appendix A. Planned management action is forecast to reduce the overspend to £0.858m although the Council is committed to delivering services on budget for 2017/18;	
b) the management action being taken to control the identified cost pressures across services, as set out in Appendix B;	
c) the forecast working balance of £5.195m on the HRA, as set out in paragraph 2.8;	
d) the forecast position on the Capital Programme, as set out in paragraph 2.10;	
e) the Capital Programme projections at Quarter 1, as set out in paragraph 2.10 (table 7);	
f) the additions to the Capital Programme listed in Appendix E;	
g) the refreshed Capital Programme, including schemes in development, as set out in	

paragraph 2.10 (tables 8, 9 and 10).

- 2 To approve:
 - a. The movements of resources set out in paragraph 2.7 and Appendix D.
- 3 To note and endorse the allocations from the corporate contingency as set out in paragraph 2.5.

1 REASONS FOR RECOMMENDATIONS

- 1.1 It enables formal monitoring of progress against the 2017/18 budget and the impact of actual and planned management action.
- 1.2 The approval for virements of budgets is required by corporate financial procedures.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 The 2017/18 revenue budget was approved by City Council in March 2017. This periodic report summarises the current assessment of the Council's forecast outturn of the General Fund and HRA. Some report tables may not sum exactly due to rounding.
- 2.2 Forecasting is risk-based, reflecting the diverse nature of the Council's activities and the wide range of issues impacting on the financial position. Table 1 shows the current forecast using best, medium and worst case scenarios and is based on the ledger position as at 30 June 2017 updated for known factors, before management action.

In accordance with the trading account principles set out in the Medium Term Financial Strategy, 50% of traded surplus may be retained for reinvestment in the service. The decision to reserve these surpluses is to be taken in the context of the overall corporate outturn position. Given the current size and scale of the financial overspend, no traded surplus retention is planned in 2017/18.

Appendix A provides more detail and Appendix B explains the main variances.

TABLE 1: FORECAST OUTTURN VARIANCE AS AT 30.06.17				
OUTTURN VARIANCE 2016/17 £m	PORTFOLIO	(UNDER) / OVER SPEND		
		BEST £m	MEDIUM £m	WORST £m
0.367	Adults and Health	1.849	2.249	2.984
1.712	Business, Education and Skills	0.358	0.358	0.358
(0.549)	Community and Customer Services	(0.030)	(0.030)	(0.030)
2.750	Early Intervention and Early Years	3.748	3.748	3.748
(0.806)	Energy and Sustainability	(0.120)	(0.120)	(0.120)
(0.608)	Leisure and Culture	(0.170)	(0.170)	(0.170)
0.122	Planning, Housing and Heritage	0.824	0.824	0.824
(0.719)	Neighbourhood Services and Local Transport	(1.748)	(1.748)	(1.748)
(0.333)	Resources and Neighbourhood Regeneration	(0.064)	(0.064)	(0.064)
0.583	Strategic Infrastructure and Communications	0.000	0.400	1.000
2.518	TOTAL PORTFOLIOS	4.647	5.447	6.782
(1.337)	Corporate budgets	0.000	0.000	0.000
	Health Integration	6.111	10.111	10.111
1.181	PRIOR TO CORPORATE MITIGATION	10.758	15.558	16.893

	Corporate Mitigation	(7.700)	(7.700)	(7.700)
	NET COUNCIL POSITION PRIOR TO MANAGEMENT ACTION	3.058	7.858	9.193

Reasons for the overspend include:

- **£2.249m Adults and Health**
 - Budget pressures in Adult Social Care:
 - increased life expectancy and the associated additional care needs this presents
 - increased disability life expectancy
 - additional care costs from providers due to increased National Living Wage rates
 - The MTFP for 2017/18 and 2018/19 assumes **3.00%** Adult Social Care precept. However, the budgetary pressures in Adult Social Care exceed the funds raised through this precept.
- **£3.748m Early Intervention and Early Years**
 - Increased cost of children in care, predominantly due to complexity and an increase of 22 (3.7%) children above budget
 - Investment profile of the Newly Qualified Social Worker programme and associated double running costs whilst workers are undertaking post qualification training.
- **£10.111m Health Integration**
 - Nationally councils are working with the NHS to develop local Sustainability and Transformation Plans (STP) in recognition of the national Adult Social Care issue and the budgetary pressures. The overall aims are to enable the NHS to manage its budget and keep citizens at home, living independently rather than spending time in hospital.
 - The MTFP assumed that the STP is fully agreed with a contribution of **£10.111m** planned in 2017/18, however discussions have not progressed to a stage that gives confidence that this will be delivered in 2017/18.

2.3 General Reserves

These provide a financial safety net to cover above-budget costs during the year. Variations in forecast outturn will impact on general reserves. Underspends increase reserves and overspends decrease them. Table 2 shows the potential impact of the current medium case forecast variance on the general reserve.

TABLE 2: POTENTIAL IMPACT ON THE GENERAL RESERVE	
ITEM	£m
Opening Balance at 01.04.17	11.600
2016/17 Outturn	(2.522)
Revised Opening Balance	9.078
Increase/(Decrease) in Reserves to medium case	(7.858)
Estimated Reserves at 31.03.18 (medium case)	3.742
Required level of reserves	11.600
Management Action required to address overspend	7.858

The minimum level of opening reserves for 2017/18 was set at **£11.600m**; a **£2.000m** increase on the 2016/17 level as a consequence of the inherent risk in the 2017/18 budget. The impact of the outturn for 2016/17 as reported to Executive Board June 2017 was a reduction in the general fund balance of **£2.522m**. If general reserves fall below the minimum defined level, the shortfall has to be replenished when setting the budget for the following year. Mitigating actions need to be implemented, and have effect, to ensure the minimum level of reserves is maintained. The recommended minimum level for next year will be advised by the Strategic Director of Finance (SDF) based on the prevailing risk assessment of the financial position at that time. For example, if this assessment remains at £11.600m, further savings of £7.858m would be required in 2018/19. This position is not sustainable and therefore management action is required for the remainder of this financial year to address the forecast overspend.

2.4 Management Action

Due to the size of the forecast overspend, management have instigated a series of immediate action to mitigate the financial pressures. These are:

- **£4.000m** consisting of service efficiencies from:
 - Collaborative service delivery with partners **£1.500m**
 - Efficiencies from reviews and commissioned activities **£2.500m**
- **£3.000m** from departmental mitigations, consisting of a vacancy freeze, further encouragement of My Time, discretionary spend and developing budget proposals for 2018/19 in the current year
- **£7.700m** of corporate mitigation as shown in table 3 below:

TABLE 3: CORPORATE MITIGATION	
Issue	2017/18 £m
Reduce General Fund Balance	(2.000)
Reduce revenue contribution – to capital programme	(1.150)
Reduced contingency budget for 2017/18	(0.650)
Capital Programme slippage/Treasury Management	(0.550)
Review of earmarked reserves	(3.350)
Corporate Mitigation (one-off)	(7.700)

The impact on 2018/19 will be considered as part of the December Executive Board report.

TABLE 4: MANAGEMENT ACTION TO MITIGATE FORECAST OVERSPEND	
ITEM	MEDIUM £m
Net Council Position	7.858
Working with Health	(4.000)
Departmental Mitigation Savings	(3.000)
Revised Medium Case Council	0.858

Planned management action is forecast to reduce the overspend to £0.858m although the Council is committed to delivering services on budget for 2017/18.

2.5 Corporate Contingency

This enables management of the financial impact of issues that were not reflected when the budget was set. It is allocated under the delegated authority of the SDF in consultation with the Deputy Leader using designated criteria. Services are required to accommodate unforeseen expenditure and/or income shortfalls from within their cash limited budgets, only seeking allocations where this is proven impossible. Contingency is **£1.800m** in 2017/18; this has been reduced in 2017/18 by **£0.650m** to support the corporate mitigation. Table 5 shows the allocations approved by the SDF and Deputy Leader up to the date of despatch of this report, which now require endorsement.

Item	Amount £m
Schools Out Programme	0.056
Historic Abuse Work	0.030
Shared Services Partnership Oracle Review	0.245
Eudaimonia Super Kitchens	0.004
PATRA transition	0.050
D2N2 Local Enterprise Partnership	0.063
TOTAL	0.448

This leaves a remaining balance of **£0.702m**, although there are further pending applications, which will be reported as part of the next monitoring report. Forecast outturn assumes full use of contingency.

2.6 Cost reductions and pressures

The 2017/18 budget includes new cost reductions of **£13.088m**. Any issues affecting the delivery of these are detailed in Appendix B.

2.7 Movement of Resources

Transfers of services between directorates and/or portfolios are reflected within the monitoring figures. Some transfers are before the change in Executive arrangements approved at Council in May so refer to previous portfolios that were in place until then. These movements of resources now require approval and are detailed in Appendix D.

2.8 HRA Budget

The HRA budget was approved by the City Council at the February 2017 meeting and budgeted for a working balance of **£4.000m** brought forward at 31 March 2017 and closing balance of **£5.195m** at 31 March 2018. The working balance acts as a contingency to cover unexpected significant expenditure or loss of income. The surplus of **£1.195m** is earmarked to support the capital programme.

Rent Income: Increase of £0.981m

The level of rent collected is higher due to Right to Buy sales being lower in 2016/17 than budgeted leading to a higher actual rent receipt than budget in 2016/17 which was carried into 2017/18.

Depreciation: Increase of £0.289m

Increase in the depreciation charge following the revaluation of the stock at 31 March 2017.

Capital Charges: Decrease of £0.373m

Lower level of debt forecast for 2017/18 due to a delay in borrowing to finance the new build programme.

Retained Housing: Increase of £0.131m

Realignment of budget to match current anticipated expenditure.

The table below shows the revised working balance at 31 March 2018.

TABLE 6: HOUSING REVENUE ACCOUNT WORKING BALANCE	
	£m
Estimated balance at 31 March 2018	4.000
Rent income – additional	0.981
Depreciation	(0.289)
Capital Charges	0.373
Retained Housing – budget realignment	(0.131)
Revised working balance at 31 March 2018	5.195

2.9 Debtors Monitoring (Appendix C)

Housing Rents

Performance (97.27%) is still behind target (98.40%) and slightly behind the position at this point last year (97.41%). A robust approach is being taken to tackle high level and persistent debt; however, the increase in Court costs means that cases are being taken to Court at a higher level of debt, which can have an impact on overall arrears levels. In addition, the effect of the Governments Welfare reform measures continues to influence income collection rates. The “Rent First” campaign will continue this year with activities planned including weeks of action and the use of behavioural insight principles to improve collection rates and reduce arrears.

Council Tax – on track to deliver the assumed position in the MTFP

Collection for Quarter 1 of 2017/18 was 26.35%, which is 0.55% above the profiled target of 25.80%, and ahead by 0.20% when compared to 2016/17. Collection amounted to £32.8m compared to collection of £30.7m in 2016/17.

National Non- Domestic Rates (NNDR) – on track to deliver the assumed position in the MTFP

Collection for Quarter 1 of 2017/18 was 28.17%, which was 0.33% below the profiled target for 2017/18. Collection amounted to £39.7m, compared to collection of £39.3m in 2016/17. Net debt collectable over the year has increased from £134.6m in 2016/17 to £141.1m in 2017/18.

The percentage of debts collected within 90 days in the 12 months to June 2017 was 83.30%, which compares favourably to the corresponding figure for 2016/17 of 82.40%.

The debtor day indicator (which shows how quickly debts are recovered) is currently 31 days, exceeding the target of 32.30 days. Management action continues to target the application of receipts and the 90 day collection percentage should maintain an improvement over future periods.

Adult Residential Services

The Q1 collection rate of 95.31% is below target by 0.59% and 0.24% below Q1 in 2016/17. This is due to cases where no action can be taken currently due to probate, legal and court of protection pending, and includes accounts where agreements are in place to recover the outstanding balance by instalments.

Estates Rents

The collection rate of 95.54% is below the set target of 97.50% but individual periods within the quarter have shown a sustained improvement. Management action is required to deliver an improved position across future periods.

2.10 Capital Programme Update

The outturn report approved an updated overall Capital Programme for 2017/18 of **£108.458m** for the General Fund and **£65.653m** for Public Sector Housing. During quarter 1 schemes to the value of **£25.923m** have been approved while slippage and other movements of approved schemes equates to **£22.635m**. Actual spend to the end of quarter 1 is **£29.799m**.

TABLE 7: REVISED CAPITAL PROGRAMME AND ACTUAL SPEND FOR QUARTER 1

PORTFOLIO	17/18 Forecast Spend £m	17/18 New Approvals £m	Other Movements (Slippage / Reprofiling) £m	Projected Outturn at Qtr1 £m	Actual Spend to Qtr1 £m	New Approvals (Spend 18/19+) £m
Public Sector Housing	65.653	2.498	(2.267)	65.884	12.285	15.553
Transport Scheme	28.080	0.968	(8.023)	21.025	1.578	0.000
Education / Schools	8.938	1.415	(0.268)	10.085	1.154	0.000
All Other Services	71.440	21.042	(12.077)	80.405	14.783	0.757
TOTAL	174.111	25.923	(22.635)	177.399	29.799	16.310

Approvals in Quarter 1

Scheme amendments and additions of **£25.923m** have been approved in quarter 1 where the capital spend is expected to be incurred in 2017/18. Further additions of **£16.310m** have been included as future commitments.

Details of approvals over the value of £1.000m in 2017/18 are listed below:

- **£12.909m** Investment Property Acquisition: These property purchases are to be funded by Prudential Borrowing. Investment Property Acquisitions are expected to result in increased income to the Chamber Estate investment portfolio to meet the MTFP targets.
- **£4.969m** Southside Regeneration: This project is being funded by a mixture of Grant, Reserves and Prudential Borrowing.

- **£1.000m** Neighbourhood Improvements Programme: The funding in this project has been allocated for additional parking and boundary works treatment prioritising spend to Bestwood, Bulwell, Clifton North and Clifton South Wards with some funds also being available for other wards across the city. The purpose of this funding is to improve both the parking provision and the visual appearance of these neighbourhoods. Priorities are currently being developed by ward Councillors and NDOs for consideration.

For further details of all quarter 1 approvals are provided in Appendix E.

Other Movements (Slippage / Reprofilng)

Scheme movements (slippages / reprofiling) in 2017/18 at quarter 1 is **£22.635m**. Schemes where slippage is over £0.500m are detailed below in **Table 8**.

TABLE 8: QUARTER 1 SLIPPAGE / REPROFILING			
Scheme	2017/18 Forecast at Outturn £m	2017/18 Scheme Forecast at Qtr1 £m	Movement £m
Business, Education & Skills			
Waterside Spine Road	1.500	0.750	(0.750)
NET Lines 2/3 - Land Acquisitions	1.710	0.800	(0.910)
NET Lines 2/3 - Quantative Risk Assessment	2.440	1.400	(1.040)
Business, Education & Skills - TOTAL	5.650	2.950	(2.700)
Leisure & Culture			
Highfields Park HLF Scheme	3.670	3.045	(0.625)
Nottingham Castle Transformation (HLF Scheme)	3.549	1.560	(1.989)
Leisure & Culture - TOTAL	7.219	4.605	(2.614)
Strategic Infrastructure & Communications			
Exchange Buildings Refurbishment Design	3.542	0.097	(3.445)
Strategic Infrastructure & Communications - TOTAL	3.542	0.097	(3.445)
Resources and Neighbourhood Regeneration			
IT - Service Improvement - Citrix	0.587	0.000	(0.587)
Resources and Neighbourhood Regeneration - TOTAL	0.587	0.000	(0.587)
Other movements			(13.289)
Scheme Movements at Quarter 1 – TOTAL			(22.635)

Public Sector Housing (HRA) Capital Programme

The Public Sector Housing programme has been updated to reflect movements in quarter 1, the table below sets out the updated programme and resources.

Table 9 sets out the updated programme and resources.

TABLE 9: PUBLIC SECTOR HOUSING – CAPITAL PROGRAMME AND RESOURCES

PORTFOLIO	2017/18 £m	2018/19 £m	2019/20 £m	2020/21 £m	2021/22 £m	Total £m
Public Sector Housing Programme	65.884	42.166	36.342	34.079	32.366	210.837
Resources Available						
Resources b/fwd	35.993					35.993
Prudential Borrowing	0.000	0.000	8.714	5.408	7.472	21.594
Grants and Contributions	3.721	2.191	2.000	0.000	0.000	7.912
Major Repairs Allowance	27.166	26.759	26.568	26.408	26.248	133.149
Internal Funds / Revenue	4.913	0.877	0.000	0.000	0.000	5.790
Capital Receipts (RTB)	0.000	0.000	0.000	0.000	0.000	0.000
Capital Receipts (Other)	0.925	0.840	0.200	0.200	0.200	2.365
Capital Receipts (RTB 1-4-1)	3.000	1.035	0.000	0.000	0.000	4.035
Total Resources	75.717	31.701	37.482	32.016	33.920	210.837
Cumulative (Surplus) / Shortfall	(9.834)	10.466	(1.140)	2.063	(1.555)	0.000

General Fund Capital Programme

The General Fund programme has been updated to reflect the movements in quarter 1. The table below sets out the updated programme and resources for each portfolio. Schemes in developments arising from the investment strategy which have been split between the initial approved amount and any additional expenditure identified during the business case.

