

# Public Document Pack



**Nottingham**  
**City Council**

You are hereby summoned to attend a meeting of **CITY COUNCIL** at the Council House, Old Market Square on Monday, 13 July 2015 at 2.00 pm to transact the following business

<b><u>AGENDA</u></b>	<b><u>Pages</u></b>
<b>1 APOLOGIES FOR ABSENCE</b>	
<b>2 DECLARATIONS OF INTERESTS</b>	
<b>3 TO RECEIVE:</b>	
<b>a questions from citizens;</b> Please note that questions to Council are received after the agenda has been published. Questions will be uploaded to this agenda by 5pm on Friday 10 July 2015.	
<b>b petitions from Councillors on behalf of citizens.</b>	
<b>4 TO CONFIRM THE MINUTES OF THE LAST MEETING OF COUNCIL HELD ON 18 MAY 2015</b>	<b>3 - 22</b>
<b>5 TO RECEIVE OFFICIAL COMMUNICATIONS AND ANNOUNCEMENTS FROM THE LEADER OF THE COUNCIL AND/OR THE CHIEF EXECUTIVE</b>	
<b>6 TO RECEIVE:</b>	
<b>a answers from the City Council's lead Councillor on the Nottinghamshire and City of Nottingham Fire and Rescue Authority to questions on the discharge of that authority's functions;</b>	
<b>b answers from a Councillor from the Executive Board, the Chair of a Committee and the Chair of any other City Council body to questions on any matter within their remit.</b>	
<b>7 TO CONSIDER A REPORT OF THE LEADER ON THE ADOPTION OF THE LABOUR PARTY MANIFESTO AS COUNCIL POLICY</b>	<b>23 - 40</b>
<b>8 TO CONSIDER A REPORT OF THE LEADER ON GENERAL AMENDMENTS TO THE CONSTITUTION</b>	<b>41 - 146</b>
<b>9 TO CONSIDER A REPORT OF THE LEADER ON DECISIONS TAKEN UNDER THE URGENCY PROCEDURES</b>	<b>147 - 152</b>
<b>10 TO CONSIDER A REPORT OF THE CHAIR OF LICENSING COMMITTEE ON THE REVIEW OF STATEMENT OF GAMBLING POLICY</b>	<b>153 - 196</b>

**11 TO CONSIDER A REPORT OF THE CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE ON THE OVERVIEW AND SCRUTINY ANNUAL REPORT 2014-15**

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**12 TO CONSIDER CHANGING THE DATE OF THE MARCH 2016 MEETING OF COUNCIL FROM MONDAY 14 MARCH 2016 TO MONDAY 7 MARCH 2016**

**13 COMMITTEE MEMBERSHIP**

To note the following in-year changes to Committee memberships:

- Joint Committee on Strategic Planning and Transport – Councillor Nick McDonald to replace Councillor Toby Neal. Councillor Toby Neal to be added to the list of substitutes.
- Overview and Scrutiny Call-In Panel – Councillor Andrew Rule to be appointed to a vacant position on the Panel.
- Health Scrutiny – Councillor Merlita Bryan to replace Councillor Brian Parbutt.
- Joint Health Scrutiny – Councillor Ilyas Aziz to replace Councillor Brian Parbutt.
- City Centre Forum – Councillor Dave Liversidge to replace Councillor Cat Arnold. Councillor Cat Arnold to be added to the list of substitutes. Councillor Merlita Bryan to be appointed to a vacant position on the Forum.

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

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



Dated 3 July 2015  
Acting Corporate Director for Resources  
**To: All Councillors of Nottingham City Council**

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

held at the Council House, Old Market Square

on 18 May 2015 from 14.00 - 16.08

**ATTENDANCES:**

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✓ Citizen Lord Mayor Ian Malcolm (Lord Mayor until minute item 3) and  
 ✓ Councillor Jackie Morris (Lord Mayor from minute item 3 onwards)

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

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✓ Indicates present at meeting

## **1. APOLOGIES FOR ABSENCE**

Councillor Alex Norris – leave  
Councillor Dave Smith – personal reasons  
Councillor Jon Collins – other Council business  
Councillor Liaqat Ali – personal reasons  
Councillor Steve Battlemuch – work commitments

## **2. DECLARATIONS OF INTERESTS**

None.

## **3. TO ELECT A LORD MAYOR AND APPOINT A SHERIFF FOR THE ENSUING YEAR**

Councillor Chris Gibson spoke in tribute to the outgoing Lord Mayor, Ian Malcolm.

**RESOLVED to**

- 1) elect Councillor Jackie Morris as the Lord Mayor of the City of Nottingham until the next annual meeting of the City Council, as nominated by Councillor Nick McDonald and seconded by Councillor John Hartshorne.**
- 2) appoint Councillor Mohammed Saghir as Sheriff of the City of Nottingham until the next annual meeting of the City Council, as nominated by Councillor Mohammed Ibrahim and seconded by Councillor Glynn Jenkins.**

## **4. TO NOTIFY THE APPOINTMENT OF THE LORD MAYOR'S CHAPLAIN**

The Lord Mayor informed Council of the appointment of the Reverend Andy Morris, of St Philip, Top Valley and St Matthew on the Hill, Bestwood, as the Lord Mayor's Chaplain.

## **5. TO NOTE THE ELECTION OF COUNCILLORS - 7 MAY 2015**

**RESOLVED to note the election of Councillors to their wards, and welcome the newly elected Councillors to the Chamber.**

## **6. TO ELECT THE LEADER OF THE COUNCIL FOR A 4 YEAR TERM**

**RESOLVED to elect Councillor Jon Collins as Leader of the City Council for a 4 year term ending in May 2019, as nominated by Councillor Graham Chapman and seconded by Councillor Sally Longford.**

Councillors Jim Armstrong, Georgina Culley and Andrew Rule requested that their votes against these resolutions be recorded.

## **7. QUESTIONS AND PETITIONS FROM CITIZENS**

### **Questions from citizens**

No questions from citizens were received.

### **Petitions from councillors on behalf of citizens**

No petitions from citizens were received.

## **8. TO CONFIRM THE MINUTES OF THE LAST MEETING OF COUNCIL HELD ON 9 MARCH 2015**

The minutes of the meeting held on 9 March 2015 were confirmed as a correct record and signed by the Lord Mayor.

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

The Deputy Chief Executive reported the following:

### **Chief Constable Commendation**

Two Community Protection colleagues have been nominated for a Chief Constables Commendation: Darren Mitchell and Scott Clancy.

### **Former Councillor Stewart Argyle**

Former Councillor Stewart Argyle passed away on Monday 4 May. Stewart was born in Long Eaton, and brought up in Attenborough before going to school in Bramcote, and eventually settling in the Park. He was a major figure in Nottinghamshire's Campaign for Real Ale (CAMRA), and was the first regional CAMRA leader in the country. He also worked for a number of years as a Sergeant in the Police, and became the Police Federation's Secretary. He had a strong desire to help local people, and in 1991 he became a Labour City Councillor for the Park Ward. During his time as a Councillor he served on committees for leisure, planning, tourism, public relations, health and safety, and personnel.

His funeral will take place at 11:30 on Tuesday 16th June at the Albert Hall in Nottingham.

Councillors Trimble and Culley spoke in tribute to former Councillor Stewart Argyle, and a minute's silence was held.

## **10. COUNCILLOR QUESTIONS**

### **Support Through Austerity**

Councillor Wendy Smith asked the following question of the Deputy Leader/ Portfolio Holder for Resources and Neighbourhood Regeneration:

Could the deputy leader tell the Council how we intend to support our residents through the next period of austerity?

Councillor Graham Chapman replied as follows:

Thank you for the question. I do not need to remind Councillors of the current situation facing Local Government, which has faced 40% cuts since 2010. Indeed, the government itself has been reminded only this week, by a letter signed by every council in England, protesting about the level of reductions. That is Labour, the odd Liberal, and Conservative councils, they all signed this letter. Nor do I have to remind council about the disproportionate level suffered by Nottingham, the Midlands, and the northern cities over this period. £100 million plus has been taken from our grants in Nottingham alone.

And that is the present. As for the future, many of the cuts to government spending to the city have not yet filtered through. Moreover, there is a promise of a further £27 billion worth of cuts to public spending by 2019. Moreover still, we are told that the health service, schools, overseas development, and possibly even defence, are likely to be ring fenced. This means that there are a few areas left in order to bear the burden of those cuts, and local government is one of them. The police is probably another. Then we have the promise and the potential threat of devolution.

Devolution can be a good thing, but I suspect that the devolved responsibilities will not come with the commensurate budget. Indeed, it could well be a mask for reductions. For example, by giving us a total control over the business rates, we would lose the cross subsidy we currently get from places like the City of Westminster. Then outside the council budget there will be an additional £12 billion worth of cuts in welfare, mostly directed at the young, the vulnerable, and the disabled. The consequences of this will fall on the council, because we are the safety net. So prospects for large sections of our population are actually quite bleak.

That's not to say that we will not act, or that we are not already acting to help those affected. I have four pages of examples, but I'll quote just a few, which I'm sure you'll be relieved about.

Welfare Hardship Support Scheme – to help people in emergencies. Government funding for this was withdrawn in April this year. Yet without good management over the last few years we'd not be able to extend the service over the next 2, which we can do. That is because we made provision for the continuation of a Conservative government. I didn't, in fact, share the optimism of some of my colleagues.

Welfare Partnership - working with charities, housing associations, and churches to support food banks, debt management, homelessness, and those sanctioned by the DWP. Also helping to prepare people for the complexities of Universal Credit, which by the way, will lead to a reduction in benefits, despite the rhetoric of the Minister in charge.

Building new homes – particularly council homes, and working to redirect Housing Allowance, which is currently going to private landlords, into repurchase and new build to reduce the cost of rental for people on low incomes.

Robin Hood Energy – we are creating an energy company to sell electricity at cheaper rates, especially to those people who are on pre-pay meters, who are amongst the worst off, yet paradoxically they have to pay the most for their power. A further programme added to this is for solar panels for people on low incomes, mainly in council housing.

Welfare Advice Service is being maintained, which many councils have abandoned, but which has managed to restrict homelessness and repossession and indebtedness. Indebtedness is rife in the city.

Providing support for people to get into work – the final example, and perhaps the most important, because it is the best way out of poverty and actually both parties agree on this, all parties agree. Our employee hub has supported over 2,000 people over the last 5 years. We have a jobs fair; the last one provided 570 jobs. We have a Jobs Fund, which is a continuation of the Labour scheme abandoned by the last government, which we are paying for out of our own surplus; 224 young people helped into work. And then we have Step Into Work for 18-24 year olds. Added to this we have apprenticeship schemes, trainee schemes, and very important pre-employment support in order to get some of the hardest to reach on the employment ladder.

I will finish on this: there is a limit to what any council can do to cushion the effects of a government determined to make the worst off pay for the recession, and one which uses divide and rule as a means of government. Nevertheless, we must try. We should not be on the defensive; the economic growth over the last 5 years in the UK has been on the back of low productivity, weak long-term investment particular with things like research and development and infrastructure, low wages, and a large balance of trade deficit. This is not the economy we want for Nottingham. We also have a plan, therefore, to improve skills, to select growth sectors of business; because without business development you do not get jobs, and to help modernise our economy and businesses in order to help them compete and spread fairly the benefits of growth. So those are our 2 tasks, and I believe for this group, which by the way, and I have lots of experience with this, is one of the strongest in the UK, and I really mean that because I deal with large numbers of other authorities, I think this group is up to that task.

#### The Department of Work and Pensions (DWP)

Councillor Michael Edwards asked the following question of the Portfolio Holder for Development and Growth:

Is the portfolio holder surprised to hear that the DWP was described as “wonderful” in a recent political hustings in Nottingham? Just what has to be done to make the DWP truly wonderful and fit for purpose?

Councillor Nick McDonald replied as follows:

Like Councillor Edwards, I was indeed a little surprised to hear that the DWP was recently described as “wonderful” in a political hustings. Councillor Edwards may elaborate on who made this rather extraordinary claim, but my guess is that it wasn't a Labour candidate. And quite a claim it is, given the litany of failures the DWP and

its Secretary of State, Ian Duncan Smith, has presided since 2010. And the failings are many.

So let's first take the DWP's flagship employment support programmes, the Work Programme and the Youth Contract, introduced with much fanfare shortly after the Tory-led coalition government came to power. Work Programme is a £1.2 billion programme. Its stated aim when introduced was to provide more cost effective alternatives to the last Labour government's Future Jobs Fund. And it has been an abject failure.

The 2015 report, "10 Policies for 10 People" stated as follows, this is not me, this is an independent report: "the Work Programme has been the coalition government's flagship programme. Overall, 1 in 4 participants achieved sustainable employment. Young people on Job Seeker's Allowance have been the most successful, however only 10% of Employment and Support Allowance claimants found and kept work. There are also signs that the more disadvantaged claimants have lost out: older people, prison leavers, and all disabled participants, have lower than average job outcomes. Overall, investment for disadvantaged groups is lower than planned, not higher".

Locally, of the 11,230 people who completed the Work Programme, 76.1% returned back to the Job Centre. Again, absolutely abject. Let's look at the Youth Contract: a report in 2013 from the Local Government Association stated that only 27% of 16-17 year olds starting the government's Youth Contract were helped. Where the scheme was run by local councils, in Leeds, Wakefield, Bradford, Newcastle and Gateshead, the participants gained much higher results: 57% in Leeds and almost half in Newcastle.

And of course, locally in Nottingham, we have other examples of how local authorities can deliver better outcomes. Young people supported into work through the Nottingham Jobs Fund have achieved over 70% sustained job outcomes, and that's been the case throughout the time we've had that policy in place. Our Step Into Work programme which was introduced using underspend from the Youth Contract because it is failing, has so far produced job outcomes of 60%.

So Lord Mayor, there is a pattern, and if we want to make the DWP, or at least what the DWP does work better, it's a clear pattern. The DWP tries to implement policy, it fails both on the policy and the implementation, but where local authorities do it the performance is stronger.

But since I'm on my feet, I won't take too long, but let's talk about a couple of other areas in which the DWP has been meddling in the last couple of years, because these are important issues that will affect the people in our city, and they affect the most vulnerable the most.

Firstly, let's look at Incapacity Benefit. Shortly after 2010, the Tory-led coalition government decided to re-categorise Incapacity Benefit, because a certain minister, I won't say who, but the name has the same acronym as Incompetent Disgraceful Shambles, felt that too many people were wrongly claiming Incapacity Benefit and could in fact find work. Hundreds of thousands of people were re-assessed; benefits were reduced or removed for many. The predictable result was tens of thousands of



appeals, many of them successful, considerable hardship, administrative chaos, and eventually the collapse of DWP's contract with ATOS.

It doesn't end there. Perhaps the greatest failure of the last 5 years, in terms of administration if nothing else, is Universal Credit. The biggest single example of failure. Ministerial hubris, civil service weakness, and administrative incompetence. The vision was of a single benefit supported by a single system that simplifies and rationalises payments. The reality is a god-awful mess, with an IT system that doesn't work, a rollout that has been delayed again and again. Now this policy has not just affected people and damaged people's lives, it's also cost an enormous amount of money. £2 billion per year is the upward revision in terms of the cost of Universal Credit. £2 billion per year, a system that most independent assessors say isn't working, won't work, and ultimately will need to be abandoned.

So no wonder the Tories have committed to finding £12 billion in additional welfare savings; they need them just to get back to square one. No wonder also that the difference between the track record locally and the DWP means that we're now pushing to have those powers devolved down to us. The power to run the Work Programme and the Youth Contract as other cities have done, the power to run Job Centres, the power to set local skills budgets, the power to manage employment related benefits. If we have these powers, I'm confident that we can deliver support at a better quality, at less cost, with less bureaucracy, to more people in this city.

So, Councillor Edwards, yes I am a little surprised that the Tories continue to describe the DWP as "wonderful", against all the evidence, it perhaps shows that they don't realise or frankly don't care quite what an awful mess they've made of it, and more importantly what an awful mess it has made of the lives of people in this city.

### Social Housing

Councillor Sally Longford asked the following question of the Portfolio Holder for Planning and Housing:

Would the portfolio holder for Planning and Housing outline her concerns for the future of social housing in Nottingham over the next 5 years?

Councillor Jane Urquhart replied as follows:

Thank you Councillor Longford and thank you Lord Mayor. I am of course answering this question in the role that I would anticipate taking on a little later in the meeting, in accordance with the papers that people will have seen. So before I get into the detail of the answer I would first like to pay tribute to my predecessor in this role, Councillor Liversidge. Councillor Liversidge has held this portfolio through some challenging times, and I would like to thank him for the contribution he made to ensuring that we in Nottingham have not had anyone evicted as a result on the bedroom tax, and I would also like to thank him for the impetus behind the Council House building programme, which has seen hundreds of high quality Local Authority homes built over the last 4 years.

So, if the challenges have been considerable over the period of a Tory Lib-Dem coalition, the next 5 years of a Tory government will be even more so, in terms of welfare policy, right-to-buy, the role of the private sector, and rented accommodation. Councillor Chapman has talked about some of the general challenges in terms of austerity. I'm not sure that we will have time this afternoon for me to list all of my concerns frankly, but I will highlight a few that come to mind immediately.

The bedroom tax. This already adversely affects 3,500 households in our city. We have all heard in our constituencies and in our ward surgeries, the appalling evidence of families forced to move, of people with disabilities fearing for their futures, and of local communities broken up as people have had to move to smaller homes to avoid debt.

The rollout of Universal Credit could impact upon 12,000 Nottingham City Homes tenants, who may end up in rent arrears as a result of those changes, and Councillor McDonald has already spoken about the fiasco that is Universal Credit.

Add to that the Tory's proposed attacks on under 25 year olds, to exclude them from housing benefit altogether, which could affect a further 700 households. So young people are added to the list of those who will be punished, mainly for their youth. Young people who may not be able to return to their parents' homes, perhaps because they need to live elsewhere in order to find work, or perhaps because of family violence or abuse. They will have no ability to claim housing benefit, and are therefore more likely to become homeless; because, of course, not all families are like the families experienced by Tory ministers. Not all families have their wealth, to shield them from such cuts as these. And we know that some people need support to establish themselves as independent, not punishment for being too young.

So tens of thousands of people in our city could be affected by the Tory government's attacks on welfare, and our social housing provision could be adversely affected, as rent arrears lead to reduced rental income for housing providers, therefore making it harder for those social landlords to make improvements to their housing stock, or to invest in building any more new homes.

The Tories were clear in their election campaign that they would seek to extend the right to buy. Their housing policy, based on a simplistic notion that property ownership is the only acceptable form of housing tenure. They have not moved on from their Thatcherite policies. Actually, I would suggest they've not really moved on from the Victorian period really, when notions of property ownership were the route to an ability in those days to vote; the ability to vote was only conferred by property ownership. Some of these current policies have resonance with that. Their record on this is absolutely clear, and not just from Margaret Thatcher beginning the right-to-buy policy in government from about 1980, but in fact closer to home in our city, in the mid-1970s. During a rare period of Conservative control in this Council, they piloted right-to-buy in our city, spending public money on building houses that were then sold off almost immediately to private owners. So we know from very close to home what's in store for Nottingham.

And of course, during the last parliament in 2012, they made the promise that every house sold would be replaced with a newly built one. So, 25,000 homes have been sold, and fewer than 2,300 have been built: another promise broken. Every home

sold off reduces the rental income for social housing landlords, and reduced their ability to improve the quality of their remaining housing stock. In Nottingham, we don't share that view. By contrast, we are of the view that Council houses are an asset, that they should be held in public ownership, collectively, for the good of our generation and the next. Building new high quality homes, ensuring that that supply can drive down prices, that's a better way to solve the housing crisis than selling off the precious few assets we have.

So we will work hard in Nottingham to continue that house building programme. We have many more houses already in the pipeline, we have plans for thousands over the next 5 years, and we will continue to work hard to put those plans into action, despite the attacks that we know will come. And of course now it's not only our local authority housing that the Tory government want to sell. They also want to sell other people's silver, not just ours, but other people's too. They want to extend the right-to-buy to homes that are owned and rented out by housing associations. These organisations have been set up with charitable purposes, with the charitable purpose of providing housing for those of limited financial means. But the Tories seem to think it's ok to use our money, public money, to offer subsidies to sell off those homes too, leading still further to reductions in the available housing stock, and pushing even more people into private renting, with less secure tenancies and often poor quality homes.

So yes, Councillor Longford, I have considerable concerns for social housing over the next 5 years, and it will be a huge challenge for us to ensure that in Nottingham, renting a good quality home in a decent neighbourhood, is still something that our people can achieve. We have had some success over the last 5 years, in combatting the bedroom tax, in building new high quality homes, and I relish the challenge that we now face. I know that in Nottingham we will fight to make sure that our housing remains of a decent quality, is affordable, and does not simply dwindle to make profits for buy-to-let landlords.

### Electoral Registration

Councillor Mohammed Ibrahim asked the following question of the Deputy Leader/Portfolio Holder for Resources and Neighbourhood Regeneration:

How many extra voters joined this year's electoral register after its first publication? How many applications failed? How many requests were received from people anxious that they weren't registered? How many people are qualified to be on the register, but are not?

Councillor Graham Chapman replied as follows:

Thank you Lord Mayor, and thank you Councillor Ibrahim. Since the first publication of the electoral register on 1 December 2014, the electorate in Nottingham City on the register increased from 191,201 to 205,940, therefore an increase of 14,739 electors, most of whom were added in the last few weeks before the registration deadline, many of whom, Councillor Trimble will be delighted to hear, were students in Radford and Park, because I know how keen he is on student registration in Radford and Park, or whatever his ward is. And this was done at a time when many

other Councils' numbers were static, so that was a very good thing and I congratulate the staff on it.

The number of applications which failed when checked against the government records through the new system of individual registration changes on a day-to-day basis, therefore we can only provide the number of electors who are currently pending, and have to provide evidence due to them not matching with government records before they could be registered. This figure is 3,641 people, of which 1,871 people have been sent 2 enquiry letters requesting this information since they made their application.

Unfortunately there are no records kept of the number of people who contacted electoral services, anxious that they weren't registered, but obviously the team experienced a high volume of calls, emails and face-to-face contact at reception during the election period.

Many people were in fact registered to vote already, but could not remember seeing their polling card, or wanted to double check. This is also evidenced by the large number of duplicate applications processed, people were registering online to vote who were already registered.

The electoral register does not hold data on eligible electors who are not registered to vote, just the names of those registered to vote. Electoral Services have used data from Mosaic System through the GIS team to identify demographics in low registration areas, but using census and population data will never accurately pinpoint those individuals who can register to vote, but choose not to. This includes students living in the city who maintain their registration at their home town, and are not interested in voting in Nottingham, or city residents who are not qualified to vote because of their nationality status.

What there is no doubt about is the confusion, the duplication and the omissions created by the new system. The number of people consequently disenfranchised, and the amount of resources and effort and resourcefulness applied by the staff to try and maintain registration levels and voter turnout, and I would like publicly to thank those staff, and I know that other members of Council really appreciate what they tried and succeeded in doing.

But I also want to repeat concerns about a system which is designed, and I think deliberately designed, not to include, but to eliminate certain groups of people from the register. I have absolutely no doubt that it is a political fix, that it is deliberate, and it is surreptitious gerrymandering.

### Elected Mayors

Councillor Georgina Culley asked the following question of the Deputy Leader/ Portfolio Holder for Resources and Neighbourhood Regeneration:

While I am sure he joins me in welcoming the prospect of further powers and influence over transport, housing and skills policy offered by the Chancellor as part of the city devolution plans, could the deputy leader of the council confirm whether or not he will accept the establishment of an elected mayor in order to provide

appropriate accountability for these new orders, or will he deny Nottingham residents any say whatsoever on devolved matters?

Councillor Graham Chapman replied as follows:

I saw this question come in, and it is, inevitably, not about the powers or the opportunities of devolution, about jobs or houses or businesses which come from it, it is, inevitably, about mayors. Reflecting the real danger for the whole of the devolution proposals, that they deteriorate into a dispute about the process of mayoralty, rather than about a collective view of the substance to do with the economy, and jobs, and the prosperity of this city.

But let me unpick the assumptions behind the question. The assumption is that the proposal, whatever it is, is for a Nottingham mayor. That is the precise wording of Councillor Culley's question. But is that what the proposal is from the Chancellor? The Manchester proposal is for a metropolitan mayor, so at least we will be talking about a conurbation mayor, not a Nottingham mayor. Moreover, Manchester's metropolis is quite clear, it's got clear boundaries. Nottingham's conurbation is not, where does it start and where does it stop? Halfway through Rushcliffe? Most of Ashfield? Bits of Newark? Bits of Derbyshire? So are we talking about a boundary review, which makes it all more complex? And then there are parts of Nottingham travel-to-work area which are in fact absolutely outside of the shire, are indeed in Derbyshire and would make far more sense than some of the other options we're pursuing at the moment to do with the county.

A further problem is the Local Economic Partnership, the devolution bid, encouraged by the government, that we have put in on behalf of the whole of Nottinghamshire. So you could argue that you have a shire mayor, otherwise, the bid for powers, encouraged by the government, does not make sense. But the shire also includes Mansfield, which already has a mayor, and Bassetlaw which sees itself more as part of Sheffield than it does Nottingham. However, I'm told that there is a long term desire to bring the Derbyshire side of the LEP in, so that you could have a D2N2 mayor. Moreover, we are told that LEP boundaries are going to be re-drawn in order to increase the size to Mancunian scales, so you could actually have Leicestershire included; and Leicester, which also has a mayor. In fact we could have so many damn mayors floating around that we wouldn't know what to do with them. I'll correct that for you Lord Mayor, so many directly elected mayors, floating around that we wouldn't know what to do with them. So you have a dog's breakfast of options, the one of which that makes the least sense is a mayor for the city boundaries.

In addition, you have to deliver consensus, so that Rushcliffe, Bassetlaw, possibly Erewash, the county certainly, possibly 2 or even 3 counties, Derby, possibly Leicester, and Uncle Tom Copley all agree, and meanwhile the world moves on. Everybody is paralysed by process, and the whole thing becomes a divisive distraction, and that is your problem.

Moreover, there is no evidence that mayors make much difference to tell you the truth, the benefits of a good one are marginal. The drawbacks of a bad one can be enormous, so I don't actually see the excitement of a mayor. Finally, there is an interesting phrase in the question: "will he accept the establishment of an elected mayor in order to provide appropriate accountability for these new orders, or will he

deny Nottingham residents any say whatsoever on devolved matters". The either/or in this phrase does not make sense. First, having a say over devolution and having a say over mayoralty is not the same thing, but the question assumes it. Second, one of the very things that the people of Nottingham have had a say on over the last few years is whether they want a mayor or not. Perhaps Councillor Culley is suffering from selective amnesia, because the results, they weren't that keen on either a mayor, or even on voting about a mayor, because the turnout was very very low. Thirdly, there is an assumption that she's expressing the views of the people of Nottingham. I don't want to be cruel, but it is important to remind her that one of the people in this chamber who has the least right to speak for the people of Nottingham, is herself. She has just overseen the biggest defeat of her values in this city for many many years, at a time when her party was advancing nationally. Indeed, it is a presumption in the extreme to purport to speak on behalf of the people of Nottingham, and she's no longer even the chief spokesperson for the people of Wollaton. Indeed, the chief spokesperson for the people of Wollaton is unfortunately not in this chamber, but I tell you he is certainly not in favour of elected mayors, either for the city, the conurbation, the county, D2N2, Leicestershire, or any other concoction.

But back to the substance, and a question for the questioner. Georgina, what sort of mayor are you talking about please? And how are you going to persuade your colleagues in the rest of the shire, and the rest of D2N2 to accept a mayor overseeing their economic policy? And indeed, how are you going to persuade the Nottingham electorate that has already voted against the concept? Because I tell you, I'm not going to do it, and there will be many other members in this Council not going to do it. We are far too interested in the powers, resources and benefits that devolution can bring down for the people of Nottingham, rather than getting bogged down in to some inextricable morass of pointless mayoral process.

#### **11. TO CONSIDER A REPORT OF THE LEADER ON EXECUTIVE APPOINTMENTS, REMITS AND FIRST MEETINGS, 2015-16**

The Deputy Leader submitted a report on Executive appointments, remits and first meetings for the 2015-16 municipal year, as set out on pages 9 to 42 of the supplementary agenda.

#### **RESOLVED to:**

- 1) **note the appointment of Councillor Graham Chapman as Deputy Leader;**
- 2) **note the following appointment of Councillors as Portfolio Holders and Executive Assistants:**

<b>Councillor Jon Collins</b>	<b>Strategic Regeneration and Development</b>
<b>Councillor Graham Chapman</b>	<b>Resources and Neighbourhood Regeneration</b>
<b>Councillor David Mellen</b>	<b>Early Intervention and Early Years</b>
<b>Councillor David Trimble</b>	<b>Leisure and Culture</b>
<b>Councillor Alex Norris</b>	<b>Adults, Health and Community Sector</b>
<b>Councillor Nick McDonald</b>	<b>Jobs, Growth and Transport</b>
<b>Councillor Nicola Heaton</b>	<b>Community Services</b>
<b>Councillor Alan Clark</b>	<b>Energy and Sustainability</b>

<b>Councillor Jane Urquhart</b>	<b>Planning and Housing</b>
<b>Councillor Sam Webster</b>	<b>Schools</b>
<b>Councillor Alex Ball</b>	<b>Executive Assistants</b>
<b>Councillor Rosemary Healy</b>	
<b>Councillor Toby Neal</b>	
<b>Councillor Cat Arnold</b>	
<b>Councillor Marcia Watson</b>	

- 3) note the remits of the Portfolio Holders, as detailed in appendix 2 to the report;
- 4) note the terms of reference and first meeting dates of Executive Board, Commissioning and Procurement Sub Committee, Executive Board Strategic Regeneration Committee, East Midlands Shared Services Joint Committee, Executive Board City Centre Committee, and the City of Nottingham and Nottinghamshire Economic Prosperity Committee, as detailed in appendix 3 to the report.

**12. TO CONSIDER A REPORT OF THE LEADER ON APPOINTMENTS AND FIRST MEETINGS OF COMMITTEES AND JOINT BODIES ETC. 2015-16**

The Deputy Leader submitted a report on appointments and first meetings of Committees and Joint Bodies for the 2015-16 municipal year, as detailed on pages 43 to 94 of the supplementary agenda.

Councillor Georgina Culley raised queries regarding the allocation of seats on various committees to Conservative Councillors, which she referred to Monitoring Officer Glen O'Connell for discussion after the meeting, with any further changes to membership to be dealt with as an in-year change, or brought as an item to a future meeting of Council.

**RESOLVED to:**

- 1) agree the membership, terms of reference and first meeting dates of Council bodies, as detailed in appendix 1 of the report;
- 2) agree the City Council membership of Joint Bodies, dates of first meetings and terms of reference, as detailed in appendix 2 of the report;
- 3) agree substitutes where applicable, as detailed in the appendices to the report;
- 4) agree the voting arrangements and membership of the new Health and Wellbeing Board Commissioning Sub-Committee, as detailed in paragraph 3.2 of the report;
- 5) appoint Councillor David Liversidge as the Chair of the Appointments and Condition of Services Committee.

### **13. TO CONSIDER A REPORT OF THE LEADER ON GENERAL AMENDMENTS TO THE CONSTITUTION**

The Deputy Leader submitted a report on general amendments to the Constitution, as set out on pages 95 to 100 of the supplementary agenda.

**RESOLVED to:**

- 1) note the amendments required to the Employment Procedure Rules to meet the requirements of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 as outlined in the report, and agree that the Council's Employment Procedure Rules will be applied as if Schedule 3 (Appendix 1) to these regulations has replaced any existing relevant provisions, until resolution 5 has been implemented;**
- 2) approve the proposal for a panel to make recommendations with regard to disciplinary action and dismissal of the Head of Paid Service, Monitoring Officer or Chief Finance Officer as outlined in this report;**
- 3) delegate authority to the Monitoring Officer to recruit two independent persons as required by the Localism Act 2011 and The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, with the final appointments to be confirmed by Council;**
- 4) note that a general review of the Employment Procedure Rules (Part 2 of the Constitution) is being carried out to ensure that it is compliant with legislation and reflects the changing make-up of the Council's employment structure and workforce;**
- 5) agree that the revised Employment Procedure Rules are reported to July Council for approval to reflect the outcomes of the review and to incorporate the changes required by the new regulations.**

### **14. TO CONSIDER A REPORT OF THE LEADER ON DECISIONS TAKEN UNDER THE URGENCY PROCEDURES**

The Deputy Leader submitted a report on decision taken under the urgency procedures, as set out on pages 25 to 32 of the agenda.

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

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

<b><u>Decision reference number</u></b>	<b><u>Date of decision</u></b>	<b><u>Subject</u></b>	<b><u>Value of decision</u></b>	<b><u>Reasons for urgency</u></b>
1864	27/02/2015	Funding of Legal Support in Relation to Employment Matters	Exempt	Urgent need to procure Legal advice and advocacy due to timescales of case.



<u>Decision reference number</u>	<u>Date of decision</u>	<u>Subject</u>	<u>Value of decision</u>	<u>Reasons for urgency</u>
1869	03/03/2015	Appointment of Nottingham Regeneration Ltd to undertake Market Research into attracting a Commercial Leisure Attraction to Nottingham City	Exempt	The contract needed to be let before the end of the financial year.
1871	04/03/2015	Lease surrender to car wash operator	Exempt	Short timescales involved.
1872	05/03/2015	City Centre Wireless Concession: Agreement of contract	Exempt	Contract had to be signed by the end of March.
1875	09/03/2015	Property acquisition - Shakespeare Street	Exempt	The Council would otherwise miss the tight deadlines for submitting a tender for the purchase of the property.
1887	16/03/2015	Proposals for a Place Marketing Organisation for Nottingham and Nottinghamshire	£391,000	On 16th March 2015 Experience Nottinghamshire members are due to vote on a special resolution and, if passed, reconstitute itself as the PMO for Nottingham and Nottinghamshire. The City Council's nominated member of the company must be authorised to approve the proposals if they are to vote for the special resolution.
1893	24/03/2015	Approval of the costs of an Adult Care Package	Exempt	To allow for a timely implementation of the decision.
1902	26/03/2015	Approval of the costs of an Adult Care Package	Exempt	To allow for a timely implementation of the decision.
1903	26/03/2015	Approval of the costs of an Adult Care Package	Exempt	To allow for a timely implementation of the decision.
1904	26/03/2015	Approval of the costs of an Adult Care Package	Exempt	To allow for a timely implementation of the decision.

<u>Decision reference number</u>	<u>Date of decision</u>	<u>Subject</u>	<u>Value of decision</u>	<u>Reasons for urgency</u>
1907	27/03/2015	The sale of new build family housing on the Radford site	£6,700,000	To allow Nottingham City Homes to market the properties as soon as possible.
1909	30/03/2015	Communities of Identity - Established Communities	£160,464	Any delay in implementing this decision would lead to a gap in activity for established communities in Nottingham, destabilising the voluntary and community sector organisations that work within this field. This would also delay the review of services that needs to be undertaken to reshape services to meet the needs of these communities.
1915	31/03/2015	To approve on-going design development costs for the Broadmarsh Car Park refurbishment project.	£77,000	Due to a signed Delivery Agreement between NCC & Intu and the time delays which call in could cause and the negative impact it could have on the Broadmarsh area.
1916	31/03/2015	Purchase of Leisure Management software	Exempt	To allow for implementation on 1 April 2015.
1930	09/04/15	Partnership support for community delivery	Exempt	To ensure a community facility remains open.
1931	09/04/15	3 year (+ optional 2 year extension) Corporate Procurement Card Contract	£160,000	To ensure no loss of Council rebate.
1932	09/04/15	Approval of the costs of an Adults Care Package	Exempt	To allow for a timely implementation of the decision.

<u>Decision reference number</u>	<u>Date of decision</u>	<u>Subject</u>	<u>Value of decision</u>	<u>Reasons for urgency</u>
1933	10/04/15	Essential Car Usage Allowance Removal (Compensation) & Workplace Parking Charge Exemption Business Cases	Exempt	To implement the decision in a timely manner.
1934	10/04/2015	Sale of Gresham Works, London Road, Nottingham	Exempt	All terms have been agreed for the sale. The Fire Authority want to progress the construction contract and to remain on programme require to start on site on 13 April 2015.
1939	15/04/15	Bioscience Expansion - Project Team and Enabling Works Funding	Exempt	Pre-construction works need to begin.
1940	15/04/15	Island Site: Renewal Trust Property - Exercise of Covenant	c.£2.5m	To ensure continued activities of the Renewal Trust.
1950	22/04/15	Approval of the costs of an Adults Care Package	Exempt	To allow for a timely implementation of the decision.
1951	22/04/15	Approval of the costs of an Adults Care Package	Exempt	To allow for a timely implementation of the decision.
1967	28/04/2015	Approval of the costs of an Adults Care Package	Exempt	To allow for a timely implementation of the decision.
1968	28/04/2015	Approval of the costs of an Adults Care Package	Exempt	To allow for a timely implementation of the decision.
1969	28/04/2015	Approval of the costs of an Adults Care Package	Exempt	To allow for a timely implementation of the decision.
1972	30/04/2015	Repairs to Trent Basin and River walls on the Trent Basin development site.	£325,000	The works need to be completed quickly and the contractor is ready to enter to start on site subject to the signing of contracts.
1975	30/04/15	Bridge over the Nottingham-Beeston Canal at Thane Road	Nil	To ensure that critical project deadlines are met.

**2) key decisions (special urgency procedure)**

<b><u>Date of decision</u></b>	<b><u>Subject</u></b>	<b><u>Value of decision</u></b>	<b><u>Decision Taker</u></b>	<b><u>Reasons for special urgency</u></b>
26/02/2015	Further Education Funding Update	£5,000,000	Leader of the City Council	Funding issues emerged over a short period of time, and construction would have stopped without substitute funding,
11/03/2015	Better Care Fund Section 75 Agreement	£12,471,000	Commissioning and Procurement Sub-Committee	It was not possible to gain approval of the Commissioning Sub-Committee of the Health and Wellbeing Board to make this decision until after the 5 day deadline.
17/03/2015	National Programme of Physical Activity in parks and Open Green Spaces	Exempt	Executive Board	The external partner requested that financial and brand information be exempt, so additional work was required to finalise the report.
16/04/2015	Acquisition of Long Leasehold Property Interest on Brook Street, Nottingham	Exempt	Leader of the City Council	Negotiations have involved lining up a number of transactions which need to be acted upon quickly to realise the best benefits for the Council. To delay could jeopardise the success of the proposals.

**15. TO CONSIDER A REPORT OF THE LEADER ON THE DOLLY PARTON IMAGINATION LIBRARY**

The Portfolio Holder for Early Years and Early Intervention submitted a report on the Dolly Parton Imagination Library, as set out on pages 33-34 of the agenda. A brief video from Dolly Parton was also shown in the chamber, and can be viewed online: <http://www.dollybooksnottingham.org/>

**RESOLVED to:**

- 1) support the expansion of the Dolly Parton Imagination Library to reach all new babies in the City.**
- 2) support all Nottingham City Councillors in becoming advocates of the scheme across their community.**

## **16. FUTURE MEETING DATES**

**RESOLVED to hold meetings of Council at 2.00 pm on the following dates:**

**2015**

**13 July**

**14 September**

**9 November**

**2016**

**11 January**

**14 March**

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**CITY COUNCIL – 13 JULY 2015**

**REPORT OF THE LEADER**

**ADOPTION OF THE PLANS SET OUT IN THE LABOUR MANIFESTO AS THE BASIS OF COUNCIL POLICIES**

**1 SUMMARY**

- 1.1 The City Council is required to adopt policies for the current term of office.
- 1.2 There is a clear mandate from the people of Nottingham as a result of the election on 7 May 2015 to adopt plans in the Nottingham Labour manifesto as a basis for those policies.

**2 RECOMMENDATIONS**

- 2.1 It is recommended that the Council adopts the plans in the Nottingham Labour Manifesto 2015 as a basis of its policies for the current term of office.

**3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)**

- 3.1 The local elections held on 7 May 2015 returned a Labour majority.

**4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 4.1 None.

**5 BACKGROUND**

- 5.1 The City Council is required to adopt policies for the current term of office.

**6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)**

- 6.1 None.

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

7.1 Not applicable.

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

8.1 None

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

9.1 Local election results can be viewed on Nottingham City Council's website:  
<http://www.nottinghamcity.gov.uk/electionresults>

**COUNCILLOR JON COLLINS**

**LEADER OF THE COUNCIL**



# Nottingham Labour Manifesto 2015

## Our Promises

Our 5 key pledges if elected to run the Council in May will be to;

1. Ensure every child in Nottingham is taught in a school judged good or outstanding by OFSTED,
2. Build 2500 new homes that Nottingham people can afford to rent or buy,
3. Cut the number of victims of crime by a fifth and continue to reduce anti-social behaviour,
4. Tackle fuel poverty by setting up a not-for-profit energy company to sell energy at the lowest possible price to Nottingham people,
5. Guarantee a job, training place or further education place for every 18-24 year old.

## Letter From The Leader

Nottingham Labour wants the best for Nottingham. That means quality jobs, good schools, excellent public transport and top-class leisure facilities as well as affordable housing, manageable living costs and clean, safe communities.

Over the last decade, Nottingham has got better, with crime down by a third, better schools and higher education standards, cleaner streets than any other city, thousands of new affordable homes and millions of pounds invested in our parks, public buildings, transport network and leisure centres.

This manifesto sets out our plans to continue building on that progress.

Since the last local elections the Conservative-led government has drastically cut local spending. Their ideologically driven and politically motivated cuts have hit poor communities and big cities hardest, while protecting wealthy, mainly Conservative-run councils in the South and South East. And this is set to continue if the Conservatives are elected again. That's why we need a Labour government, as well as a Labour council, to bring funding, investment and fairness to our city.

However despite the challenges, our ambition for Nottingham remains unchanged. But in these difficult times we need to change the way we deliver our goals. Now more than ever, partnerships with others in the public, voluntary and private sectors will be key to our city's success. And we will work even more closely with local people so that we can all take on more responsibility: look out for each other, respect the city's environment and take the opportunities that are presented to us.

This is our plan for our city for the next 4 years. Nottingham is a great place to live, work and study and that together we can make it ever better.

## Introduction

Nottingham Labour's manifesto is guided by our ambition for the city and our clear values:

- To create a city where everyone has the opportunity to succeed,
- To reduce poverty and social exclusion,
- Developing a green, sustainable European city that people choose to live, work and relax in,
- A creative, entrepreneurial, business-friendly city where everyone has the chance to prosper,
- A city where people take responsibility for themselves, their neighbours and for contributing to their community.

In 2011 our top 5 pledges were:

1. Cut unemployment by a quarter,
2. Continue to cut crime and halve anti-social behaviour,
3. More school leavers getting a job, training or further education than any other city,
4. Your neighbourhood as clean as the city centre,
5. Help you keep your energy bills down.

Over the last 4 years, we have delivered on this with:

- Unemployment reduced by more than a quarter- from 6% in 2011 to 4.3% today,
- Crime down by 14% since 2011, and anti-social behaviour cut by 50%,
- More than 90% of school leavers getting a job, training or further education placement,
- All neighbourhoods now achieving the same standards of cleanliness as the city centre and Nottingham independently judged recently as England's cleanest City,
- Insulation brought to thousands of homes and solar panels to many more, as well as a system to switch energy providers- helping to keep energy bills down.

This manifesto contains 123 promises including our ambition to revitalise district shopping centres, build affordable new homes, open a regional sports facility and boost business and employment opportunities across the city.

We aim to transform the south of the city, with a refurbished Broadmarsh shopping centre, public squares and open spaces and a new further education college, as well as investing in making Nottingham Castle a world-class visitor attraction. We want to develop Nottingham's tram system and build on our reputation as the city with the best public transport network outside of London.

Unlike many politicians, who make promises to win elections and then break them whilst in office, Nottingham Labour takes our promises to the electorate very seriously. In 2011, we stood on 136 pledges. Four years on, in spite of government cuts, we've delivered 128 of them and continue to work on the rest.

Nottingham Labour believes the City Council, together with other public services, local businesses and our communities, understands what Nottingham needs to thrive and how to meet our city's needs.

That's why we need a government that understands the importance of greater devolution and is committed to delivering that during the next parliament. All the evidence shows that with greater powers, freedoms and responsibilities, cities like Nottingham can thrive; creating jobs, delivering services more efficiently and making a bigger contribution to the national economy. We need a government that recognises that services are best delivered closest to the people who use them and that trusts local people and politicians to work in the interest of their communities.

The next elections will be decisive. The choice is whether, under Nottingham Labour, our city builds on past successes, addresses the challenges of the future and achieves our ambitions. Or whether Nottingham, under the dead hand of Whitehall and the Conservatives, goes back to the spending levels, services and mentality of the 1930's.

This manifesto shows that only Nottingham Labour has the track record, ambition and commitment to successfully take Nottingham forward despite the challenges. And we'll achieve more, more quickly and more fairly with a Labour government.

So on May 7th please vote Labour nationally and locally so together we can continue to make Nottingham the great city we all want it to be.

## **Nottingham People**

Nottingham is one of the most diverse, integrated and welcoming cities in the UK and one of the best places to live. Our city has lots to offer young people, families and older people with beautiful parks, exciting events, award-winning public transport, miles of car-free cycle tracks and the highest number of independent retail stores outside London.

We know that Nottingham's young people have energy, entrepreneurialism and enthusiasm to give. That's why we want to keep more young people in Nottingham and give their ideas the chance to flourish. Over the next 4 years we will help young people find their place in Nottingham by ensuring a choice of good quality housing, access to workspace and increased work opportunities.

We want to help families get on in life by providing a good range of leisure activities, free and cheap events and excellent public services, as well as creating a development plan for the new Central Library.

We also want to make life better for the 35,000 older persons' in the city. That's why we will protect older person's discounts on valued services- services like our bus passes- helping older people get around and maintain their social lives. We want older people, where they need it, to have choice and confidence in the care they receive and the way it is delivered, maintaining dignity, independence and control.

In the next 4 years, we will bring low cost energy to all through the creation of our own not-for-profit energy company. In recent years, the cost of utility bills has spiralled as the profit-hungry 'Big 6' energy companies have exploited their monopoly of the energy market. Nottingham's new gas and electricity company will provide energy to people across Nottingham and beyond at the lowest possible price- run not for profit but for people.

Over the next 4 years, we want to make Nottingham more people-friendly than ever. A city that enables healthy lifestyles, positive outcomes and happy lives- and encourages people to contribute to the wellbeing of their community.

At the last election we promised and have delivered:

- More extensive benefits and uses for CityCard as a passport to council services, travel and discounts,
- Support for Early Intervention services for families, securing £45m of Big Lottery funding to work with families over the next decade,
- Respite services to allow carers a well-earned break,
- A programme of events popular with Nottingham people, including Splendour, the Riverside Festival and the Christmas Markets,
- Over 80 bungalows built across the city for sale or rent to elderly residents.

Nottingham Labour will protect from cuts:

1. Social workers keeping our most vulnerable children safe,
2. A network of children's centres across the city,
3. Our leisure centres, to enable city residents to enjoy sport and health benefits,
4. An annual programme of popular city-wide events, including Splendour, the Beach and Goose Fair as well as events in local communities,
5. Services for the frail, elderly and most vulnerable, allowing them to get the best from their lives.

## **Families**

Nottingham Labour will:

1. Tackle fuel poverty by setting up a not-for-profit energy company to sell energy at the lowest possible price to Nottingham people,
2. Put Nottingham residents first by ring-fencing training places, apprenticeships, Nottingham Jobs Fund places, entry level jobs and the council house waiting list for Nottingham residents,
3. Create 'play zones' for children by making it possible to temporarily close residential streets for play,
4. Ensure at least 85% of children in the City Council's care live within 20 miles of Nottingham and increase the number of Nottingham City foster carers by 20%,
5. Ensure that in the evening and at weekends as well as during school holidays there is a range of positive activities for children and young people to enjoy in every part of the city.

## **Young People and Students**

Nottingham Labour will:

1. Work to secure the same travel discounts for all young people as those offered to students,
2. Promote affordable furnished accommodation and provide 50 units of cheap workspace for young people to rent,
3. Create a city-wide quality internship programme to give more students and young people opportunities in the workplace,

4. Create a City Council graduate scheme for Nottingham graduates to recognise and keep talent in our city,
5. Campaign with students for government to outlaw annualised student tenancy agreements and finders' fees.

## **Older People**

Nottingham Labour will:

1. Implement the 12 point 'Older Persons' Charter' agreed with carers and campaign groups,
2. Promote community resilience by backing the 'Looking After Each Other' campaign and groups that tackle loneliness and promote self-help,
3. Extend the telecare and telehealth services so 6000 more people can be supported to live independently,
4. Continue to deliver concessionary bus and tram passes for senior citizens and further develop concessions for older people,
5. Grit well-used pavements as well as roads in winter to help protect people from slips and falls.

For Nottingham People we will also:

1. Make sure every area of the city is served with high quality playgrounds by investing in at least 15 of our play areas,
2. Create 70 new 'family-friendly' jobs for Nottingham parents that will fit around childcare,
3. Prioritise home security for supported housing and those living in 'extracare' schemes,
4. Achieve a permanent home through adoption or special guardianship for 40% more children in care,
5. Consult young people on important decisions and involve them in the Council's decision making process,
6. Offer permanent jobs or apprenticeships within the City Council to at least 10% of care leavers and encourage further employment opportunities for them across the city,
7. Create new services for babies and toddlers to work with the parents of 4500 children.

## **Living In Nottingham**

We want Nottingham to be an even better place to live, with good quality housing, the best public transport, clean streets, well-maintained open spaces and excellent leisure facilities.

Over the last 4 years, we've improved Nottingham's neighbourhoods, funding major investments in our parks, play areas, leisure facilities, schools and council housing. We've invested in roads and pavements, community and voluntary groups, environmental schemes and community projects.

We believe an affordable, decent home is a critical cornerstone in enabling people to achieve what they want in life. Nottingham Labour will make housing a priority, working with local people, developers and Nottingham City Homes to ensure a high standard of accommodation is available to everyone, whether renting or buying.

But we need local people to play their part too. For example, we could save over £3million a year if people didn't litter and £230,000 if all dog owners cleaned up after their pet. That's why we need Nottingham people to take pride in and responsibility for their neighbourhoods.

Nottingham Labour recognises that an efficient transport system is vital to our city; encouraging investment, providing access to jobs, education and services. Soon passengers will be able to travel from Beeston and Clifton to the city centre and beyond on our new tramlines as part of a tram network that's the envy of other cities. Our tram network, together with major improvements to Nottingham Station, is just the beginning of our transport ambitions. Our popular bus company is regularly recognised as the best in the country. We want to see more people cycling, walking or using public transport to commute to work, helping us to become an even greener city. To achieve this, we will invest in new cycle lanes on major routes, continue to invest in our bus network, deliver an 'Oyster' style transport pass and seek investment for further expansions of our tram network.

But it isn't just connectivity within Nottingham that we want to improve. Nottingham's central location is what makes us so attractive to people looking to set up business and relocate away from London and the South East. That's why we fully support proposals to bring HS2 through the East Midlands and are committed to working with HS2 Limited to connect the HS2 Hub to the centre of Nottingham. Improving public transport both within our city and between others will underpin Nottingham's economic development over the next 4 years and beyond.

At the last election we promised and have delivered:

- Solar panels and insulation fitted to 33,000 homes, helping to keep energy bills down,
- All neighbourhoods as clean as the city centre and Nottingham recognised as England's cleanest city,
- £400m invested in the construction of lines 2 and 3 of the tram, railway station reinvestment and 'Link' buses, part funded by the Workplace Parking Levy,
- A 50m swimming pool, new cycle and athletics track and state of the art facilities through a £13m investment at Harvey Hadden, as well as over £9m of investment in the refurbishment of Victoria Leisure Centre,
- Almost all our council houses brought up to the 'Decent Homes' standard.

Nottingham Labour will protect from cuts:

1. Funding for essential roads and pavements repairs, as well as lobbying government for more money for this,
2. Public transport accessibility to the city centre,
3. The rogue landlord and environmental health teams - making sure that people are safe and secure in their rented properties,
4. Free bulky waste collections to combat fly-tipping,
5. Street lighting- keeping lights on overnight in all our neighbourhoods.

## **Cleaner Greener Nottingham**

Nottingham Labour will:

1. Maximise Government and energy company grants to continue our programme of insulating homes in those areas that are hardest hit by rising fuel prices, whether they are owner occupiers or tenants,

2. Reduce domestic energy use by 10% by seeking funding for further insulation and more efficient boilers,
3. Double the number of council houses with solar panels installed from 3000 to 6000 and the number of council commercial buildings from 30 to 60,
4. Work with citizens to keep Nottingham England's cleanest big city,
5. Increase 'deep cleans' for areas outside the city centre from 60 to 120 each year, quarterly for district shopping centres.

## **Housing in Nottingham**

Nottingham Labour will:

1. Build 2500 new homes that Nottingham people can afford to rent or buy,
2. Create a comprehensive city-wide licensing scheme for all private rented accommodation to drive up standards and protect tenants across the city,
3. Take on the management of poorly maintained housing association and private rented properties,
4. Build 100 council bungalows across the city so older people can move into appropriate quality accommodation whilst staying in their own community,
5. Encourage the building of quality family homes to support young couples and families to stay living in the city.

## **Transport in Nottingham**

Nottingham Labour will:

1. Deliver a simple, integrated 'Oyster' style ticket for our public transport network,
2. Get 10% more people walking, cycling or taking public transport to work,
3. Deliver a network of continuous, safer commuter cycling routes,
4. Reinstate 'Skylink' as a fast, direct and frequent bus link between the city centre and East Midlands Airport,
5. Implement 20 mph limits in residential areas where residents want them.

## **Leisure**

Nottingham Labour will:

1. Start the development of a new Central Library for the city,
2. Rejuvenate Nottingham Castle and develop the Castle Quarter as a major national heritage attraction,
3. Make Nottingham the fastest growing city for disability sports participation in England,
4. Work with local people to deliver more Green Flag Award winning parks and open spaces than any other council in the country,
5. Support and promote more music and sports events in Wollaton Park and other city venues.

To make living in Nottingham even better we will also:

1. Campaign to get you home from London by train in under 90 minutes,
2. Plan further extensions to Nottingham's tram network, taking advantage of underused rail lines,
3. Support the development of HS2 and campaign for a good, fast connection to the city centre,
4. Improve the standards of taxis and better regulate access to the city centre,

5. Work with Housing Associations to improve the quality of their housing and repairs service,
6. Deliver housing options to meet the needs of students and young people who want to stay in Nottingham,
7. Develop the 'Responsible Tenant Reward Scheme' to further encourage good behaviour and good tenancy,
8. Help people switch energy suppliers with annual local advice events and publicity in every area.

## Growing Nottingham

It's a fact that having the right skills and being in work is key to living a fulfilled life. We are committed to encourage a thriving local economy, with a job available for everyone of working age. The economic wellbeing of our city depends on keeping people in work wherever possible, able to spend their earnings to boost the local economy, rather than claiming out of work benefits.

Over the past 4 years, we've worked hard to create jobs for local people and we've had some real success. We've developed our 'Growth Plan', a strategy for delivering the kind of economy we want in our city. Unemployment has fallen and we've invested around £1 billion to support the growth of the construction industry. Through funding projects like the tram and the station we've provided jobs for local people. Our Employer Hub has placed almost 1700 people in work, and the Nottingham Jobs Fund has so far found work for a further 800.

Over the next 4 years, we will work with Intu to refurbish the Broadmarsh Centre and create an attractive and inviting entrance into the city, from Nottingham Station and the South of the City. We want to create a new conference centre that can cater for national events, bringing people and businesses to our city and we'll continue to look for funding opportunities to regenerate areas like Sneinton Market. We also want to make the most of smart technology to create increasingly accessible and cost effective council services.

The Conservative-Liberal Democrat coalition policies have made it difficult for the economy to grow, as their austerity budgets have pulled money out of the local economy. Despite this, we want to see every person in Nottingham with the skills and ambition to find work, and we want to create jobs for them to fill. But we also expect our working age citizens to seek work and be involved in training and self-improvement. In this way, we will do all we can to make sure Nottingham's economy prospers.

At the last election we promised and have delivered:

- A 28% reduction in unemployment,
- Over 1000 new jobs created for local people and a further 750 protected by continuing Nottingham's growth in the science and energy sector,
- £1bn of investment in supporting the growth of the construction industry, creating over 500 jobs and 600 training places and helping hundreds more people into work,
- The 'Growth 100' programme to support the 100 small firms in the city that offer the best prospects for growth and job creation,
- A living wage for all Nottingham City Council employees.



Nottingham Labour will protect from cuts:

1. 100 apprenticeship posts within the City Council,
2. The business support schemes that underpin the City's Growth Plan and City Deal,
3. The Nottingham Jobs Fund and the job placements it supports,
4. Funding to support Nottingham's development as a Science City,
5. Our commitment to develop the city's Creative Quarter.