PORTFOLIO	2017/18 £m	2018/19 £m	2019/20 £m	2020/21 £m	2021/22 £m	Total £m
Programme						
Transport Schemes	21.025	7.263	7.039	0.000	0.000	35.327
Education / Schools	10.085	0.000	0.000	0.000	0.000	10.085
Other Services	80.405	43.032	33.850	17.992	10.924	186.203
Schemes in Development	78.503	88.187	18.661	0.000	0.000	185.351
Total Programme	190.018	138.482	59.550	17.992	10.924	416.966
Resources Available						
Prudential Borrowing	101.869	76.570	17.238	12.483	6.882	215.042
Grants and Contributions	64.230	51.717	39.091	2.392	2.595	160.025
Internal Funds / Revenue	17.975	3.711	2.336	0.199	0.034	24.255
Capital Receipts Secured	0.456	0.000	0.000	0.000	0.000	0.456
Total Resources	190.170	139.176	61.165	17.574	12.011	420.096
Secured (Surplus)/Shortfall	5.488	6.484	0.885	2.918	1.413	17.188
Capital Receipts Unsecured	5.640	7.178	2.500	2.500	2.500	20.318
Cumulative (Surplus)/Shortfall	(0.152)	(0.846)	(2.461)	(2.043)	(3.130)	(3.130)

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 No other options were considered as the Council is required to ensure that, at a corporate level, expenditure and income are kept within approved budget levels and this report sets out how this is being managed.

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

- 4.1 Financial implications appear throughout the report.
- 4.2 The financial plans and budgets support delivery of the Council Plan. Monitoring the financial position in parallel with service plan activity helps to ensure the delivery of corporate priorities. The Council has developed a robust approach to providing value for money and efficiency savings to support the delivery of the Council Plan and the Medium Term Financial Strategy.

Geoff Walker 30/08/17

5 RISK MANAGEMENT COLLEAGUE COMMENTS

- 5.1 Continuous review and management of the budget and associated performance issues mitigate the risk of not achieving corporate priorities.
- 5.2 Enhanced monitoring is being undertaken by the management team to focus attention on accountability of budget managers to control expectation within approved budgets.
- 5.3 The five year proposed programme is ambitious and will require the Council to use much of its available resources. Substantial investment of this nature will result in the Council being exposed to additional risks as follows: a significant increase in the authority's borrowing over the next five years;
- exposure to interest rate changes; a 0.5% increase in interest rates will increase the cost of borrowing by c£0.508m per annum;
 - major schemes have a long payback period which will require the use of reserves in the early years to fund short term deficits in business plans;
 - the cost of feasibility studies are all undertaken at risk;
 - schemes may not cover their costs or make the desired return.
- 5.4 In order to manage these risks the following key principles will be adopted in managing the programme:
- new projects (unable to cover their costs) added to the programme, will result in an existing project being removed or amended;
 - all projects must have a robust and viable full business case, which considers and includes whole life costing and revenue implications;
 - all schemes will be subject to robust and deliverable business plans and models which demonstrate the necessary return on investment required;
 - the decision to progress schemes will be dependent on securing the stated level of external funding or grant as appropriate;
 - new projects will be considered where the Council can make a return on investment;
 - where new sources of external funding/grants become available, the programme will be revisited;
 - all schemes will be subject to an independent internal 'Gateway review process'.
- 5.5 The City Council recognises the importance of individual and collective accountability and requires managers to formally acknowledge their responsibilities. Financial management is an integral aspect of effective leadership and good management, relevant councillors and managers are required to participate fully in all aspects of capital investment plans.

- 5.6 Corporate Directors will be accountable for the success and deliverability of all capital projects within their remit; including:
- ownership of business cases and any subsequent changes to them;
 - ensuring that capital projects are delivered in line with agreed targets and resources;
 - the successful outcome and benefits realisation of capital projects.

Tom Straw 04/18/17

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

6.1 None

7 SOCIAL VALUE CONSIDERATIONS

7.1 None

8 REGARD TO THE NHS CONSTITUTION

8.1 None

9 EQUALITY IMPACT ASSESSMENT (EIA)

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

No

An EIA is not required because:

The report does not contain proposals for new or changing policies, services or functions.

Yes

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

10.1 None

11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT

11.1 Medium Term Financial Plan 2017/18 – 2019/20 - Executive Board 21 February 2017

12 OTHER COLLEAGUES WHO HAVE PROVIDED INPUT

12.1 Charlotte Marsh – Senior Accountant (Current Year Monitoring & Forecasting)

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BUDGET MONITORING 2017/18 - Year to Period 3 (JUNE) £'m

APPENDIX A

Portfolio	POSITION TO THE END OF P3 (JUNE)				YEAR END FORECAST POSITION					
	Updated Estimate	Profile d Estimate	Actual + Commitments	Variance	Estimated Outturn (BEST CASE)	Estimated Outturn (MEDIUM CASE)	Estimated Outturn (WORST CASE)	Variance (under)/over to BEST CASE	Variance (under)/over to MEDIUM CASE	Variance (under)/over to WORST CASE
Adults and Health	101.714	32.420	37.851	5.430	103.563	103.963	104.698	1.849	2.249	2.984
Business, Education & Skills	3.951	4.472	(7.806)	(12.278)	4.309	4.309	4.309	0.358	0.358	0.358
Community & Customer Services	23.681	5.419	8.438	3.019	23.650	23.650	23.650	(0.030)	(0.030)	(0.030)
Early Intervention & Early Years	57.103	17.830	12.848	(4.982)	60.851	60.851	60.851	3.748	3.748	3.748
Energy & Sustainability	11.852	2.356	2.495	0.139	11.732	11.732	11.732	(0.120)	(0.120)	(0.120)
Leisure & Culture	8.020	2.024	(2.491)	(4.515)	7.850	7.850	7.850	(0.170)	(0.170)	(0.170)
Planning, Housing & Heritage	1.264	0.251	(1.725)	(1.976)	2.088	2.088	2.088	0.824	0.824	0.824
Neighbourhood Services & Local Transport	10.763	(3.874)	5.682	9.556	9.016	9.016	9.016	(1.748)	(1.748)	(1.748)
Resources & Neighbourhood Regeneration	21.117	7.492	4.853	(2.638)	21.053	21.053	21.053	(0.064)	(0.064)	(0.064)
Strategic Infrastructure and Communications	(9.770)	(1.871)	(2.623)	(0.752)	(9.770)	(9.370)	(8.770)	0.000	0.400	1.000
Total Portfolios	229.695	66.520	57.522	(8.997)	234.342	235.142	236.477	4.647	5.447	6.782
Corporate Budgets	8.850	(4.358)	(13.208)	(8.850)	8.850	8.850	8.850	0.000	0.000	0.000
Total General Fund	238.544	62.162	44.315	(17.847)	243.192	243.991	245.327	4.647	5.447	6.782

Portfolio Variances +/- £50k (medium case)**Adults and Health Portfolio – overall variance £2.249m adverse****Adults - £2.249m adverse**

The gross overspend of £2.249m is made up of:

1. £2.400m Adults External Care Spend. Overspend is due to an increase in complexity of care packages. A programme of work is being undertaken to review the packages to ensure they are robust, appropriate and the right sources of funding are supporting the package.
2. (£0.151m) other service underspends

Business, Education and Skills Portfolio – overall variance £0.358m adverse**Education £0.358m adverse**

The material issues contributing to this overspend are:

1. Schools Education Transport of £0.358m. Work is ongoing to look at the c. £1m spend on taxi transport and alternative transport provision/procurement options.

Reducing demand for SEN transport/charging options requires policy change and options are being prepared for the portfolio holder to consider. These changes, if agreed will need to be consulted upon so unlikely to be implemented until start of 2018 academic year.

Early Intervention and Early Years Portfolio – overall variance £3.748m adverse**Children's £3.352m adverse**

The gross overspend of £3.352m is made up of:

1. £1.540m from the investment profile of the Newly Qualified Social Worker (NQSW) programme and the associated double running costs whilst the NQSW are undertaking their post qualification training.
2. £1.581m cost of children in care. This increased cost is predominantly due to complexity and an increase of 22 children above budget.
3. £0.231m other service underspends in CIS.

Directorate £0.396m adverse

The gross overspend of £0.396m is made up of:

- Unachieved historical savings of £0.396m.

Energy and Sustainability Portfolio – overall variance £0.120m favourable**Energy Services - Policy- £0.063m adverse**

There have been unforeseen costs as a result of an extended summer shutdown of the Incinerator for maintenance purposes. There is a reserve set aside for this purpose, the waste reserve, but this balance assumes full use of these reserves, with the £63k balance sitting within the energy service budget.

Energy Services – Projects - £0.183m favourable

Commercial & Operations are working towards published Business Plans for 2017/18. Overall, Commercial & Operation's strategy is to focus on commercialism and driving external income. A combination of delivery of these business plans sees an overall positive variance.

Leisure and Culture Portfolio – overall variance £0.170m favourable

Commercial & Operations are working towards published Business Plans for 2017/18. Overall, Commercial & Operation's strategy is to focus on commercialism and driving external income. A combination of delivery of these business plans sees an overall positive variance.

- **Cemeteries and Crematoria - £0.059m favourable**
- **Museums - £0.080m favourable**
- **Sports and Leisure - £0.204m favourable**
- **Royal Centre - £0.052m favourable**

Markets - £0.261m adverse

INTU have significantly increased the service charges for the Victoria Market repeatedly over recent years and in January 2017, INTU increased them again by a further 9%. This has resulted in the Indoor Market moving from a position whereby stallholder rents covers the costs to one whereby the rents do not meet operating costs. This higher stall rents has resulted in an increased number of vacant stalls

The overall markets budget is forecasting an adverse variance of £0.261m but the Indoor Market alone, is forecasting an adverse variance of £0.270m

Planning, Housing and Heritage Portfolio – overall variance £0.824m adverse

Homelessness - £0.824m adverse

There has been a nationwide rise in homelessness which has impacted Nottingham and expenditure on Bed and Breakfast accommodation has increased exponentially. The current medium forecast for the end of year overspend on Bed and Breakfast is £0.824m based on spend to date and the trend of use during last financial year. This forecast assumes the delivery of preventative work utilising some of the Homelessness Grant that has been provided from DCLG. There will be monthly monitoring on the spend and impact of this work.

Neighbourhood Services and Local Transport – overall variance £1.748m favourable

Commercial & Operations are working towards published Business Plans for 2017/18. Overall, Commercial & Operation's strategy is to focus on commercialism and driving external income. A combination of delivery of these business plans sees an overall positive variance.

- **Highways and Energy Infrastructure - £0.380m favourable**
- **Neighbourhood Operations - £0.148m favourable**
- **Parking, Transport and Fleet - £0.339m favourable**
- **Trading Operations - £0.881m favourable**

**Resources and Neighbourhood Regeneration Portfolio – overall variance
£0.064m favourable**

Commercial & Operations are working towards published Business Plans for 2017/18. Overall, Commercial & Operation's strategy is to focus on commercialism and driving external income. A combination of delivery of these business plans sees an overall positive variance.

- **Facilities and Building Services - £0.064m favourable**

**Strategic Infrastructure and Communications Portfolio – overall variance
£0.400m adverse**

Strategic Assets and Property - £0.400m adverse

The SAM Big Ticket Property Savings target for 17/18 of £3.9m has been delivered however there are £1m of pressures within the Property Trading Account. The Q1 forecast is for a worst case year end outturn of £1m overspent, a medium case of £400k overspent and the best case being balanced on budget.

The Strategic Assets & Property Directorate are seeking appropriate investment opportunities to generate the required revenue income to meet the current financial pressure within the PTA. The current income gap stands at £1m and will be mitigated if suitable investment properties are found and then approved and there is no change in the current capital funding provisions.

APPENDIX C

Debtors - Performance Review – Q1 2017/18		Q1 June
BVPI 66a - Housing Rent Collection (%) <i>(cumulative - current tenants only)</i>		
	<i>(arrears + debit)</i> Actual	97.27
	Target	98.40
	Last Year Actual 2016/17	97.41
BVPI 9 - Council Tax Collection (%)		
	<i>(in year cumulative)</i> Actual	26.35
	Target	25.80
	Last Year Actual 2016/17	26.15
BVPI 10 - NNDR Collection (%)		
	<i>(in year cumulative)</i> Actual	28.17
	Target	28.50
	Last Year Actual 2016/17	29.25
Sundry Income Collection (%)		
	<i>(12 month rolling average)</i> Actual	83.30
	Target	99.00
	Last Year Actual 2016/17	82.40
Sundry Income Debtor Days -General		
	Actual	31.00
	<i>(12 month rolling average)</i> Target	32.30
	Last Year Actual 2016/17	30.00
Estates Rents Collection (%)		
	Actual	95.54
	<i>(12 month rolling average)</i> Target	97.50
	Last Year Actual 2016/17	94.17
Adult Residential Services Collection (%)		
	Actual	95.31
	<i>(12 month rolling average)</i> Target	95.90
	Last Year Actual 2016/17	95.55

VIREMENT 2017-18 REQUIRING EXECUTIVE BOARD APPROVAL

APPENDIX D

Details	Net Amount £m	Department		Portfolio	
		From	To	From	To
Operational virements prior to changes in Portfolio arrangements					
Children's Partnership Board Responsibilities	0.012	S&R	C&A	ADH	ELY
Service Move between Contracts & Procurement and Community Engagement	0.100	S&R	C&O	ADH	CYS
	2.330			SRN	CYS
Income budget realignment within Facilities & Building Services	0.450	within C&O		CYS	SRN
Security Recharges	0.132	C&O	D&G	CYS	RNR
	0.003	C&O	D&G	RNR	SRN
Operational realignments within Property Directorate	0.050	within D&G		RNR	SRN
Transfer of Services resulting from changes in Portfolio arrangements					
Commissioning & Procurement	0.485	within S&R		ADH	RNR
Strategy & Policy	2.334	within S&R		ADH	RNR
Commissioning & Procurement Director	0.088	within S&R		ADH	RNR
Strategy & Resources Directorate	0.344	within S&R		ADH	RNR
City Advertising Trading Acct	0.320	within S&R		ADH	SI&C
Marketing & Communications	1.076	within S&R		ADH	SI&C
Customer Access Programme	0.155	within S&R		ESU	C&CS
Works Perks	0.080	within S&R		RNR	C&CS
One Nottingham	0.124	within S&R		ELY	C&CS
Voluntary Sector	0.085	within S&R		SRN	C&CS
Crime & Drugs Partnership	0.111	within S&R		CYS	SI&C

Pages 1-3

Details	Net Amount £m	Department		Portfolio	
		From	To	From	To
Information Technology	4.924	within S&R		RNR	C&CS
Commercial & Operations Support Services	0.851	within C&O		CYS	NST
Neighbourhood Operations	6.436	within C&O		CYS	NST
Business Development & Innovation	0.537	within C&O		CYS	NST
Performance & Improvement	0.265	within C&O		CYS	NST
Trading Operations	1.808	within C&O		CYS	NST
Facilities and Building Services	0.980	within C&O		CYS	RNR
Facilities and Building Services	1.529	within C&O		SRN	RNR
Neighbourhood Services	0.735	within C&O		CYS	NST
Parking, Transport and Fleet	0.014	within C&O		CYS	NST
Community Centres	1.006	within C&O		SRN	C&CS
Energy Services - Commercial Activity	0.238	within C&O		RNR	ESU
Economic Development Business Growth	0.341	within D&G		BGT	BES
Major Programmes	0.270	within D&G		RNR	SI&C
NET Project	0.058	within D&G		BGT	SI&C
Operational virements after changes in Portfolio arrangements					
Pay Model Adjustments (Technical)	0.065	Corporate	C&A	RNR	BES
	0.143	D&G	Corporate	BGT	RNR
	0.118	Corporate	C&O	RNR	C&CS
	0.001		S&R		ELY
	0.145		C&O		NST
	0.156		D&G		NST
	0.106		S&R	within RNR	
	0.024		D&G	within RNR	

Details	Net Amount £m	Department		Portfolio	
		From	To	From	To
Pay Model Adjustments (Technical)	0.058	Corporate	S&R	RNR	SI&C
	0.040		S&R		C&CS
	0.007		S&R		SI&C
	0.090		D&G		SI&C
Realign Contact Centre Budgets	0.139	C&O	S&R	NST	C&CS
	0.161	C&O	S&R	within C&CS	
Leadership Support Centralisation	0.046	C&A	S&R	ADH	C&CS
	0.072	C&A		ELY	
	0.109	C&O		NST	
	0.266	S&R		RNR	
	0.108	D&G		RNR	
Housing Related Support	0.100	within S&R		ADH	C&CS
	0.057	S&R	C&O		C&CS
	0.628	within S&R			SI&C
Transfer budget to Contact Centre	0.042	C&O	S&R	NST	C&CS
realign vacancy saving	0.005	C&O	S&R	C&CS	NST
Operational realignment Parks / Uniformed Services	0.005	within C&O		LCT	C&CS
Security Recharges adjustment	0.259	D&G	C&O	RNR	C&CS
Post transfer (Highways & Energy to Energy Services Projects)	0.040	within C&O		NST	ESU
Integration of Parks into Street Scene	0.475	within C&O		LCT	NST
Vehicles reallocation	0.008	within C&O			
Woodfield Industries	0.150	D&G	C&O	within NST	
Operational realignment Commissioning & Procurement / Crime & Drugs	0.071	C&O	S&R	SI&C	RNR
Technical Adjustment - Prudential Borrowing	1.126	Corporate	D&G	within RNR	
Savings realignment	0.017	CX	D&G	within RNR	
	0.029	S&R			
Total	33.135				