### **Developing Nottingham**

Nottingham Labour will:

1. Create a world class entrance to the south of the city centre by maximising the benefits of the tram and station interchange and Intu's plans to refurbish the Broadmarsh Centre,
2. Aim to develop a world class conference centre as part of the Ice Stadium complex and develop the Guildhall site to complement Nottingham Trent University conferencing facilities and the Royal Concert Hall,
3. Continue to use European and developer funding to progress the regeneration of Sneinton Market and the Creative Quarter,
4. Start the redevelopment of the Island site,
5. Plan, encourage and develop the Waterside between Trent Bridge and Colwick Park for housing and other complementary uses.

### **Working Nottingham**

Nottingham Labour will:

1. Establish Nottingham as one of the UK's top 10 locations for foreign direct investment,
2. Set up a new creative industries business hub and a centre of excellence for environmental technology to generate 1000 new jobs and 100 new businesses,
3. Make Nottingham the best UK city for business start-ups,
4. Create 3000 high quality jobs through developing sites including the Medipark, the Boots campus, Biocity and the Imperial Tobacco site,
5. Invest in a further phase of Southglade Food Park to develop a centre of excellence for food manufacturing in order to provide 150 local jobs.

### **Smart Nottingham**

Nottingham Labour will:

1. Develop a Smart City Collaborative to enhance the use of new and existing technologies to make Nottingham a more modern, inclusive and efficient city,
2. Use open data to better provide information and services to citizens,
3. Use smart metering and remote control technology to help keep energy bills down,
4. Encourage low carbon vehicles by creating an infrastructure of charging stations across the city,
5. Bring high-speed broadband to all areas of the city.

To grow Nottingham we will also:

1. Promote digital inclusion by providing free internet and computer access points at 50 sites across the city for digital skills training and online learning,
2. Promote the benefits of domestic energy efficiency using zero carbon homes projects in Nottingham's most deprived communities,
3. Establish an 'Open Nottingham Award' to encourage local companies to use open data innovatively to create new products and services,
4. Continue to pursue the development of the Blenheim site as an energy park in order to provide at least 270 local jobs in the energy sector,
5. Develop with the help of the private sector the Glaisdale Drive Industrial Estate to provide at least 60 local jobs.

## Education in Nottingham

Education has been a priority for Nottingham Labour ever since the City Council took control of education services in 1998. With just 26% of the city's young people receiving 5 GCSE's grade A\*-C at that time, it was clear that we needed to focus on improving learning for the city's youngsters.

The past 4 years have seen the role of Local Authorities in education eroded by the Conservative-Liberal Democrat's corrosive education policies. Whilst our relationships with schools may have changed, our ambition for Nottingham's children has not. Nottingham Labour continues to be ambitious for our city's youngsters, and we continue to work closely with schools to improve attendance, behaviour and attainment.

We know that a good education is vital for our young people to become well-rounded, successful and happy members of society, and we're committed to making our schools places for learning and development- for every child in Nottingham, not just the lucky few. That's why over the next 4 years, we are committed to using our influence to work with schools to ensure every child in Nottingham is taught in a school judged good or outstanding by OFSTED.

Parenting plays a critical role in educational development. For example, in some of our communities schools sink considerable resources into reading recovery because children aren't reading enough at home. We will be the parents' champion fighting for top notch classroom teaching, but we need parents to be the child's champion by fostering a learning environment at home.

We will also continue to fund our early intervention work, working with some of the most difficult families to make sure that all Nottingham's children can get a good start in life. And we're also committed to rolling out breakfast clubs and free school meals to more children across the city, ensuring all our children can get a good start in life.

At the last election we promised and have delivered:

- More pupils receiving 5 A\*s-Cs than ever before,
- State of the art youth centres in Bulwell and Clifton, and a youth facility open 7 days a week in the city centre,
- An 18% improvement in attendance at primary schools,
- Over £200million invested in 15 secondary and specialist schools across the city,
- Teenage pregnancy down by almost a half.

Nottingham Labour will protect from cuts:

1. The School Improvement Service,
2. A school nurse service responsive to the needs of our children,
3. Support for school uniform costs for those families that need it,
4. Funding to rebuild our further education colleges,
5. Support for university spin-out companies.

## **All Schools**

Nottingham Labour will:

1. Ensure every child in Nottingham is taught in a school judged good or outstanding by OFSTED,
2. Increase the number of young people getting 5 or more A\*-C's at GCSE including English and Maths to above the national average,
3. Reduce absence from school by a quarter,
4. Ensure that every child in the city receives a good quality work placement, work readiness training, and independent careers advice before they leave school,
5. Create more special school places for children with additional needs.

## **Early Years and Primary**

Nottingham Labour will:

1. Guarantee a choice of places for every child at a local primary school,
2. Extend free school meals to all primary school children within the next 10 years,
3. Increase the number of 2 year olds in nursery by 40%,
4. Secure and provide breakfast clubs in every primary school in the city, building on the 'Cares for Kids' and other existing provision,
5. Promote the 'Dolly Parton Imagination Library' scheme so that every child under 5 in Nottingham receives a monthly free book.

## **Further & Higher Education**

Nottingham Labour will:

1. Guarantee a job, training place or place in further education for every 18-24 year old,
2. Deliver a new state of the art college at the heart of the city centre and develop a skills campus in the north of the city,
3. Use our influence to deliver a coordinated further education offer within the city that is judged good or outstanding by OFSTED,
4. Increase the number of graduates who choose to stay in Nottingham by 20%,
5. Work with Nottingham's two universities on key issues including regeneration, growth and job creation.

For education we will also:

1. Encourage schools to equip our young people for the wider world by delivering proper sex and relationship education,
2. Ensure Nottingham's schools offer a range of after school activities for young people,

3. Set up a 'Governors' Academy' so that school governors are well trained, equipped and supported,
4. Promote Nottingham as a destination of choice for outstanding teachers from across the country,
5. Work with special schools to develop training and work placements,
6. Introduce and promote a 'behaviour contract' to be signed by schools, parents, carers and pupils,
7. Promote guidelines to enable schools to communicate more effectively with parents and carers,
8. Ensure our colleges and universities continue to provide access to young people from deprived backgrounds.

## Healthier Nottingham

Nottingham Labour is ambitious for the city's development. However, Nottingham people will not feel the full benefit of this if they are not well enough to take advantage of new opportunities. As part of the Government's reorganisation of the NHS, the Council has been given responsibility for the public health of the people of Nottingham for the first time. Caring for our older residents, as well as 6,500 vulnerable adults, is now a key council responsibility.

However, across the country, social care services have not always worked effectively with services provided by the NHS. Integrating health and social care will be a key issue for the next government, and in Nottingham we have taken the lead on this with our 'Better Care Fund' plan, rated one of the best in the country. We will develop this plan further, ensuring better care for our vulnerable residents.

The National Health Service is a key dividing line between the political parties. Labour founded the NHS, invested in it for decades and believes that healthcare should be available for everyone - not just those wealthy enough to afford it. A Labour win in the General Election will mean 20,000 more nurses, 8,000 more GPs, 5,000 more care workers and 3,000 more midwives - all paid for by tobacco companies and by closing tax loopholes. In contrast the Tories and Lib Dems have forced an expensive top-down reorganisation costing £3bn and which has led to rocketing waiting times, the failure of the Cancer Guarantee and 5,500 fewer nurses. As for UKIP, they want to sell of the NHS and charge you to see your GP. Only with Labour is the NHS safe.

Good health and social care services are a vital part of making sure that all citizens can benefit from our city's improvements. But we also need people to exercise personal responsibility for their health; making good lifestyle choices and using the excellent facilities provided for them.

At the last election we promised and have delivered:

- Almost 1000 people helped through the 'Nottingham Circle' with skills sharing and practical support to tackle loneliness,
- Nationally recognised specialist dementia services,
- Personal budgets for every eligible elderly resident, to increase choice and control for the care they receive,
- Access to the 'telecare emergency assistance scheme' for all care service users,

- Services for the frail, elderly and vulnerable protected from cuts, recognised as amongst the top 15% most generous of all councils.

Nottingham Labour will protect from cuts:

1. Vital health visiting services that give our children the best start in life,
2. Effective services that reduce drug and alcohol addiction, encouraging better lives and safer communities,
3. Vital aids and adaptations to people's homes meaning they can live independently.

Nottingham Labour will:

1. Deliver a rolling programme of smoke-free public spaces where local people want them,
2. Improve mental health for new mums and mums-to-be as well as reducing smoking during pregnancy by a third,
3. Reduce teenage pregnancy by a third,
4. Drive up the quality of home care services by only buying services from providers that pay their staff for travel between visits, train staff properly and pay the Living Wage,
5. Tailor care to individual needs through proper integration of the Council's social care services with those delivered by the NHS.

We will also:

1. Implement the city's 'Mental Health Strategy', ensuring better mental wellbeing for Nottingham residents,
2. Support the often forgotten army of unpaid carers by fostering links with each other as well as the public services they rely on,
3. Ensure services that promote good sexual health are available in every community,
4. Ensure we provide healthy school meals by achieving the 'Soil Association Food for Life' catering mark for our School Catering service,
5. Introduce a Sheriff's Award for all school-age children encouraging them to run, walk, cycle and swim,
6. Campaign to make sure Nottingham is at the front of the queue for lung cancer screening and continues to ensure that people from all our communities access cancer screening.

## Respect For Nottingham

Knowing that you are safe in your home and your community is so important. Without a safe city, businesses will not invest; people who can will leave and those who remain won't be able to enjoy their lives in our great city.

Nottingham Labour, in partnership with the Police, Community Protection and local people, has made reducing crime and anti-social behaviour a key priority over the last 4 years, with some impressive results. We've maintained 100 Community Protection Officers in our neighbourhoods, helping to keep local people safe and promote the kind of city we want to see. Fewer people have been victims of crime, with a 14% reduction since 2011, and anti-social behaviour is down by 50%.

Nottingham Labour has listened to the concerns of local people, taking steps to ban street drinking across the city to help make communities safer and more family-friendly. We've also been working with the police to stop of-licences from selling to those who are drunk or underage, and we've used our licensing powers to limit the number of casinos and sex-shops, whilst encouraging small venues and restaurants.

We want to see even fewer victims of crime in our city, and further reductions in anti-social behaviour over the next 4 years, and we are committed to working with the Police to deliver this.

At the last election we promised and have delivered:

- Crime cut by 14% and anti-social behaviour halved,
- A city-wide alcohol free zone,
- Purple Flag status for 4 consecutive years, recognising Nottingham as a safe, clean and welcoming city,
- Cracked down on of-licences selling alcohol to people who are drunk or under-aged,
- Hate crime down by 29%.

Nottingham Labour will protect from cuts:

1. 100 Community Protection Officers working across our city,
2. Funding for Domestic Violence services,
3. Environmental Health officers, to ensure continued regulation of trading standards and restaurants.

Nottingham Labour will:

1. Cut the number of victims of crime by a fifth and continue to reduce anti-social behaviour,
2. Ensure a coordinated approach across our partnerships to reducing domestic violence by 10%,
3. Use Public Space Protection Orders across the city to give the Council powers to tackle irresponsible dog ownership,
4. Use our licensing framework to reduce the number of of-licences and supermarkets selling super-strength beers and lagers by 80% and crack down on licensed premises that persistently sell alcohol to drunks and alcoholics,
5. Ensure zero tolerance of child sexual exploitation through a public awareness campaign to increase early identification of concerns by a fifth.

We will also:

1. Work with at least 3000 vulnerable families over the next 4 years,
2. Ensure the city continues to be served by a single police division and a comprehensive network of neighbourhood policing services,
3. Work with the Police and Crime Commissioner to maintain a network of police stations and access points across the city,
4. Increase reporting of hate crime as well as reducing the number of repeat victims by 20%,
5. Ensure Nottingham City Homes continues to take a tough line and seeks to evict drug dealers and tenants involved in serious or violent crime,
6. Give free security advice to households that have been burgled and take enforcement action against landlords that fail to follow this security advice.

## Serving Nottingham Better

Nottingham's City Council and local Councillors are here to serve local people and local communities, and we want to do it even better. Nottingham Labour believes that serving Nottingham better is about delivering valued services at the highest possible standard, as well as listening to what local people have to say and responding to them.

Over the past 4 years, the Conservative-Liberal Democrat coalition government has massively cut funding to the City Council, disproportionately targeting the poorest and most deprived communities. These unprecedented and unfair cuts have meant Councils like Nottingham have had to radically rethink the way that services are delivered.

That's why we have been looking at new and better ways to deliver services, responding to the needs of our citizens whilst continuing to operate within our constrained budgets. The Council is also committed to developing its commercial projects, looking at where we can win contracts and sell our expertise so that we can generate income and not just cut spending.

Nottingham Labour believes that despite budget pressures, local people should be able to expect the best services from the City Council. That's why we aim to be the most customer friendly council in the country, with more ways to interact with us than ever before.

At the last election we promised and have delivered:

- Debt and money advice services across the city, helping over 17,000 residents each year,
- Council services under one roof at Bulwell Riverside, Mary Potter and the St Ann's Joint Service Centre,
- More extensive benefits and uses for CityCard as a passport to Council services, travel and discounts,
- Almost £36m through the sale of Council-owned land and buildings,
- A balanced budget each year, in spite of government cuts.

Nottingham Labour will protect from cuts:

1. Council services as far as possible by securing value for money and annually balancing the budget,
2. Debt and benefit advice and the Credit Union as an alternative to pay day lending and loan sharks,
3. Opening hours for council offices and libraries.

Nottingham Labour will:

1. Transform the debt and benefit advice service so that it also supports people into jobs and training in order to reduce dependency,
2. Introduce better ways of reporting problems on your street - on apps, via text, on the phone or in person,
3. Bring public services in your area closer together by creating 3 more joint service centres in the districts,
4. Establish a local investment bank by 2017, capitalised in part by the city and county pension fund, to invest in the local economy,
5. Introduce a 'Nottingham Business Charter' in 2015 to ensure local

procurement spend supports our city's economy.

We will also:

1. Further develop and grow the credit union movement as an ethical form of personal finance and borrowing,
2. Use land and commercial resources effectively to generate additional income of at least £7 million a year in order to protect front line services,
3. Transform our neighbourhood libraries to support residents in developing their future prospects,
4. Answer at least 95% of telephone calls to the Council in person and increase the number of services that can be accessed online,
5. Work with other councils to sustain services while saving money and being more efficient,
6. Increase the number of people using council services online and ensure that more services can be accessed through self-service.

## Labour's Pledge to you

Labour Councillors care passionately about Nottingham. They live in the city and use local services. Labour Councillors come from the local community and want the local community to be served well by the Council. This is why they make every effort to make themselves available at surgeries, on the phone and by email.

Nottingham Labour believes that wherever you live in the city, if you have a Labour Councillor you should be able to expect the same level of service- someone who will represent you, listen to you, and champion your local area. You can't expect this from other parties. But if elected, Labour Councillors will be the local champions Nottingham needs.

Once elected, all Labour Councillors promise to:

- Join local action groups and make them a success,
- Do regular ward walks so we can spot problems and listen to your views and concerns,
- Hold at least 2 advice surgeries per month,
- Attend the committees we are appointed to and be a constructive and well briefed member of that body,
- Have an advertised contact number and deal promptly and courteously with constituents. Any concerns with the way you have been treated will be fully investigated,
- Ensure your problems are tackled quickly and efficiently through the Council's casework system and do our best to resolve them to your satisfaction,
- Use our influence in the Labour party and our contacts in Government to stand up for Nottingham,
- Deliver at least 2 newsletters per year in each Labour ward about what Labour Councillors have been doing locally and across the city,
- Be present, or represented, at community events and meetings that local people invite us to attend,
- Ask for your views by phone, on the doorstep and in surveys so you can express your opinion on issues that matter in your area.



**CITY COUNCIL – 13 JULY 2015**

**REPORT OF THE LEADER**

**CONSTITUTIONAL UPDATES**

**1. SUMMARY**

- 1.1 The Local Government Act 2000 requires the Council to keep its constitution up to date. Amendments to be reported and/ or agreed are outlined below.
- 1.2 Councillors may wish to refer to the current constitution, Version 7.16, which can be viewed on line via the following link:  
<http://www.nottinghamcity.gov.uk/article/24275/Nottingham-City-Councils-Constitution>.

**2. RECOMMENDATIONS**

- 2.1 To agree the amendments to the terms of reference for the committees listed in Appendix 1, to reflect the agreed membership of these committees for this municipal year;
- 2.2 To delegate authority to the City Council members of the Joint City and County Health Scrutiny Committee to make health scrutiny referrals to the Secretary of State in urgent circumstances as outlined in paragraph 5.3;
- 2.3 To note that in the light of ongoing significant restructuring processes, a full report on the revised Employment Procedure Rules will be presented to September Council for its agreement;
- 2.4 To agree to amendments to the Employment Procedure Rules (Part 4) to reflect changes to the political balance of the Council to clarify current appointment processes pending the full revision to the Rules (see paragraph 5.6);
- 2.5 To note the new/ revised executive delegations as agreed by the Leader of the Council (see Appendix 2);
- 2.6 To note the scheme of executive delegation to officers, to which the delegations referred to in 2.4 above will be added (see Appendix 3);
- 2.7 To note the terms of reference for the Health and Wellbeing Board Commissioning Sub-Committee (see Appendix 4);
- 2.8 To note an addition to the call-in procedure to ensure compliance with the law relating to political balance (see paragraph 5.11);
- 2.9 To note that Part 3 of the Constitution (management structure chart) will also be updated to reflect the latest revisions to the Council's officer management structure, agreed by the Appointments and Conditions of Service Committee.

### **3. REASONS FOR RECOMMENDATIONS**

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

### **4. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

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

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

- 5.1 The Constitution needs to be updated from time to time to reflect changes in legislation and to ensure clarity of rights and duties. This report is submitted further to reports presented to Council on 9 March and 18 May 2015.
- 5.2 Following the appointment of members to committees, boards and panels for this municipal year, the terms of reference for committees where the membership number is referred to, and it has changed, have been updated to reflect the new number of members (see Appendix 1).
- 5.3 The Health and Social Care Act 2012 transferred responsibility for health scrutiny referrals to the Secretary of State from health scrutiny committees to Councils. Such referrals are proposed when scrutiny councillors feel that, following the consideration of evidence, proposals for substantial variation or change to a service is not in the best interests of patients/ the public or has not been properly consulted on.
- 5.4 Responsibility for referrals in relation to the work of the Health Scrutiny Committee is delegated to that committee and is clear in its terms of reference. However, in relation to the Joint City and County Health Scrutiny Committee, the governance arrangements of each Council affect the power to delegate this function. The County Council is not permitted to delegate the referral function while the City Council is.
- 5.5 It is proposed that Council retains responsibility for referrals to the Secretary of State on behalf of the Joint Health Scrutiny Committee, with the option of agreeing whether the City or the County should lead on taking the referral forward where they both agreed a referral should be made. It is also proposed that Council delegates responsibility to the City Council members of the Joint Committee to make a decision to refer in urgent circumstances, given that Council meets only 6 times per year. It is only the referral to the Secretary of State that can legally stop any further action on the service change taking place until s/he has made her/his decision.
- 5.6 The report to Council on 18 May 2015 outlined the introduction of new regulations, The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015. Council agreed to apply these regulations pending a general review of the Employment Procedure Rules (Part 4 of the Constitution), to ensure that they are compliant with legislation and reflect the changing make-up of the Council's employment structure and workforce. In the light of significant ongoing restructuring, the revised Employment Procedure Rules will be presented to Council in September.

5.7 In the meantime, however, in order to proceed with recruitment until the new procedures have been completed, it is proposed that references to political balance in the Rules are defined more clearly ie that where the Rules refer to the requirement for a politically balanced panel for the longlisting and shortlisting for a Chief Executive or Corporate Director or for interviewing a Director the following amendments are made:

- (a) a note is added to the Employment Procedure Rules which clarifies the meaning of 'political balance' in this context as requiring one minority group councillor and
- (b) that paragraph 2.3 of the Employment Procedure Rules is amended to read (deletions shown as struck through and additions shown in bold):  
The Chief Executive, Deputy Chief Executive or nominated Corporate Director will convene a politically balanced-interview panel consisting of five elected councillors, **including one minority group councillor**.  
~~Included in the Panel should be:~~
  - ~~• the relevant portfolio holder, or substitute~~
  - ~~• a member of the Executive Board~~
  - ~~• a member of the majority group~~
  - ~~• two opposition members~~

5.8 The Leader of the Council has agreed changes to a number of delegations for clarification and new delegations to provide officers with the necessary powers to meet existing duties and/ or the duties of new legislation. These are all listed at Appendix 2 for Council to note. An amendment has also been made to the terms of reference for Area Committees to reflect the delegation which relates to Public Space Protection Orders and these are also detailed in Appendix 2.

5.9 The Constitution requires that the Leader's scheme of delegation to councillors, committees and officers to be reported to Council annually. Delegations to councillors and committees were reported to the May meeting of Council. Delegations to officers can be found at Appendix 3.

5.10 The Health and Wellbeing Board has appointed a sub-committee known as the Health and Wellbeing Board Commissioning Sub-Committee. The terms of reference for this sub-committee can be found at Appendix 4 for noting.

5.11 Currently the Council's call-in procedure (Part 4 of the Constitution – Overview and Scrutiny Procedure Rules) requires 3 councillors to sign a call-in request for reconsideration of an executive decision. The following paragraph has been added to the procedure for call-in, so that a politically balanced Call-in Panel can be established as required by the Local Government and Housing Act 1989:

"In order to meet the political balance requirements of S15(5) of the Local Government and Housing Act 1989, where a political group comprises only 3 or 2 councillors, and where there are no other minority groups or independent councillors on the Council, the requirement for three councillors to request reconsideration of the decision (call-in) is reduced to 2 (where the group comprises 3 councillors) and to 1 (where the group comprises 2 councillors)."

- 5.12 The Local Government Act 2000 requires Council to include its management structure in its constitution. Council is asked to note that Part 3 of the Constitution (management structure chart) will also be updated to reflect the latest revisions to the Council's officer management structure agreed by the Appointments and Conditions of Service Committee.

**6. FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)**

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

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

- 7.1 The Council would be in breach of its statutory duty if it did not update its constitution and it is essential that there is clarity for councillors, colleagues, partners and citizens about rights and duties
- 7.2 With regard to Recommendation 2.4 (as detailed at paragraph 5.4) the re-configuring of political balance for the purposes of interview panels for the appointment of Directors is in keeping with the principles and parameters of political balance as laid out in Section 15 of the Local Government and Housing Act 1989.

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

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

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

- 9.1 None.

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

The Council's Constitution version 7.16  
Local Government Act 2000  
The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015  
The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013  
Local Authority Health Scrutiny Guidance 2014, Department of Health  
Local Government and Housing Act 1989

**COUNCILLOR JON COLLINS  
LEADER OF THE COUNCIL**

**Changes to Committee Terms of Reference (to reflect agreed memberships)**

**City Centre Forum (10) (9:1)**

The City Centre Forum aims to support the aspirations within the Nottingham Growth Plan to develop a sustainable, vibrant city centre through a thriving retail and leisure offer. To achieve this objective, and via its relationship to the Executive Board Strategic Regeneration Committee, the Forum will have an advisory and consultative role on city centre issues at a strategic level and will encourage cross-collaboration between partners. It will influence and steer activities aligned to the City Centre Strategy.

The role of the Forum is:

- (a) to review the implementation of the City Centre Strategy, including the Retail Strategy;
- (b) to encourage cross-partnership planning to ensure a joined up approach to transforming the City Centre;
- (c) to advise the Executive Board Strategic Regeneration Committee on key issues and policies affecting the City Centre and the appropriate responses to address such issues;
- (d) to 'scan the horizon' and interpret key challenges, strategic issues and national policy to inform future plans and to mitigate against any negative impacts upon the City Centre.

**Membership**

One Councillor from each of the following 5 wards:

Arboretum, Bridge, Radford and Park, Dales and St Anns (who is also the Portfolio Holder for Strategic Regeneration and Community Safety)

One Councillor from the minority group (if not included as a city centre ward councillor)\* The Chair of the Licensing Committee

The Chair of the Planning Committee

1 Councillor representing the Bridge Estate (drawn from the Trusts and Charities Committee)

1 representative from the Intu Properties

The Chief Executive (or their nominee) from Experience Nottinghamshire

The Chair of the Nottingham BID

2 representatives from the Nottingham BID

2 representatives from the Nottingham Means Business

The Deputy Director for Community Protection, Nottinghamshire Constabulary

The Chair will be elected by the Forum from its membership. The Vice-Chair will be elected by the Forum from amongst the business sector members only.

Substitutes are allowed for all members, provided that notice of substitution is provided to Constitutional Services no less than one hour in advance of any meeting.

All co-opted members on the Forum (i.e. all those who are not Councillors of Nottingham City Council) must observe the Council's Code of Conduct and sign the acceptance of office.

\*Political balance applies to advisory bodies within the formal governance structure of the Council and membership drawn from minority groups must be reviewed when the political balance on the Council changes.

### Meetings

The Forum will meet at least quarterly but the Chair shall have the right, in consultation with the Vice-Chair, to convene additional meetings of the Forum as appropriate.

The quorum will comprise 3 voting members and must include one Councillor and one representative from the business sector.

It is expected that most issues will be agreed by consensus but where this is not possible matters will be decided by a majority of those present and entitled to vote. If there are an equal number of votes for and against, the Chair will have a second or casting vote.

All business of the Forum will be conducted in public in accordance with the provisions of Schedule 12 of the Local Government Act 1972 (as amended).

### **Corporate Parenting Board (10) (9:1)**

- (a) To secure councillor and cross-departmental involvement and commitment throughout the Council to deliver better outcomes for children in our care;
- (b) to ensure that Nottingham City Council enables children in its care to:
  - have safe and stable care;
  - be well looked after;
  - be prepared for adult life;
  - to grow into emotionally balanced and resilient young people;
- (c) to raise the profile of looked after children and their carers, and act as champions for the needs and rights of looked after children in the Council's various service areas, political groups and settings;
- (d) to invite people other than City Councillors and officers to attend meetings of the Board, on a regular or occasional basis, to act in an advisory role and to feed in the views of children and young people in care;
- (e) to make a commitment to prioritising the needs of looked after children and their carers;
- (f) to report regularly to the Children's Partnership Board (acting as the Children's Trust) on matters relating to partnership;

- (g) to report annually to Full Council on progress and to consider matters referred to it by Full Council and the Executive Board;
- (h) to make recommendations through the Executive Board on potential strategic change required within the Council to embed this agenda;
- (i) to have the ambition to raise the standards of core services to looked after children;
- (j) to promote achievement and help build aspirations;
- (k) to listen to the views of looked after children and young people and their carers and to involve them in the development and assessment of services;
- (l) to encourage looked after children to become active citizens;
- (m) to monitor the Council's provision for looked after children;
- (n) to oversee the provision of work placements and apprenticeships for looked after children by the City Council;
- (o) to identify best practice in other Councils, and to import these ideas as appropriate.

The Board is accountable to the Executive Board, has **10** members (politically balanced, to include the Portfolio Holder for **Early Intervention and Early Years** (Chair) and usually has 6 meetings per annum.

### **Health Scrutiny Committee (9) (8:1)**

- (a) To set and manage its work programme to fulfil the overview and scrutiny roles and responsibilities for health and social care matters, including, the ability to:
  - (i) hold local decision-makers, including the Council's Executive, to account for their decisions, action and performance;
  - (ii) review policy and contribute to the development of new policies and strategies of the Council and other local decision-makers where they impact on Nottingham residents;
  - (iii) explore any matters affecting Nottingham and/ or its residents;
  - (iv) make reports and recommendations to relevant local agencies in relation to the delivery of their functions, including the Council and its Executive;
- (b) To exercise the Council's statutory role in scrutinising health services for Nottingham City in accordance with the National Health Service Act 2006 as amended and associated regulations and guidance;
- (c) To engage with and respond to formal and informal consultations from local health service commissioners and providers;
- (d) To scrutinise the commissioning and delivery of local health and social care services to ensure reduced health inequalities, access to services and the best outcomes for citizens;
- (e) To hold the Health and Wellbeing Board to account for its work to improve the health and wellbeing of the population of Nottingham City and to reduce health inequalities;

- (f) To work with, and consider referrals from the Overview and Scrutiny Committee, to support effective delivery of a co-ordinated overview and scrutiny work programme;
- (g) To respond to referrals from, and make referrals to, Healthwatch Nottingham as appropriate;
- (h) In consultation with the Chair of Overview and Scrutiny, to commission time-limited panels (no more than 1 panel at any one time) to carry out a review of a matter within its remit. Commissioning includes setting the remit, initial timescale and size of membership to meet the needs of the review to be carried out. Such review panels will be chaired by the Chair of the Health Scrutiny Committee;
- (i) To monitor the effectiveness of its work programme and the impact of outcomes from its scrutiny activity;
- (j) To appoint a lead health scrutiny councillor for the purposes of liaising with stakeholders on behalf of the health scrutiny function, including the Health and Wellbeing Board, Healthwatch Nottingham and the Portfolio Holder with responsibility for health and social care issues;
- (k) To co-opt people from outside the Council to sit on the Committee or any review panels it commissions to support effective delivery of the overview and scrutiny work programme.

#### Membership

The Health Scrutiny Committee comprises **9 members**.

<b>Labour Group:</b>	<b>8</b>
<b>Conservative Group:</b>	<b>1</b>

#### Quorum

The quorum for a meeting of the Health Scrutiny Committee is three members.

#### Chairing

The Chair will be a member of the pool of five overview and scrutiny chairs and is appointed by Full Council. The Vice-Chair will be appointed at the first meeting of the Health Scrutiny Committee from the membership of the Committee.



## **Overview and Scrutiny Call-in Panel (9) (8:1)**

The Call-in Panel is a sub-committee of the Overview and Scrutiny Committee set up to determine the validity of call-in of Executive decisions, in accordance with the Constitution and Call-in Procedure.

### Membership

**The Call-in Panel comprises 9 councillors.** Ordinarily, Overview and Scrutiny Committees/ Panels should be politically balanced. On this basis, membership for the Call-in Panel is agreed as follows:

**Labour Group: 8**

**Conservative Group: 1**

### Chairing

The Chair and Vice Chair of the Call-in Panel will be appointed at the first meeting of the Overview and Scrutiny Committee in each municipal year but where the Overview and Scrutiny committee does not appoint the Chair or Vice-Chair the Call-in Panel itself may do so. The Chair must be appointed from the pool of 5 overview and scrutiny chairs and the Vice Chair must be a member of the Overview and Scrutiny Committee.

## **Standards Committee (8) (7:1)**

- (a) To promote and maintain high standards of conduct by councillors and co-opted members;
- (b) to advise the Council on the adoption or revisions of its Code of Conduct, to monitor its operation and to assist councillors and co-opted members in observing it;
- (c) to agree the local arrangements for the investigation of allegations that the Code of Conduct has been breached, and arrangements under which decisions on allegations can be made;
- (d) to arrange training and advice for councillors and co-opted members on matters relating to the Council's Code of Conduct, and related probity issues;
- (e) to receive annual reports from the Monitoring Officer relating to complaints under the Code of Conduct, the Confidential Reporting Code and any other matters relating to conduct and propriety;
- (f) to consider reports and recommendations from the District Auditor relevant to the Code of Conduct and related probity issues;
- (g) to hear cases under the Council's procedure for dealing with complaints about councillors' and co-opted members' conduct;
- (h) to make recommendations regarding the settlement of cases of maladministration;

- (i) to keep under review and make recommendations on the content of the Code of Conduct for colleagues and protocols in connection with councillor/ colleague relations;
- (j) granting dispensations to councillors and co-opted members in relation to the Code of Conduct, as permitted by legislation;
- (k) to review the operation of the Council's Confidential Reporting Code and make recommendations for any changes to it;
- (l) to respond to consultation exercises carried out by government and other agencies on issues related to the work of the Committee;
- (m) to consider any other matters referred to it by the Monitoring Officer;
- (n) granting and supervising exemptions from political restriction.

The Committee is accountable to Council and comprises **8 councillors (7:1)**.

The Committee meets as and when required.



No.	<u>Description</u>	Legislation	Executive or Non-executive	Officer(s) to whom function delegated
	<p>approve the making of the order following the consultation.</p> <ul style="list-style-type: none"> <li>Where a proposed PSPO impacts on the City Centre (ie crosses several ward areas), and therefore impacts on those working in or visiting the city centre as well as residents, the Director of Community Protection is responsible for commencing the consultation process.</li> </ul> <p>The relevant Portfolio Holder is responsible for deciding whether to approve the making of the order following consultation.</p> <ul style="list-style-type: none"> <li>Where a proposed PSPO impacts only on part of the city covered by one Area Committee (and is not deemed by the relevant Director to be politically contentious or sensitive) the Director of Community Protection is responsible for commencing the consultation process.</li> </ul> <p>The relevant Area Committee is responsible for deciding whether to approve the making of the order following consultation.</p>			<p>Director of Community Protection</p> <p>Relevant Portfolio Holder</p> <p>Director of Community Protection</p> <p>Relevant Area Committee</p>

This delegation requires an amendment to Area Committee Terms of Reference as follows:

Amend (g) (v) Requests for the making, variation or revocation of gating orders

Add (g) (vi) The making of Public Space Protection Orders which are not deemed by the relevant Director to be contentious or politically sensitive, following consultation commenced by the Director of Community Protection.

## Development and Growth

Amendments to Property delegations to ensure legal compliance and reflect current policies

No.	<u>Description</u>	Legislation	Executive or Non-executive	Officer(s) to whom function delegated
234.	<u>Council owned Land and Property – Claims under Leasehold Reform Act 1967</u> To admit or deny claims and where admitted settle the sale price under the Leasehold Reform Act 1967.	--	Executive	Corporate Director for Development and Growth  Director for Strategic Asset and Property Management
239.	<u>Council owned Land and Property – acquisition of properties following compulsory purchase action</u> To negotiate and settle terms for the acquisition of properties following compulsory purchase action by the Council.	--	Executive	Corporate Director for Development and Growth  Director for Strategic Asset and Property Management
243.	<u>Council owned Land and Property – Land Compensation Act 1973</u> (1) To settle and pay home loss payments under Sections 29 and 32 of the Land Compensation Act 1973.  (2) To settle and pay disturbance payments under Sections 37 and 43 of the Land Compensation Act 1973.		Executive	Corporate Director for Development and Growth  Director for Strategic Asset and Property Management
245.	<u>Council owned Land and Property – Acquisition of Land and Property</u> To approve the acquisitions of land and property and the taking of surrenders, wayleaves, easements, licences, tenancies and leases by the Council over property up to a maximum capital payment of £25,000 or £10,000 initial rental payment and for terms up to 10 years in respect of leases and 50 years in respect of easements.	--	Executive	Corporate Director for Development and Growth  Director for Strategic Asset and Property Management
246.	<u>Council owned Land and Property – Release of Covenants</u> To negotiate and approve terms of release of covenants on freehold land to a maximum value of £50,000.	--	Executive	Corporate Director for Development and Growth  Director for Strategic Asset and Property Management
251.	<u>Council owned Land and Property – Recovery of Land</u> To authorise recovery of possession of land and property from	--	Executive	Corporate Director for Development and Growth

No.	Description	Legislation	Executive or Non-executive	Officer(s) to whom function delegated
	trespassers			Director for Strategic Asset and Property Management  Director for Legal and Democratic Services  Legal Services Manager(s)

### Children and Adults

Amendments and additions to reflect current procurement policies

No.	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
273.	<p><u>Personal Budgets and Residential or Nursing Care Placements Packages for Adults (including Residential or Nursing Care)</u></p> <p>To authorise the purchase and/or direct payment in lieu of purchase and/or direct provision of personal budgets and residential or nursing care placements for individual adults appropriate to their properly assessed needs subject to:</p> <p>(i) an overall individual package expenditure limit of £2,500 per week;</p> <p>(ii) all individual packages being commissioned through providers who have been the subject of a full and proper procurement exercise either directly by the City Council or through a recognised regional or national framework which remains valid at the time of commissioning, <b>or as per the process for the award of a spot contract as set out at 276(a)(i) and 276(a)(ii);</b></p>	--	Executive	Corporate Director for Children and Adults  Director for Adult Social Care Assessment  Heads of Service in Adult Assessment  Team Managers in Adult Assessment (up to a maximum of £325 per week only)

No.	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	(iii) the appropriate officer keeping full and proper records of all expenditure incurred in respect of each package purchased or provided.			
274	<p><u>Care Packages</u></p> <p>To authorise the purchase and/or direct provision of care packages for individual children appropriate to their properly assessed needs subject to:</p> <p>(i) an overall individual package expenditure limit of £4,500 per week;</p> <p>(ii) all individual packages being commissioned through providers who have been subject of a full and proper procurement exercise either directly by the City Council or through a recognised regional or national framework which remains valid at the time of commissioning, <b>or as per the process for the award of a spot contract as set out at 276(a)(i) and 276(a)(ii);</b></p> <p>(iii) the appropriate officer keeping full and proper records of all expenditure incurred in respect of each package purchased or provided.</p>	--	Executive	<p>Corporate Director for Children and Adults</p> <p>Director for Safeguarding</p> <p>Director for Quality and Commissioning</p> <p>Head of Children’s Social Care</p> <p>Head of Children in Care</p>
276	<p><u>Care Packages for Adults (including Residential and Nursing Care)</u></p> <p><b>(i) In relation to residential and nursing care, to issue a spot contract where the individual chooses, or it is in their best interests to be placed with, a provider where an existing contract, framework or accreditation is not in place (eg out of County area); subject to a proper process being followed as defined by the Head of Contracting and Procurement.</b></p>	--	Executive	<p>Corporate Director for Children and Adults</p> <p>Strategic Director of Early Intervention</p> <p>Head of Quality and Efficiency</p>

No.	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p><b>(ii) In relation to care packages (non residential and nursing care), to issue a spot contract where the needs of the individual cannot be met through an existing contract, framework or accreditation, (eg specialist services), subject to a proper process being followed as defined by the Head of Contracting and Procurement.</b></p>			



Extract from Part 2 of the Constitution version 7.16

**Section 9**  
**Scheme of Delegation**  
**("the Scheme")**

Introduction

- 1 Delegated powers may only be exercised in accordance with:
- (i) this Constitution;
  - (ii) statutory or other legal requirements, including the principles of public law, the Human Rights Act 1998, Equality Act, statutory guidance and statutory codes of practice;
  - (iii) the revenue and capital budgets of the Council, subject to any variation which is permitted by the Council's Financial Regulations;
  - (iv) the Council's policy framework;
  - (v) delegations made by the Council, the Leader of the Council, Executive Board or its sub-committees, a Portfolio Holder, a Committee, sub-committee, Chief or other officer which shall be exercised in accordance with paragraphs (i) to (iv) above.

2 Consultations and written advice from appropriate officers

In exercising delegated powers, it should be ensured that:

- (i) in relation to officer decisions, arrangements are in place to brief and consult the Leader and Portfolio Holders on executive decisions, at a level that is appropriate to the decision being taken and, for all other decisions, to brief and consult proportionately any Councillors nominated for such purposes by any of the political groups on the Council on matters of consequence within their service area. This may be by such means as may be agreed with the relevant Councillors;
- (ii) as far as possible, delegated decisions taken by officers were not, and were not perceived to be, pre-emptive in respect of specific courses of action still to be decided by Portfolio Holder, regardless of the financial threshold of the delegated decision;
- (iii) Equality Impact Assessments (EIAs) are carried out, where required, in order to ensure that the Council meets its statutory under the Equality Act 2010 to have due regard for equality in the exercise of its functions. Case law has set out some general principles, now known as the Brown principles, which set out how the above statutory duty should be exercised:
  - a decision maker must be aware of his/her duty to have 'due regard';
  - the 'due regard' must be fulfilled before or at the time that a particular decision was being considered;
  - the duty must be exercised in substance, with rigour and with an open mind;
  - the duty is non-delegable;
  - the duty is a continuing one; and
  - it is good practice to keep a record showing that the duty has been actively

considered and pondered.

Note: Colleagues and Councillors are requested to refer to the Equality and Community Relations intranet pages for further resources and guidance on equality, diversity and community cohesion issues.

- (iv) except where the decision relates to a day to day operational matter, regulatory or enforcement action, contract management matters or is governed by other statutory procedures/processes or guidance, written advice must be sought from appropriate officers (e.g. legal, financial, human resources and equalities) before a decision is taken;
- (v) in addition, except where the decision relates to a day to day operational matter, regulatory or enforcement action, contract management matters or is governed by other statutory procedures/processes or guidance, then decision takers should generally consult any individuals, groups and Councillor(s) specific to the ward(s) that are affected, and must allow reasonably sufficient time for receipt of comments from consultees and for consideration of those comments.

### 3 Scheme of Executive Delegation

- (i) The Leader may amend the Scheme of Delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Corporate Director for Resources and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any officer, body, committee, Executive Board or the Executive Board Commissioning Sub Committee as a whole. The Corporate Director for Resources will, for information, present a report to the next ordinary meeting of the Council setting out the changes made by the Leader;
- (ii) where the Leader seeks to withdraw an executive delegation from any person, body or committee, reasonable notice will be given and will be deemed to be served on that officer, body or committee when the Leader has served it on the Corporate Director for Resources.

### 4 Records of decisions

Records of decisions must comply with the following:

- (i) if it is a Portfolio Holder decision, it should be made in conjunction with a Corporate Director (or, exceptionally, the Director for Public Health in respect of matters which fall within his or her remit) and a declaration should be signed by both parties that this has been the case. The form recording the decision must be signed by both parties within 10 working days of each other;
- (ii) in those circumstances where a delegated decision comes within the remits of more than one Portfolio, only the signature of the principal Portfolio Holder is required. However, consultation must take place with the other affected Portfolio Holder(s) and a record of their affirmation of the proposals should be recorded on the delegated decision form;

- (iii) it must record reasons why it was not considered necessary to consult (where appropriate);
- (iv) if it is an officer decision committing expenditure or making savings of £10,000 or more (except where it relates to regulatory or enforcement action, contract management matters or is governed by other statutory procedures/processes) it shall be recorded in the prescribed form and shall be signed by an officer authorised to take the decision in accordance with this scheme.
- (v) all completed Delegated Decision Making Forms must be submitted to the Corporate Director for Resources within 2 working days of signature and should be recorded in the prescribed form;
- (vi) the form recording the decision should include any documentation required to demonstrate how 'due regard' for equality has been considered, including Equality Impact Assessment documents, and the advice received from appropriate officers in accordance with paragraph 2(iv) above.
- (vii) Only where recommended in a report must a delegated decision form be completed (as above) for a decision delegated to a Portfolio Holder or an officer by Executive Board or one of its sub-committees.
- (viii) Ward Councillor decisions are made by either the Corporate Director for Community Services, Director for Neighbourhood Services, Locality Managers or, for decisions with a value under £1500, Neighbourhood Development Officers, in accordance with the recommendations of the relevant Ward Councillor(s). All Ward Councillor Decisions will be reported to the next meeting of the relevant Area Committee. The financial limits of delegation to officers and portfolio holders specified in paragraph 10 below apply to Ward Councillor decisions.

## 5 Sub-delegation of powers

The powers delegated to portfolio holders and officers within this Scheme may be sub-delegated by them to other officers by means of a delegated decision using the recommended form. Both Officer to Officer and Portfolio Holder to Officer delegations should be in writing. A copy of the notice of the delegation should be sent to the Head of Democratic Services and the department should maintain a register of such delegations to be available for inspection on request.

## 6 Delegation of powers to Portfolio Holders (Portfolio Holder Decisions)

- (i) A Portfolio Holder has power to make any Executive decision (other than a Key Decision) in respect of their portfolio subject to compliance with the requirements set out in this Scheme (see Section 7 of this Part for Portfolio Holder roles and responsibilities);
- (ii)
  - (a) a Portfolio Holder may delegate decisions in respect of matters within their portfolio to an officer (subject to the financial limits set out on

paragraph 11 below). To do so, the Portfolio Holder must give written notice to the Corporate Director for Resources and to the officer concerned. The notice must set out the extent of the delegation, and whether it entails the withdrawal of a delegation from an officer. The Corporate Director for Resources will, for information, present a report to the next ordinary meeting of Council setting out the changes made by the Portfolio Holder;

- (b) where a Portfolio Holder seeks to withdraw an executive decision from any officer, reasonable notice will be given and will be deemed to be served on that officer when the Portfolio Holder has served it on the Corporate Director for Resources;
- (iii) as stated in paragraph 4(ii) above, in those circumstances where a delegated decision comes within the remit of more than one Portfolio, only the signature of the principal Portfolio Holder is required. However, consultation must take place with the other affected Portfolio Holder(s) and a record of their affirmation of the proposals should be recorded on the form approved for these purposes;
- (iv) in the event that an agreement cannot be achieved between the Portfolio Holders as to who the principal Portfolio Holder is on a particular decision, as required by paragraph 6(iii) above, then the decision on which is the principal portfolio will be taken by the Leader.

## 7 Ward Councillor Decisions

- (i) Ward Councillor Budgets are allocated at the start of the financial year to be spent on supporting ward initiatives. Area Committees divide their overall Ward Councillor Budgets between
  - (a) Individual Ward Support Budgets, to fund initiatives recommended by the relevant Ward Councillor; and
  - (b) Area Allocation Budget, to fund grants to community and voluntary sector organisations and inter-ward initiatives.
- (ii) The Corporate Director for Community Services, Director of Neighbourhood Services, Locality Managers and for decisions with a value of up to £1500, Neighbourhood Development Officers have delegated authority to take expenditure decisions in relation to:
  - (a) Individual Ward Support Budgets, in accordance with the recommendations of the relevant Ward Councillors(s);
  - (b) Area Allocation Budgets when the funding request is urgent and cannot wait until the next meeting of the Area Committee. In these circumstances other relevant ward councillors must be consulted.

If any authorised colleague is not prepared to take a decision, then the proposals will be reported to the Area Committee for decisions..

## 8 Delegations to Officers

- (i) Officers may exercise all functions delegated to them by the City Council, its committees and sub-committees, the Leader of the Council and Portfolio Holders and any powers conferred by Standing Orders and Financial Regulations;
- (ii) these detailed functions are set out in the Scheme. References to the boards/committees and officers responsible for the matters concerned and references to specific legislation shall be construed as referring to the board/committees and officers within whose remit those matters currently lie and any legislation amending, extending or succeeding the specified legislation, including regulations and orders made under it.

9 Chief Executive, Corporate Directors and Director for Public Health (Remits of Responsibility)

(i) Chief Executive

The remit of the Chief Executive includes:

- Strategic Partnerships (Corporate Policy and Partnerships Policy);
- Communications and Marketing (Corporate Communications and Corporate Marketing);
- One Nottingham;
- Overall corporate management and operational responsibility (including overall management responsibility for all Officers).

(ii) Corporate Director for Resources

The remit of the Corporate Director for Resources includes:

- Information and Technology (IT Application Development, IT Operations and IT Strategy and Security and Information Governance);
- Human Resources and Transformation (Talent and Skills, People Practices, Change and Improvement and HR Shared Services);
- Finance (Strategic Finance, Corporate Finance, Internal Audit, Revenues, Benefits and Welfare Rights and Departmental Financial Support);
- Legal and Democratic Services (Legal Services, Democratic Services, Emergency Planning, Health and Safety (internal), Civic, Registration and Coronial Services);

(iii) Corporate Director for Communities

The remit of the Corporate Director for Communities includes:

- Neighbourhood Engagement and Services (Area Committees, Equality and Diversity, Customer Services, Community Centres, Street Services and Refuse Collection, Sustainability and Climate Change, Transport Services, Highways);
- Adult Services and Adult Community Inclusion (residential and day care, Social Work Assessments, Self Directed Support);
- Sport, Culture and Parks (Sports, leisure centres, parks and open spaces, libraries, cultural services and council owned cemeteries and crematoria);

- Public and Community Protection (Environmental Health and Trading Standards including food safety and standards, health and safety enforcement, noise and pollution control, statutory nuisance, public health, trading standards, tobacco control and strategy, student strategy, houses in multiple occupation, housing strategy, infectious disease control, dog and pest control, Licensing Registration and permits, Parking, abandoned and untaxed vehicles, Enviro-crime, crime and anti-social behaviour (including litter, high hedges, graffiti and relevant functions of the Council as Local Planning Authority such as enforcement powers relating to the amenity of land, advertisement control);
- Crime and Drugs Partnership.

(iv) Deputy Chief Executive/Corporate Director for Development and Growth

The remit of the Deputy Chief Executive/Corporate Director for Development and Growth includes:

- Planning (including Development Management, Building Control, Planning and Transport Strategy, Road Safety, Housing and Regeneration);
- Major programmes (corporate projects, project finance, BSF, LIFT, Leisure Transformation);
- Property (Property Services, catering and cleaning, facilitates management);
- Economic Innovation and Employment (jobs and training, Royal Centre, tourism, creative industries);
- NET and Public Transport (including Workplace Parking Levy).
- acting on behalf of the Chief Executive when the Chief Executive is unavailable.

NOTE: Development Services – additional delegation requirements:

- (a) the Planning Committee is responsible for most town and country planning and development control functions, with the exception of the Local Development Framework;
- (b) many of the powers of the Planning Committee are delegated in turn to the Corporate Director for Development and Growth, and also to the Director for Planning and Transport and are set out in this Scheme;
- (c) in general, the Scheme in relation to planning matters is subject to certain key limitations. No application can be determined by officers where the decisions would:
  - result in the grant of planning permission that would be a significant departure from the adopted Development Plan; or;
  - result in the approval of an application for a similar scheme, on the same site, that has been previously refused by the Committee; or
  - directly conflict with the recommendation of any external statutory consultee unless those concerns will be overcome by condition or planning obligation.
- (d) Any application which gives rise to complex or sensitive issues should be

referred to committee for determination. For the purposes of this section, 'complex or sensitive' includes:

- An application that has generated significant public interest that is contrary to the officer recommendation
- A major application on a prominent site, where there are important land-use, design or heritage considerations
- An application for the conversion of family housing to a house in multiple occupation (HMO) in an area where there is already a high concentration of HMOs and where the recommendation would conflict with adopted planning policies
- An application in relation to which a Nottingham City Councillor has submitted a written request (giving valid planning reasons), within the statutory consultation period, for the application to be determined by Committee
- Where an application has been submitted by a Nottingham City Councillor or on behalf of a Nottingham City Councillor
- An application that is recommended for approval, but where any planning obligations are proposed to be waived, or are substantially less than typically required by adopted planning policies

(v) Corporate Director for Children and Adults

The remit of the Corporate Director includes:

- Schools and Learning (relationships with Schools, School Standards, School improvement, admissions, Special Educational needs, Vulnerable Pupils, services to schools and inclusion);
- Family Community Teams (Specialist Services, Family Community Team North, Family Community Team South, Family Community Team Central, Frontline Integrated Prevention Services, YOT, Positive Activities for Young People, Disabled Children, Family Support, CAMHs);
- Children's Safeguarding (Children's Social Care, Children in Care, Child Protection, Local Safeguarding Children Board, Local Safeguarding Adult Board, Quality Assurance, Safeguarding Children);
- Quality and Commissioning (Commissioning Services for Children, Commissioning Services for Adults, Market Development, Placements, Insight and Quality, Performance, Early Intervention);
- Adults Safeguarding (Safeguarding Adults, Adult Protection, Adult Assessment (Learning Disability, Physical Disability, Older People, Children in Transition, Sensory Impairment, Hospital Discharge, Deprivation of Liberty Assessors), Integrated Adult Assessment with Health (Mental Health, Community Neurological Service, Intermediate Care Crisis Service)).

(vi) Director for Public Health

The remit of the Director for Public Health includes:

- Health improvement; any of the public health protection or health improvement functions delegated to local authorities by the Secretary of State; protecting the public against public health threats and hazards; provision of public health advice to commissioners; co-operating with

police, probation and prison services in relation to assessing risks of violent or sexual offenders

## 10 Financial limits of delegation

The following table sets out the financial limits of general delegations, with the exception of the following circumstances:

- where the Scheme specifically states different financial thresholds;
- where specific delegated authority is granted by the Council, a Committee/board of the City Council, or the Leader;
- Treasury Management – decisions on borrowing, leasing, investments, and financing, and related day to day transactions, are delegated, without limit, to the Chief Finance Officer, in accordance with Financial Regulations (section C.15 to C.21).

	<b>Revenue</b>	<b>Capital</b>
<b>Executive Board</b>	Any sum but £1m plus is a key decision	Any sum but £1m plus is a key decision
<b>Executive Portfolio Holder</b>	£999,999 (provided the spend is on services/goods within the current policy framework of the Council)	£999,999 (provided the spend is on services/goods within the current policy framework of the Council)
<b>Corporate Director and the Director of Public Health</b>	£25,000 (provided the spend is on services/goods within the current policy framework of the Council)	£25,000 (provided the spend is on services/goods within the current policy framework of the Council)

Any financial decision taken under this delegation should be in compliance with Financial Regulations. In any case, the exercise of the delegation must be on the basis that an uncommitted budget is available to cover the expenditure and that in the case of revenue spend, there will be no increase in spending in a future year as a result of the decision.

## 11 Key decisions

- (i) Key decisions are defined under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. Nottingham City Council has decided that significant decisions are those likely:
  - (a) to result in the Council incurring expenditure or making income or savings of £1,000,000 or more revenue, taking account of the overall impact of the decisions; or £1,000,000 or more capital (see paragraph 10 above for explanation of revenue and capital expenditure);
  - (b) to be significant in terms of its effects on communities living or working in an area consisting of two or more wards in the City.



(ii) Who can take key decisions?

Nottingham City Council has decided (and included within the provisions of this Constitution) that key decisions may be taken by the Leader of the Council, Executive Board and the Commissioning and Procurement Sub - Committee. The taking of key decisions must be undertaken in compliance with the Executive Board Procedure Rules set out in Part 4 of the Constitution. Key decisions taken by the Leader shall be in accordance with Paragraph 3 of the Rules and shall be recorded on a delegated decision form.

(iii) Who decides if a decision is key?

It is for the Corporate Director and the Director for Public Health to decide which decisions within their responsibility are key. They should consider the definition and where appropriate seek advice. The procedures and guidance in relation to the Notice of Key Decisions and Private Meetings of the Executive are set out in Part 4. The Notice of Key Decisions and Private Meetings of the Executive is a statutory document which enables citizens to see what Key Decisions are due to be taken by the City Council, who will be taking the decision, when the decision will be taken, how and with whom consultations are taking place how comments can be submitted and how further information can be requested. The notice also indicates which decisions are proposed to be taken in private and explains how representations can be made requesting that those decisions be taken in public.

12 Misattribution of functions

The Scheme of Delegation describes particular functions as executive functions and non-executive functions for illustrative purposes only, and misattribution of a function as executive or non-executive shall not be treated as preventing the exercise of the function or delegation.

13 Effect of structural reorganisation within the Council on the Scheme of Delegation

The delegations granted in the Scheme remain in force notwithstanding any change in the title or remit of a Directorate, a Corporate Director or any officer or Portfolio Holder the subject of these delegations. In the event of any reorganisation within the Council these delegations shall pass to such other Portfolio Holder, officer or officers within whose remit the function lies at the relevant time.