Key	Department
CA	Children & Adults
C&O	Commercial & Operations
CX	Chief Executive
D&G	Development & Growth
S&R	Strategy & Resources

Key	Portfolio
ADH	Adults & Health
BES	Business, Education & Skills
BGT	Business, Growth & Transport
CYS	Community Services
C&CS	Community & Customer Services
EES	Education, Employment & Skills
ELY	Early Intervention & Early Years
ESU	Energy & Sustainability
LCT	Leisure & Culture
NST	Neighbourhood Services & Local Transport
PLNH	Planning & Housing
RNR	Resources & Neighbourhood Regeneration
SI&C	Strategic Infrastructure & Communications
SRN	Strategic Regeneration

Public Sector Housing Schemes

PORTFOLIO	2017/18 £m	2018/19 £m	2019/20 £m	2020/21 £m	2021/22 £m	Total £m
Sutton House Flats	0.300	0.000	0.000	0.000	0.000	0.300
Woodthorpe / Winchester Extra Care Scheme	0.000	0.715	0.000	0.000	0.000	0.715
Redevelopment of Knights Close	0.319	2.354	1.008	0.000	0.000	3.681
Construction of Additional Homes	0.999	0.000	0.000	0.000	0.000	0.999
Morley School	0.000	0.000	0.000	0.000	0.000	0.000
Shared Ownership & Affordable Homes Programme	0.300	4.700	4.500	0.000	0.000	9.500
ERDF Deep Innovative Retrofit	0.580	1.138	1.138	0.000	0.000	2.856
TOTAL – Transport Schemes	2.498	8.907	6.646	0.000	0.000	18.051

Transport Schemes

PORTFOLIO	2017/18 £m	2018/19 £m	2019/20 £m	2020/21 £m	2021/22 £m	Total £m
National Productivity Investment Fund	0.968	0.000	0.000	0.000	0.000	0.968
TOTAL – Transport Schemes	0.968	0.000	0.000	0.000	0.000	0.968

Education / Schools

PORTFOLIO	2017/18 £m	2018/19 £m	2019/20 £m	2020/21 £m	2021/22 £m	Total £m
Dunkirk Primary (Roof)	0.200	0.000	0.000	0.000	0.000	0.200
South Wilford (Drainage)	0.200	0.000	0.000	0.000	0.000	0.200
Walter Halls (Boiler)	0.100	0.000	0.000	0.000	0.000	0.100
Cantrell Primary (Roof)	0.100	0.000	0.000	0.000	0.000	0.100
Southwold Primary (Structural Repairs)	0.030	0.000	0.000	0.000	0.000	0.030
Claremont Primary (Heating)	0.150	0.000	0.000	0.000	0.000	0.150
Greenfields Primary (Roof)	0.125	0.000	0.000	0.000	0.000	0.125
Whitegate Primary (Boilers)	0.100	0.000	0.000	0.000	0.000	0.100
Rufford Primary (Asbestos)	0.200	0.000	0.000	0.000	0.000	0.200
Stanstead Primary (New Flue)	0.025	0.000	0.000	0.000	0.000	0.025
Stanstead Remedial	0.110	0.000	0.000	0.000	0.000	0.110
Dovecote Heating	0.075	0.000	0.000	0.000	0.000	0.075
TOTAL – Education / Schools	1.415	0.000	0.000	0.000	0.000	1.415

Other Services						
PORTFOLIO	2017/18	2018/19	2019/20	2020/21	2021/22	Total
	£m	£m	£m	£m	£m	£m
Community Services						
Neighbourhood Improvement Programme	1.000	0.000	0.000	0.000	0.000	1.000
Community Protection Replacement Vehicles	0.138	0.000	0.000	0.000	0.000	0.138
Early Intervention & Early Years						
30 Hour Capital Grant Award	0.307	0.000	0.000	0.000	0.000	0.307
Energy and Sustainability						
DEFRA Air Quality	0.250	0.000	0.000	0.000	0.000	0.250
Jobs Growth & Transport						
CCTV Control Room Upgrade	0.235	0.000	0.000	0.000	0.000	0.235
Leisure and Culture						
Melbourne Park	0.000	0.015	0.000	0.000	0.000	0.015
Bilborough Park	0.000	0.010	0.000	0.000	0.000	0.010
Broxtowe CP & Strelly Rec	0.000	0.059	0.000	0.000	0.000	0.059
Moorfield Allotment	0.004	0.004	0.000	0.000	0.000	0.008
Peggy's Park & Play Area	0.005	0.076	0.000	0.000	0.000	0.081
Queens Walk Rec	0.010	0.025	0.000	0.000	0.000	0.035
Trafford Gardens Play Area	0.000	0.059	0.000	0.000	0.000	0.059
Valley Road Park & Play Area	0.020	0.090	0.000	0.000	0.000	0.110
Bulwell Hall Golf Course	0.040	0.000	0.000	0.000	0.000	0.040
Colville Street Play Area	0.020	0.000	0.000	0.000	0.000	0.020
Forest Rec Ground	0.034	0.013	0.000	0.000	0.000	0.047
Overflow Car Park Harvey Hadden	0.140	0.000	0.000	0.000	0.000	0.140
Resources and Neighbourhood Regeneration						
Investment Property Acquisition (Project Wellington)	2.189	0.000	0.000	0.000	0.000	2.189
One Public Estate - Loxley	0.121	0.000	0.000	0.000	0.000	0.121
One Public Estate - Crocus Place	0.141	0.000	0.000	0.000	0.000	0.141
One Public Estate - Joint Service Centres	0.045	0.000	0.000	0.000	0.000	0.045
IT - Update Cisco	0.034	0.046	0.000	0.000	0.000	0.080
IT - Anti Virus	0.120	0.120	0.120	0.120	0.000	0.480
Investment Property Acquisition (Project 118)	10.720	0.000	0.000	0.000	0.000	10.720
Strategic Regeneration & Development						
Southside Regeneration	4.969	0.000	0.000	0.000	0.000	4.969
Partial Demolition of Elms Primary	0.500	0.000	0.000	0.000	0.000	0.500
TOTAL - Other Services	21.042	0.517	0.120	0.120	0.000	21.799

	2017/18	2018/19	2019/20	2020/21	2021/22	Total
	£m	£m	£m	£m	£m	£m
TOTAL - Approvals Quarter 1	25.923	9.424	6.766	0.120	0.000	42.233

Subject:	Expansion of Middleton Primary School, Wollaton
Corporate Director(s)/Director(s):	Alison Michalska, Corporate Director for Children & Adults
Portfolio Holder(s):	Councillor Sam Webster, Portfolio Holder for Business, Education and Skills
Report author and contact details:	Lucy Juby, Project Manager, School Organisation lucy.juby@nottinghamcity.gov.uk Tel. 0115 8765041
Subject to call-in:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Key Decision:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criteria for Key Decision:	
(a)	<input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision
and/or	
(b)	Significant impact on communities living or working in two or more wards in the City <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Type of expenditure:	<input type="checkbox"/> Revenue <input checked="" type="checkbox"/> Capital
Total value of the decision:	Funding allocation and procurement of the works to be approved in a separate Board report at a value of approximately £4.1 million
Wards affected:	Wollaton West, Wollaton East and Lenton Abbey
Date of consultation with Portfolio Holder(s):	6 September 2017 (most recent)
Relevant Council Plan Key Theme:	
Strategic Regeneration and Development	<input type="checkbox"/>
Schools	<input checked="" type="checkbox"/>
Planning and Housing	<input type="checkbox"/>
Community Services	<input type="checkbox"/>
Energy, Sustainability and Customer	<input type="checkbox"/>
Jobs, Growth and Transport	<input type="checkbox"/>
Adults, Health and Community Sector	<input type="checkbox"/>
Children, Early Intervention and Early Years	<input type="checkbox"/>
Leisure and Culture	<input type="checkbox"/>
Resources and Neighbourhood Regeneration	<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):	
<p>Pupil growth forecasts, analysis and admissions data identify that there is a need to provide additional primary school place capacity in the Wollaton area of the city.</p> <p>Between 24 April and 19 May 2017, a four week consultation with parents/carers, staff, governors, councillors, local residents and citizens, was undertaken on the proposal to expand the capacity of Middleton Primary and Nursery School from 420 to 630 places. Following this period of consultation, a Portfolio Holder decision (Ref: 2860) approved the next stage of the consultation which was the publishing of Statutory Notices.</p> <p>Statutory Notices were issued on 28 June 2017 and the representation period (formal consultation) ended on 26 July 2017. One representation was made during this period, from a local resident. The letter is contained in Appendix B, including a full response to the points raised in Appendix C.</p> <p>Middleton Primary School is an Ofsted rated “Good” school and achieves good outcomes for its pupils; expanding the school will support the Council’s key priority to provide good school, close to home for every young person in Nottingham and to increase parental preference of places for every child.</p>	

This report updates Executive Board on the outcomes of the full consultation (both pre-publication and Statutory Notice stages) and seeks approval to implement the expansion of Middleton Primary from 420 to 630 places from 1 September 2018.

It is anticipated that the necessary building work would be complete for Key Stage 1 by September 2018 and for Key Stage 2 by December 2019.

Exempt information:

None.

Recommendation(s):

- 1 To consider the outcomes of the consultation detailed in this report (Appendix A), the formal representation and response made during the Statutory Notice period (Appendix B and C) and to approve the expansion of Middleton Primary and Nursery School from a 420 place school to a 630 place school, from 1 September 2018.

1 REASONS FOR RECOMMENDATIONS

- 1.2 Although the city-wide picture for primary place provision is greatly improved, place pressures are still apparent in some areas, Wollaton being one of them. There has been an upward trend of pupil growth in this area and increasingly, there are more applications from within Middleton Primary's immediate catchment area, than there are places available.
- 1.3 In the 2015/16 Reception year, Middleton Primary admitted additional pupils over the Published Admission Number (PAN) of 60. In the 2017/18 Reception year, they will again be admitting additional pupils over the current PAN. A longer term solution is needed to address the sustained growth in pupil numbers. From September 2018, additional teaching, learning and hall space will be required. If Middleton Primary does not expand, there will be insufficient capacity to accommodate the growth in the number of applications from families in the catchment area.
- 1.4 In order to meet the need and demand for school places in this area of Wollaton, it is proposed to expand Middleton Primary School from 420 to 630 places. There would be 90 pupils in each year group instead of 60 and the school would grow by one class per year (30 pupils) over a seven year period, until the school is full.
- 1.5 One of the 5 key objectives of the Council Plan 2015-19, is to ensure that every child in Nottingham is taught in a school that is judged good or outstanding by Ofsted. The proposal to expand Middleton Primary School also supports the Council priorities of access to a good school close to home for every young person in Nottingham, and to meet parental preferences of places for every child at a local primary school.
- 1.6 Parents/carers quite rightly expect their children to be offered a local school place and the case for expanding a school which delivers a quality provision in an area where there are insufficient school places is a strong one. It is the duty and the desire of both the Council and the School to maximise opportunities to deliver a quality education to the communities we serve.

- 1.7 Initial feasibility investigations (approved by Portfolio Holder Decision Ref: 2453) have confirmed that there is space on the site to expand, without compromising the quality of education and facilities. Any new buildings will be designed in collaboration with the school, to complement the existing build and be fit for the future of the growing school community.
- 1.8 The school leadership team and the governing body are fully committed in their support for the proposal to expand the school. Extensive considerations have been undertaken by the School Governing Body and staff. Middleton achieves very good results and outcomes for the children who attend and has been rated as a “Good” school by Ofsted.
- 1.9 Successful initial feasibility and early design investigations and a full and thorough consultation process with all stakeholders have been undertaken. The number of respondents in support of the proposal to expand the school exceeded the number against. One representation was made during the Statutory Notice stage, which is included at Appendix B, with a full response to the points raised. The full consultation results and summary of responses are included at Appendix A.
- 1.10 The initial estimated date of completion for Key Stage One is September 2018 and for Key Stage Two, is December 2019, but this is subject to the completion of full feasibility and design works. The build would be funded by Basic Need funding allocated to the Council by Central Government, for expanding primary place provision. At this stage, it is currently estimated that the expansion of Middleton Primary School would cost £4.1m.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 The level of pupil growth in Nottingham and nationally in recent years has been substantial. There has been an 18% increase in children entering the school system since 2010. The Council has invested £41m in its primary school expansion programme, which will create a total of over 4000 additional school places once expanded schools are full in all year groups.
- 2.2 Expansion of Middleton Primary would mean that more children in this community will have the opportunity to attend a good school, close to home, in an area where there is high demand for places. This will also contribute to improved attendance, family wellbeing and cohesion, reducing the possibility of siblings being split across different schools.
- 2.3 A four week consultation on the proposed expansion ran from 24 April to 19 May 2017, with parents/carers, staff, governors, councillors, trade unions and community members and residents. Of the 102 people who formally responded to the consultation, 57% were in support of the proposal, 40% were against it and 3% registered no opinion. The full report and breakdown detailing the outcomes of the consultation can be found in Appendix A.
- 2.4 Following this period of consultation, a Portfolio Holder decision (Ref: 2860) approved the next stage of the consultation process which was the issuing of Statutory Notices. Statutory Notices were issued on 28 June 2017 and the representation period ended on 26 July 2017. Statutory Notices were displayed on the school gates, published on the Council’s website and in the Nottingham Light newspaper.

- 2.5 One representation was made during this period, from a local resident, which is contained in Appendix B, including a response to the points raised in Appendix C. The objection submitted is based upon concerns relating to parking, highway safety and the potential increase in traffic. Traffic related concerns are very often raised in relation to school expansion proposals. We work positively and in partnership with the Council's Road Safety team, local Councillors and other relevant colleagues to identify potential problems and possible solutions. The impact on traffic is also assessed as part of the design feasibility and planning permission process.
- 2.6 The School and local councillors had already negotiated the Harrow Road Community Centre car park to be available for use during school drop and pick up times, to reduce the traffic on the local roads and to provide a safer drop off and pick up zone for parents/carers. Although many parents currently take advantage of this ideal alternative, further publicity is recommended to increase the usage and further reduce the number of parked cars on the surrounding roads. During consultation, suggestions were also made to improve the visibility and accessibility of the Community Centre car park, e.g. through improvements to the entrance and reviewing the parking restrictions either side of the entrance.
- 2.7 Additional restrictions were implemented on Harrow Road around two years ago consisting of extended School Entrance Clearways (zigzags), a limited waiting option during peak school hours (single yellow line) and extended junction protection. The Council is working hard to focus on the needs of our citizens through a cleaner more sustainable transport vision.
- 2.8 The pupil numbers will grow gradually by 30 pupils each academic year, over a 7 year period. This gradual growth is more manageable in many respects, including for any impact on traffic. The School will update and review their Travel Plan on an on-going basis, with support from Council Road Safety Officers, to promote walking to school and any other sustainable travel options which may minimise vehicle usage.
- 2.9 At the outset of the consultation process, 500 letters were distributed to parents, via the school, to include the Nursery and to account for families having more than one child. The letters contained details of the proposal, the rationale and the various methods and opportunities to engage in the consultation process.
- 2.10 An 'information and consultation meeting' for staff/governors was held on 26 April 2017 and attendees were invited to ask questions and comment on the proposal. A further two meetings for parents/carers were held on 2 and 3 May 2017. Two 'school gate consultations' were also undertaken at the beginning and end of the school day on the 16 and 17 May 2017.
- 2.11 Letters were also sent directly to 87 local residents who live close to the School to consult on the proposal. Of the 22 residents (26%) who responded, 18% were in support of the proposal, 77% were against it and 5% registered no opinion.
- 2.12 The Council has carefully considered any concerns raised during consultation. Responses have been provided to all questions raised and any mitigating actions will continue to be explored if required and viable.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 The following other options were considered, but are not recommended:

- Add further temporary bulge years at Middleton Primary, in excess of the Pupil Admission Number. This is not a favourable or feasible option as it would not address the sustained pupil growth in the area and the school have no further capacity to accommodate additional children within the existing space.
- Other potential school build / expansion options were also considered (Bluecoat and Southwold), but Middleton is the preferred option due to the reasons stated in this report.
- Do nothing – this is not recommended as additional school places are required in the area. Sustained growth in pupil numbers required a permanent solution to meet the needs of the local community by providing a good school, close to home (as per the Council's priorities).
- During the consultation, no new alternative options were proposed to meet the need for school places in the area.