**Scheme of Delegation**

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
<b><u>CHIEF EXECUTIVE, ALL CORPORATE DIRECTORS AND DIRECTOR OF PUBLIC HEALTH</u></b>				
1.	<p><u>All functions within remit</u>            To administer all functions within their remit including the exercise of all relevant duties and powers under any legislation or at Common Law. This includes the power to do anything which is calculated to facilitate, or is conducive or incidental to the discharge of those functions. By way of example this delegation includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• administration (including taking all necessary action to implement Council, committee and executive decisions within approved budgets),</li> <li>• regulation (including the administration of any relevant order making, permit and certification, registration, consent, or permission processes and powers),</li> <li>• investigation, and enforcement (including the power to issue simple cautions),</li> <li>• advice and information giving,</li> <li>• funding and finance,</li> <li>• providing instructions to the Director for Legal and Democratic Services and/or the Legal Service Manager(s) in relation to any relevant legal proceedings, service of notice, or the entering or negotiation of any agreements, property matters or controls,</li> <li>• appointment of inspectors and authorised</li> </ul>	--	Can be either depending on the circumstances	General function to all Corporate Directors and the Director for Public Health for all matters within their remit

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
Page 67	<p>officers to carry out some or all of the powers specified under any legislation relating to any matter within their remit,</p> <ul style="list-style-type: none"> <li>• appointment of experts, consultants and advisors (in accordance with the corporate procedure and with the exception of legal advisors who can only be appointed with the approval of the Director for Legal and Democratic Services);</li> <li>• acting in accordance with any authorisation, instruction, or order granted by any Government Department or body, entering into relevant memorandum of understanding, and carry out any associated powers and duties.</li> </ul>			
2.	<p><u>Visits abroad</u> To determine officer and councillor attendance on visits (including visits abroad).</p>	--	Executive	General function to all Corporate Directors and the Director for Public Health for all matters within their remit
3.	<p><u>Attendance at Conference/Seminars</u> To determine officer and Councillor attendance at Conference/Seminars, (including those held abroad).</p> <p>Where more than one service is involved and in the event of any disagreement, determination of attendance by Officers and Councillors at Conference/Seminars, (including those held abroad), shall be by the Chief Executive.</p>	--	Executive	General function to all Corporate Directors and the Director for Public Health for all matters within their remit
4.	<p><u>Fees and Charges</u> Subject to any statutory provision and/or any specific</p>	--	Can be either depending on the	General function to all Corporate Directors and

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	provision made elsewhere in this Constitution, to agree, in consultation with the appropriate Chair (for non-executive functions) or Portfolio Holder (for executive functions), fees and charges for all matters within their remit where a power to charge exists.		circumstances	<p>the Director for Public Health for all matters within their remit</p> <p>Director for Community Protection</p> <p>Director for Planning and Transport</p>
5.  Page 68	<p><u>Service of Statutory Notices</u> Service of statutory notices, fixed penalty notices, orders and/or arranging for the execution of work consequent on non-compliance with such notices or orders in relation to any matter within their remit, together with any action to recover associated costs and expenses.</p> <p>N.B</p> <p>(i) In respect of planning enforcement notices, breach of condition notices, stop notices, tree replacement and preservation notices, listed building repair notices, blight and purchase notices (and responses thereto), they are to be served only by the Director for Legal and Democratic Services or the Legal Services Manager (s), subject to him/her being satisfied with the evidence available.</p> <p>(ii) Where a matter falls within the remit of more than one Director (e.g. those matters which are Planning Functions but also relate to enviro-crime such as enforcement of unauthorised advertisements, or land affecting the amenity of</p>		Can be either depending on the circumstances	<p>General function to all Corporate Directors and the Director for Public Health for all matters within their remit</p> <p>Director for Legal and Democratic Services</p> <p>Legal Services Manager(s)</p> <p>Director for Community Protection for matters within his remit and also under the Nottingham City Council Act 2013</p> <p>Service Manager (Markets and Fairs)</p>

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	an area) then the powers may be exercised by either Director.			
6.	<b>Blank – this delegation has been deleted</b>			
7.	<p><u>Authorisation to invite and accept tender(s) and bid(s)</u></p> <p><b>Up to contract value of £25,000</b></p> <p>1. To have the power to invite tender(s) or bid(s) and to accept tender(s) or bid(s) for the carrying out of works for the Council, the purchase, leasing or hiring of goods, materials and equipment by the council, or the supply of services to the council where the estimated contract value is below £25,000, subject to compliance with Contract Procedure Rules which require three quotations to be sought where the contract values are between £10,000 and £50,000;</p> <p><b>For contract values above £25,000</b></p> <p>2.(a) To have the power to invite tender(s) or bid(s) and to accept tender(s) or bid(s) for the carrying out of works for the Council, the purchase, leasing or hiring of goods, materials and equipment by the council, or the supply of services to the council where the estimated contract value is above £25,000, subject to the appropriate level of executive Councillor or Board approval being sought and in compliance with Contract Procedure Rules which require:</p> <p>(i) three quotations to be sought where the contract</p>	--	Executive	<p>General function to all Corporate Directors and the Director for Public Health for all matters within their remit</p> <p>Director for Planning and Transport for all matters within their remit</p> <p>Executive Board or Portfolio Holder depending on value of tender(s) or bid(s)</p>

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
Page 70	<p>values are between £10,000 and £50,000;  (ii) a full tender process being undertaken for a contract estimated to exceed £50,000.</p> <p>For any schemes let in accordance with 2 above, a quarterly report must be forwarded to the Chief Finance Officer setting out the details of schemes let under this authority in the preceding quarter.</p> <p>(3) Provided that authority to a let a contract has been obtained, acceptance of the most economically advantageous tender or bid for the award of concession/sponsorship contracts and the acceptance of other than the highest tender or bid with the agreement of the Chief Executive and the Corporate Director for Resources and Chief Finance Officer.</p>			
8.	<p><u>Tenders – Invitations to suppliers</u>  To ensure that invitations to suppliers to provide quotations or to submit tenders for work, goods, materials or services incorporate adequate and appropriate price adjustment provisions (unless the circumstances of the particular invitation requires a different approach).</p>	--	Executive	General function to all Corporate Directors and the Director for Public Health for all matters within their remit
9.	<p><u>Invitation to tenders – written consent for assignment or sub-contracts</u>  Corporate Directors shall ensure that invitations to suppliers to provide quotations or to submit tenders for work, goods, materials or services incorporate a notification that assignment or sub-contracting is not</p>	--	Executive	General function to all Corporate Directors and the Director for Public Health for all matters within their remit

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	permitted without prior written consent from the City Council unless the circumstances of the particular invitation required a different approach.			
10.	<b>This delegation has been deleted</b>			
11.	<u>Contracts</u> The assignment or novation of a contract.	--	Executive	General function to all Corporate Directors and the Director for Public Health for all matters within their remit
12.	<u>Virements</u> May exercise virement on budgets under his/her control for amounts up to £25,000 on any one budget head during the year, following notification to the Chief Finance Officer and in consultation with the appropriate Portfolio Holder under arrangements agreed by the full council and subject to the conditions set out in the Corporate Financial Procedures.	--	Executive	General function to all Corporate Directors and the Director for Public Health for all matters within their remit
13.	<u>Management of stock</u>  Subject to the agreement of the Corporate Director for Resources and Chief Finance Officer:  (i) the writing off of debts which are irrecoverable or losses due to burglaries, break-ins, etc and (ii) the writing off or making adjustments in respect of deficiencies or surpluses of stock, equipment, etc (iii) the write-off and disposal of redundant stocks and equipment. The procedures for disposal for such stocks and equipment should be by	--	Executive	General function to all Corporate Directors and the Director for Public Health for all matters within their remit

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	competitive quotations or auction.			
14.	<b>This delegation has been deleted</b>			
15.	<u>Variation of price of goods and services</u> To vary the price of goods and services supplied, in accordance with changes in the cost incurred by the City Council, in consultation with the Corporate Director for Resources and Chief Finance Officer: .	--	Executive	General function to all Corporate Directors and the Director for Public Health for all matters within their remit
16.	<u>Management of Employees</u> The recruitment (within approved staffing budgets), management and discipline of all employees in their department below the level of Director, in accordance with and subject to restrictions in the relevant national and local schemes and conditions of service, as set out in:  (a) the City Council's People Management Handbook, (b) the Officer Employment Procedure Rules and Appointments and Conditions of Service Committee terms of reference (as set out in the Council's Constitution);  noting that these may be reviewed and amended from time to time to reflect the changing needs of the Council, in consultation (or where necessary, negotiation) with recognised trade unions).  Note to Corporate Directors and the Director for Public Health: In exercising this general delegation, reference should always be made to the specific procedures as	--	Non- Executive	General function to all Corporate Directors and the Director for Public Health for all matters within their remit



Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	set out in the People Management Handbook.			
17.	<u>Variation in contracts</u> To negotiate and agree variations in contracts.	--	Executive	General function to all Corporate Directors and the Director for Public Health for all matters within their remit
18.	<u>Opening hours of facilities</u> Determination of hours of opening of Council owned or operated premises and facilities, including seasonal arrangements and closure during holiday periods.	--	Executive	General function to all Corporate Directors and the Director for Public Health for all matters within their remit
19.	<u>Production of publications relating to the service</u> Production of publications, relating to the service provided, for sale or free distribution to the public, subject to Section 2 of the Local Government Act 1986 and the Code of Recommended Practice on Local Authority Publicity.	--	Executive	General function to all Corporate Directors and the Director for Public Health for all matters within their remit
20.	<u>Consultation papers – responses</u> To respond to consultation papers relating to matters within the Corporate Director’s remit.	--	Executive	General function to all Corporate Directors and the Director for Public Health for all matters within their remit
21.	<u>Disclosure of information</u> To exercise the functions of the Council pursuant to Section 115 (disclosure of information to a relevant authority) of the Crime and Disorder Act 1998.	Crime and Disorder Act 1998 – Section 115	Executive	General function to all Corporate Directors and the Director Public Health for all matters within their remit  Director for Community Protection

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
22.	<u>Power of Entry</u> To authorise appropriate competent officers to enter premises under any legislation granting such powers to the Council (including the power to be accompanied by such other persons as may be deemed appropriate), and exercise any or all relevant statutory powers under that legislation such as powers of inspection, examination, investigation, seizure, forfeiture, condemnation, destruction, sampling, testing, recording, closure and prohibition.	--	Can be either depending on the circumstances	General function to all Corporate Directors and the Director for Public Health for all matters within their remit  Director for Community Protection
23.	<u>Particulars of persons interested in land</u> Obtaining particulars of persons interested in land.	Local Government (Miscellaneous Provisions) Act 1976 – Section 16	Can be either depending on the circumstances	General function to all Corporate Directors and the Director for Public Health for all matters within their remit
<b>CHIEF EXECUTIVE</b>				
24.	<u>Urgent Decisions by Chief Executive</u> Discharge any non-executive function of the Council which has not been specifically delegated to another colleague or committee or to discharge a function which is necessary before the next meeting of the appropriate committee after consultation with the Chair or Vice-Chair and with the main minority party spokesperson, provided:  (i) that every such decision is recorded in accordance with current corporate requirements	--	Non-Executive	Chief Executive

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p>and open to public inspection unless the decision falls within the rules relating to Exempt Information; and</p> <p>(ii) that a report on the exercise of the delegation together with a summary of the consultations and the reasons for urgency shall be submitted to the next meeting of the committee concerned and that the power shall be exercised by the Corporate Director for Resources and Chief Finance Officer: only when the Chief Executive is not available.</p>			
<p>25.</p> <p>Page 75</p>	<p><u>Capital and Revenue Grants</u>            Make all decisions relating to the reclaim of capital grants, cessation of revenue grants and variation to any legal agreement (including financial returns to the City Council) in relation to the above expenditure.</p>	--	Executive	Chief Executive
26.	<p><u>Economic Regeneration – administration of fund</u>            Administer, following consultation with the Leader, the economic regeneration fund for the purposes of improving services, keeping and generating jobs, attracting visitors to the City, or raising Nottingham’s national and international profile.</p>	--	Executive	Chief Executive
27.	<p><u>Capital Investment bids</u>            Be responsible for Capital Investment bids for the refurbishment of property, changes in office layout, replacement of lifts, heating and other plant.</p>	--	Executive	<p>Corporate Director for Development and Growth</p> <p>Director for Strategic Asset and Property Management and</p>

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
				Workplace Strategy
28.	<u>List of Senior Nominated Officers – Protection of children</u> Maintain the list of Senior Nominated Officers in connection with establishment arrangements for the protection of children.	--	Executive	Chief Executive
29.	<u>Approval of Development briefs</u> Approve development briefs in consultation with the Leader and other relevant Portfolio Holders.	--	Executive	Chief Executive  Corporate Director for Development and Growth
30.	<u>Civil emergencies and disasters</u> Deal with emergencies and disasters and the carrying out of civil defence functions.  Planning for, and responding to, emergencies that present a risk to public health.	--	Executive	Chief Executive  Deputy Chief Executive  Corporate Director for Resources  Director for Public Health
31.	<u>Press and Media – Co-ordination</u> Control and co-ordinate press and media relations, the organisation of press conferences, publicity and public relations including approval of the issue of all official publicity and official publications.	--	Executive	Chief Executive
32.	<u>Complaints – Chief Officer and Councillors</u> Deal with issues relating to the Commission for Local Administration provided that:	--	Executive	Chief Executive

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	(i) complaints involving Councillors shall be notified to the Councillor concerned and the Leader of the party of which the Councillor is a member; (ii) complaints involving the Chief Executive shall be undertaken by a Corporate Director nominated by the Leader; (iii) the Leader shall be consulted about statements to be published with the Local Commissioner.			
33.	<u>Arrangements for civic hospitality</u> Determine arrangements for civic hospitality.	--	Executive	Corporate Director for Resources
<b>RESOURCES</b>				
34.	<u>Claims settling</u> To settle claims of any value in line with the Council's procedure for claims handling and in accordance with the Ministry of Justice - Pre Action Protocols for Personal Injury Claims, subject to claims in excess of £100,000 being referred to the Strategic Finance Manager for approval.	--	Executive	Corporate Director for Resources and Chief Finance Officer:  Strategic Finance Manager  Insurance and Risk Manager
35.	<u>Allocation of funds for the purpose of managing risk</u> To allocate funds for the purposes of managing risk, subject to all allocations over £500 being referred to the Strategic Finance Manager.			Corporate Director for Resources and Chief Finance Officer:  Strategic Finance Manager

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
				Insurance and Risk Manager
36.	<u>Outside Bodies – Appointments</u> To approve and action in-year nominations to existing outside bodies as directed by relevant group whips.	--	Executive	Corporate Director for Resources
37.	<u>Protection of rights and interests of the Council</u> Take preliminary steps to protect the rights and interests of the Council subject to consultation with the Leader in relation to any Bill or Statutory Instrument or Order in Parliament.	--	Can be either depending on the circumstances	Corporate Director for Resources  Director of Legal and Democratic Services
38.	<u>Members' Allowances Scheme</u> Administer the scheme of Members' allowances and to adjust such allowances annually in accordance with the formula agreed by the Council.	--	Non-Executive	Corporate Director for Resources and Chief Finance Officer:
39.	<u>Pensions</u>  Subject to 1 and 2 below, to exercise the functions of the authority in relation to pensions. (CFP D10 3-5)  (1) In consultation with the Portfolio Holder for Resources and the Director for Legal and Democratic Services, to determine requests for guarantees to the Nottinghamshire Pension Fund from bodies entering into admission agreements with the Fund.  (2) Be the person specified to determine disputes in the first instance arising from the decisions of	Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended)  Local Government Pension	Non-Executive	Corporate Director for Resources and Chief Finance Officer:

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
Page 79	the Council as scheme employer under the Local Government Pension Regulations 1997.	<p>Scheme (Miscellaneous) Regulations 2009 (as amended)</p> <p>Local Government Pension Scheme (Administration) 2008 (as amended)</p> <p>National Health Service Pension Scheme Regulations 2008 (as amended)</p> <p>National Health Service (Injury Benefits) Regulations 1995</p>		
40.	<u>Petty Cash</u> Determine appropriate arrangements for the reimbursement of expenditure incurred by staff in exercise of Council duties, including establishing petty cash accounts where this is the most appropriate arrangement.	--	Non-Executive	Corporate Director for Resources and Chief Finance Officer

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
41.	<u>Accounts and Audit</u> To discharge the functions of the Council under the Accounts and Audit Regulations 2009 [with the exception of Regulation 4(3), 6(4) and 10(3)].	Accounts and Audit Regulations 2009	Non-Executive	Corporate Director for Resources and Chief Finance Officer:
42.	<u>Statement of Accounts</u> In accordance with Regulation 5(2) of the Accounts and Audit Regulations 2009 as amended, to sign and date the statement of accounts, and certify that it presents a true and fair view of the financial position of the Council at the end of the year to which it relates and of the Council's income and expenditure for that year.	Accounts and Audit Regulations 2009	Non-Executive	Corporate Director for Resources and Chief Finance Officer
Page 80 43.	<u>Financial Regulations and Corporate Financial Procedures</u> To exercise the responsibilities assigned to the Chief Finance Officer in the Standing Orders and Financial Regulations and Corporate Financial Procedures	--	Executive	Corporate Director for Resources and Chief Finance Officer
44.	<u>Loans and Investments</u> To raise loans and make investments (temporary investment of surplus monies and longer term investment of monies for specific purposes) as and when required at appropriate rates in accordance with Council Treasury Management policy.	--	Executive	Corporate Director for Resources and Chief Finance Officer
45.	<u>Leasing agreements completion</u> To complete and sign leasing agreements for items included within the approved capital or revenue budgets.	--	Executive	Corporate Director for Resources and Chief Finance Officer
46.	<u>Home Loans Scheme</u>	--	Executive	Corporate Director for



Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	To operate the Home Loans scheme including mortgage advances, transfer of mortgages, sales of houses in possession and guarantees to building societies.			Resources and Chief Finance Officer
47.	<u>Benefits</u> (a) To assess and pay Council Tax Benefits, Housing Benefits and Education Benefits. (b) To determine requests for the award of discretionary housing benefit in exceptional circumstances. (c) To represent the Council at HM Court and Tribunal Service or equivalent body in connection with Benefit Appeals. (d) To select and contract with third party agencies and suppliers as required in the administration of Benefits. (e) To initiate and carry out whatever steps are necessary in accordance with any legislation now or subsequently made relating to the administration of Council Tax Benefit, Housing Benefit and Education Benefit.	--	Executive	Corporate Director for Resources and Chief Finance Officer
48.	<u>Council Tax</u> (a) To institute and conduct recovery proceedings (including winding up of companies) in relation	--	Executive	Corporate Director for Resources and Chief

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
Page 82	to Council Tax.			Finance Officer
	(b) To nominate persons to appear in Courts of Law in connection with any proceedings for recovery action relating to the Council Tax.			
	(c) To represent the City Council at Valuation Tribunals.			
	(d) To maintain and make available the valuation list and to supply information to the Listing Officer in order to assist that officer in maintaining the list.			
	(e) To serve completion notices in respect of any newly completed or erected property, specifying the date of completion or the date upon which it could reasonably be expected to be completed.			
	(f) To issue proposals for alterations to the valuation list.			
	(g) To issue notices requiring information from occupiers, owners or management agents, and to issue notices advising of joint and several liability, and exempt dwellings.			
	(h) To take all steps necessary to ascertain whether discounts or exemptions should apply, including discounts under Section 13(A) (1) of the Local Government Finance Act 1992.			
	(i) To serve and quash penalties.			

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
Page 83	(j) To serve demand notices and reminder notices.			
	(k) To initiate and carry out whatever steps are necessary in accordance with any regulations now or subsequently made under the Local Government Finance Act 1992.			
	(l) To select and contract with third party agencies and suppliers as required in the administration of Council Tax.			
	(m) In accordance with Section 38 of the Local Government Finance Act 1992, to publish within 21 days in the local newspaper notice of the amount of Council Tax set by the authority.			
49.	<u>Non Domestic Rates</u> (a) To grant discretionary rate relief under Sections 47 and 48 of the Local Government Finance Act 1988. (b) To reduce or remit liability for rates under Section 49 of the Local Government Finance Act 1988. (c) To institute and conduct recovery proceedings (including winding up of companies) in relation to Non Domestic Rates. (d) To nominate persons to appear in Courts of Law in connection with any proceedings for recovery	Local Government Finance Act 1988 – Sections 47 and 48  Local Government Finance Act 1988 – Section 49	Executive	Corporate Director for Resources and Chief Finance Officer

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
Page 84	action relating to the Non Domestic Rates.			
	(e) To represent the City Council at Valuation Tribunals.			
	(f) To maintain and make available the valuation list and to supply information to the Valuation Officer in order to assist that officer in maintaining the list.			
	(g) To serve completion notices in respect of any newly completed or erected property, specifying the date of completion or the date upon which it could reasonably be expected to be completed.			
	(h) To issue proposals for alterations to the valuation list.			
	(i) To ascertain whether reliefs or exemptions should apply.			
	(j) To serve demand notices and reminder notices.			
	(k) To initiate and carry out whatever steps are necessary in accordance with any regulations now or subsequently made under the Local Government Finance Act 1988.  (l) To select and contract with third party agencies and suppliers as required in the administration of Non Domestic Rates.			
50.	Financial Services	--	Executive	Corporate Director for

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	To provide financial services, either on an agency basis or where required by statute for other authorities or bodies.			Resources and Chief Finance Officer
51.	<u>Loans to Housing Associations – interest rates</u> To determine and declare local average rates in accordance with legislation and the interest rate for loans to housing associations.	--	Executive	Corporate Director for Resources and Chief Finance Officer
52.	<u>Sign certificates under Local Government (Contracts) Act 1997</u> To sign certificates under the Local Government (Contracts) Act 1997.	Local Government (Contracts) Act 1997	Executive	Corporate Director for Resources and Chief Finance Officer
53.	<u>Nominated Officer – Proceeds of Crime Act 2002</u> To be the officer nominated, or to nominate in writing another officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any regulations made thereunder.	--	Executive	Corporate Director for Resources and Chief Finance Officer
54.	<u>Receipt of Cash by Council – Maximum amount</u> To determine an amount (not exceeding the sterling equivalent of 15,000 euros) being the maximum sum which the Council will receive in cash without the express written consent of the Corporate Director for Resources.	--	Executive	Corporate Director for Resources and Chief Finance Officer
55.	<u>VAT status on land and property transactions</u> Where appropriate, to elect for VAT status on particular land and property.	--	Executive	Corporate Director for Resources and Chief Finance Officer
56.	<u>Conditions of Service and Pay Awards</u>	--	Non-Executive	Corporate Director for

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	Implement and adopt nationally negotiated decisions on conditions of service and pay awards.			Resources and Chief Finance Officer
57.	<u>Outside bodies – Company and Creditors Meetings</u> To authorise persons to act for the Council at Company and creditors meetings.	--	Executive	Corporate Director for Resources and Chief Finance Officer
58. (a)	<u>Legal – General</u> The provision of legal advice to the authority (including all meetings, decision makers, Members and officers of the authority), the instruction of solicitors and counsel, the approval of contract terms, the conveyancing of land and property and the formal certifying of documents on behalf of the authority.	--	Can be either depending on the circumstances	Director for Legal and Democratic Services and Legal Services Manager(s)
Page 86 58(b)	<u>Designated Persons- Regulation of Investigatory Powers</u> <u>To appoint officers of an appropriate description as defined in Chapter 2 of the Regulation of Investigatory Powers Act 2000 and part 2 of the Regulation of Investigatory Powers ( Communication Data) Order 2010 who may authorise and acquire communication data, those persons to include the following officers:</u> <ul style="list-style-type: none"> <li>• <u>Director of Legal and Democratic Services</u></li> <li>• <u>Director Community Protection</u></li> <li>• <u>Deputy Director of Community Protection</u></li> <li>• <u>Head of Environmental Services and Trading Standards</u></li> <li>• <u>Head of Democratic Services</u></li> </ul>	Sections 21,22 and 25 Regulation of Investigatory Powers Act 2000 and part 2 Regulation of Investigatory Powers ( Communication Data ) Order 2012	Executive	Director for Legal and Democratic Services
59.	<u>Legal Services – Sealing of Documents</u> To authorise the sealing or signature of any Order, Deed, notice, undertaking, contract or any other	--	Can be either depending on the circumstances	Director for Legal and Democratic Services and Legal Services

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	document when this is necessary to give effect to the substance of a decision of the Executive Board, an Executive Member, the Council (or any of its committees) or of an officer acting under delegated powers, or otherwise to protect the authority's position.			Manager(s)
60.	<p><u>Legal Services - Authorisation to institute or defend the authority in legal proceedings</u></p> <p>To:</p> <ul style="list-style-type: none"> <li>(i) (subject to being satisfied as to the evidence available) authorise, institute or defend on behalf of the authority any legal proceedings (under any legislation or at common law);</li> <li>(ii) appear on behalf of the authority in proceedings before any Courts, Tribunals or other legal forums;</li> <li>(iii) take all necessary action in connection with such proceedings (including as to settlement of actual or threatened litigation on the best terms available where this is in his/ her opinion appropriate);</li> <li>(iv) make all appropriate applications and take all reasonable steps in relation to ancillary matters and the enforcement of judgements (e.g. as to costs, forfeiture, proceeds of crime, anti-social behaviour orders, levying distress etc);</li> <li>(v) authorise council officers to appear in court where they do not otherwise have legal rights of audience;</li> <li>(vi) instruct Counsel, professional advisers and experts where appropriate;</li> <li>(vii) accept on behalf of the Council the service of</li> </ul>	--	Can be either depending on the circumstances	Director for Legal and Democratic Services and Legal Services Manager(s)

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	notices, orders and legal procedures.			
61.	<u>Legal Services – Instructions to Counsel/ professional advisers</u> To instruct Counsel and professional advisers, where appropriate.	--	Can be either depending on the circumstances	Director for Legal and Democratic Services
62.	<u>Legal Services – Procedural arrangements for issue of decisions</u> (1) To determine procedural arrangements for the issue of all consents, refusals, decisions and notices on behalf of the Council under statutory powers.  (2) In conjunction with the Corporate Director for Development and Growth or Director of Planning, to determine applications for Certificates of Lawfulness of Existing and Proposed Use and to issue or refuse such Certificates.	--	Can be either depending on the circumstances	Director for Legal and Democratic Services
63.	<u>Democratic Services – School Exclusion appeals</u> Make arrangements for appeals against exclusion of pupils.	--	Non-Executive	Director for Legal and Democratic Services
64.	<u>Democratic Services – School Admission Appeals</u> Make arrangements for school admission appeals.	--	Non-Executive	Director for Legal and Democratic Services
65.	<u>Democratic Services - Petitions Administration</u> To arrange for the discharge of the Council's functions relating to petitions.	Local Democracy, Economic Development and	Executive	Director for Legal and Democratic Services



Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
		Construction Act 2009 – Sections 10 to 22		
66.	<u>Legal Services – Appeals by governing bodies</u> Make arrangements for appeals by governing bodies.	--	Non-Executive	Director for Legal and Democratic Services
67.	<u>Registrars – Approval of Premises</u> Approve premises for the solemnisation of marriages and civil partnerships.	--	Non-Executive	Director for Legal and Democratic Services
68.	<u>Enforcement order – Common Land</u> Power to apply for an enforcement order against unlawful works on common land.	Commons Act 2006 – Section 41	Non-Executive	Director for Legal and Democratic Services
69.	<u>Common Land – Unlawful Interference</u> Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Commons Act 2006 – Section 45(2)	Non-Executive	Director for Legal and Democratic Services
70.	<u>Applications for registration of town or village greens</u> Power to determine whether any current or future applications for registration of town or village greens are duly made.	Commons Registration Act 1965 and Commons Act 2006	Non-Executive	Director for Legal and Democratic Services
71.	<u>Applications for registration of town or village greens – appointment of independent expert</u>  Power in relation to any application for registration of land as a town or village green determined to be duly made, to appoint an independent expert to consider the application and either:		Non-Executive	Director for Legal and Democratic Services

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
Page 90	<p>(a) in the event that no objections to the application are received, to instruct the independent expert to make recommendations regarding the determination of the application, such recommendations to be submitted to the Planning Committee for consideration;</p> <p>or</p> <p>(b) if objections to the application are received, to appoint the independent expert to:</p> <ul style="list-style-type: none"> <li>(i) hold a non-statutory local inquiry; or</li> <li>(ii) if all objectors agree, consider written representations; and</li> <li>(iii) in each case, to make recommendations to the Planning Committee regarding the determination of the application.</li> </ul>			
72.	<p><u>Local Land Charges</u> To arrange for the discharge of the Council's functions relating to Local Land Charges.</p>	--	Executive	Director for Legal and Democratic Services
73.	<p><u>Access Land</u> Without prejudice to the generality of number 59 above delegations:</p> <ul style="list-style-type: none"> <li>(i) To prosecute any person who places or maintains a notice deterring public use of access land;</li> </ul>	<p>Countryside and Rights of Way Act 2000 provisions as follows:</p> <p>Section 14(1),</p>	Executive	Director for Legal and Democratic Services

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
Page 91	(ii) to enter into an agreement re access land with an owner/occupier and to serve notice to do works in default of compliance with such agreement;  (iii) to serve notice re: access land in the absence of agreement with the owner/occupier and to do works in default;  (iv) to defend appeals against notices served under sections 36 (3) and 37 (1) of the above legislation.	Sections 35 and 36  Section 37  Section 38		
74.	<u>Undertakings</u> To give undertakings on behalf of the Council.	--	Executive	Director for Legal and Democratic Services and Legal Services Managers
75.	<u>Authorisation of Officers to conduct actions – recovery of houses/rent etc</u> To authorise officers of the Council to conduct actions on behalf of the Council in the County Court in respect of: (i) the recovery of possession of houses and other property belonging to the Council; (ii) the recovery of any rent, mesne profits, damages or other sum claimed by the Council in respect of the occupation by any person of such a house.	County Courts Act 1984 – Section 60	Executive	Director for Legal and Democratic Services
76.	<u>Freedom of Information – determination of exemptions</u> To determine exemptions.	Freedom of Information Act	Executive	Director for Legal and Democratic Services.

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
		– Section 36		
77.	<u>Amendments to Constitution</u> Power to make amendments to the Constitution which are required to comply with the law (any such amendments to be reported to Council as soon as possible) or to reflect decisions of Council. All other Changes to the Constitution require the specific approval of full Council.		Executive	Director for Legal and Democratic Services/Monitoring Officer
77(a)	Council Tax Support Scheme Consultation  1. To determine the consultation timetable and arrangements and to produce and publish a draft local Council Tax Support scheme annually (or as appropriate) subject to consultation with the relevant Portfolio Holder and the Leader of the Council;  2. To consult any major precepting authority in relation to the proposed scheme and to amend the draft scheme to take account of matters arising from consultation with those authorities, as the Corporate Director for Resources and Chief Finance Officer:considers appropriate;  3. To consult such other persons as the Corporate Director for Resources and Chief Finance Officer:considers are likely to have an interest in the operation of the scheme.	--	Executive	Corporate Director for Resources and Chief Finance Officer
<b>COMMUNITIES</b>				

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
78.	<u>Crime and Disorder Strategy - Implementation</u> To implement the Crime and Disorder Strategy and to discharge or arrange for the discharge of the Council's functions in relation to the reduction of crime and disorder and antisocial behaviour.	Crime and Disorder Act 1998 (as amended)	Executive	Corporate Director for Community Services  Director for Community Protection  Director of Neighbourhood Crime and Justice
79.	<u>Parenting Contracts</u> Discharge the functions of the Council in relation to Parenting Contracts (under the Anti-Social Behaviour Act 2003) and Parenting Orders (including making applications for parenting orders whether within existing proceedings or freestanding under the Crime and Disorder Act 1998 or the Anti-Social Behaviour Act 2003).	Anti-Social Behaviour Act 2003 (as amended)	Executive	Corporate Director for Community Services  Director Community Protection
80.	<u>Anti-social Behaviour Orders</u> Discharge the functions of the Council in relation to Anti-Social Behaviour Orders (including making applications for Anti-Social Behaviour Orders whether on conviction in criminal proceedings (following sentence) or freestanding under the Crime and Disorder Act 1998)	Crime and Disorder Act 1998	Executive	Corporate Director for Community Services  Director for Community Protection  Legal Services Managers
81.	<u>Child Curfew Schemes</u> Discharge (in consultation with the Corporate Director for Children and Adults) the functions of the Council in relation to local child curfew schemes under Section 14 of the Crime and Disorder Act 1998 and in relation to	Crime and Disorder Act – Section 14 and Section 38	Executive	Corporate Director for Community Services  Corporate Director for Children and Adults

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	the local provision of youth justice services under Section 38 of the Crime and Disorder Act 1998.			Director for Community Protection
82.	<u>Waste Disposal Plans</u> To liaise with the Chief Executive, the Waste Disposal Authority and other local authorities in the preparation and revision by the Waste Disposal Authority of waste disposal plans.	--	Executive	Corporate Director for Community Services
82(a)	<u>Ward Councillor Decisions</u>  (i) Ward Budgets are allocated at the start of the financial year to be spent on supporting ward initiatives. Area Committees divide their overall Ward Budgets between an Area Allocation Budget, to fund grants to community and voluntary sector organisations and inter-ward initiatives, an Area Capital Fund to improve the environment of neighbourhoods and individual Ward Support Budgets, to fund other initiatives recommended by the relevant Ward Councillor;  (ii) the Corporate Director for Community Services, Director of Neighbourhood Services and the Locality Managers have delegated authority to take expenditure decisions in relation to:  (a) Individual Ward Support Budgets (up to £5000), having regard to the recommendation of the relevant Ward Councillors(s);	--	Executive	Corporate Director for Community Services  Director of Neighbourhood Services  Locality Managers

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
Page 95	<p>(b) urgent funding requests from Ward Councillors, from Area Allocation Budgets and the Area Capital Fund, having regard to the outcome of consultation with other relevant ward councillors and the reason for urgency;</p> <p>and where either the Corporate Director, Director of Neighbourhood Services or Locality Managers are not prepared to take a decision in such circumstances, then the proposals will be reported to the Area Committee for decision.</p> <p>(iii) All contributions from individual ward support budgets to external organisations up to the value of £1500 may be authorised by Neighbourhood Development Officers in consultation with Councillors. Such contributions are exempt from the Single Gateway Process</p> <p><u>Details of all Ward Councillor decisions must be reported to the next available Area Committee meeting.</u></p>			Neighbourhood Development Officers (sub delegation from Director of Neighbourhood Services)
83.	<p><u>Markets</u></p> <p>(i) To discharge the functions of the Council relating to markets and fairs</p> <p>(ii) Without prejudice to the generality of discharging the functions of the Council relating to markets, to determine the following matters:</p>	--	Executive	Corporate Director for Community Services

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
Page 96	<ul style="list-style-type: none"> <li>• allocation, letting or revocation of stalls and premises to traders;</li> <li>• applications for occupants of markets to install equipment in connections with their business;</li> <li>• routine assignment of tenancies;</li> <li>• minor variations in type of business and change of names;</li> <li>• charity collections in markets;</li> <li>• applications for licences for privately operated specialist markets and the level of licence fees;</li> <li>• applications for licences for charity car boot sales.</li> </ul>			
84.	<u>Market Trader Licence Appeals</u> To determine appeals by market traders where the trader's licence has been revoked under the Council's non-statutory appeal procedure.	--	Executive	Corporate Director for Community Services
85.	<u>War memorials and public statues</u> To maintain war memorials and public statues.	War Memorials (Local Authorities Powers) Act 1923	Can be either depending on the circumstances	Corporate Director for Community Services
86.	<u>Issue, amend or replace Safety Certificates (whether general or special) for sports grounds</u> Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	Safety of Sports Grounds Act 1975	Non-Executive	Corporate Director for Community Services  Director for Community



Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
				Protection  Head of Environmental Health and Trading Standards  Food and Health and Safety Manager
87.  Page 97	<u>Safety Certificates – regulated stands</u> Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds under Part 3 of the Fire and Safety of Places of Sport act 1987.	--	Non-Executive	Corporate Director for Community Services  Director for Community Protection  Head of Environmental  Food and Health and Safety Manager
88.	<u>Fire Safety</u> To administer and enforce the requirements in accordance with Articles 25 (d) (i) and (ii) of the Regulatory Reform (Fire Safety) Order 2005 at designated sports grounds requiring a general safety certificate, under section 1(1) of the Safety at Sports Grounds Act 1975 and Regulated Stands within the meaning of section 26(5) of the Fire Safety and Safety of Places of Sports act 1987.	--	Non-Executive	Corporate Director for Community Services  Director for Community Protection  Head of Environmental  Food and Health and Safety Manager

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
89.	<p><u>Licensing Functions</u></p> <p>(i) For those licensing and registration functions set out in Schedule 1 of the Functions Regulations and within the remit of the Regulatory and Appeals Committee to:</p> <ul style="list-style-type: none"> <li>• grant, renew, transfer, authorise, vary, review, suspend, revoke and cancel licences/permits/registrations and approvals;</li> <li>• determine, impose, periodically review and revise, application procedures, conditions, byelaws, regulations, specifications, standards and similar policy guidelines associated with the above;</li> <li>• review and revise fees and charges associate with the above.</li> </ul> <p>(ii) For those Functions that are within the remit of the Licensing Committee to:</p> <ul style="list-style-type: none"> <li>• exercise those delegations shown within the Table of Delegations contained within Part 4 of this Constitution (Responsibility for Functions and Terms of Reference);</li> <li>• to serve and receive notices, counter notices, notifications, etc;</li> <li>• determine points of clarification required for hearings and whether representations are frivolous, vexatious, not relevant, etc;</li> <li>• reject applications/representations in accordance with the governing legislations;</li> </ul>	--	Non-executive	<p>Corporate Director for Community Services</p> <p>Director for Community Protection</p> <p>Head of Licensing, Permits and Regulation</p> <p>Licensing Officer/Manager</p> <p>NB The power to grant, renew, transfer, authorise, vary, review, suspend, revoke and cancel licences/ permits/registrations/ and approvals which are within the remit of the Regulatory and Appeals Committee is also delegated to the Senior Licensing Officers.</p> <p>The power to exercise the role of the Licensing Authority as a Responsible Authority (including proposals to attach conditions and</p>

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 99</p>	<ul style="list-style-type: none"> <li>• agree that a hearing is unnecessary;</li> <li>• adjourn hearings where all parties are in agreement;</li> <li>• extend time limits;</li> <li>• exercise the role of the Licensing Authority as a Responsible Authority (including proposals to attach conditions and exclude default conditions).</li> </ul>	Scrap Metal Dealers Act 2013		exclude default conditions) is not exercisable by the Licensing Officer/Manager
	<p>(iii) To</p> <ul style="list-style-type: none"> <li>• grant, renew, vary, review, and revoke licences;</li> <li>• determine, impose, periodically review and revise application procedures, standards and similar policy guidelines associated with the above;</li> <li>• review and revise fees and charges associated with the above;</li> <li>• hear oral representations from applicants whose application it is proposed to refuse or revoke.</li> </ul>		Executive	<p>The Power to grant, renew, vary, review, and revoke licences under the Scrap Metal Dealers Act 2013 is also delegated to the Senior Licensing Officers but only the</p> <ul style="list-style-type: none"> <li>• Director for Community Protection</li> <li>• Head of Licensing, Permits and Regulation</li> <li>• Licensing Officer/Manager</li> </ul> <p>are appointed to hear oral representations.</p>
	<p>(iv) To keep and maintain any public registers associated with the above.</p>		Can be either depending on the circumstances	
<p>(v) To give effect to the decision of the Court on an</p>				

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
Page 100	appeal.			
90.	<u>Burials</u> To arrange and undertake public and private burials and associated activities under the Local Government Act 1972 and Local Authorities' Cemeteries Order 1977 (as amended).	Local Government Act 1972 and Local Authorities' Cemeteries Order 1977 (as amended)	Executive	Corporate Director for Community Services
91.	<u>Burials and Crematoria</u> To exercise the functions of the Council as Burial Authority, manage the Council's cemeteries and crematoria, issue deeds of grant of right of burial and exercise the Council's powers in respect of closed or disused church yards and burial grounds.		Executive	Corporate Director for Community Services
92.	<u>Cremations</u> To arrange and undertake cremations and associated activities under the Regulations as to Cremations 1930	Regulations as to Cremations 1930 (as	Executive	Corporate Director for Community Services

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	(as amended) and the Environmental Protection Act 1990.	amended) and the Environmental Protection Act 1990		
93.	<u>Municipal Funeral Service</u> To arrange for the provision of a municipal funeral service under the Local Government Act 1972.	Local Government Act 1972	Executive	Corporate Director for Community Services
94.	<u>Maintenance and repair of Vehicles</u> To arrange for the maintenance and repair of Council owned and operated vehicles and to be responsible for the testing of Hackney Carriages and Private Hire vehicles, and the M.O.T testing of motor vehicles.	--	Executive	Corporate Director for Community Services
95.	<u>Management of Council Vehicles</u> To arrange for the management of the Council's vehicle fleet including the disposal of surplus vehicles.	--	Executive	Corporate Director for Community Services
96.	<u>Abandoned Vehicles</u> To deal with abandoned vehicles and vehicles causing a nuisance and to take whatever action is required, including authorisation of entry into land and premises.	--	Executive	Corporate Director for Community Services
97.	<u>Public Conveniences</u> To be responsible for the provision of public conveniences.	--	Executive	Corporate Director for Community Services
98.	<u>Street Scene Maintenance (1)</u>	--	Executive	Corporate Director for

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	To discharge the functions of the Council relating to grounds maintenance, street cleansing, arboriculture services and the removal of graffiti, etc.			Community Services
99.	<u>Street Scene Maintenance (2)</u> To arrange for sweeping of highways, streets and passages, the removal of fallen leaves, the removal of litter from landscaped areas, and the emptying of litter bins.	--	Executive	Corporate Director for Community Services
100.	<u>Grounds Maintenance</u> To be responsible for grounds maintenance functions (excluding schools, parks and gardens).	--	Executive	Corporate Director for Community Services
101.	<u>Concessionary use of facilities</u> To determine application for the concessionary use of recreational facilities.	--	Executive	Corporate Director for Community Services
102.	<u>Concessions for Events</u> To determine applications for the letting of concessions in parks for special events that fall outside the regular events that are let following receipt of Sealed Tenders.	--	Executive	Corporate Director for Community Services
103.	<u>Pleasure Fairs</u> To determine the use of recreational facilities for events under Pleasure Fairs.	--	Executive	Corporate Director for Community Services
104.	<u>Hire of bands/concert parties</u> To determine applications for the hire of bands, concert parties and entertainments in recreational facilities.	--	Executive	Corporate Director for Community Services
105.	<u>Programmes of events</u>	--	Executive	Corporate Director for

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	To approve Programmes of Events.			Community Services
106.	<u>Event Entertainments</u> To hire bands, discotheques and entertainments in Council catering establishments either for special promotional purposes or on behalf of a third party where this is subject to a full recharge.	--	Executive	Corporate Director for Community Services
107.	<u>Tariffs and Charges – Leisure Facilities</u> To set tariffs and charges for the use of Council controlled leisure facilities.	--	Executive	Corporate Director for Community Services
108.	<u>Parking places in parks, etc</u> Provision of parking places in parks, etc.	--	Executive	Corporate Director for Community Services
109.	<u>Vehicles in parks, etc</u> Provision of vehicles in parks, etc.	--	Executive	Corporate Director for Community Services
110.	<u>Provision of recreational facilities</u>	--	Executive	Corporate Director for Community Services
111.	<u>Complimentary Tickets for theatre productions</u> The issue of complimentary tickets for theatre productions to persons deemed appropriate, subject to records of all such issues being kept.	--	Executive	Corporate Director for Development and Growth
112.	<u>Nottingham Theatre Royal and Concert Hall – booking performances</u> In consultation with the Portfolio Holder for Leisure and Culture authorisation to enter into negotiations and contractual agreements with promoters / producers / agents and artist(s) in order to book performances for the Nottingham Theatre Royal and Concert Hall, or	N/A	Executive	Corporate Director for Development and Growth  Director of Economic Innovation and Employment

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	other performances to be delivered at venues elsewhere within Nottinghamshire, including the agreement of ticket pricing but subject to a maximum of £200,000 per week per engagement contract, subject to the Corporate Director for Development and Growth keeping full and proper records of all expenditure incurred and income received in respect of each engagement contract.			Manager Director of Nottingham Theatre Royal and Concert Hall
Page 104 113.	<u>Nottingham Theatre Royal and Concert Hall – pantomime performances</u> In consultation with the Portfolio Holder for Leisure, Culture and Tourism, enter into negotiations and contractual agreements with promoters/producers/agents and artist(s) regarding pantomime performances at the Concert Hall and Theatre Royal, including the agreement of ticket pricing but subject to a maximum of £200,000 per week per engagement contract but including the ability to release staged payments to promoters/producers, subject to the Corporate Director for Development and Growth keeping full and proper records of all expenditure incurred and income received in respect of each engagement contract.	N/A	Executive	Corporate Director for Development and Growth  Director of Economic Innovation and Employment  Manager Director of Nottingham Theatre Royal and Concert Hall
113A	<u>Nottingham Theatre Royal and Concert Hall – Marketing Brochure</u>  Authority to produce a quarterly marketing brochure for forthcoming productions and events for both the Theatre Royal and Royal Concert Hall:	--	Executive	Corporate Director for Development and Growth  Director for Economic Innovation and Employment



Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	(1) up to a spend of £85,000 per financial year; and (2) subject to the brochure being produced by providers who have been the subject of a full and proper procurement exercise directly by the City Council which remains valid at the time of commission.			Managing Director of Nottingham Theatre Royal and Concert Hall
114.	<u>Selection of Books in Libraries</u> To authorise the selection of books and other materials in accordance with the City Council's policies.	--	Executive	Corporate Director for Community Services
Page 105 115.	<u>Libraries – refusal of borrowing rights</u> To bar persons from library premises and/or refuse persons borrowing rights in accordance with the byelaws and regulations approved by the City Council.	--	Executive	Corporate Director for Community Services
116.	<u>Library Collections – loan arrangements</u> Authority to make loan arrangements for items in the library collections.	--	Executive	Corporate Director for Community Services
117.	<u>Reproduction of items in the library</u> To grant permission to reproduce items in the library collections.	--	Executive	Corporate Director for Community Services
118.	<u>Private Room hire of Council premises</u> To hire out rooms in departmental premises to suitable external organisations and individuals and power to charge, when deemed appropriate, a fee for such service.	--	Executive	Corporate Director for Community Services
119.	<u>Grant/sponsorship applications</u>	--	Executive	Corporate Director for

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	To apply for grants, gifts or sponsorship in the promotion and furtherance of the work of the department.			Community Services
120.	<u>Gifts from benefactors</u> To accept gifts from benefactors to the Council.	--	Executive	Corporate Director for Community Services
121.	<u>Offer of accommodation to suitable bodies</u> To offer accommodation in departmental premises where available for the meeting of suitable bodies e.g. societies of educational or cultural nature.	--	Executive	Corporate Director for Community Services
Page 106 122.	<del><u>Removal of things so deposited on highways as to be a nuisance</u></del> <del><u>Powers relating to the removal of things so deposited on highways as to be a nuisance.</u></del> These are now covered in delegation number 155	Highways Act 1980— Section 149	Non-Executive	Corporate Director for Community Services
123.	<u>Deposit of builders' skips on the highway</u> Power to permit deposit of builders' skips on the highway.	Highways Act 1980 – Section 139	Non-Executive	Corporate Director for Community Services
124.	<u>Control scaffolding or other structures which obstruct the highway</u> Power to control scaffolding or other structures which obstruct the highway.	Highways Act 1980 – Section 169	Non-Executive	Corporate Director for Community Services
125.	<u>Dispense with obligation to erect hoarding or fence</u> Power to dispense with obligation to erect hoarding or fence.	Highways Act 1980 – Section 172	Non-Executive	Corporate Director for Community Services
126.	<u>Workplace Parking Levy – administration and</u>	The City of	Executive	Corporate Director for

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p><u>enforcement</u> To administer the City Council's Workplace Parking Levy Scheme and to take necessary compliance and enforcement action in relation to the Scheme.</p>	<p>Nottingham Workplace Parking Levy Order 2008</p> <p>The Workplace Parking Levy (England) Regulations 2009</p>		<p>Community Services</p> <p>Director of Neighbourhood Services</p>
<p>127.</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 107</p>	<p>Community Protection – Various Environmental Protection delegations</p> <p>The power to exercise the Public and Community Protection functions within the remit of the Corporate Director for Community Services, including:-</p> <ul style="list-style-type: none"> <li>• Environmental Health</li> <li>• Trading Standards</li> <li>• Food Safety and Standards</li> <li>• Health and Safety enforcement</li> <li>• Noise and Pollution Control</li> <li>• Statutory Nuisance</li> <li>• Public Health</li> <li>• Tobacco Control and Strategy</li> <li>• Student Strategy</li> <li>• Houses in Multiple occupation</li> <li>• Housing strategy</li> <li>• Infectious disease control</li> <li>• Dog and pest control</li> <li>• Licensing Registration and Permits</li> <li>• Parking</li> <li>• CCTV</li> </ul>	<p>Various</p>	<p>Executive or non-executive depending on the circumstances</p>	<p>Corporate Director for Community Services</p> <p>Director Community Protection</p>

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
Page 108	<ul style="list-style-type: none"> <li>• Licensing permits and regulation</li> <li>• Prevention of terrorism</li> <li>• Community safety</li> <li>• Abandoned and untaxed vehicles</li> <li>• Enviro-crime, crime and anti-social behaviour (including litter, high hedges, graffiti and relevant functions of the Council as Local Planning Authority such as enforcement powers relating to the amenity of land, advertisement control etc).</li> </ul> <p>The delegations granted are of the complete functions within their remit including the exercise of all relevant duties and powers under any legislation or at Common Law. This includes the power to do anything which is calculated to facilitate, or is conducive, or incidental to the discharge of those functions including those things cited by way of example in delegation 1 above.</p>			
<b>DEVELOPMENT</b>				
128.	<u>Traffic Regulation Orders - determination</u> To consider and determine objections and representations in respect of proposed traffic regulation orders, speed limits, on street parking places orders and traffic calming measures, and disposal or appropriation of open spaces.	--	Executive	Corporate Director for Development and Growth  Director for Planning and Transport
129.	<u>Traffic Regulation Orders</u> To approve the making of permanent and experimental traffic regulation orders, speed limits and on street	Road Traffic Regulation Act 1984 Sections	Executive	Corporate Director for Development and Growth

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	parking places orders and their implementation including associated engineering measures.	1, 9, 32 & 84		Director for Planning and Transport
130.	<u>Temporary Traffic Regulation Orders and Notices</u> To make temporary traffic regulation orders and issue temporary notices under the Road Traffic Regulation Act 1984 and to make Orders under the Town Police Clauses Act 1847 and to carry out associated works.	Road Traffic Regulation Act 1984 – Section 14	Executive	Corporate Director for Development and Growth  Director for Planning and Transport
131.	<u>Traffic Regulation Orders - Advertisements</u> To instruct the Director of Legal and Democratic Services to advertise the intention of making Traffic Regulation Orders concerning pay and display car parks and, where no objections are maintained, to cause the Orders to be made.	--	Executive	Corporate Director for Development and Growth  Director for Planning and Transport
132.	<u>Traffic Calming schemes</u> To approve the construction of road humps and other traffic calming measures.	Highways Act 1980 – Sections 90A and 90G	Executive	Corporate Director for Development and Growth  Director for Planning and Transport
133.	<u>Traffic Management – Network Management</u> To exercise the Council's network management responsibility.	Traffic Management Act 2004 Part 2	Executive	Corporate Director for Development and Growth  Director for Planning and Transport

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
134.	<u>Pedestrian Crossings</u> To make arrangements for the establishment, alteration and removal of pedestrian crossing facilities.	Highways Act 1980 – Section 23	Executive	Corporate Director for Development and Growth  Director for Planning and Transport
135.	<u>School Crossing Patrols</u> To make arrangements for the provision of school crossing patrols.	Road Traffic Regulation Act 1984 – Section 26	Executive	Corporate Director for Development and Growth  Director for Planning and Transport  Director for Community Protection
136.	<u>Road Safety Schemes</u> To undertake schemes to improve road safety and pedestrian and cycling facilities.	--	Executive	Corporate Director for Development and Growth  Director for Planning and Transport
137.	<u>Register Common Land</u> Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to an exchange of lands affected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981, or an order under section 147 of the Inclosure Act 1845.	Acquisition of Land Act 1981, Schedule 3 section 19(3) or paragraph 6(4) or Inclosure Act 1845 section 147	Non-Executive	Corporate Director for Development and Growth

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
138.	<u>Register variation of rights of common</u> Power to register variation of rights of common.	--	Non-Executive	Corporate Director for Development and Growth
139.	<u>Discharge of functions associated with common land</u> To discharge the Council's functions relating to the registration of common land and town or village greens pursuant to Part 1 of the Commons Act 2006 and the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations.	Commons Act 2006 – Part 1	Non-Executive	Corporate Director for Development and Growth
140.	<u>Access land or land proposed to be access land</u> To exercise the power conferred on land owners or persons having an interest in access land or land proposed to be access land.	Countryside and Rights of Way Act 2000	Executive	Corporate Director for Development and Growth  Director for Strategic Asset and Property Management
141.	<u>Highways – dedication of Council owned land</u> Dedicate where appropriate Council owned land as a highway.	--	Executive	Corporate Director for Development and Growth  Director for Strategic Asset and Property Management
142.	<u>Highways – execution of works</u> Making agreements for the execution of works under Section 278 of the Highways Act 1980.	Highways Act 1980 – Section 278	Non – Executive	Corporate Director for Development and Growth  Director for Planning and Transport

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
143.	<u>Highways – Applications</u> Power to decline to determine certain applications.	Highways Act 1980 – Section 121C	Non – Executive	Corporate Director for Development and Growth
144.	<u>Highway Improvement Schemes</u> To approve the construction, alteration and removal of highway improvement schemes.	--	Executive	Corporate Director for Development and Growth
145.	<u>Highways – Dedication of Land</u> To accept the dedication of land as highways (including for highway widening) and to adopt highways and to approve the entering into of agreements for these purposes.	Highways Act 1980 section 38	Executive	Corporate Director for Development and Growth  Director for Planning and Transport
146.	<u>Highways – Stop up or Diversion Orders</u> To approve the making of applications to the magistrates court for orders to stop up or divert highways.	Highways Act 1980 – Section 116	Executive	Corporate Director for Development and Growth
147.	<u>Highways – Provision of Road and Directional signage</u> To make arrangements for the provision of and authorise the provision of road and directional signing (except temporary direction signing).	--	Executive	Corporate Director for Development and Growth
148.	<u>Highways - Traffic Regulation Conditions</u> To make applications to the Traffic Commissioner for the imposition of traffic regulation conditions in respect of local services.	Transport Act 1985 Section 7	Executive	Corporate Director for Development and Growth
149.	<u>Highways/Traffic implications of planning proposals</u>	--	Executive	Corporate Director for



Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	To respond to consultation on the highways/traffic implications of planning applications.			Development and Growth
150.	<u>Amendments to highways/traffic related proposals</u> To make minor amendments to the details of approved highways or traffic related proposals.	--	Executive	Corporate Director for Development and Growth
151.	<u>Parking - highways</u> To provide and maintain parking spaces on the highway and regulate parking on grass verges, central reservations and footways.	--	Executive	Corporate Director for Development and Growth
Page 113 152.	<u>Maintenance of Highways</u> To maintain and repair highways within approved revenue budgets (with the exception of highway bridges and other structures).	--	Executive	Corporate Director for Development and Growth
153.	<u>Highways – Control of Works</u> To be responsible for the control of work and the placing of items in, over, under, on or adjacent to highways and streets including the taking of enforcement action.	--	Executive	Corporate Director for Development and Growth
154.	<u>Rights of the public to the use and enjoyment of highways</u> Duty to assert and protect the rights of the public to the use and enjoyment of highways.	Highways Act 1980 – Section 130	Non-Executive	Corporate Director for Development and Growth
155.	<u>Action in relation to obstructions and other items on the highway</u> Power to take action in relation to obstructions,	Highways Act 1980 - Section 130A, 137,	Non-Executive	Corporate Director for Development and Growth

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	structures, things deposited and booths placed on or over the highway.	137ZA, 143, 148, 149, 154,155, 161 and 162		Corporate Director for Communities Director for Community Protection
156.	<u>Confirmation of orders</u> Power to confirm unopposed orders and to take all necessary steps (including submission to the Secretary of State) to obtain confirmation of orders, where such orders have been made pursuant to a delegation under this Scheme of Delegation	Highways Act 1980 – Section 130B	Non-Executive	Corporate Director for Development and Growth Director for Planning and Transport
Page 114 157.	<u>License of planting, retention and maintenance of trees, etc in part of the highway</u> Power to license planting, retention and maintenance of trees etc in part of the highway.	Highways Act 1980 – Section 142	Non-Executive	Corporate Director for Development and Growth
158.	<u>Provision, etc of services, amenities, recreations and refreshment facilities on highways</u> Power to grant permission for provision etc. of services, amenities, recreations and refreshment facilities on highways and power to enforce failure to comply with the terms of such permissions	Highways Act 1980 – Section 115E	Non-Executive	Corporate Director for Development and Growth Corporate Director for Communities Director for Community Protection
159.	<u>Orders to stop up and divert highways</u> To make applications to the Secretary of State for orders to stop up and divert highways and to respond to consultations as highway authority on applications made by others to the Secretary of State	Town and Country Planning Act 1990 – Section 247	Executive	Corporate Director for Development and Growth Director for Planning and

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
				Transport
160.	<u>Rights of Way – extinguishment</u> (a) Power to extinguish certain public rights of way  (b) Power to extinguish public right of way on land acquired for clearance	Acquisition of Land Act 1981 – Section 32  Housing Act 1985 – Section 294	Non – Executive	Corporate Director for Development and Growth
161.	<u>Rights of Way – cycle tracks</u> Power to designate footpath as cycle track and to carry out works to give effect to the designation order.	Cycle Tracks Act 1984 – Section 3	Non – Executive	Corporate Director for Development and Growth  Director for Planning and Transport
162.	<u>Rights of Way Network</u> To manage the Council's rights of way network including the exercise of the Council's functions in respect of such matters.	--	Executive	Corporate Director for Development and Growth
163.	<u>Temporary disturbance of surface of footpath, bridleway or restricted byway</u> Power to authorise temporary disturbance of surface of footpath bridleway or restricted byway.	Highways Act 1980 – Section 135	Non-Executive	Corporate Director for Development and Growth
164.	<u>Erection of stiles, etc on footpaths and bridleways</u> Power to authorise the erection of stiles etc on footpaths and bridleways.	Highways Act 1980 – Section 147	Non-Executive	Corporate Director for Development and Growth
165.	<u>Create footpaths, bridleways and restricted byways by agreement</u> Power to create footpaths bridleways and restricted	Highways Act 1980 – Section 25	Non-Executive	Corporate Director for Development and Growth