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

- 4.1 If the proposal to expand Middleton Primary from a 420 place school to a 630 place school were approved then the Local Authority would fund the additional class admitted in the financial year 2018/19 from the Pupil Growth Contingency from the Local Authorities pupil growth fund. This funding would cover the period September 2018 to March 2019. Once these additional pupils were accounted for on the October 2018 Autumn Census they would then be funded in the following financial year through the funding formula.
- 4.2 In the financial year 2018/19 the School Organisation Team will allocate funding to the school based on the eligibility criteria approved by Schools Forum. Noted in **Table 1** are the values assigned to each type of funding that may be allocated to the school based on the pupil growth funding criteria, based on the admission of an additional 30 pupils.

Funding Streams	£
Teacher M3 (7/12ths)	17,824
Teaching Assistant Pt 22 (7/12ths)	14,242
Midday Supervisor Pt 8 (7/12ths)	2,150
Classroom set up costs	Up to £8,000
Utilities (7/12ths) based on £150 per pupil per year	£2,625

- 4.3 Due to the results of the second stage consultation on the national funding formula not being published, there is currently no clear guidance on how the growth funding will work from the financial year 2019/20. However, based on

the proposals set out by the Government in the Schools National Funding Formula – Consultation Stage 2, from the financial year 2019/20 the Government are proposing to fund pupil growth based on lagged pupil growth. The lagged growth method would count all pupil number increases in every school at a year-group level between the 2 previous years and use this to calculate the total amount of pupil growth in each local authority area. The total amount of funding available nationally for growth would be allocated to local authorities on a per-pupil basis, based on the distribution of the lagged pupil growth across the country.

- 4.4 As the Local Authority do not know how much funding they will be receiving for pupil growth from the financial year 2019/20 the amount that will be allocated to an expanding school cannot be quantified. Moving forward the Local Authority will need to manage the growth funding they receive from year-to-year and review pupil growth contingency criteria when clear guidance is released.

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- 4.5 This Executive Board report creates an addition to the Capital Programme but does not commit any capital resources. For the proposal to expand Middleton Primary School to progress, a further Board report will be required to make the necessary amendments to the Capital Programme and to commit the funding.

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

5.1 Legal Implications

5.1.1 The school organisation regime is set out in the Education and Inspections Act 2006 (“EIA”), regulations made under the EIA and guidance made by the Secretary of State, both statutory (using powers in the EIA) and non-statutory.

5.1.2 Under section 19 of the EIA, a local authority is required to publish a proposal to make a prescribed alteration to a maintained school. In essence, a prescribed alteration is one designated as such by regulations. Currently, the relevant regulations are the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (“the Prescribed Alterations Regulations 2013”).

5.1.3 The proposal referred to in this report to expand Middleton Primary & Nursery School (“Middleton”) from 420 to 630 places (which was the subject of initial

consultation from 24 April 2017 to 19 May 2017), commencing in stages from 1 September 2018 up to December 2019, would be a prescribed alteration because it entails an enlargement of the premises of Middleton, which would increase the capacity of Middleton by more than 30 pupils and by well over the threshold of 25 per cent or 200 pupils (whichever is the lesser) (regulation 5 of and paragraph 1 of Schedule 2 to the Prescribed Alterations Regulations 2013).

5.1.4 Whilst the school organisation regime no longer has a 'pre-publication' consultation period, in public law terms such consultation is advisable. Indeed, this is reflected in the current statutory guidance entitled *Making 'prescribed alterations' to maintained schools* (April 2016) which states at page 25: "*Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties, in developing their proposal prior to publication, as part of their duty under public law to act rationally and take into account all relevant considerations...*" Therefore, it was advisable that the proposal referred to in this report was consulted upon before being published. This consultation took place from 24 April 2017 to 19 May 2017 with more parent/carers and Middleton staff/governor respondents in support of the proposal than objecting.

5.1.5 Therefore, on 15 June 2017 Nottingham City Council's Portfolio Holder for Business, Education & Skills took the decision that this proposal would move to the next stage of the school organisation regime: publication. Pursuant to this, on 28 June 2017 Nottingham City Council ("NCC") published a statutory notice regarding the proposal with a four week representation period for objections or comments ending on 26 July 2017. During the representation period NCC only received one response, which was from two residents local to Middleton. This response raised objections to the proposal, essentially relating to the potential impact of the proposal on local residents arising from increased traffic and parking (see Appendix B). NCC's School Organisation Project Manager has comprehensively answered this objection in a letter that sets out the work that is already underway by NCC to ease any such deleterious impact and further work that could be done by NCC in this regard (see Appendix C). These points are amplified in paragraphs 2.5 to 2.7 of this report.

5.1.6 With the representation period for the proposal having ended on 26 July 2017, under regulation 6 of and Schedule 3 to the Prescribed Alterations Regulations 2013 NCC's Executive Board is now required to consider and determine the proposal. In so doing, it is advisable that the Executive Board carefully weighs up the objections raised by the local residents set out in Appendix B against the NCC officer response set out in Appendix C. Under Schedule 3, paragraph 5(1) of the Prescribed Alterations Regulations 2013, in determining the proposal the Executive Board may:-

- (a) reject the proposal;
- (b) approve the proposal without modifications; or
- (c) approve the proposal with such modifications as the local authority think desirable, having consulted the governing body (unless the modifications are proposed by the governing body).

5.1.7 Under Schedule 3, paragraph 5(2) of the Prescribed Alterations Regulations 2013, where proposals are approved by the local authority (whether with or without modifications), the approval may be conditional on the occurrence of an event

prescribed in paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations 2013 (which includes the entering into an agreement for any necessary building project supported by the Department for Education). If the approval is expressed to take effect only if the event occurs, the event must occur by the date specified in the approval.

5.1.8 Under Schedule 3, paragraph 5(3) of the Prescribed Alterations Regulations 2013 any determination under paragraph 5(1) must be made within the period of two months of the end of the representation period (that is, by 26 September 2017 for the proposal under consideration here). Where the local authority does not make a determination within the period prescribed by Schedule 3, paragraph 5(3) of the Prescribed Alterations Regulations 2013, the proposal must be referred to the Schools Adjudicator.

5.1.9 Lastly, it is advisable that Human Resources (“HR”) and legal advice is taken in relation to the HR, employment law and commercial law ramifications of the proposals here.

Jon Ludford-Thomas
Senior Solicitor
Housing/Employment/Education Team
Legal Services
Nottingham City Council
Tel: 0115 87 64398
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6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISIONS RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE)

6.1 As the proposal involves investment in a Nottingham City maintained school, the expansion of Middleton Primary is supported.

Peter Taylor
Strategic Property - Development
Tel: (0115) 876 3017

7 SOCIAL VALUE CONSIDERATIONS

7.1 Not applicable.

8 REGARD TO THE NHS CONSTITUTION

8.1 Not applicable.

9 EQUALITY IMPACT ASSESSMENT (EIA)

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

No



An EIA is not required because:

An EIA has already been provided with Portfolio Holder decision 2860: ‘Approval to publish formal Statutory Notice – proposal to expand Middleton Primary School from 420 to 630 places.’

Yes



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

10 HR IMPLICATIONS

10.1 There are no HR implications associated with the consultation.

HR comments and workforce implications relating to the expansion were provided in Portfolio Holder decision 2860: 'Approval to publish formal Statutory Notice – proposal to expand Middleton Primary School from 420 to 630 places.'

Joanne Zylinski, Service Redesign Consultant. 8th August 2017.

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

11.1 None.

12 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT

12.1 Portfolio Holder Decision 2860: Approval to publish formal Statutory Notice – proposal to expand Middleton Primary School from 420 to 630 places.

<http://committee.nottinghamcity.gov.uk/ieDecisionDetails.aspx?ID=4154>

12.2 Portfolio Holder Decision 2453: Early works including design development for the potential expansion of Middleton Primary School.

<http://committee.nottinghamcity.gov.uk/ieDecisionDetails.aspx?ID=3721>

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Appendix A – consultation report analysis

Proposal to expand Middleton Primary School from 420 to 630 places from September 2018

Consultation analysis

The stage one consultation on the proposal to expand Middleton Primary ran from Monday 24th April until Friday 19th May 2017, with parents, carers, staff, governors, trade unions, local residents and citizens. The tables below show the number of respondents in each category and the % analysis. This includes those who responded online or completed a paper copy of the consultation response form. Of the 102 people who responded to the consultation, 57% were in support of the proposal, 40% were against it and 3% registered no opinion.

Do you agree with the proposal to expand Middleton Primary....	Parent / carer	Staff	Governor	Other\resident	Total
Yes	43	8	3	4	58
No	23	1	0	17	41
No opinion	2	0	0	1	3
Total	68	9	3	22	102

Analysis %	Total	Do you agree with the proposal to expand Middleton Primary...		
		Yes	No	No opinion
Respondents				
Base	102	57%	40%	3%
I am a parent/carers of a pupil	68	63%	34%	3%
I am a member of staff	9	89%	11%	0%
I am a governor	3	100%	0%	0%
Other\resident	22	19%	77%	4%

Consultation activities

The table below shows the consultation timetable and the activities which were undertaken:

Date	Event	Time	Venue
24 April	Start of consultation (4 weeks)		
26 th April	Meeting for staff & governors	3.45pm	School
2 nd May 3 rd May	Meetings for parents and carers	6-7pm 9-10am	School
2 nd May	Community / local residents drop-in meeting	Between 3.30 and 5.30pm	School
16 th May	School gates consultation (NCC School Organisation Officer)	Between 3 and 4pm	School gates
17 th May	School gates consultation (NCC School Organisation Officer)	Between 8.15 and 9.15am	School gates
Fri 19th May	Close of consultation		

An information and consultation meeting for staff and governors was held on 26 April. Two information and consultation meetings were held for parents/carers on 2 and 3 May. On the 2 May, we also hosted a Community drop in session for local residents living on Harrow Road, Harrow Gardens and Eaton Grove

Over the course of the meetings, information about the proposal was shared and attendees were invited to ask questions and comment on the proposal. Two 'school gate consultations' were also undertaken at the beginning and end of the school day, on the dates listed above.

We also wrote to 87 local residents to consult on the proposal, 22 of whom formally responded. 4 were in support of the proposal, 17 opposed and 1 registered no opinion

We provided 500 letters to the school to distribute to parents, to include the Nursery and to account for families having more than one child. The letters contained details of the proposal, the rationale and the various methods and opportunities to engage in the consultation process.

The following comments and questions were raised at the various consultation events. Responses have been provided and actions followed up if required:

**Comments made / questions raised during the consultation meetings
with staff & governors**

Wednesday 26th April 2017, 15:45 – 16:45

Leadership team and governing body are supportive of the proposed expansion, to meet the school place needs of the local community. Also referred to 1) safeguarding against proposed cuts to school budgets and 2) the leadership and governors are satisfied that the revised budget and design proposals will now meet the requirements of the school to maintain or enhance the standards and ethos.

Q1: Will expanded pupil cohort be admitted at the same time across year groups?

A: No, expansion will happen from the reception year upwards, by an additional class per academic year, over a 7 year period, commencing in September 18. By completion, the current preferred expansion design will create a new foundation unit, but initially anticipate completion of two new classrooms for Sept 18.

Q2: Will nursery numbers be affected by the expansion?

A: Numbers in nursery will remain the same.

Q3: Would new cohort be separated, i.e. would reception and nursery be kept in separate buildings, as current building could not accommodate 90 children?

A: School will be mindful of how space is used and the intention is to keep cohorts together. Existing buildings will be utilised so reception and nursery children can be kept together to avoid disruption.

Q4: How much outdoor space will be lost?

A: Some green space and some area of playground are likely to be affected. There is currently plenty of outdoor space, which will be enhanced by the provision of a MUGA, to be used all year round, unlike the current arrangement whereby the field can only be used for part of the year.

Q5: Which way will the hall be extended?

A: At the back of the school, so as not to detract from the visual identity of the school.

Q6: Will bulge year be expanded?

A: 8 additional places offered to accommodate reception catchment children in 2017. Keep at initial bulge number. No further plans to admit additional children in this year group.

Q7: Will the design plan for the school expansion be displayed in staff common areas during the consultation period?

A: There is currently no concrete design plan to display as it is still being explored and discussed, but school can share the feasibility designs when they are drawn up.

Q8: What feasibility design has been chosen by the school and how was this decided?

A: It was through joint discussions with NCC Major Projects team and the school's senior leadership team and governors. The decision is still to be finalised that this is the option that they are happy to commit to.

Q9: Will the catchment area for Middleton change?

A: There are no current plans to change the Middleton catchment. Last catchment change was in 2012 in this area. However, once the primary school expansion programme is complete, we may need to consider a citywide catchment review, to factor in the impact. Unlikely to impact on Wollaton as the intention is that the expansion of Fernwood and Middleton will meet the need of the current catchment.

Q10: How will the expansion affect secondary provision?

A: The LA is in discussion with Fernwood Academy on this matter as we recognise the growth in numbers will be starting to impact on secondary provision. The LA cannot direct an academy to expand, however the academy are supportive of expansion in principle and possible solutions are being explored in conjunction with them.

Q11: What is the current state of green policy regarding car parking and cycling?

A: The Major Projects team is in discussion with school and the Council's Traffic and Safety team regarding the school's Travel Plan, which will incorporate cycling alternatives. Discussions will be ongoing with the Design team and Planning Dept regarding increased provision for staff parking.

Q12: How will the building work impact during school hours/terms?

A: Dust and dirt is controlled by the contractor. Noise levels should be kept to a minimum through working with the school and the build managed in the most client focused way to minimise disruption. Contractors selected with vast experience working with schools.

Q13: How will the contractor be approved? Will they be monitored and how will architect be chosen?

A: Major Projects team have identified 4 suitable candidates and will be working with the school to select the preferred design team.

Q14: When would the building work start if the expansion is approved?

A: Building work would be likely to begin in January – February 2018, if the proposal is approved and there are no delays to the timeline.

Q15: When will the foundation unit be ready?

A: Provisionally January – February 2019

Q16: Will the school expansion be single storey?

A: Yes

Q17: Will the expansion only accommodate extra catchment children?

A: The expanded school will admit to its new PAN (published admission number). Priority will be given to catchment children as per the schools determined admission arrangements. Middleton Primary will always fill as it is over-subscribed, with significant waiting lists. In Sept 17, the additional catchment children who applied on time will be admitted. From Sept 2018, should the proposal go ahead, the school will admit to its new PAN of 90. This will also help to keep siblings in the same school, supporting family cohesion and reducing the overall impact on traffic, with multiple journeys to different schools being minimised.

Q18: What's the additional bulge that the school have agreed to take in Sept 17 and will the bulge be managed in the same way as it was in Sept 15?

A: In Sept 17, 8 places over PAN (68 total) have been offered to those who applied on time and met the admissions criteria including proof of residency. More places are needed going forward, to future proof sufficient provision in the local area. Birth rate increase, changing demographics and new family housing developments in Wollaton, are all contributing to the sustained growth in pupil numbers. A more permanent solution is required, to provide Middleton Primary with the additional teaching, learning and hall space needed to accommodate the growth in numbers from Sept 18 onwards.

**Comments made / questions raised during the consultation meetings with
parents and carers
Tuesday 02 May 2017, 18:00 – 19:00 approx.**

Leadership team and governing body are supportive of the proposed expansion, to meet the school place needs of the local community. Also referred to 1) safeguarding against proposed cuts to school budgets and 2) the leadership and governors are satisfied that the design proposals will now meet the requirements of the school to maintain or enhance the standards and ethos.

Q1: What are the views of staff and the leadership team on the expansion?

A: The proposal to expand the school is only going forward for consultation because extensive considerations have been undertaken by the Governing Body and the school's staff. Middleton achieves very good results and outcomes for the children who attend and has been rated as a "Good" school by OFSTED. In addition we receive very positive feedback about the warmth and friendliness of the school and approachability of staff in our annual surveys. It has therefore been an absolute priority for the Governing Body that expansion should not affect the culture and ethos of the school or the school's ability to provide a high quality education to all its pupils. We are confident that the proposal we are now supporting will help to ensure this is the case.

Q2: I have traffic concerns regarding Harrow Gardens, there are issues arising from staff parking, parent parking and the levels of abuse residents get when they challenge this. How will this be looked at?

A: We appreciate that some local residents and parents may have concerns about the impact of an expansion on the volume of traffic. Traffic related concerns are very often raised in relation to school expansion proposals. Therefore, we work closely with the Council's Traffic & Safety team, local Councillors and other relevant colleagues to identify potential problems and possible solutions. The impact on traffic is also explored as part of the design feasibility and planning permission process. We encourage parents to use local schools and to walk their children to school whenever possible. As this expansion is required to meet the needs of children who are already living in the local community, we hope that many will be close enough to walk to school where possible. If children are not able to attend a local school, this actually adds to the traffic problems in transporting children further afield.

A review of the School's Travel Plan will be crucial, to promote measures to address concerns and to consider how parents are encouraged and enabled to reduce vehicle usage. If specific traffic management measures are required, this will be considered alongside the expansion programme

We need residents to report and illegal parking so enforcement officers can follow up appropriately.