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	byways by agreement.			
166.	<u>Create footpaths, bridleways and restricted byways by order</u> Power to create footpaths bridleways and restricted byways by order.	Highways Act 1980 – Section 26	Non-Executive	Corporate Director for Development and Growth
167.	<u>Construction of cellars, etc under street</u> Power to consent to construction of cellars etc under street.	Highways Act 1980 – Section 179	Non-Executive	Corporate Director for Development and Growth
168.	<u>Making of opening into cellars, etc under streets, pavements lights, ventilators</u> Power to consent to the making of openings into cellars etc. under streets, pavement lights, ventilators.	Highways Act 1980 – Section 180	Non-Executive	Corporate Director for Development and Growth
169.	<u>Register of information with respect to maps and statements deposited and declarations lodged in accordance with Section 31(6)Highways Act 1980</u> Duty to keep register of information with respect to maps and statements deposited and declarations lodged in accordance with Section 31(6) Highways Act 1980.	Highways Act 1980 – Section 31A	Non-Executive	Corporate Director for Development and Growth
170.	<u>Public path extinguishment orders</u> Power to stop up footpaths bridleways and restricted byways.	Highways Act 1980 – Section 118	Non-Executive	Corporate Director for Development and Growth  Director for Planning and Transport

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Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
171.	<u>Rail crossing extinguishment orders</u> Power to make rail crossing extinguishment orders.	Highways Act 1980 – Section 118A	Non-Executive	Corporate Director for Development and Growth
172.	<u>Special extinguishment orders</u> Power to make special extinguishment orders.	Highways Act 1980 – Section 118B	Non-Executive	Corporate Director for Development and Growth
173.	<u>Public path diversion orders</u> Power to divert footpaths bridleways and restricted byways.	Highways Act 1980 – Section 119	Non-Executive	Corporate Director for Development and Growth Director for Planning and Transport
174.	<u>Rail crossing diversion orders</u> Power to make rail crossing diversion orders.	Highways Act 1980 – Section 119A	Non-Executive	Corporate Director for Development and Growth
175.	<u>Special diversion orders</u> Power to make special diversion orders.	Highways Act 1980 – Section 119B	Non-Executive	Corporate Director for Development and Growth
176.	<u>Special diversion orders – requirement of applicant to enter into an agreement with regard to costs or expenses</u> Power to require an applicant for a special diversion order to enter into an agreement with regard to costs or expenses.	Highways Act 1980 – Section 119C(3)	Non-Executive	Corporate Director for Development and Growth
177.	<u>SSSI diversion order</u> Power to make a SSSI diversion order.	Highways Act 1980 – Section 119D	Non-Executive	Corporate Director for Development and Growth
178.	<u>Definitive map and statement under review</u> Duty to keep definitive map and statement under review, including making modifications by order, confirming unopposed orders and referring opposed orders to the Secretary of State.	Wildlife and Countryside Act 1981 – Section 53	Non-Executive	Corporate Director for Development and Growth  Director for Planning and

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
				Transport
179.	<u>Modifications in other orders</u> Power to include modifications in other orders.	Wildlife and Countryside Act 1981 – Section 53A	Non-Executive	Corporate Director for Development and Growth
180.	<u>Register of prescribed information – application under Section 53B of the Wildlife and Countryside Act 1981</u> Duty to keep register of prescribed information with respect to applications under this section.	Wildlife and Countryside Act 1981 – section 53B	Non-Executive	Corporate Director for Development and Growth
181.	<u>Prepare map and statement by way of consolidation of definitive map and statement</u> Power to prepare map and statement by way of consolidation of definitive map and statement.	Wildlife and Countryside Act 1981 – Section 57A	Non-Executive	Corporate Director for Development and Growth
182.	<u>Street works licence</u> Power to grant a street works licence.	New Roads and Street Works Act 1991 – Section 50	Non-Executive	Corporate Director for Development and Growth
183.	<u>Rights of way improvement plan</u> Duty to prepare and publish a rights of way improvement plan.	Countryside and Rights of Way Act 2000 – Section 60	Executive	Corporate Director for Development and Growth Director for Planning and Transport
184.	<u>Walkway Agreements</u> To approve the entering into of Walkway Agreements.	Highways Act 1980 section 35	Executive	Corporate Director for Development and Growth
185.	<u>Heavy Goods Vehicle Operators' Licences</u> To make objections/representations in relation to the proposed grant of or changes to heavy goods vehicle	--	Executive	Corporate Director for Development and Growth

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	operators' licences.			
186.	<u>Maintenance of bridges and other structures</u> To undertake maintenance and repair of bridges and other structures.	--	Executive	Corporate Director for Development and Growth
187.	<u>Bridges over highways - Licences</u> To determine and issue licences for bridges over the highways.	--	Executive	Corporate Director for Development and Growth
188.	<u>Temporary deposits or excavations in streets</u> Power to consent to temporary deposits or excavations in streets.	Highways Act 1980 – Section 171	Non-Executive	Corporate Director for Development and Growth
189.	<u>Placing of rails, beams, etc over highways</u> Power to restrict the placing of rails, beams etc. over highways.	Highways Act 1980 – Section 178	Non-Executive	Corporate Director for Development and Growth
190.	<u>Retaining Walls</u> To take action in relation to retaining walls near streets.	--	Executive	Corporate Director for Development and Growth
191.	<u>Street Naming and Numbering</u> To exercise the Council's function in relation to the naming and numbering of streets and their renaming and renumbering.	--	Executive	Corporate Director for Development and Growth
192.	<u>Street Trees and Highway grass verges</u> To provide street trees and highway grass verges and their removal and replacement.	--	Executive	Corporate Director for Development and Growth
193.	<u>Street Performances/displays</u> To determine applications for street performance/	--	Executive	Corporate Director for Development and

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	displays, etc.			Growth
194.	<u>Home and Business Watch Signage</u> To determine applications for Homewatch/Business Watch signs.	--	Executive	Corporate Director for Development and Growth
195.	<u>Adopted Streets List</u> To keep and update the Council's list of adopted streets.	--	Executive	Corporate Director for Development and Growth
196.	<u>Urgent repairs – private streets</u> To carry out urgent repairs to private streets or to require such urgent repairs to be carried out.	--	Executive	Corporate Director for Development and Growth
197.	<u>Events – Directional Signage</u> To provide or approve the provision of temporary directional signing for events.	--	Executive	Corporate Director for Development and Growth
198.	<u>Remedial and enforcement functions in respect of watercourses, non-main rivers classified as streams, brooks and ditches, etc</u> To exercise remedial and enforcement functions in respect of watercourses, non-main rivers classified as streams, brooks and ditches, etc.	--	Executive	Corporate Director for Development and Growth
199.	<u>Culverting watercourses</u> To determine plans relating to schemes for culverting watercourses.	--	Executive	Corporate Director for Development and Growth  Director for Community Protection



Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
200.	<u>Reservoirs</u> To perform the enforcement functions of the Council regarding reservoirs.	--	Executive	Corporate Director for Development and Growth
201.	<u>Private forecourts - Improvements</u> To carry out improvements to private forecourts where this would promote the environmental well-being of the area when the Council undertakes adjoining highway improvement schemes.	--	Executive	Corporate Director for Development and Growth
202.	<u>Local Access Forum</u> To establish and appoint members to the Local Access Forum.	Countryside and Rights of Way Act 2000 – Section 94	Executive	Corporate Director for Development and Growth
203.	<u>Town and Country Planning Act – making of orders</u> To apply for orders and to make orders and to exercise associated functions under these statutory provisions.	Town and Country Planning Act 1990 – Sections 248, 249, 251, 253, 254, 256, 257, 258, 259, 260 and 261 Civil Aviation Act 1982 – Section 48 Housing Act 1985 – Section 294	Executive (except for 257 and 258) which are non-executive)	Corporate Director for Development and Growth  Director for Planning and Transport
204.	<u>Urgent Action – Planning and Building Control matters</u> To take any urgent action in relation to planning and building control matters after consultation with the	--	Can be either depending on the circumstances	Corporate Director for Development and Growth

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	appropriate Chair or Portfolio Holder, subject to any such action taken under this power being reported to the next ordinary meeting of the Executive Board or appropriate Committee.			Director for Planning and Transport
205.	<u>Decision Notices – Planning/Listed Building Consents</u> To issue decision notices in respect of any application for planning consent and for listed building consent upon receipt of an indication by the Secretary of State that he/she does not require that application to be referred to him/her, such notices to reflect the decision which the Council has already indicated that it is minded to take on the application concerned.	--	Can be either depending on the circumstances	Corporate Director for Development and Growth  Director for Planning and Transport
206.	<u>Response to consultations – planning applications, etc</u> To respond to consultations and all other requests relating to planning applications, listed building applications, nationally significant infrastructure projects and any other plans and proposals, and all other matters of a planning nature in accordance with approved planning policies of the Council.	--	Can be either depending on the circumstances	Corporate Director for Development and Growth  Director for Planning and Transport
207.	<u>Planning Consents – Determination of need</u> To take decisions on applications to determine whether planning permission is required, in consultation with the Director for Legal and Democratic Services (Monitoring Officer) where appropriate.	--	Can be either depending on the circumstances	Corporate Director for Development and Growth  Director for Planning and Transport
208.	<u>Determination of planning and other related applications</u>		Non-Executive	Corporate Director for Development and Growth

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 123</p>	<p>To determine the following planning and other related applications, including approvals subject to conditions, with or without planning obligations:</p> <ul style="list-style-type: none"> <li>(i) Applications for planning permission</li> <li>(ii) Applications for reserved matters approval</li> <li>(iii) Applications for listed building consent</li> <li>(iv) Applications for conservation area consent</li> <li>(v) Applications to vary or remove planning conditions</li> <li>(vi) Applications to discharge planning conditions</li> <li>(vii) Applications for hazardous substances consent</li> <li>(viii) Applications for advertisement consent</li> <li>(ix) Applications for works to protected trees (including trees within a conservation area)</li> <li>(x) Applications submitted by the City Council or another local authority</li> <li>(xi) Applications for non-material changes to an approved planning permission</li> <li>(xii) Applications for minor material amendments to an approved planning permission</li> <li>(xiii) Applications for prior approval</li> <li>(xiv) Applications for Certificates of Lawfulness of Existing and Proposed Development (but not uses)</li> </ul>			<p>Director for Planning and Transport</p>
209.	<b>Blank – this delegation has been deleted</b>			
210.	<p><u>Decline to determine application for planning permission</u>            Power to decline to determine application for planning permission.</p>	<p>Town and Country Planning Act 1990 – Sections 70A and 70B</p>	<p>Non-Executive</p>	<p>Corporate Director for Development and Growth             Director for Planning and</p>

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
211.	<u>Planning Applications Determinations</u> Duties relating to the making of determinations of planning applications under Sections 69, 76 and 92 of the 1990 Act as well as the Town and Country Planning (Development Management Procedure (England) ) Order 2010 and directions made thereunder	Sections 69, 76 and 92 of the 1990 Act as well as the Town and Country Planning (Development Management Procedure (England) ) Order 2010 and directions made thereunder	Non-Executive	Transport Corporate Director for Development and Growth Director for Planning and Transport
212.	<b>Blank – this delegation has been deleted</b>			
213.	<u>Permitted Development Rights</u> Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights under Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995.	Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995	Non-Executive	Corporate Director for Development and Growth Director for Planning and Transport
214.	<u>Service of Completion Notices</u> In consultation with the Director of Legal and Democratic Services the power to serve a completion notice.	Town and Country Planning Act 1990 – Section 94(2)	Non-Executive	Corporate Director for Development and Growth Director for Planning and Transport Director for Legal and Democratic Services

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
215.	<u>Applications for hazardous substances consent and related powers</u> Power to determine applications for hazardous substances consent, and related powers.	Planning (Hazardous Substances) Act 1990	Non-Executive	Corporate Director for Development and Growth  Director for Planning and Transport
216.	<u>Old Mining Sites – determination of conditions</u> Duty to determine conditions to be attached to old mining permissions relating to dormant sites or active Phase I or II sites or mineral permissions relating to mining sites.	Schedule 2, paragraph 2(6)(a) Planning and Compensation Act 1991 and Schedule 13, Paragraph 9(6) and Schedule 14, paragraph 6 (5) of the Environment Act 1995	Non-Executive	Corporate Director for Development and Growth  Director for Planning and Transport
217.	<u>Mineral Planning Authority</u> To exercise the functions of the Council as a mineral planning authority.	Environment Act 1995	Executive	Corporate Director for Development and Growth  Director for Planning and transport
218.	<u>Environmental Impact Assessments (EIAs)</u> (i) To screen development proposals, in response to requests being made by developers, prior to the submission of a planning application, to determine whether an EIA is required. (ii) To screen planning and other relevant	Town and Country Planning (Environmental Impact Assessment) (England and	Executive	Corporate Director for Development and Growth  Director for Planning and Transport

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p>applications to determine whether an EIA is required.</p> <p>(iii) Where a scheme is determined to be EIA development, to produce a scoping option.</p>	Wales) Regulations		
219.	<p><u>Energy Conservation</u> To provide advice and guidance to Council departments and other organisations about energy conservation, purchasing and efficiency and related promotional activities and , in conjunction with the Corporate Director for Resources and Chief Finance Officer, to enter into agreements for the purchase and supply of energy and water.</p>	--	Executive	<p>Corporate Director for Development and Growth</p> <p>Director for Planning and Transport</p>
Page 126 220.	<p><u>Environmental Improvement Schemes</u> To progress environmental improvement schemes across the City through to final completion on site following approval of the schemes by the relevant Committees of the Council.</p>	--	Executive	<p>Corporate Director for Development and Growth</p> <p>Director for Planning and Transport</p>
221.	<p><u>Disabled Access Grants</u> To administer the Council's Disabled Access grants scheme.</p>	--	Executive	<p>Corporate Director for Development and Growth</p> <p>Director for Planning and Transport</p>
222.	<p><u>Car Parking Spaces</u> To determine applications for operational car parking spaces in the Council's car parks and to reserve car parking spaces in off-street car parks for exhibitions and other events, subject to capacity being available.</p>	--	Executive	Corporate Director for Development and Growth
223.	<u>On/off Street Parking</u>	--	Executive	Corporate Director for

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	To discharge the functions of the Council relating to on-street and off-street parking, including without prejudice to the generality of the foregoing the administration of parking within the Council's remit and dealing with the misuse of permits and badges on vehicles, including disabled persons' badges.			Development and Growth (off street)
224.	<u>Council Controlled Car Parks - Charging</u> To set charges for parking at on-street parking places and Council controlled car parks.	Road Traffic Regulation Act 1984	Executive	Corporate Director for Development and Growth
225.	<u>Bus Lane Enforcement</u> To discharge the Council's functions relating to bus lane enforcement, including prosecution if necessary, subject to the Director of Legal and Democratic Services being satisfied with the evidence.	--	Executive	Corporate Director for Communities
226.	<u>Bus timing points</u> To agree bus timing points.		Executive	Corporate Director for Development and Growth
227.	<u>Siting and erection of bus shelters</u> To respond to consultation regarding the siting and erection of bus shelters.		Executive	Corporate Director for Development and Growth
228.	<u>Open Spaces</u> Where a disposal of open space within the meaning of the Open Spaces Act 1906 is in prospect, to instruct the Director of Legal and Democratic Services to advertise in accordance with Section 123 of the Local Government Act 1972 or Section 233 of the Town and Country Planning Act 1990.	Open Spaces Act 1906 Section 123 of the Local Government Act 1972 Section 233 of	Executive	Corporate Director for Development and Growth

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
		the Town and Country Planning Act 1990		
229.	<u>Cleaning of Council owned buildings</u> To be responsible for the cleaning of Council owned buildings.	--	Executive	Corporate Director for Development and Growth
230.	<u>Catering – schools, parks, catering concessions and adult social care</u> To discharge the functions of the council relating to the strategic management of catering in schools and to manage the service delivery of catering in parks and catering concessions, schools meals services and catering for adult social care (e.g. meals on wheels).	--	Executive	Corporate Director for Development and Growth
231.	<u>Catering – City Council establishments</u> To exercise or waive the rights to sole and exclusive catering rights within all City Council establishments.	--	Executive	Corporate Director for Development and Growth
232.	<u>Council owned Land and Property – Assignment and Under lettings</u> To agree assignment and under lettings of leases and tenancies.	--	Executive	Corporate Director for Development and Growth  Director for Strategic Asset and Property Management
233.	<u>Council owned Land and Property – approval of plans</u> To approve plans where the Council's consent is required as owner.	--	Executive	Corporate Director for Development and Growth  Director for Strategic



Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
				Asset and Property Management
234.	<u>Council owned Land and Property – Claims under Leasehold Reform Act 1967</u> To admit or deny claims and where admitted settle the sale price under the Leasehold Reform Act 1967.	--	Executive	Corporate Director for Development and Growth  Director for Strategic Asset and Property Management
235.	<u>Council owned Land and Property – licences, wayleaves and easements</u> To authorise the grant of licences, wayleaves and easements.	--	Executive	Corporate Director for Development and Growth  Director of Strategic Asset and Property Management
236.	<u>Council mortgaged Land and Property – repossessed properties</u> To accept offers for the sale of repossessed properties.	--	Executive	Corporate Director for Development and Growth  Director for Strategic Asset and Property Management
237.	<u>Council owned Land and Property – grant of tenancies and leases</u> To grant tenancies and leases of property, other than Housing Revenue account dwellings, for up to 30 years where rent does not exceed £100,000 per annum.	--	Executive	Corporate Director for Development and Growth  Director for Strategic Asset and Property Management
238.	<u>Council owned Land and Property – Dilapidations</u>	--	Executive	Corporate Director for

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	<p>(1) To settle terms, agree dilapidations and accept the surrender of existing leases and to recover possession of premises on expiry of leases.</p> <p>(2) To approve settlement of the dilapidations claim up to £50,000 where the Council has been the tenant.</p>			<p>Development and Growth</p> <p>Director for Strategic Asset and Property Management</p>
239.	<p><u>Council owned Land and Property – acquisition of properties following compulsory purchase action</u> To negotiate and settle terms for the acquisition of properties following compulsory purchase action by the Council.</p>	--	Executive	<p>Corporate Director for Development and Growth</p> <p>Director for Strategic Asset and Property Management</p>
240.	<p><u>Council owned Land and Property – Notice and Review</u> (1) To authorise service of appropriate notices to determine tenancies and leases to initiate possession, rent review and lease renewal or where there has been a breach of covenant. (2) To settle rents on review and renewal.</p>	--	Executive	<p>Corporate Director for Development and Growth</p> <p>Director for Strategic Asset and Property Management</p>
241.	<p><u>Council owned Land and Property – Variations of covenants</u> To approve variations of covenants in leases and tenancies and to agree terms.</p>	--	Executive	<p>Corporate Director for Development and Growth</p> <p>Director for Strategic Asset and Property Management</p>
242.	<p><u>Council owned Land and Property – Statutory Compensation to Tenants</u></p>	--	Executive	<p>Corporate Director for Development and</p>

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	To settle statutory compensation payable to tenants.			Growth  Director for Strategic Asset and Property Management
243.	<u>Council owned Land and Property – Land Compensation Act 1973</u> (1) To settle and pay home loss payments under Sections 29 and 32 of the Land Compensation Act 1973.  (2) To settle and pay disturbance payments under Sections 37 and 43 of the Land Compensation Act 1973.		Executive	Corporate Director for Development and Growth  Director for Strategic Asset and Property Management
244.	<u>Council owned Land and Property – Sales of Council Property</u> To market, negotiate and approve sales of land and property for values up to £100,000 where the property has been declared surplus to council requirements.	--	Executive	Corporate Director for Development and Growth  Director for Strategic Asset and Property Management
245.	<u>Council owned Land and Property – Acquisition of Land and Property</u> To approve the acquisitions of land and property and the taking of surrenders, wayleaves, easements, licences, tenancies and leases by the Council over property up to a maximum capital payment of £25,000 or £10,000 initial rental payment and for terms up to 10 years in respect of leases and 50 years in respect of easements.	--	Executive	Corporate Director for Development and Growth  Director for Strategic Asset and Property Management

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
246.	<u>Council owned Land and Property – Release of Covenants</u> To negotiate and approve terms of release of covenants on freehold land to a maximum value of £50,000.	--	Executive	Corporate Director for Development and Growth  Director for Strategic Asset and Property Management
247.	<u>Council owned Land and Property – Planning Applications</u> To submit planning applications in relation to council owned land and property.	--	Executive	Corporate Director for Development and Growth  Director for Strategic Asset and Property Management
248.	<u>Council owned Land and Property – Overdue Rent</u> In consultation with the Corporate Director for Resources and Chief Finance Officer to determine arrangements for reduction and recovery of overdue rent.	--	Executive	Corporate Director for Development and Growth  Director for Strategic Asset and Property Management
249.	<u>Council owned Land and Property – Rental Reductions</u> To agree rental reductions and rent free periods in appropriate cases where the tenant or lessee undertakes work to the premises.	--	Executive	Corporate Director for Development and Growth  Director for Strategic Asset and Property Management
250.	<u>Council owned Land and Property – Property Trading Account</u> To approve building improvement for property as the Property Trading Account up to £50,000, subject to the	--	Executive	Corporate Director for Development and Growth

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	necessary budget provision being identified.			Director for Strategic Asset and Property Management
251.	<u>Council owned land and Property – Recovery of Land</u> To authorise recovery of possession of land and property from trespassers	--	Executive	Corporate Director for Development and Growth  Director for Strategic Asset and Property Management  Director for Legal and Democratic Services  Legal Services Manager(s)
252.	<u>Building Regulations</u> (i) To pass and reject plans deposited under the building regulations, and to pass or reject Building Notices and certificates under those regulations. (ii) To accept or reject notices given under the Building (Approved Inspectors, etc) Regulations 1985. (iii) To grant or refuse applications for relaxation of the Building Regulations where, after appropriate consultation, no objection has been received. (iv) To issue notices to remove or alter work not complying with the Building Regulations. (v) To deal with all matters relating to Building Regulations and associated matters, including	Building Act 1984 (and associated legislation)	Non-executive	Corporate Director for Development and Growth  Director for Planning and Transport  Head of Development Management  Building Control Manager

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	the service of notices under (but not limited to) Sections 76, 77, 78, 79 81 and 99 of the Building Act 1984 relating to Dangerous Structures together with the powers under S.265 Housing Act 1985 (Demolition Orders).			
252(a)	<p><u>Major Adaptations for Disabled People</u></p> <p>To authorise approval and payment of major adaptation schemes for disabled people (within the agreed capital budget for the year) as follows :</p> <p>Up to £15,000</p> <p>£15,000 - £25,000</p> <p>Above £25,000</p>		Executive	<p>Delegated under portfolio holder decision 0767</p> <p>Managers within the Adaptations and Renewal Agency</p> <p>Head of Housing Solutions</p> <p>Corporate Director for Development and Growth or Director for Economic Development</p>
252(b)	<p><u>Discharge of full homelessness duty</u></p> <p>To authorise offers of accommodation using the Private Rented Sector Offer (PRSO) to fulfil the housing duty for households accepted by the local authority as</p>	s.193(7AA)-(8) Housing Act 1996 as amended by	Executive	Head of Housing Solutions

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	statutorily homeless, in accordance with Nottingham City Council's Housing Allocations Policy.	s.148(5)-(7) Localism Act 2011  Localism Act 2011 (Commencement No. 2 and Transitional Provisions) (England) Order 2012 SI 2012/2599		
252(c)	<p><u>The Advanced Payment Code (APC)</u></p> <p><u>To implement the legal process (APC) in which developers who are to construct buildings fronting private streets are required to deposit monies or give security to cover the cost of proposed road works.</u></p> <p><u>To approve a procedure for the operation of the APC.</u></p> <p><u>To grant exemptions from the APC where justified in accordance with the legislative provisions.</u></p>	Highway Act 1980 - Section 219 – 225	Executive	<p>Corporate Director for Development and Growth</p> <p>Director for Planning and Transport</p> <p>Head of Service, Traffic and Safety</p>
252(d)	<p><u>Flood and Water Management Act</u></p> <p>Discharge the Council's functions, duties and powers under Part 1 and Schedule 1 of the Flood and Water Management Act 2010</p>	Flood & Water Management Act – Part 1 and Schedule 1	Executive	<p>Corporate Director for Development and Growth</p> <p>Director for Planning and Transport</p>

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
				Head of Service, Traffic and Safety
252(e)	<p><u>Consent Works on Ordinary Watercourses</u> The power to give consent for:-</p> <ul style="list-style-type: none"> <li>The erection or alteration of any mill dam, weir or other like obstruction to the flow of any ordinary watercourse or the raising or other alteration of such obstruction</li> <li>The erection or alteration of any culvert that would be likely to affect the flow of any watercourse</li> </ul> <p>The operation of any drainage works, under the control of any Internal Drainage Board or local authority, so as to manage the level of water in a watercourse for the purposes of facilitating spray irrigation</p>	<p>Land Drainage Act 1991, Section 23</p> <p>Land Drainage Act 1991, Section 61F</p>	Executive	<p>Corporate Director for Development and Growth</p> <p>Director for Planning and Transport</p> <p>Head of Service, Traffic and Safety</p>

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## CHILDREN AND ADULTS

253.	<p><u>Court of Protection Deputy</u> To authorise the appropriate officer to apply to the Court of Protection to be appointed as a Deputy to manage the property and affairs and/or personal welfare of an individual who lacks capacity, in cases where that officer considers it appropriate.</p>	Mental Capacity Act 2005 (s.16)	Non- Executive	Director of Adult Assessment
254.	<p><u>Employment of children</u> Power to license the employment of children.</p>	Children and Young Persons Act 1933 – Part II byelaws made under that Part,	Non-Executive	Corporate Director for Children and Adults



Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
		and Part II of the Children and Young Persons Act 1963		
255.	<u>Financial Assistance to students and pupils</u> To grant or refuse financial assistance to students and pupils in accordance with statutory regulations.	--	Executive	Corporate Director for Children and Adults
256.	<u>School Imprest Accounts</u> To increase school Imprest Accounts as appropriate, in consultation with the Corporate Director for Resources and Chief Finance Officer.	--	Executive	Corporate Director for Children and Adults
257.	<u>Secondment of Teachers and other Education Service staff</u> To arrange the secondment of Teachers and other Education Service staff to promote the provision of an efficient and effective Education Service.	--	Executive	Corporate Director for Children and Adults
258.	<u>Adopters – payment of costs</u> To pay legal fees for adopters where legal representation is necessary (and where there is no possibility of public funding being allowed) and in appropriate circumstances the payment of medical fees in connection with adoption.	--	Executive	Corporate Director for Children and Adults
259.	<u>Special Guardianship and Residence Orders – payment of legal expenses</u> To pay reasonable legal expenses incurred in relation to applications for Special Guardianship and Residence Orders in accordance with relevant legislation,	--	Executive	Corporate Director for Children and Adults

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	guidance and policy where there is no possibility of public funding being allowed.			
260.	<u>Special Guardianship – Financial Support</u> To provide financial support to holders of Special Guardianship and Residence Orders in accordance with relevant legislation, guidance and policy.	s.s 8, 14 (A) and 14 (F) Children Act 1989, Adoption and Children Act 2002 and Special Guardianship Regs 2005, Reg 6 (1)	Executive	Corporate Director for Children and Adults
Page 138 261.	<u>Children in Care – cost of application for Citizenship</u> To pay the cost of any application for registration as a British Citizen on behalf of a child in the care of the Council.	--	Executive	Corporate Director for Children and Adults
262.	<u>Children in Care – Next friend on insurance claims</u> To act as the next friend of any child in care with regards to insurance claims.	--	Executive	Corporate Director for Children and Adults
263.	<u>Children in Care - Consents</u> To consent to abortion in respect of children in care and approve the separation of siblings in care.	--	Executive	Corporate Director for Children and Adults
264.	<u>Child Placement – Secure Accommodation</u> To permit the placement of a child in secure accommodation for a period not exceeding 72 hours.	Regulations under Children Act 1989 s 25(2)	Executive	Corporate Director for Children and Adults
265.	<u>Children in Care – change of name by deed poll</u> To effect a change of name by deed poll of a child in	--	Executive	Corporate Director for Children and Adults