Q3: With a bigger school how will the problems with increased traffic be addressed?

A: Addressed in Q2. As the pupil numbers will grow by 30 children per academic year, this growth will be more manageable and will allow time to learn from any travel plans implemented before the full expansion is felt in 7 years. Also, Middleton will be one of the last primary schools in the city to be expanded so we are able to learn from some of the other issues that have affected other schools.

Q4: How much will a Zebra crossing cost?

A: The Traffic and Safety team would need to advise on this. There are a number of rules and regulations and certain conditions that must be met before implementing a zebra crossing.

Q5: Has a Traffic Assessment been done? Why are there no representatives from traffic management here?

A: Traffic colleagues were at the resident meeting, held prior to this meeting. All traffic enquires, concerns, and possible solutions will be considered as part of the decision making process and the overall development of the proposal.

Q6: What influence does the school have over the decision?

A: It has been an absolute priority for the Governing Body that expansion should not affect the culture and ethos of the school or the school's ability to provide a high quality education to all its pupils. We are confident that the proposal we are now supporting will help to ensure this is the case.

Specifically we have put a great deal of thought into ensuring our proposal has:

- **Sufficient usable outside space.** Middleton benefits from relatively large school grounds but not all of it is usable all year round. Making use of space in the grounds which currently can't be used for teaching and learning is a priority for the new build areas of the design. The addition of a Multi-Use Grass Area should also help us to make use of more of the school grounds all year round
- **More break-out and small group teaching space.** The school currently enjoys a number of areas where pupils can receive one to one and small group learning, we felt it was important that the amount of this space was increased so a larger pupil population can still benefit in the same way from these facilities.
- **A larger school hall.** Meeting together as a whole school was considered to be an important part of Middleton's friendly culture and ethos. Enlarging the Hall will ensure this can still happen
- **A dedicated Early Years/Foundation Stage (EYFS) Unit.** The school is proud of its current EYFS provision and the way that teaching and learning is delivered to younger children throughout a free-flowing flexible space that blends indoor and outdoor environments. To deliver the same quality of

education to a larger number of pupils it was considered that a dedicated new-build unit would be required. This is now built into the design

- **A design that works for our teaching staff.** The Teaching staff have considered the design options very carefully in order to shape a design where they believe they can offer the same or better standards of education to a larger pupil population

The Governing Body has been working with the LA for a number of months to negotiate the inclusion of these items within the design and budget for the scheme and ensure that the quality of education can be maintained for all pupils.

Q7: Are there opportunities for building work on the existing school site?

A: There are some opportunities but they are limited by the need to protect the green space as much as possible. There is space behind the hall that can be used to expand the hall and provide a further link into the hall from the main building to reduce the number of pupils accessing from a single point. The current feasibility study looks at reconfiguring the existing early years building to turn it into classrooms. This in turn means that there needs to be a new foundation unit which it is envisaged will be located in the area of the current car park. There is further design work which will now progress which will look at how the various buildings fit together on the site. As the design develops there will be further opportunities to discuss the scheme.

Q8: What is the preferred design scheme at the present?

A: The scope of the building works is being reviewed in conjunction with the school but currently the preferred option is for a new foundation unit located in the area of the current carpark. The new building will be approximately 450m² in area and is likely to be single storey. The existing y5/y6 classrooms will be extended by 2 further classrooms, one will be existing community room which will be reconfigured to make a classroom, The community room will be replaced. The hall will be extended backwards by 120m² and the kitchen reconfigured to use the space more effectively. The current early years unit will be reconfigured to accommodate 6 classrooms and a multi-use space for PPA and planning. There will be a small extension to infill a gap that would provide a new staffroom. This would allow the existing staff room to be reconfigured along with the admin and the reception. A MUGA would also be built to make use of outdoor space all year round.

This design should not encroach too much on green space and should not alter the existing façade of the building. There needs to be further discussion with senior leadership team to confirm the design and the scheme is being reviewed currently.

Q9: Will the carpark levy be dropped?

A: Schools are not exempt from the levy and we cannot force school staff to pay in to the scheme. Schools also do not have the funds available to absorb the cost of the levy on behalf of the staff. However, the school will continue to make every effort to encourage staff to park considerately and provide alternative options. The staff car park will be increased with the expansion of the school.

Q10: What is the extent of those living in catchment not securing a place at the school?

A: We had already projected a growth in the need for more school places in Wollaton (both in Fernwood's and Middleton's catchments). Changes in demographics, an increase in house sales, new developments coming on stream and more families moving into the area, are all additional factors which have contributed to the growth in the number of children requiring a local school place. A bulge year was admitted in Sept 2015 and a further bulge year will be admitted in Sept 2017 to accommodate the catchment children who applied on time.

Q11: Will the catchment area be expanded to accommodate the proposal?

A: There are no current plans to do this. There was a minor catchment change in 2012 involving Tom Blower close. The LA may look at a citywide catchment review after the primary school expansion programme is complete. The expectation is that the expansion will meet the growing need for places in the local community.

Q12: How has the expansion been presented to the children?

A: Children are already invested in the prospect of extended space and we hope it will bring a renewed sense of joy and pride in their learning environment. School staff will involve the children as much as possible and will talk to them about the new design. Other schools have explored creative ways of building their expansion projects in to the children's learning.

**Comments made / questions raised during the consultation meetings with
parents and carers
Wednesday 03 May 2017, 9:00 – 10:00 approx.**

Leadership team and governing body are supportive of the proposed expansion, to meet the school place needs of the local community. Also referred to 1) safeguarding against proposed cuts to school budgets and 2) the leadership and governors are satisfied that the design proposals will now meet the requirements of the school to maintain or enhance the standards and ethos.

Q1: Is there any intention to expand catchment or review catchment?

A: There are no current plans to do this. There was a minor catchment change in 2012 involving Tom Blower close. The LA may look at a citywide catchment review after the primary school expansion programme is complete.

Q2: How will the increased numbers impact on Fernwood secondary?

A: There are discussions open with Fernwood Academy about the knock -on need for additional secondary places, which they fully recognise and are supportive of the need to expand. We have also been in dialogue with Bluecoat Academy. Fernwood Academy have increased their intake by an additional 10 places for the Sept 2017 admission round. Pupil projections show an upward trend in the numbers which will move through to secondary, also evidenced with the expansion of both Fernwood Primary and proposal to expand Middleton Primary. New housing developments planned in the Wollaton area will create further demand.

Q3: How will taking a bulge help with established waiting lists?

A: The school admissions code says that the school must admit where there are places. The long term picture needs to be thought about as the bulge will not meet the needs of the community based on projections. There is currently a pan of 60 but an increase to 90 will allow more opportunities to admit catchment children.

Q4: How are children prioritised places?

A: Children are offered places based on the determined oversubscription criteria for the school.

Q5: Is there funding available for traffic measures?

A: Traffic & Safety colleagues are working with the school to develop and implement an appropriate School Travel Plan. If specific measures are needed this will be considered alongside the expansion programme to promote measures to address concerns.

As the pupil numbers will grow by 30 children per academic year, this growth will be more manageable and will allow time to learn from any travel plans implemented before the full expansion is felt in 7 years. In addition, Middleton will be one of the

last primary schools in the city to be expanded so we are able to learn from some of the other issues that have affected other schools.

Traffic concerns were also highlighted in relation to the expansion of Fernwood Primary. One of the specific measures that has been implemented is a trial of the traffic camera system, with the intention of deterring illegal stopping and parking. Local Cllrs are working with the school and are actively involved with looking at solutions to pursue traffic measures.

Q6: Can more use be made of the Harrow Road, community centre car park?

A: The school and local Councillors have already fought hard for the Harrow Road Community Centre car park to be available for use during school drop off and pick up times, to reduce the traffic on the local roads and to provide a safer drop off / pick up zone. However, this is not currently being used to its full potential, so further publicity is required to encourage parents/carers to take up this option.

Suggestions have been made to make the Community Centre car park more accessible through improvements to the entrance, e.g. making it wider, more visible and extending the parking restrictions either side to prevent cars parking too close making it difficult to pull in and out. The School need to further encourage use of the car park as it provides an ideal alternative to parking on the road. Wider publicity would help in it being recognised as a solution that parents can use.

Q7: What happens for the remainder of the consultation process, before there is a final decision?

A: We have two school gates consultations which are to be held on Tuesday 15/05 and Wednesday 16/05, to provide two further opportunities to capture the views of the parents in both a morning and afternoon session.

Q8: Is the workplace parking levy still in place?

A: Schools are not exempt from the levy and we cannot force school staff to pay in to the scheme. Schools also do not have the funds available to absorb the cost of the levy on behalf of the staff. However, the school will continue to make every effort to encourage staff to park considerately and provide alternative options.

Q9: Eton Grove/Harrow Gardens are also problem traffic areas. What is being done to address this?

A: We are working closely with the Council's Traffic & Safety team and local councillors to identify problems and possible solutions.

Cllr Battlemuch is very much aware and engaged in looking at solutions for the problems regarding traffic in the Wollaton area. Regarding traffic in a wider context there are only 100 CPO's across the city working on a rolling programme across all the schools citywide. We need residents to report illegal parking so enforcement officers can follow up appropriately

Q10: Can anything be done about the ice cream van parking on Harrow Road, which adds to congestion and safety concerns?

A: Action can be taken for unauthorised trading. An Ice Cream van must be 400m away from a school premise. We will liaise with the school to report any concerns and report to the appropriate team, Markets and Fairs.

Q11: If the expansion goes ahead, how will the design be developed to compliment the existing building and school's ethos?

A: Long discussions have been undertaken with the school to explore this. There is a preferred design option currently, but this needs to be reviewed and discussions are still very much open. Full feasibility and design will only be taken forward if expansion is agreed. In conjunction with the Council's Major Projects team, the leadership team and governors are considering the design options very carefully in order to shape a design they believe will maintain or improve the existing high standards of education. The agreed proposal will ensure there are sufficient classrooms and outdoor space (with the addition of a Multi-use Grass Area), more break-out and small group teaching space, a larger hall and a dedicated Early Years/ Foundation Unit. Stakeholder views regarding the design have been shared during the various consultation meetings and these will be considered as part of the options review.

Q12: What will the impact be on the grounds/ space on the site?

A: Options are still under discussion as described above. There is sufficient space on the site to increase capacity and accommodate additional buildings, which will complement those already on site, without compromising existing facilities for the children.

Q13: What is the preferred option currently?

A: The scope of the building works is being reviewed in conjunction with the school but currently the preferred option is for a new foundation unit located in the area of the current carpark. The new building will be approximately 450m² in area and is likely to be single storey. The existing y5/y6 classrooms will be extended by 2 further classrooms, one will be existing community room which will be reconfigured to make a classroom, The community room will be replaced. The hall will be extended backwards by 120m² and the kitchen reconfigured to use the space more effectively. The current early years unit will be reconfigured to accommodate 6 classrooms and a multi-use space for PPA and planning. There will be a small extension to infill a gap that would provide a new staffroom. This would allow the existing staff room to be reconfigured along with the admin and the reception. A MUGA would also be built to make use of outdoor space all year round.

This design should not encroach too much on green space and should not alter the existing façade of the building. There needs to be further discussion with senior leadership team to confirm the design and the scheme is being reviewed currently.

Q14: Will expansion affect the front of the building?

A: Options are still under discussion. One of the options will leave the front unaffected, as the main work will be on the side of the building.

Q15: Has a multi-sensory room been incorporated into design discussions?

A: Design options have additional break out spaces to provide more flexible opportunities for learning and multi-use function.

Q16: How will the disruption be minimised when the building work is happening?

A: Building contractors are used to working closely with schools undergoing change to buildings. Major work is planned for school holidays wherever possible. In the past, when works have been carried out during school time the Council, builders and schools have worked closely together to ensure it is well managed and there is as little disruption as possible. It can also be interesting to pupils to build the project into their curriculum studies.

We always work with schools to minimise disruption.

	<p>The following is a summary of the consultation responses, grouped into general themes. 74 consultees included comments in their responses, with the most common concern relating to the impact on traffic. The figure in brackets relates to the number of respondents who raised the particular issue. A response to each theme of concern is also provided under each point.</p>
1	<p>Traffic / parking volume – Concerns were raised about the existing traffic and parking, specifically around the area of Harrow Road, Harrow Gardens and surrounding areas like Sutton Passeys Crescent and Eton Grove. This area is considered already too busy to cope with existing volume of traffic. Inconsiderate parking by parents, university workers and students and staff – not wanting to pay levy- is a problem. Concerns raised about growing risk of accidents on Harrow Road. There was also concern that emergency vehicles could not access Harrow Road when they needed to because of existing congestion. (47)</p>
	<p>All concerns related to traffic have been shared with the Traffic & Safety team to advice on the viability, or otherwise, of any potential solutions. A Traffic Assessment will be undertaken as part of the planning permission process. The school will also be reviewing and updating their Travel Plan to give further focus to any areas of concern and consider how parents/carers are encouraged and enabled to minimise vehicle usage. Schools are not exempt from the levy and we cannot force school staff to pay in to the scheme, however, the school will continue to make every effort to encourage staff to park considerately and provide alternative options. The school will also be continuing their efforts to encourage behaviour change as there are a minority of people who park irresponsibly or inconsiderately, which can cause safety concerns for pedestrians and inconvenience and obstruction for residents.</p> <p>The school and local Councillors have already negotiated for the Harrow Road Community Centre car park to be available for use during school drop off and pick up times, to reduce the traffic on the local roads and to provide a safer drop off / pick up zone. However, this is not currently being used to its full potential, so further publicity is required to encourage parents/carers to take up this option.</p> <p>Suggestions have been made to make the Community Centre car park more accessible through improvements to the entrance, e.g. making it wider, more visible and extending the parking restrictions either side to prevent cars parking too close making it difficult to pull in and out. The School need to further encourage use of the car park as it provides an ideal alternative to parking on the road. Wider publicity would help in it being recognised as a solution that parents can use.</p>
2	<p>Impact on the quality of education and standards – Concerns that increasing pupil numbers could impact on the staffing quality and the excellent and caring nature of existing staff will be lost in a busier environment.</p>

	<p>Concerns that the school will lose its small community feel that has been fostered by the relationships built carefully through staff and parents. Concerns that children from out of catchment will be getting places and thus losing the local community ethos. Concerns that expansion would impact on secondary places going forward, where would children go? Concerns that individual pupils would suffer from the proposed government funding decrease. More competition for clubs and activities and harder to feed existing children with a bigger intake of pupils. (23)</p>
	<p>We have complete confidence in the school leadership team, staff and governors who are 100% committed to making the expansion work, while continuing to aspire to providing an outstanding education to every child in the school. Class sizes, staffing ratios and quality will be maintained, by recruiting additional staff of the desired calibre to manage the increase in pupils. Expanding from Reception upwards on a phased basis, will enable forward planning to ensure effective management of the gradual growth in numbers. There are discussions open with Fernwood Academy about the knock-on need for additional secondary places, which they fully recognise and are supportive of the need to expand. We have also been in dialogue with Bluecoat Academy. Schools are funded per pupil, so an increase in pupil numbers will generate additional funding and resources for the school. This will help to mitigate against the funding formula changes currently proposed by central government.</p>
3	<p>Impact on Pupils – (Pastoral care). Quality and quantity of time given to each pupil reduced in a busier environment thus impacting on children's overall needs not being met. Children's attention and concentration affected and feeling lost and isolated in a bigger school which could impact on the child's development and attainment. More attention needs to be given to the existing children. (19)</p>
	<p>The class sizes and staffing ratios will continue as they are, therefore a larger school will not impact on the high quality of education and pastoral care which is currently provided. Schools of this size can actually create more opportunities, for example, 1) access to additional resources, 2) increased staff development which then contributes to improved outcomes for children and 3) flexibility to manage and maximise positive pupil relationships and class dynamics.</p>
4	<p>Agree that more places are needed - Local catchment children will have an increased chance of getting into their local school and increased likelihood of enabling children to be with their siblings allowing families and their children to thrive educationally and socially in a community environment. More school places are needed in general in Nottingham.</p> <p>This has been needed for a long time to increase the space and reduce the overcrowding on the existing site. (19)</p>

	Noted and agreed. The level of pupil growth in Nottingham and nationally in recent years has been substantial. 18% increase in children entering the school system since 2010. This coming September 2017, in the face of increasing demand, nearly 95% of children in Nottingham have been offered a place at their first or second choice primary school. Evidencing the positive effects of the Council's School Place Planning strategy.
5	Size of School – People are happy with the current size of the school and do not want it to increase its size. Concerns that there are not yet firm design plans to consult upon. Concerns that it would cause pressure on existing resources and would detract from the small school ethos and community feel that the school has fostered. Concerns that the school does not have the infrastructure to support an expansion of this size. Concerns of the construction area being large and disruptive and noise levels being increased. Major concerns that green space would be lost with specific attention drawn to the trim trail. (17)
	Extensive discussions have been undertaken with the school staff and governors to explore this. There is a preferred design option currently, but this needs to be reviewed and discussions are still very much open. Full feasibility and design will only be taken forward if expansion is agreed. In conjunction with the Council's Major Projects team, the leadership team and governors are considering the design options very carefully in order to shape a design they believe will maintain or improve the existing high standards of education. The agreed proposal will ensure there are sufficient classrooms and outdoor space (with the addition of a Multi-use Grass Area), more break-out and small group teaching space, a larger hall and a dedicated Early Years/ Foundation Unit. Stakeholder views regarding the design have been shared during the various consultation meetings and these will be considered as part of the options review.
6	Agree in principle (with some reservations) – More school places are needed and catchment children attending with their siblings can only be a good thing – but have concerns (mainly traffic size increase, standards being impacted and currently no building plans). (14)
	Concerns addressed above.
7	Build on another site - Expansion would be better at an alternative site maybe on the Woodhall Road site or the Martin's Pond development. There should be a focus on cracking down on fraudulent applicants made by non-catchment children and more encouragement to go to other local schools like Bluecoat Primary. When building large housing developments, a new school should be built too (6)
	In terms of increasing capacity at Middleton, it makes sense to deliver this at a school of quality educational provision, on a site where there is space and in an area where there is the need for additional places. Other local schools were also considered for expansion but Middleton is considered the preferred option.

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The Corporate Director of Children and Adults
FAO School Organization Team
Nottingham City Council
Box LH6
Loxley House
Station Street
Nottingham
NG2 3NG

Dear Sirs

Re: **Middleton Primary & Nursery School, Harrow Road, Wollaton Park, Nottingham, NG8 1FG**

We write to object to the proposal to increase the capacity at Middleton Primary & Nursery School ("the School") by increasing the number of pupils to be accommodated from 420 to 630 in Years Reception to Year 6 (ages 4 to 11).

We object to the proposal on a number of grounds. Firstly, the parking. There are already significant problems with the parking at the school and on Harrow Road. This issue is heightened each day when the school starts and finishes. Parents double park, break existing parking restrictions, do not use the parking facilities provided in the community centre and residents are frequently inconvenienced, denied access to their driveway and adversely affected with delays and congestion.

Currently there are no concrete plans to improve the parking on Harrow Road to alleviate the problems caused and increasing the capacity of the school will only cause more issues. There was no plan provided to parents or residents during the public consultations.

The increase in traffic will create further inconvenience and congestion as a result of the additional parents who will be taking their children to and from the School as well as the additional staff who will be employed to work at the School and who may not pay the workplace parking levy and therefore park along Harrow Road.

In addition, the current parking situation causes concerns of highway safety. It is only a matter of time before there is a significant accident. Again, additional cars increase this issue.

There are frequent occurrences of additional hazards in the form of ice cream vans that park on the junction of Harrow Road and Eton Grove in order to take advantage of the passing trade when school finishes.

As far as we are aware, any permission granted must comply with the requirements of Policy T3 of the Local Plan (2005);

"Car, Cycle and Servicing Parking"

T3: Planning permission for development will not be granted where the levels of parking provision exceed the maximum parking levels set out in Appendix 1 which forms part of this Policy. In considering proposals for on site parking in new development, lower provision will be pursued subject to consideration of the following factors:

a) the extent to which the amenity of occupiers of neighbouring property would be adversely affected, particularly residential occupiers;"

and Policy TR1 of the Emerging Land and Planning Policies Document;

"The City Council will seek a sustainable and appropriate level of parking provision within new developments. Each development will be assessed on its merits, taking into account the following issues:-

.....

c) the extent to which the amenity of occupiers of neighbouring property would be adversely affected (including for example, through noise, fumes, visual amenity), particularly residential occupiers;"

We do not believe that the plans presented during the consultation for the School currently meet these requirements as the residents will be adversely affected and no solution has been offered / provided.

As stated in the consultation report analysis, 77% of other/residents did not agree to the proposal to expand the School. Consequently, please explain how if the School is expanded as planned, the impact on the amenity of nearby residents or occupiers has been taken into consideration, in accordance with Policy 10 2(f) of the Core Strategy.

We look forward to hearing from you.

Contact: Lucy Juby
Email: lucy.juby@nottinghamcity.gov.uk



Nottingham
City Council

Access & Inclusion Service
Nottingham City Council
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 876 5041
www.nottinghamcity.gov.uk

7th August 2017

Dear

Re: Middleton Primary and Nursery School – proposed expansion

I write following receipt of your letter dated 24th July, objecting to the proposal to increase the capacity at Middleton Primary & Nursery School from September 2018.

We appreciate that some local residents may have concerns about the impact of an expansion on the volume of traffic and parked cars. Traffic related concerns are very often raised in relation to school expansion proposals. Therefore, we work closely with the Council's Traffic & Safety team, local Councillors and other relevant colleagues to identify potential problems and possible solutions. The impact on traffic is also assessed as part of the design feasibility and planning permission process.

We encourage parents to use local schools and to walk their children to school whenever possible. As this expansion is required to meet the needs of children who are already living in the local community, we hope that many will be close enough to walk to school where possible. In terms of the city-wide picture, if children are not able to attend a local school, this actually adds to the traffic problems in transporting children further afield.

The school are also reviewing and updating their Travel Plan to give further focus to any areas of concern and consider how parents/carers and staff are encouraged and enabled to minimise vehicle usage.

Additional restrictions were implemented on Harrow Road around two years ago consisting of extended School Entrance Clearways (zigzags), a limited waiting option during peak school hours (single yellow line) and extended junction protection. The Council is working hard to focus on the needs of our citizens through a cleaner more sustainable transport vision. Alongside this, our colleagues in Road Safety continue to offer the school sustainable travel options of walking and cycling initiatives.

However, if residents are experiencing any illegal parking, they should report this to the City Council Enforcement team, who will then follow up appropriately. Their contact details are as follows: Tel. 8761499; email: parking@nottinghamcity.gov.uk.

We are working closely with Middleton Primary School, to continue to make every effort to encourage staff to park considerately and provide alternative options. It is likely that the staff car park will be increased with the expansion of the school. We are still in the early design stage of the plans, therefore any design for the car park is yet to be finalised; our Planning Department and Highways Team will be fully involved in such plans. You will note from the planning policies that you refer to that the emphasis is on promoting sustainable transport and limiting the number of car parking spaces to be provided. There is no standard for the number of spaces for a primary school but rather the requirements for each are assessed on their own particular merits and context. As mentioned above, this is something that we will be looking at closely as the plans for this scheme develops. Impact on neighbours' amenities will certainly be a focus for our considerations in this regard.

The school and local Councillors have already fought hard for the Harrow Road Community Centre car park to be available for use during school drop off and pick up times, to reduce the traffic on the local roads and to provide a safer drop off / pick up zone. It may be that further publicity is required to encourage even more parents/carers to take up this option, as it provides an ideal alternative to parking on the road.

With regards to the concern you raise about ice cream vans parking on the junction of Harrow Road and Eton Grove, this has been raised with the Council's Markets and Fairs team, who are currently investigating on a city-wide basis, the potential issue of street vending outside schools.

Legislation allows the City Council to designate streets for the purposes of street trading. This means that ice creams vans (or any other street vendors) would not be able to trade on any of the designated streets without the consent of the Council. At present, if a street is neither consented nor prohibited, vendors can set up and sell goods in an uncontrolled manner. The City Council are planning to consult with schools and are assessing whether to designate relevant streets in the immediate vicinity of schools as 'consent streets' which would enable greater control by requiring vendors to apply for a consent to sell their goods on those streets.

Yours sincerely,

Lucy Juby
Project Manager

Subject:	Fields in Trust Centenary Fields Programme
Corporate Director(s)/Director(s):	Andy Vaughan Corporate Director Commercial and Operation Services Hugh White Director of Sport and Culture
Portfolio Holder(s):	Dave Trimble - Portfolio Holder Leisure and Culture
Report author and contact details:	Eddie Curry Head of Parks Open Spaces & Investment Funding eddie.curry@nottinghamcity.gov.uk Tel:- 0115 8764982
Subject to call-in:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Key Decision:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criteria for Key Decision:	
(a)	<input type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision
and/or	
(b)	Significant impact on communities living or working in two or more wards in the City <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Type of expenditure:	<input checked="" type="checkbox"/> Revenue <input checked="" type="checkbox"/> Capital
Total value of the decision:	
Wards affected:	Bridge and Bulwell Forest
Date of consultation with Portfolio Holder(s):	Cllr David Trimble Portfolio Holder for Leisure and Culture 26/7/2017 Cllr Jane Urquhart Portfolio Holder for Planning, Housing and Heritage 24/7/17
Relevant Council Plan Key Theme:	
Strategic Regeneration and Development	<input type="checkbox"/>
Schools	<input type="checkbox"/>
Planning and Housing	<input type="checkbox"/>
Community Services	<input type="checkbox"/>
Energy, Sustainability and Customer	<input type="checkbox"/>
Jobs, Growth and Transport	<input type="checkbox"/>
Adults, Health and Community Sector	<input type="checkbox"/>
Children, Early Intervention and Early Years	<input type="checkbox"/>
Leisure and Culture	<input checked="" type="checkbox"/>
Resources and Neighbourhood Regeneration	<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):	
<p>This report seeks approval to apply to the Fields in Trust Centenary Fields Programme and to nominate both Victoria Embankment and Bulwell Forest Park as recreational sites to be protected in perpetuity as Centenary Parks.</p> <p>Centenary Fields is an organisation working across the UK in partnership with The Royal British Legion to secure recreational space in the form of a Deed of Dedication in order to honour the memory of the millions of people who lost their lives in World War 1 (WW1). The programme will also help commemorate World War 1 (WW1) and form part of a wider programme of commemorative events taking place in the city during 2018.</p>	
Exempt information:	None.

Recommendation(s):	
1	Agree to nominate Victoria Embankment and Bulwell Forest Park as recreational spaces suitable for the Fields in Trust Centenary Fields Programme.
2	Delegate authority to the Director of Strategic Assets and Property in consultation with the Director of Legal and Governance Services to establish terms and enter into the Deed of Dedication with Fields in Trust for Victoria Embankment and Bulwell Forest Park.
3	Delegate authority to the Portfolio Holder of Leisure and Culture the ability to accept any future external funding associated with the Centenary Fields Programme and designated sites in consultation with the Director for Legal and Governance Services.
4	Delegate authority to the Director of Sport and Culture to carry out tender Process and enter into contracts that may be needed in the event that funding is made available as part of the Centenary Fields programme.

1 REASONS FOR RECOMMENDATIONS

- 1.1 The Centenary Fields Programme will provide the City with the opportunity to be part of an officially endorsed initiative to commemorate the First World War (WW1).
- 1.2 The initiative will provide the vehicle to permanently dedicate and protect a number of playing fields within the city. These sites will be safeguarded from development and will provide the city with the opportunity to promote its commitment to providing and enhancing sports and recreational provision within the city.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

2.1 Centenary Fields Programme

As part of the Council's programme of centenary commemoration events, it is proposed that a programme of permanent dedications be sought for Parks and Green Spaces within the City that have a strong WW1 connection.

2.2 What is the initiative all about?

The Centenary Fields programme aims to protect at least one green space in every local authority area across England, Wales, Scotland and Northern Ireland to commemorate the centenary of WW1. These protected sites could be war memorial parks or recreation grounds, memorial gardens, parks and recreation grounds that contain war memorials or other valued green spaces. Safeguarding these sites will create a living UK-wide legacy in commemoration of the sacrifice made by those who lost their lives in WW1. Fields in Trust is working in partnership with the Royal British Legion to deliver the programme.

2.3 Why should landowners get involved with this initiative?

Dedicating a Centenary Field is a fitting way for landowners to mark the centenary of WW1 by commemorating the sacrifice of those who lost their lives in the conflict and ensuring that their communities benefit now and in the future from protected green spaces. The Centenary Fields programme is also a way of local authorities fulfilling the Armed Forces Community Covenant.

2.4 How is a site defined for this programme and what criteria need to be met?

A site could be a war memorial park or recreation ground, memorial garden, park or recreation ground that contains a war memorial or other valued green spaces. If there isn't a war memorial on the site then it must have some significance to WW1, for example it could be playing a key role in the local WW1 commemorations. As time goes on there will undoubtedly be some good examples of how sites are connected with WW1, and these will be promoted as applicable.

2.5 Funding opportunities

The designation will also open up the opportunity for the council to benefit from capital funding. The Fields in Trust are currently negotiating several funding opportunities' that may become available in future years to the designated sites.

2.6 Site Assessment

Each application will be assessed through a site visit but as a minimum, the following criteria must be met:

- The Landowner of the site must complete the application form;
- Evidence of ownership, and where relevant freehold interest must be produced;
- The principal use should be outdoor recreation, sport or play. However, sites can also include facilities such as pavilions, village halls, indoor leisure or heritage facilities that are established for community recreational purposes;
- Sites must have public access;
- Sites should be accessible in terms of location and affordability for the local community. Sites should have local managers who are responsible for the quality of the facilities, maintenance and development, improving participation and financial and operational sustainability.
- The Landowner must be able to sign the agreed Deed of Dedication within six months of submitting an application.

2.7 Nottingham Centenary Fields

Over the last year, a number of local parks friend's groups have registered an interest in dedicating their local park or green space as a Centenary Field.

The sites put forward for the dedication include:

Victoria Embankment and the War Memorial Gardens - Appendix 1 contains a plan of the site.

- This is the most obvious location within the City for the dedication as it can be clearly linked to the City's formal Armistice Day commemorations.

- It includes both the War Memorial and Memorial Gardens.
- The playing fields were gifted to the City by Jesse Boot whose company Boots played a major role in supplying medical supplies to the front line during WW1.
- The playing fields are enjoyed by millions of visitors over the years who enjoy sport, recreation and attending events including the National Armed Forces Day 2013.
- The dedication is fully supported by the Armistice Centenary Steering Group and the local community.

Bulwell Forest Park - Appendix 2 contains a plan of the site.

Possibly a little known fact but the fields which now include the golf course, the play area, multi-use games area (MUGA), tennis courts and playing fields are also known as Soldiers Hill.

- They were used by the army to train conscripts during WW1.
- The wooden building that is now the home of the Sons of Rest (established early 1930's) was used as a sanatorium for people suffering from TB.
- The playing fields are enjoyed by hundreds of visitors over the years who enjoy sport, recreation on the field and in the new play and sports areas.
- The dedication is fully supported by the Friends of Bulwell Forest, the Sons of Rest and the local community.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 Alternative sites around the city have been considered for designation however, they have been discounted on the basis that they do not have a clear link to WW1 and they do not meet the selection criteria or they have possible regeneration activity planned for the future. Therefore, the two sites proposed are considered to be the most suitable sites for the designation.

3 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 This decision seeks approval to designate Victoria Embankment and Bulwell Forest Park as part of the Fields in Trust Centenary Fields Programme, thereby committing the Council to continue to make them available as playing fields for recreational purposes in perpetuity. The running costs to maintain these sites will remain the responsibility of the Council. Any additional costs arising as result of this designation will be contained within the budget manager's revenue budgets.
- 4.2 As a result of this designation, the Council may be able to bid for capital funding to invest in and improve these sites, and the appropriate approval will be requested prior to making any financial commitment.

Maria Balchin, Senior Commercial Business Partner 17/ 7/2017

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

Procurement

- 5.1 There are no significant procurement concerns with the decisions being sought. Where any elements of the project require quotations or tenders to be obtained, Procurement will support the client to undertake these in accordance with Contract Procedure Rules.

Sue Oliver Category Manager Places 25/7/2017

5.2 Planning Services

Consultation with the Council's Planning Services Department has confirmed that:

- both sites subject to this proposal are included in the adopted 2005 Local Plan as Open Space Network and are also proposed to be retained in this designation in the Part 2 Land and Planning Policies (LAPP) replacement Local Plan. The latter document is yet to go through examination.
- There is no conflict with the proposed allocation and the Local Plan. There are policies in the adopted Local Plan, Core Strategy, and the LAPP that protect Open Space.
- It was noted by the Planning Services section that successful allocation for a Centenary Fields Dedication could potentially result in additional funding sources, which could help secure the sites in the long term.

Extracts from the Adopted Local Plan (adopted 2005) for Victoria Embankment and Bulwell Forest Park are shown in Appendix 3 to this report.

Matthew Grant Senior Planner (Policy) 21/7/17

Legal

- 5.3 A Deed of Dedication is not a disposal of the Council's legal interest in the land but instead it will restrict the use of the land by placing a restriction on the registered title. The Council's legal department will support the project by assisting with the terms and documentation required for the Deed of Dedication.
- 5.4 If the sites are accepted, the legal process then starts and sites will be protected in England via a deed of dedication. Fields in Trust will draw up the draft deed and then the landowner has a chance to make amendments. When all parties are satisfied with the deed it will be signed and then registered with the Land Registry. The site is then able to order a Centenary Fields commemorative plaque and can organise an unveiling event.
- 5.5 The power for the Local Authority to act is contained in s.111 (1) of the Local Government Act 1972 and s1 (1) of the Localism Act 2011.
- 5.6 The Fields in Trust is a registered charity and as a legal entity can enter into a Deed of Dedication with the Council. It is the Council's decision whether or not it wants to enter into the deed based on the added value of the dedication by Fields in Trust.

Connie Green Solicitor, Contracts and Commercial Team 26/7/2017

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

- 6.1 There are no objections to the principle of this report's recommendations.

The Property Section has been working closely with Parks and Open Spaces team and Legal Services to ensure that the boundaries of the areas to be dedicated adequately protect the playing areas and points of interest, but do not prevent day-to-day complications or other issues arising.

Careful consideration has also been given to the exact wording of the Deed to ensure that the council's regular activities and special events will not require further FiT consent being obtained (for example Riverside Festival at Victoria Embankment).

John West Estates Surveyor 18/7/2017

7 SOCIAL VALUE CONSIDERATIONS

- 7.1 Where any elements of the project require quotations or tenders to be obtained, Procurement will work with the client to build in appropriate KPI's in relation to social value such as local spend and local employment targets.

Sue Oliver Category Manager Places 25/7/2017

8 REGARD TO THE NHS CONSTITUTION

- 8.1 I fully support the application and for these two areas to be identified as the parks to have this dedication.

An additional reason for the recommendations could be to recognise the value of making these sites more attractive and appealing to our citizens.

We know that there is growing evidence that increased utilisation of parks and green spaces improve our health and wellbeing.

Alison Challenger Director Public Health 27/7/2017

9 EQUALITY IMPACT ASSESSMENT (EIA)

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

No



An EIA is not required because:

(Please explain why an EIA is not necessary)

There is no equality impact assessment for this initiative as there are no negative impacts on the community.

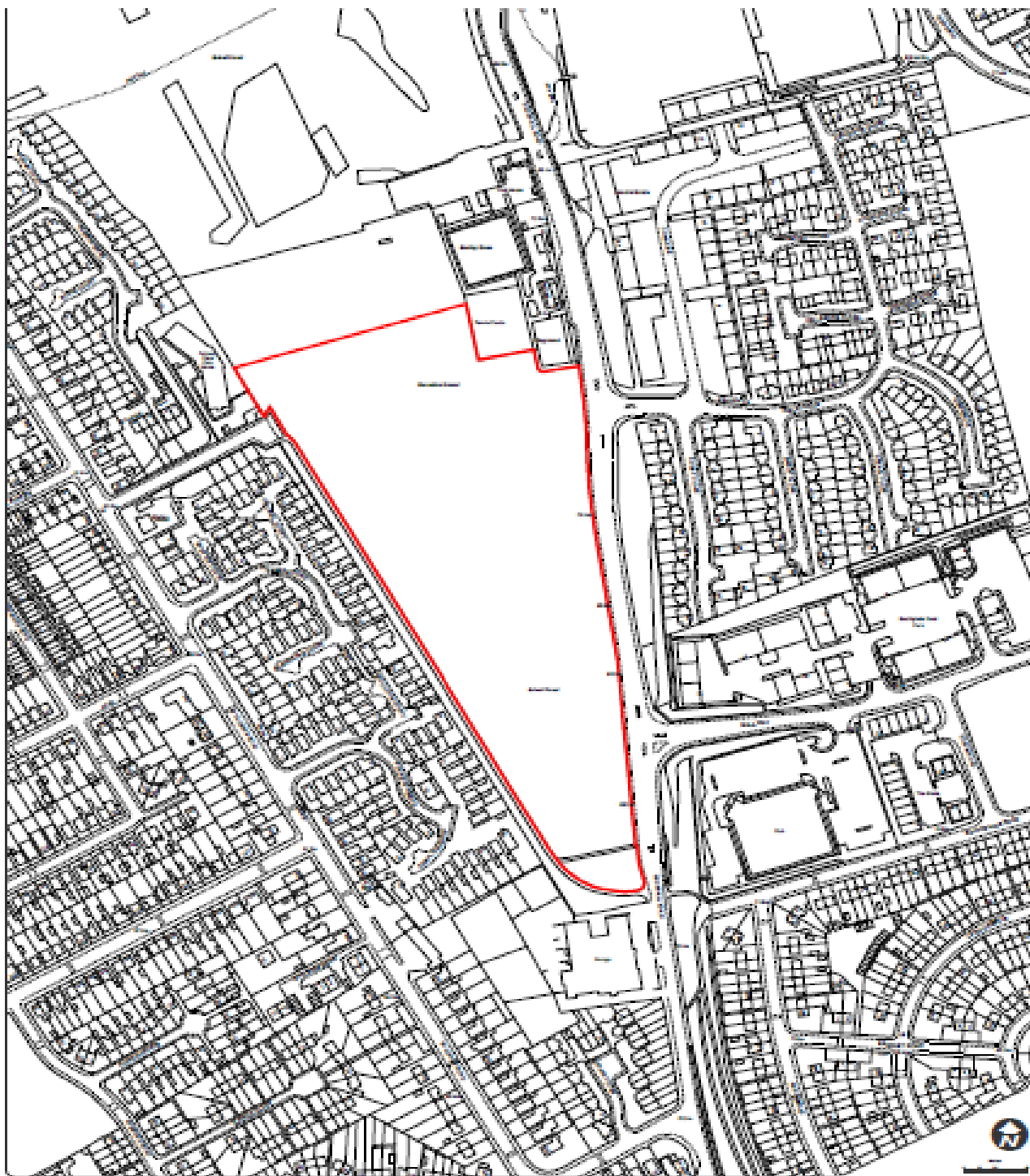
10 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)

10.1 None.

11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT

11.1 None.

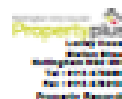
Appendix 2 - Bulwell Forest Park



BULWELL FOREST PARK

Scale @ A4 = 1:200




© Crown copyright and database right 2016. Ordnance Survey License number 100018217.
ALL RIGHTS RESERVED. PROPERTY BASED DATA PROJECT LOCATION: BULWELL FOREST PARK

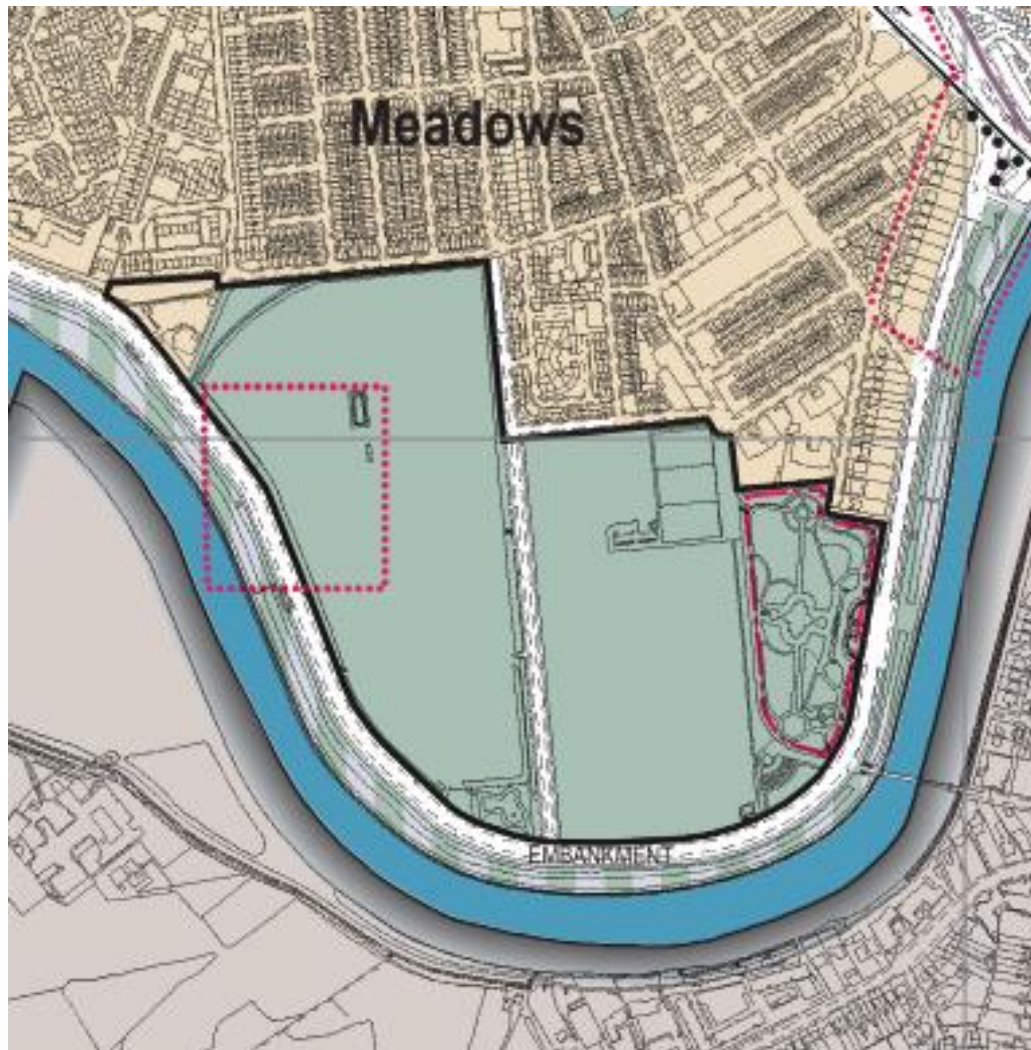


APPENDIX 3

Victoria Embankment extract of Adopted Local Plan(adopted 2005)





Key

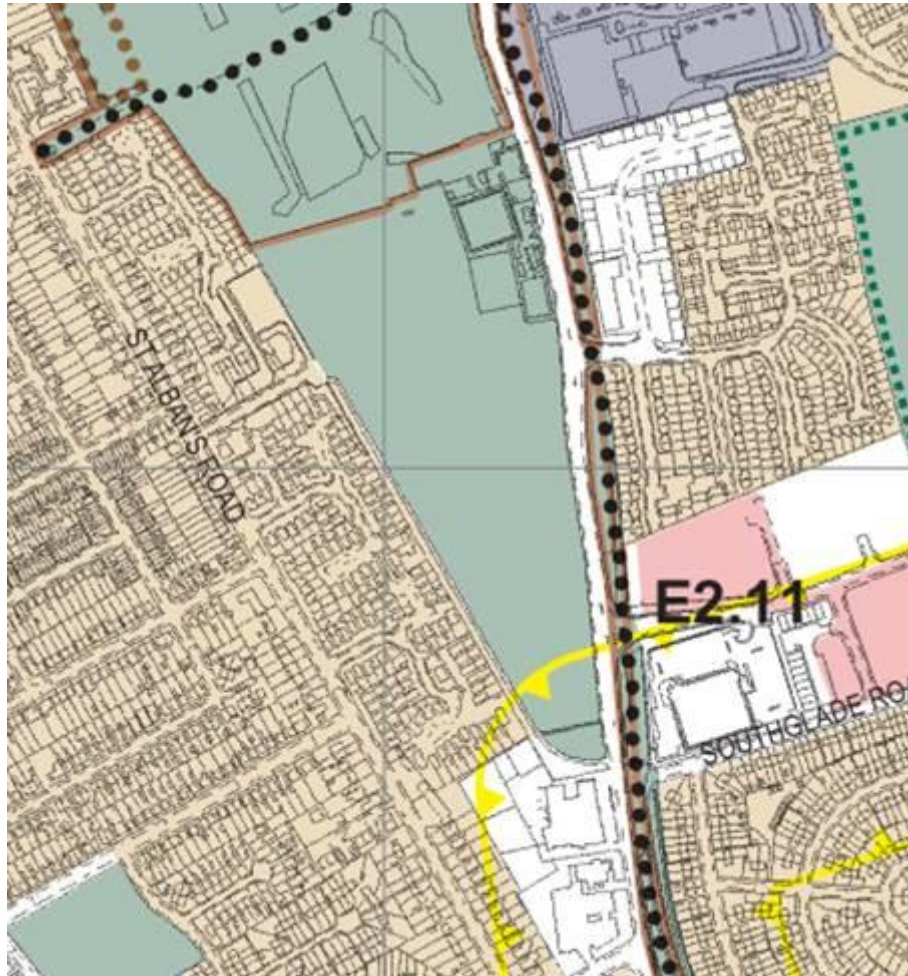
-  Open Space Network
-  Historic Parks & Gardens
-  Archaeological Constraints Area



Bulwell Forest Park extract of Adopted Local Plan (adopted 2005)

Key

-  Open Space
-  Consultation Zone – Hazardous Installations
-  Biological Sites of Important for Nature Conservation (as at January 2003)
-  Proposed Cycle Path (Indicative)



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Subject:	Conversion of Designated Public Place Orders and Gating Orders to Public Spaces Protection Orders
Corporate Director(s)/Director(s):	Andrew Errington, Director of Community Protection
Portfolio Holder(s):	Councillor Toby Neal – Portfolio Holder for Community and Customer Services
Report author and contact details:	Steve Stott, ASB Manager, Community Protection stephen.stott6852@nottinghamshire.pnn.police.uk Tel: 101 x 3111350
Subject to call-in:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Key Decision:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Criteria for Key Decision:	
(a) <input type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision	
and/or	
(b) Significant impact on communities living or working in two or more wards in the City <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Type of expenditure:	<input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Capital
Total value of the decision: £7,000	
Wards affected: All	
Date of consultation with Portfolio Holder(s):	
Relevant Council Plan Key Theme:	
Strategic Regeneration and Development	<input type="checkbox"/>
Schools	<input type="checkbox"/>
Planning and Housing	<input type="checkbox"/>
Community Services	<input checked="" type="checkbox"/>
Energy, Sustainability and Customer	<input type="checkbox"/>
Jobs, Growth and Transport	<input type="checkbox"/>
Adults, Health and Community Sector	<input type="checkbox"/>
Children, Early Intervention and Early Years	<input type="checkbox"/>
Leisure and Culture	<input type="checkbox"/>
Resources and Neighbourhood Regeneration	<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):	
<p>Designated Public Place Orders (“DPPOs”) were introduced by the Criminal Justice and Police Act 2001 (“the 2001 Act”) and allowed local authorities to designate public areas where the consumption of alcohol is restricted. DPPOs give authorised officers the power to require a person not to drink alcohol in that area where that officer reasonably believes that the person has, or intends to do so. In addition, authorised officers have the power to ask that person to surrender the alcohol and any open or sealed containers in their possession. There are currently 8 DPPOs in force throughout the City of Nottingham (“the Nottingham DPPOs”), listed at Appendix 1, which combine to give full city coverage.</p> <p>The 2001 Act was repealed by the ASB, Crime and Policing Act 2014 (“the 2014 Act”) in October 2014, effectively preventing the creation of new DPPOs. However, transitional provisions contained within the 2014 Act provide for DPPOs that were in force on 20 October 2014, including the Nottingham DPPOs, to remain in force until 19 October 2017. From 20 October 2017, they will remain in force as if the provisions of the DPPO were provisions of a Public Spaces Protection Orders (PSPO) with any necessary modifications.</p> <p>Gating Orders, were introduced by Sections 129A-129G of the Highways Act 1980 (“the 1980 Act”) and have historically been used to close access to certain public rights of way affected by</p>	

crime or anti-social behaviour. There are currently 11 Gating Orders in force throughout the City of Nottingham (“the Nottingham Gating Orders”) listed at Appendix 2.

Sections 129A-129G of the 1980 Act were repealed by the 2014 Act in October 2014 effectively preventing the creation of new Gating Orders. However, as with DPPOs, transitional provisions contained within the 2014 Act provide for Gating Orders that were in force on 20 October 2014, including the Nottingham Gating Orders, to remain in force until 19 October 2017. From 20 October 2017 they will remain in force as if the provisions of the Gating Order were provisions of a PSPO with any necessary modifications.

This report advises Executive Board on the nature of the conversion of both the Nottingham DPPOs and the Nottingham Gating Orders to PSPOs and explains the nature of the modifications effected by the 2014 Act.

Exempt information: State ‘None’ or complete the following

None.

Recommendation(s):

- 1** To note the contents of the report and note that unless first revoked the PSPOs which will replace the Nottingham DPPOs and the Nottingham Gating Orders shall remain in force for a period of three years from 20 October 2017 and shall then be the subject of review.
- 2** To confirm that the arrangements for the provision of replacement keys for gates that were installed under the Nottingham Gating Orders, following the conversion of the Nottingham Gating Orders to PSPOs, remains as outlined in the Executive Board decision dated 20 June 2006 referred to in paragraph 1.5 of this report.
- 3.** To approve the replacement of existing DPPO and Gating Order signage throughout the City with PSPO signage.

1 REASONS FOR RECOMMENDATIONS

- 1.1 Under Section 75 of the 2014 Act, any DPPO that is still in force on 19 October 2017 will remain in force as if the provisions of the DPPO were provisions of a PSPO with any necessary modifications. Nottingham City Council (“the Authority”) currently has 8 DPPOs in force that will remain in force on 20 October 2017 and, accordingly, will convert to PSPOs on that date.
- 1.2 Under Section 75 of the 2014 Act, any Gating Order that is still in force on 20 October 2017 will remain in force as if the provisions of the Gating Orders were provisions of a PSPO with any necessary modifications. The Authority currently has 11 Gating Orders in force that will remain in force on 20 October 2017 and, accordingly, will convert to PSPOs on that date.
- 1.3 The Nottingham DPPOs and the Nottingham Gating Orders do not have any stipulated maximum term, nor any statutory requirement for review, and unless specifically revoked would have remained in force permanently. PSPOs can only last for a maximum term of three years, although they can be extended for a further period of three years if certain tests are met and can be extended more than once.
- 1.4 Existing signage notifying members of the public of the existence and the terms of the Nottingham DPPOs and Nottingham Gating Orders is currently in

place and, by virtue of regulations made pursuant to the 2014 Act will need to be replaced with signage in respect of the PSPOs that succeed them.

- 1.5 Additional keys may occasionally need to be cut for gates installed under the Nottingham Gating Orders. By virtue of an Executive Board decision dated 20 June 2006, the cost of any additional keys was allocated to Area Committees and it is considered appropriate that these arrangements continue.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

DPPOs and Gating Orders

- 2.1 DPPOs were introduced by Section 13 of the 2001 Act and allowed local authorities to designate public areas where the consumption of alcohol is restricted. They give authorised officers, including Community Protection Officers, Police Officers and Police Community Support Officers, the power to require a person not to drink alcohol in the restricted area where that officer reasonably believes that the person has or intends to do so. In addition authorised officers have the power to ask that person to surrender the alcohol and any opened or sealed containers in their possession.
- 2.2 It is not an offence to drink alcohol in a restricted area, per se, but it is an offence to fail to comply with the request of an authorised officer to cease drinking or to surrender alcohol in such an area. However, under DPPO legislation, whilst a Penalty Notice for Disorder in the sum of £50 may be issued by a Police Officer, as an alternative to prosecution, no fixed penalty notice (“FPN”), which could be issued by Community Protection Officers, is available.
- 2.3 The Authority currently has 8 DPPOs in force. These are listed at Appendix 1. The Nottingham DPPOs combine to provide city-wide coverage, covering all publicly accessible places such as highways, squares, pedestrian areas, public conveniences, doorways, entrances and other open areas within the administrative area of the Authority. However, they do not apply to premises or their curtilages which are licensed for the supply of alcohol, or places where the consumption of alcohol is permitted on the highway (such as pavement cafes).
- 2.4 Gating Orders were introduced by Sections 129A-129G of the Highways Act 1980 and allow local authorities to close access to certain public rights of way which are affected by crime or ASB. It is not an offence to fail to comply with a Gating Order.
- 2.5 The Authority currently has 11 Gating Orders in force. These are listed at Appendix 2. The Nottingham Gating Orders all contain provisions regarding the installation, operation and maintenance of barriers as a means of closing access to public rights of way.

ASB, Crime and Policing Act 2014 – Repeal and Transition

- 2.6 The 2014 Act represented a fundamental review of legislative tools and powers designed to tackle anti-social behaviour (ASB). It repealed a large number of then existing statutory powers that had historically been used to tackle ASB, and replaced them with a smaller suite of more flexible powers aimed at putting victims at the heart of the response to ASB.
- 2.7 Amongst the tools and powers that were repealed were both DPPOs and Gating Orders. However transitional provisions contained within the 2014 Act provide for

DPPOs and Gating Orders in force at the commencement of that Act, on 20 October 2014, to remain in force as DPPOs and Gating Orders until 19 October 2017.

- 2.8 One of the new tools and powers introduced by the 2014 Act is the PSPO. Local authorities can, subject to certain conditions being met, make a PSPO to tackle activities carried on in a public place within the authority's area which are persistent, unreasonable and have had, or are likely to have, a detrimental effect of the quality of life of those in the locality. The intention of the 2014 Act was that DPPOs and Gating Orders would be replaced by PSPOs.
- 2.9 Under Section 75 of the 2014 Act any DPPO or Gating Order that is still in force on 19 October 2017 will remain in force as if the provisions of the DPPO or the Gating Order were provisions of a PSPO with any necessary modifications introduced by the 2014 Act.

Modifications – DPPOs to PSPOs

- 2.10 The Nottingham DPPOs will convert automatically to PSPOs on 20 October 2017 unless they are revoked before this date. DPPOs generally were not subject to any statutorily prescribed requirement in respect of maximum term and the Nottingham DPPOs do not contain any stipulation regarding their term, or any requirements regarding periodic review.
- 2.11 Under Section 60 of the 2014 Act, a PSPO may only last for a maximum of three years, but can be extended for up to a further period of three years if the Authority is satisfied that the order is still necessary, and can be extended more than once. In the absence of any stipulation regarding the maximum term of the orders or formal process to vary the terms of the orders by the Authority at the point of conversion the new PSPOs will remain in force for three years from 20 October 2017.
- 2.12 As stated above whilst it is not an offence to drink alcohol in an area covered by the Nottingham DPPOs, it is an offence to fail to comply with a request of an authorised person to cease drinking or to surrender alcohol in these areas. The penalty on conviction is a fine not exceeding level 2 (currently £500).
- 2.13 By virtue of Sections 62 and 63 of the 2014 Act the consumption of alcohol will actually be prohibited in the restricted areas under the new PSPOs. However, as with DPPOs, an offence will only be committed under the PSPOs if a person fails without reasonable excuse to comply with a request by an authorised person not to consume alcohol or anything which the authorised person reasonable believes to be alcohol, and/or to surrender anything in his possession which contains, or which the authorised person reasonably believes, to contain alcohol.
- 2.14 In addition the authorised person making the request referred to in Paragraph 2.13 above must tell the person to whom the request is made that failing to comply with the request without reasonable excuse is an offence and must, if asked, provide evidence of their authorisation.
- 2.15 Where an offence is committed in respect of a PSPO which restricts the consumption of alcohol in a public place the penalty on conviction is a fine not exceeding level 2 (currently £500). However, a FPN will also be available as detailed in Paragraph 2.19 below.

Modifications – Gating Orders to PSPOs

- 2.16 The Nottingham Gating Orders will convert automatically to PSPOs on 20 October 2017 unless they are revoked before this date. Gating Orders generally were not subject to any statutorily prescribed requirement in respect of maximum term and the Nottingham Gating Orders do not contain any stipulation regarding their term or any requirements regarding periodic review.
- 2.17 As stated above, under Section 60 of the 2014 Act, a PSPO may only last for a maximum of three years, but can be extended for up to a further period of three years if the Authority is satisfied that the order is still necessary, and can be extended more than once. In the absence of any stipulation regarding the maximum term of the orders or formal process to vary the terms of the orders by the Authority at the point of conversion the new PSPOs will remain in force for three years from 20 October 2017.
- 2.18 Whilst Gating Orders allow a local authority to lawfully close access to certain public rights of way, it is not an offence to fail to comply with a Gating Order. However, as stated above, breach of a PSPO is an offence, and the penalty on conviction is a fine not exceeding level 3 (currently £1000). Accordingly, breach of any of the Nottingham Gating Orders after their conversion to PSPOs will be an offence.

Fixed Penalty Notices

- 2.19 By virtue of Section 68 of the 2014 Act, an authorised person may offer a FPN to any person that they believe has breached a PSPO. A FPN provides the person to whom it is issued the opportunity of discharging liability to conviction for the offence by payment of a fixed penalty to the local authority.
- 2.20 The level of FPN can be fixed locally at an amount not exceeding £100. By virtue of a delegated decision of the Director of Community Protection dated 24 August 2017 the amount of the FPN for breach of any of the PSPOs referred to in this report has been set at £70, reduced to £35 if paid within 10 days.
- 2.21 It is not anticipated that a large number of fixed penalty notices will be issued in respect of the new PSPOs. With regards the consumption of alcohol in public places an offence is only committed where a request to stop drinking or to surrender alcohol is refused. Experience of the Nottingham DPPOs indicates that the vast majority of those asked to stop drinking, or to surrender alcohol, are compliant.
- 2.22 Similarly, experience of the Nottingham Gating Orders, suggest that they are generally complied with, and compliance is largely ensured by the installation and maintenance of locked gates.

Publicity

- 2.23 The Council will place documents explaining the conversion of the Nottingham DPPOs and the Nottingham Gating Orders to PSPOs, and the modifications to the existing orders, on its website on the 20 October 2017. In advance of conversion it will also publish an article in the Nottingham Arrow, due for distribution to all homes in Nottingham on 25 September 2017, explaining the changes.

- 2.24 The Nottingham DPPOs and the Nottingham Gating Orders have signage displayed in key locations to make members of the public aware of the restrictions in force.
- 2.25 By virtue of regulations made pursuant to the 2014 Act, namely the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protections Orders) Regulations 2014, the Authority is required to cause to be erected on or adjacent to the public place to which a PSPO relates signage to draw attention to members of the public of the existence of the order. Accordingly, it is intended to replace all existing signage for the Nottingham DPPOs on a like for like basis with PSPO signage and to ensure that all of the rights of ways to which access has been restricted by the Nottingham Gating Orders, have PSPO signage in place.
- 2.26 The cost of the required changes to signage will be met from Community Protection's budget.

Key Changes

- 2.27 Whilst the above explanation of legislative changes is, unfortunately, necessarily wordy the key changes to be borne in mind are as follows:
- The Nottingham DPPOs and the Nottingham Gating Orders will become PSPOs on the 20 October 2017 with the provisions remaining broadly the same subject to modifications introduced by the 2014 Act.
 - Unless formally varied or revoked in accordance with the legislative requirements, the converted PSPOs will then remain in force until 19 October 2020 and will then be subject to review.
 - PSPOs replacing the Nottingham DPPOs will provide an absolute prohibition on drinking alcohol in public spaces. However, **no offence** will be committed unless a request to stop drinking or to surrender alcohol is made by an authorised officer and refused.
 - A FPN, that can be issued by Community Protection Officers, Police Officers or Police Community Support Officers, will be available for breach of PSPOs replacing the Nottingham DPPOs.
 - Failure to comply with a PSPO in respect of a former Nottingham Gating Order will now be an offence for which a FPN or prosecution will be available.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 The 2014 Act allows for the automatic transition of the Nottingham DPPOs and the Nottingham Gating Orders to PSPOs. Whilst it would have been possible for the Authority to review and revoke all of the Nottingham DPPOs and Nottingham Gating Orders, this is not felt to be appropriate in the light of the long standing ASB issues that prompted their introduction in the first place.

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

- 4.1 The total of this decision is income coming into the authority based on the receipt of a Fixed Penalty Notice at full rate of £70 each, assuming that 100

will be issued in a financial year and would be receipted after the 10 day period. £7,000

This is based on the maximum level of income for such notices.

Any signage required is a one off fee and will cost approximately £2,000. This would be covered in Community Protection's established budget. There are no other financial considerations in regards to staffing/uniform etc as the enforcement of the PSPO would be part of their current duties.

Advice provided by Michelle Pullen – Commercial Business Partner 17th August 2017

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

- 5.1 The Anti-social Behaviour, Crime and Policing Act 2014 (Commencement No 7, Saving and Transitional Provisions) Order 2014 brought into force various provisions in the 2014 Act. These included paragraphs 3 and 30 of schedule 11 to the 2014 Act, which repealed sections 129A to 129G of the Highways Act 1980 (provisions relating to gating orders) and sections 12 to 16 of the 2001 Act (provisions relating to DPPOs) from 20 October 2014. No new gating orders or PSPOs can be made from this date. However, as stated in the body of the report the 2014 Act contains saving and transitional provisions for all gating orders and PSPOs which were made by the Authority prior to 20 October 2014 and which had not been repealed by the Authority at that date. Unless revoked by the Authority such orders will remain in force as gating orders and DPPOs until 19 October 2017, and then the provisions of the orders will remain in force as if the provisions of the orders were provisions of PSPOs (“the Converted PSPOs”). These transitional provisions are contained in section 75 of the 2014 Act and the provisions are explained in paragraphs 2.7 – 2.9 of the report.
- 5.2 The Converted PSPOs will have ‘...effect with any necessary modifications (and with any modifications specified in an order under section 185(7))...’. At the time of writing no relevant order appears to have been made under section 185(7) of the 2014 Act. The main modifications required are detailed in paragraphs 2.10 – 2.18 of the report. It should be noted that PSPOs can only last for a maximum of three years, and as the Nottingham DPPOs and the Nottingham Gating Orders do not contain any stipulations regarding their term, subject to the provision of any subsequent order under section 185(7) of the 2014 Act or other amendment or clarification in the legislation, they should last for three years from 20 October 2017 unless previously revoked. Under section 60 of the 2014 Act after this date the Authority may extend the period of the Converted PSPOs in accordance with the requirements in that section and relevant Regulations. There is no limit on the number of times that a PSPO can be reviewed.
- 5.3 Under section 61 of the 2014 Act there is provision for the variation and discharge of PSPOs. Other than the ‘necessary modifications’ required to the Converted PSPOs detailed in the report, any other variation of the terms of the Converted PSPOs would require a formal consultation in accordance with the Authorities constitutional arrangements and the relevant legislative provisions and where the Authority is satisfied that the conditions for such a variation contained in section 59(2) and (3) of the 2014 Act are met.

- 5.4 The Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 confirm that the Authority must publish PSPOs on its website. These Regulations also require the Authority to cause to be erected on or adjacent to the public place to which the order relates such notice (or notices) as it considers sufficient to draw the attention of any member of the public using the place to the effect of that order. It is proposed in the report that the Converted PSPOs (the Nottingham DPPOs and the Nottingham Gating Orders) will be published on the Authorities website in accordance with this requirement from 20 October 2017, and that signage as required by the above Regulation will be erected in readiness for that date.
- 5.5 Crime and Disorder Act Implications – the Converted Orders will provide additional tools to deal with the behaviour identified in the report including FPNs.

Advice provided by Tamazin Wilson, Solicitor on 17 August 2017.

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

- 6.1 None.

7 SOCIAL VALUE CONSIDERATIONS

- 7.1 The use of DPPOs and Gating Orders within Nottingham has helped to lessen the impact of ASB in the City Centre and across our neighbourhoods and has contributed to the delivery of key Council priorities of reducing crime and ASB. Conversion of the Nottingham DPPOs and the Nottingham Gating Orders to PSPOs will ensure that this contribution continues.

8 REGARD TO THE NHS CONSTITUTION

- 8.1 Not applicable.

9 EQUALITY IMPACT ASSESSMENT (EIA)

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

No

An EIA is not required because the conversion of the Nottingham DPPOs and the Nottingham Gating Orders to PSPOs do not introduce any new restrictions on behaviours that do not already exist

Yes

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

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

- 10.1 None

11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT

11.1 Highways Act 1980

11.2 Criminal Justice and Police Act 2001

11.3 ASB, Crime and Policing Act 2014

11.4 ASB, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014

11.5 Anti-social Behaviour, Crime and Policing Act 2014 (Commencement No 7, Saving and Transitional Provisions) Order 2014

11.6 Home Office Anti-social Behaviour, Crime and Policing Act 2014: Reform of anti-social behaviour powers Statutory guidance for frontline professionals July 2014

11.7 Local Government Association Public Spaces Protection Orders Guidance for Councils

Appendix 1 – List of current Designated Public Places Orders

the Nottingham City Council (Alcohol Consumption in Public Places) Designation Order 2005

the Nottingham City Council (Hyson Green) (Alcohol Consumption in Public Places) Designation Order 2006

the Nottingham City Council (Sneinton, Forest and Mapperley) Alcohol Consumption in Designated Public Places Order 2008

the Nottingham City Council Basford Designated Public Place Order 2011

the Nottingham City Council St Anns Designated Public Place Order 2011

the Nottingham City Council St Anns and Sneinton Designated Public Place Order 2011

the Nottingham City Council (Arboretum and Radford & Park) Alcohol Consumption in Designated Public Places Order 2013

the Nottingham City Council (City Wide Extension) Alcohol Consumption in Designated Public Places Order 2014. 22

Appendix 2 – List of Current Gating Orders

Nottingham City Council (Haswell Road to Courtleet Way Bulwell Nottingham)
Gating Order 2007 (GO 5001)

Nottingham City Council (Camomile Gardens, Radford, Nottingham) Gating
Order 2008 (GO 5002)

Nottingham City Council (Candle Meadow, Colwick Park, Nottingham) Gating
Order 2008 (GO 5003)

Nottingham City Council (Smedley Close, Aspley Nottingham) Gating Order
2008 (GO 5004)

Nottingham City Council (Kilnwood Close, Carlton, Nottingham) Gating Order
2009 (GO 5005)

Nottingham City Council (Neston Drive, Cinderhill, Nottingham) Gating Order
2009 (GO 5006)

Nottingham City Council (Brewsters Road, Mapperley, Nottingham) Gating
Order 2010 (GO 5008)

Nottingham City Council (Botany Avenue to Ransom Road, Mapperley,
Nottingham) Gating Order 2012 (GO 5009)

Nottingham City Council (Hovenden Gardens, Hyson Green Nottingham)
Gating Order 2012 (GO 5010)

Nottingham City Council (Portland Road, Arboretum, Nottingham) Gating
Order 2012 (GO 5011)

Nottingham City Council (Holland Street, Arboretum, Nottingham) Gating
Order 2014 (GO 5012)

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