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	care.			
266.	<u>Foster Care – prohibition of accommodation at specified addresses</u> To impose requirements to prohibit the accommodation of foster children at specified addresses.	--	Executive	Corporate Director for Children and Adults
267.	<u>Placement of Older Children</u> To authorise the placement and cost thereof of older children under the inter agency placement scheme established by the Association of British Adoption and Fostering Agencies on the Adoption Resources Exchange.	--	Executive	Corporate Director for Children and Adults
268.	<u>Adoption and Fostering Panels - recommendations</u> To decide upon recommendations of Adoption and Fostering Panels.	--	Executive	Corporate Director for Children and Adults
269.	<u>Special Guardianship and Residence Order Applications</u> To consent to the making of an application for Special Guardianship and Residence Order where required.	Children Act 1989 ss 8, 14 (A) and 14 (F)	Executive	Corporate Director for Children and Adults
270.	<u>Urgent Action to protect interests of a child</u> To take any action urgently required to protect the interests of any child in need under the Children Act 1989.	Children Act 1989 S17	Executive	Corporate Director for Children and Adults
271.	<u>Authorised officer under Children’s and Adoption legislation</u>	Children Act 1989 and 2004	Executive	Corporate Director for Children and Adults

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	To act as Authorised Officer under Children's and Adoption Legislation.	and Adoption and Children Act 2002		
272.	<p><u>Disabled Children</u> To put into place services for Disabled Children under Part 3 of the Children's Act 1989 and to make available the provision of specific services outlined in the Chronically Sick and Disabled Persons Act 1989 including the provision of Direct Payments.</p>	<p>Part 3 Children Act 1989</p> <p>Chronically Sick and Disabled Persons Act 1989</p>	Executive	<p>Corporate Director for Children and Adults</p> <p>Head of Family Community Teams</p>
Page 140 273.	<p><u>Personal Budgets and Residential or Nursing Care Placements</u></p> <p>To authorise the purchase and/or direct payment in lieu of purchase and/or direct provision of personal budgets and residential or nursing care placements for individual adults appropriate to their properly assessed needs subject to:</p> <p>(i) an overall individual package expenditure limit of £2,500 per week;</p> <p>(ii) all individual packages being commissioned through providers who have been subject of a full and proper procurement exercise either directly by the City Council or through a recognised regional or national framework which remains valid at the time of commissioning;</p>	--	Executive	<p>Corporate Director for Children and Adults</p> <p>Director for Adult Social Care Assessment</p> <p>Heads of Service in Adult Assessment</p> <p>Team Managers in Adult Assessment (up to a maximum of £325 per week only)</p>

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
	(iii) the appropriate officer keeping full and proper records of all expenditure incurred in respect of each package purchased or provided.			
274.	<p><u>Care Packages</u></p> <p>To authorise the purchase and/or direct provision of care packages for individual children appropriate to their properly assessed needs subject to:</p> <p>(i) an overall individual package expenditure limit of £4,500 per week;</p> <p>(ii) all individual packages being commissioned through providers who have been subject of a full and proper procurement exercise either directly by the City Council or through a recognised regional or national framework which remains valid at the time of commission;</p> <p>(iii) the appropriate officer keeping full and proper records of all expenditure incurred in respect of each package purchased or provided.</p>	--	Executive	<p>Corporate Director for Children and Adults</p> <p>Director for Safeguarding</p> <p>Director for Quality and Commissioning</p> <p>Head of Children’s Social Care</p> <p>Head of Children in Care</p>
275.	<p><u>Education Welfare Officers - Authorisation to institute or defend the authority in legal proceedings</u></p> <p>Authority to appoint City Council representatives to carry out the following functions:</p> <p>(i) to initiate, prosecute, defend or appear in legal proceedings in the Magistrates Court on behalf of the Local Authority in respect of Sections 437,</p>	--	Executive	<p>Corporate Director for Children and Adults</p> <p>Director for Legal and Democratic Services</p>

Number	Description	Legislation	Executive or Non-Executive	Officer(s) to whom function delegated
Page 142	<p>438, 440, 442, 443, 444, 447 and 559 of the Education Act 1996; Section 103 of the Education and Inspections Act 2006; Section 36 of the Children Act 1989 (Education Supervision Orders); Section 20 of the Anti-Social Behaviour Act 2003; City Council Bye Laws governing the employment of children under the Children and Young Persons Act 1933 and 1996 and any consolidation and amending information or by virtue of any subsequent statutory consolidation or amendment to the above mentioned Acts;</p> <p>(ii) to monitor the employment of children of compulsory school age and register them for entertainment licences.</p>			
276.	<p><u>Inter-departmental Lettings</u> To agree interdepartmental lettings for Council owned residential premises, providing residential accommodation for care leavers or for children in care who have a complex learning disability or who are on the autistic spectrum. The mechanism will be managed between Development and Growth and Children and Families (where there are no direct costs to the Housing Revenue Account).</p> <p>Agreements made will be reviewed by Housing Strategy and Partnerships every two years (biannually).</p> <p>If more than five properties are to be let on this basis in any one financial year, the relevant Portfolio Holder must be consulted.</p>	--	Executive	Housing Strategy and Partnerships Manager



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## Health and Wellbeing Board Commissioning Sub Committee Terms of Reference

The role of the Health and Wellbeing Board Commissioning Sub Committee is:

- (a) To provide advice and guidance to the Health and Wellbeing Board in relation to strategic priorities, joint commissioning and subsequent action plans and commissioned spend and strategic direction;
- (b) To performance manage the Health and Wellbeing Board commissioning plan. To agree changes to the Health and Wellbeing commissioning plan based on monitoring and performance management considerations;
- (c) To agree changes to pooled budget arrangements, including Better Care Fund, (as agreed in the Section 75 agreement signed by Nottingham City Council and the Nottingham Clinical Commissioning Group) and Domestic Violence Commissioning arrangements, incorporating decisions relating to schemes funded through such mechanisms;
- (d) To provide strategic oversight of the Priority Family Health and Well Being Strategy priority including implications for integrated children and families commissioning and funding decisions relating to Priority Families' schemes.

The Health and Wellbeing Board Commissioning Sub-committee will meet on a bi monthly basis in the same month as the Health and Well-Being Board

The quorum for the meeting is three voting members.

The meeting will be chaired in rotation by the Strategic Director for Early Intervention and the Director of Primary Care and Service Integration

Extraordinary meetings of the Health and Wellbeing Board Commissioning Sub-Committee may be called, should a decision be required urgently.

### **Membership**

#### **Voting Members**

- Portfolio Holder for Adults Commissioning and Health (City Council)
- Strategic Director of Early Intervention (City Council)
- Director of Primary Care and Service Integration (Clinical Commissioning Group)
- GP Lead (Clinical Commissioning Group)

#### **Non-Voting Members**

- Director of the Crime and Drugs Partnership
- Director of Public Health
- Assistant Director of Commissioning – Mental Health and Community Services (Clinical Commissioning Group)
- Assistant Strategic Director Commissioning, Policy and Insight (City Council)
- Director for Procurement & Children's Commissioning (City Council)
- Healthwatch

**Substitution for voting members is permissible by prior arrangement with the Chair**

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**CITY COUNCIL – 13 JULY 2015**

**REPORT OF THE LEADER**

**DECISIONS TAKEN UNDER URGENCY PROCEDURES**

**1 SUMMARY**

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

**2 RECOMMENDATIONS**

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

**3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)**

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

**4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 4.1 None.

**5 BACKGROUND**

- 5.1 Call-in and Urgency (Overview and Scrutiny) Procedure Rules: Councillors will be aware that the call-in procedure does not apply where the decision taken is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. Part 4, paragraph 15, of the Constitution requires that where a decision is taken under the urgency procedure, that decision needs to be reported to the next available meeting of Council, together with the reasons for urgency. The urgency procedure requires that the Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and that it should be treated as a matter of urgency. In the absence of the Chair, the Vice-Chair's consent is required. In the absence of both, the Chief Executive or his nominee's consent is required. Details of the decisions made where the call-in procedure has not applied due to urgency are set out in Appendix 1.
- 5.2 Special Urgency – Access to Information Procedure Rules: The Local Authorities Executive Arrangements (Access to Information) (England) Regulations 2012 introduced a requirement for 28 clear days public notice to be given of all proposed key decisions. Where it is not possible to give the full 28 days notice, but there is time to give at least 5 clear days notice, then the General Exception procedure (as set out in Part 4 of the Constitution, paragraph 13 of the Access to Information Procedure Rules) applies. Where 5 clear days notice is also not possible, the above regulations provide for a Special Urgency Procedure (Part 4 of the Constitution, paragraph 14).

5.3 An urgent key decision may only be taken under the Special Urgency procedure where the decision taker has obtained agreement that the decision is urgent and cannot reasonably be deferred from:

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

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

5.4 In addition the procedure requires that the Leader submits quarterly reports to Council containing details of each executive decision taken during the period since the last report where the making of the decision was agreed as a case of special urgency (paragraph 16.2, Part 4 of the Constitution).

5.5 Details of key decisions taken under the special urgency procedures are set out in appendix 2.

## **6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)**

6.1 None.

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

7.1 None.

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

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

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

9.1 None.

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

10.1 The City Council's Constitution

10.2 The delegated decisions and committee reports detailed in the appendix to this report.

**COUNCILLOR JON COLLINS  
LEADER OF THE COUNCIL**

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

<b><u>Decision reference number</u></b>	<b><u>Date of decision</u></b>	<b><u>Subject</u></b>	<b><u>Value of decision</u></b>	<b><u>Decision Taker</u></b>	<b><u>Consultee on urgency</u></b>	<b><u>Reasons for urgency</u></b>
1989	13/05/2015	Third Floor Studio at York House, 15 King Street, Nottingham, NG1 2AY	Exempt	Head of Property Investment	Chair of Overview and Scrutiny	The likely delay would risk the interest in the use of the site.
1991	15/05/2015	Commercial Opportunity for Energy services	Exempt	Deputy Leader / Portfolio Holder for Resources and Neighbourhood Regeneration	Chair of Overview and Scrutiny	To avoid delay in submitting the tender.
1992	15/05/2015	Installation of solar panel car park canopy at Harvey Hadden Leisure Centre	Exempt	Portfolio Holder for Energy and Sustainability	Chair of Overview and Scrutiny	The meet the narrow winder of opportunity for installation.
2002	21/05/2015	Approval of the costs of an Adults Care Package	Exempt	Corporate Director, Children and Adults	Chair of Overview and Scrutiny	The decision was authorised retrospectively and therefore call-in was not appropriate (in accordance with part 4 of the Constitution).
2003	22/05/2015	Nottingham Playhouse Loan	Exempt	Deputy Leader / Portfolio Holder for Resources and Neighbourhood Regeneration	Chair of Overview and Scrutiny	To avoid any delay to the loan.
2013	28/05/2015	Approval of the costs of a placement for a child in care	Exempt	Corporate Director, Children and Adults	Chair of Overview and Scrutiny	To allow for a timely implementation of the decision.

<u>Decision reference number</u>	<u>Date of decision</u>	<u>Subject</u>	<u>Value of decision</u>	<u>Decision Taker</u>	<u>Consultee on urgency</u>	<u>Reasons for urgency</u>
2014	28/05/2015	Approval of the costs of a placement for a child in care	Exempt	Corporate Director, Children and Adults	Chair of Overview and Scrutiny	To allow for a timely implementation of the decision.
2016	29/05/2015	Nottingham Enterprise Zone - Boots Campus Infrastructure Works	£7,000,000	Leader / Portfolio Holder for Strategic Regeneration and Development	Chair of Overview and Scrutiny	To allow for a timely implementation of the decision.
2021	05/06/2015	Provision of Solar Panels to a Commercial Building on Dakeyne Street	Exempt	Portfolio Holder for Energy and Sustainability	Chair of Overview and Scrutiny	To meet the narrow window of opportunity to undertake the necessary work.
2025	09/06/2015	Proposed Museum Acquisition	£27,000	Portfolio Holder for Leisure and Culture	Chair of Overview and Scrutiny	Any delay would likely prejudice the Council's interest.
2035	18/06/2015	Capital Maintenance grant allocations for 2015/16	£1,603,238	Leader / Portfolio Holder for Strategic Regeneration and Development	Chair of Overview and Scrutiny	To avoid a delay in the placing of necessary orders.
2041	24/06/2015	D2N2 Local Enterprise Partnership Growing Places Fund Loan Approvals	£600,000	Deputy Chief Executive / Corporate Director Development and Growth	Chair of Overview and Scrutiny	To avoid delays in the commencement of the project
2052	01/07/2015	Property Investment Acquisition	Exempt	Leader / Portfolio Holder for Strategic Regeneration and Development	Chair of Overview and Scrutiny	To ensure acquisition can be completed quickly

**KEY DECISIONS – SPECIAL URGENCY PROCEDURE**

<b><u>Date of decision</u></b>	<b><u>Subject</u></b>	<b><u>Value of decision</u></b>	<b><u>Decision Taker</u></b>	<b><u>Reasons for special urgency</u></b>
13/05/2015	Station Street Pedestrian Priority and Traffic Management Scheme - Approval of Funding and Phasing - Key Decision	£1,375,000	Leader of the City Council	The Council needs to access allocated European and Central Government funding within allotted timescales (end of November 2015 for ERDF and end of March 2016 for Local Growth Fund) and there is now not an Executive Board meeting until June, by which time there would not be enough time for consultation and scheme development.
15/05/2015	Commercial Opportunity for Energy Services	Exempt	Leader of the City Council	The decision is urgent and cannot be deferred due to the deadlines for submitting tenders.
20/05/2015	Boots Campus Infrastructure Works	£7,000,000	Leader of the City Council	The contract needs to be signed before the valuation of the preferred supplier expires at the end of May.
18/06/2015	Capital maintenance Grant Applications for 2015/16	£1,603,238	Leader of the City Council	In order to deliver the programme of works, orders must be placed as a matter of urgency to prevent schools being at risk of closure through health and safety or condition issues.
01/07/2015	Property Investment Acquisition	Exempt	Leader of the City Council	The decision needs to be taken before the next scheduled meeting of Executive Board.

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**CITY COUNCIL – 13 JULY 2015**

**REPORT OF THE CHAIR OF THE LICENSING COMMITTEE**

**REVIEW OF STATEMENT OF GAMBLING POLICY**

**1 SUMMARY**

- 1.1 As a Licensing Authority for the purposes of the Gambling Act 2005, the Council is required to produce and publish a Statement of Gambling Policy (the Statement). A new policy is required to come into force for the three year period commencing 31 January 2016 and is required to go through a consultation process prior to its adoption. The proposed draft Statement is attached to this report for approval prior to its release for public consultation. Details of the method of consultation are set out in the report.
- 1.2 The purpose of the Statement is to inform individuals making application for licence, of the Authority's standards and values in promoting the licensing objectives within the framework of the Act and approved guidance issued by the Gambling Commission under the Act.

**2 RECOMMENDATIONS**

- 2.1 To approve the attached Draft Statement of Gambling Policy 2016-2019 for release for consultation purposes.
- 2.2 To consider retention of the 'no casino' resolution and confirm whether Councillors wish for this matter to form part of the consultation.
- 2.3 In the event that Council no longer wishes to retain the 'no casino' resolution that the Licensing Manager be authorised to amend the draft Policy accordingly before it is released for consultation.

**3 REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)**

- 3.1 It is a statutory requirement that the Council, as Licensing Authority, adopt a new Statement of Policy relating to gambling to come into effect from 31 January 2016.
- 3.2 It is proposed that the outcome of the consultation process and any amendments made to the Policy as a result are reported to Council at its meeting in November 2015

**4 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 4.1 None – this is a statutory requirement

**5 BACKGROUND**

- 5.1 The Council is a "Licensing Authority" for the purpose of the Act.
- 5.2 Section 349 of the Act requires an Authority to prepare, consult widely upon and

publish a Statement of its Gambling Policy every three years. Such a statement must be published before the Authority carries out any function in respect of individual applications made under the terms of the Act. During the three-year period, the statement must be kept under review and the authority may make such revisions to it as it considers appropriate. The Statement is a matter which is not the sole responsibility of the Executive and only the Licensing Authority (full Council) can adopt, review, and revise it.

- 5.3 Before determining or altering its policy the Authority must consult at least the persons listed in the Act which are:
- The chief officer of police for the area;
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
  - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

It is proposed that Consultation should last for 8 weeks and take place in accordance with the guidance produced by the Cabinet Office.

- 5.4 Councillors are asked to consider whether they feel it appropriate to consult on the retention of the "No Casino" resolution passed by Council in December 2006. This resolution came into effect when Part 8 of the Gambling Act came into force in May 2007, reviewed and retained in 2010 and 2013 but due to section 166 of the Act this resolution will lapse in January 2016.
- 5.5 Section 175 of the Act places a statutory limit on the number of new Casino Licences which can be granted nationally. It also states that the Secretary of State shall specify which Authorities may issue such licences and prohibits applications for new licences being made to other Authorities. As this Authority did not bid for one of the new licences applicants are therefore prohibited from applying for a new casino licence to this authority in any event. Whilst the Secretary of State can increase the number of Casino Licences available by way of Order then so long as this Authority did not bid for such additional licences and was not prescribed by an Order as an authority which could grant such licences applicants would remain prohibited from making Casino applications to the City Council unless there was an amendment to the Gambling Act itself. There is no expectation that the Act will be amended at this time.

Council is asked to indicate whether at this stage it feels that it is necessary and appropriate to "renew" the previous resolution in due course and include reference to the resolution in the consultation. Some possible matters and principles to which

- 5.6 members could have regard in considering such a resolution are outlined in Appendix 2 of the draft Statement of Policy.

## **6 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)**

- 6.1 The fees levied for the regime are intended to include the cost of the review of the Statement of Gambling Policy.
- 6.2 The cost of delivering the gambling regime itself is recovered from application fees that have been set within the statutory fee limits.

## **7 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND**

## **DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)**

- 7.1 Legal Implications - The draft Statement of Gambling Policy 2016 -2019 has been the subject of legal advice as to conformity with the relevant legislation and guidance. Under the Local Authorities (Functions and Responsibilities) (England) Regulations the production of this policy is not the sole function of the Executive. The final Policy can only be approved by full Council and will need to be approved at its November meeting at the latest in order to comply with statutory timescales. Council is entitled to consider whether to pass a further “no Casinos” resolution but the resolution and matters to which the Council had regard in passing the resolution must form part of the policy.
- 7.2 The Statement of Gambling Policy has been prepared to enable fairness to all parties in relation to Equality and Diversity issues

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

- 8.1 None

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

- 9.1 Gambling Act 2005
- 9.2 Guidance to Licensing Authorities, 4<sup>th</sup> Edition, September 2012
- 9.3 Guidance to Licensing Authorities, 5<sup>th</sup> Edition, consultative draft

**COUNCILLOR BRIAN GROCOCK**

**CHAIR OF LICENSING COMMITTEE**

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**Nottingham City Council**

# **DRAFT Statement of Gambling Policy**

**2016-2019**



January 2016

# STATEMENT OF GAMBLING POLICY

## Gambling Act 2005

(Published \*\*)

### Preface

Nottingham City Council is the Licensing Authority under The Gambling Act 2005, (the Act), responsible for regulating gambling and betting premises within the City of Nottingham.

Apart from the National Lottery and spread betting, gambling and betting are regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in providing gambling and betting facilities.

Nottingham City Council, along with other local licensing authorities, has a duty under the Act to licence premises where gambling is take place, and has the power to authorise, permit or register certain other activities (such as small society lotteries, gaming machines etc).

This document sets out how we intend to approach this task.

### Our Vision

To promote Nottingham as a safe and healthy environment in which responsible operators provide lawful and responsible facilities for the enjoyment of the City's residents and visitors

### **This Statement of Gambling Policy will promote the three licensing objectives:**

- prevention of gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling

# Nottingham City Council Statement of Gambling Policy

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# 1 Introduction

Nottingham City Council is a Licensing Authority for the purpose of the Gambling Act 2005. Section 349 of the Act requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies. The licensing policy statement will last for a maximum of three years, but can be reviewed and revised by the authority at any time.

The City is situated in the County of Nottinghamshire, which contains 8 District Councils in total. The City Council administers an area of 7465 hectares and had a population at mid-2013 of 310,800 with an average age of 34.8 years, comprising 28.1% of the total population of Nottinghamshire. In terms of area it is the one of the smallest Councils in the County.

Nottingham is at the centre of the Greater Nottingham area which comprises the City of Nottingham and the immediate surrounding districts of Broxtowe, Gedling, Rushcliffe and the Hucknall area of the district of Ashfield. It is overwhelmingly urban; 45.6% of its population lives within the City of Nottingham.

The City Council's area is primarily urban with a central core area that contains the main retail offer for the City within an area of 231 hectares. Within the core many developments are underway to develop inner-city housing; the 2011 census identified a population of 15,300 in the City Centre with an average age of 27.5.

Nottingham is the regional centre for culture and leisure in the East Midlands. It has a vibrant city centre, a flourishing multi-cultural artistic scene, major sporting and entertainment venues, theatres, cinemas and a range of local community facilities and events.

As a major provider itself, the City Council welcomes the diversity of leisure and entertainment opportunities available in Nottingham and recognises that the licensed leisure and entertainment industry has a major role to play in helping to keep Nottingham the success that it is. Businesses licensed by the Authority provide social and community spaces, facilities for residents and corporate groups and is a vital support infrastructure for related sectors such as retail and tourism. However, the Authority also recognises the problems that can be caused if licensed activities are not properly managed and premises well run. The Nottingham City Centre Time and Place Plan references leisure as a key contributor to the City Centre economy offering customers a varied choice of activities and services and provides insight into city development prospects.

The map on page 3 identifies the City boundaries and the Ward Boundaries within. The City has no Wards that are wholly or mainly industrial; the following areas are noted as being primarily residential areas: Aspley, Bilborough, Clifton, Dales, St Ann's, Mapperley, Sherwood, Beechdale, Basford, Arboretum, Wollaton and Radford and Park.



There are a number of key factors that are relevant to the operation of the gambling regime in Nottingham. In terms of deprivation the City as a whole was ranked 20<sup>th</sup> out of 326 local authorities based on 2010 Index of Multiple Deprivation score measures. Using the Index of Multiple Deprivation population weighted scores for City Wards, the following Wards are noted as being the most deprived within the City: Aspley, St Ann's, Bulwell, Bilborough, Bestwood, Arboretum, Bridge, Dales, Basford, and Clifton South.<sup>1</sup>

Of the people in Nottingham who were aged 16 to 64 the employment rate was 63.2 per cent between October 2013 and September 2014 compared with an average for England of 72.5 per cent.<sup>2</sup>

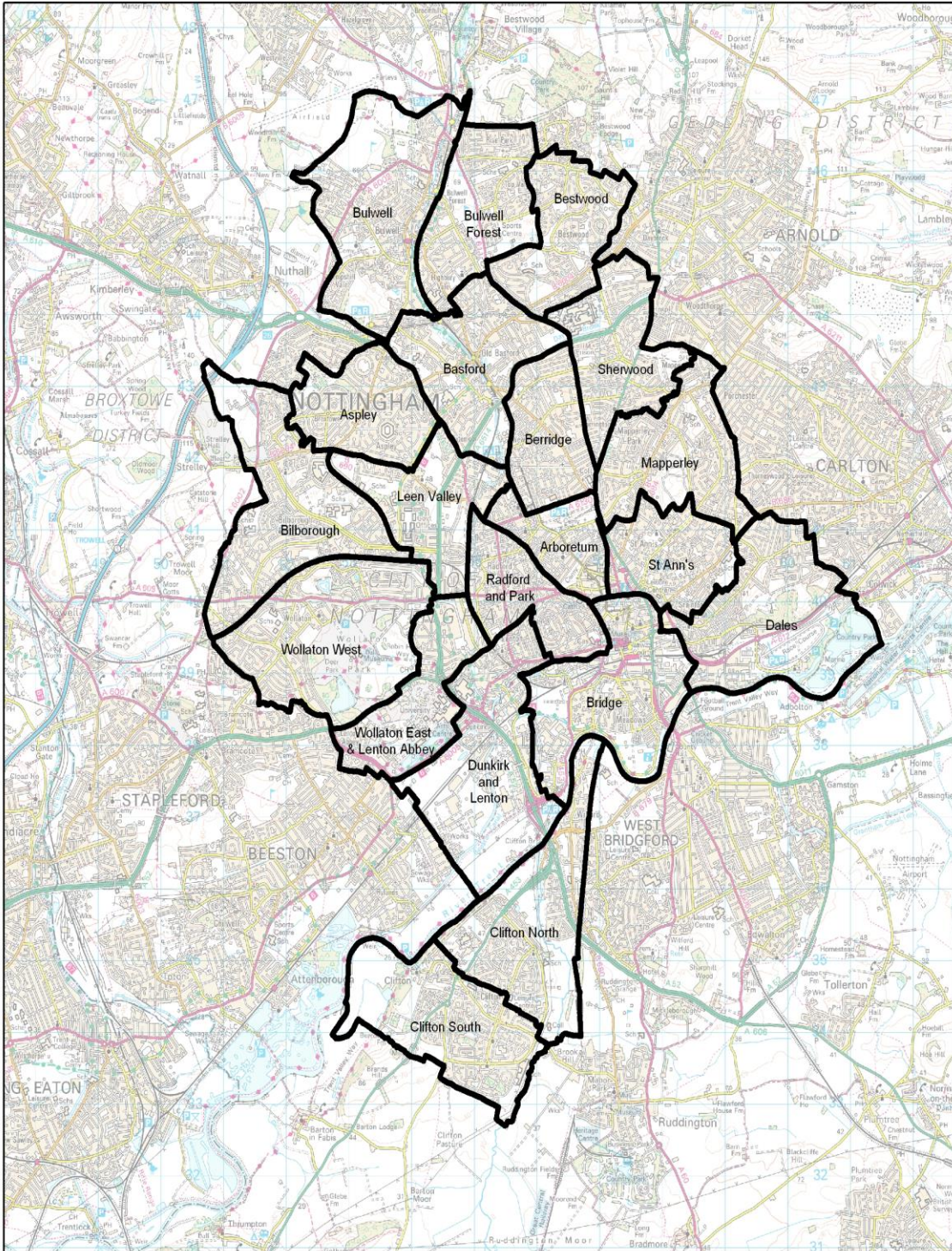
According to the Census of April 2001, 20.7 per cent of the resident population in the City aged 16 or over were school pupils or full-time students. This compared with 8.2 per cent of the population in England.

The above information shows that the City has a high level of potentially vulnerable people and a local economy that requires careful support and nurture to maintain the City's position as a regional centre. The City Council recognises the impact that unregulated gambling may have on its community and sustainability as a viable local economy and in delivering the gambling regime will, with regard to the principles set out in this Policy, seek to support its local economy and protect vulnerable people and in doing so will consider each application on its own merits within the context of this Statement, the legislation and guidance and codes of practice issued by the Gambling Commission.

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<sup>1</sup> Areas of Deprivation measured by income and in terms of employment can be accessed via the Nottingham Insight website at <http://www.nottinghaminsight.org.uk/insight/search/list.aspx?fl=63257>

<sup>2</sup> Source (ONS Annual Population Survey October 13 – September 14) )



**Title: CITY OF NOTTINGHAM**

**Key**

 Ward Boundaries

Map produced on:  
26/05/2006

Map produced by:  
TT  
GISTeam



City of  
**NOTTINGHAM**

City Development



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Nottingham City Council 100019317. 2006. w/gis/projects/food and licencing/lf17180

## **2 The Licensing Objectives**

2.1 In exercising certain functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

2.2 In the case of premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Guidance on the Licensing Objectives is available on the Gambling Commission's website at: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

## **3 Consultation on the Policy**

3.1 The City Council has consulted widely over this Statement of Gambling Policy which sets out the Principles to which the Authority will have regard when undertaking its duties under the Gambling Act 2005. The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005

3.2 The Authority consulted the persons/organisations listed in appendix 1. Our consultation took place between \*\* and \*\*, inclusive. A full list of responses is available via the Authority's website at [www.nottinghamcity.gov.uk](http://www.nottinghamcity.gov.uk)

3.3 This Statement of Policy was approved at a meeting of the Full Council on \*\* and published via our website on \*\* December 2015. Copies were also placed in the public libraries of the area as well as being available at the offices of the Licensing Service, Tamar Building, Eastcroft Depot, London Road, Nottingham, NG2 3AH and Loxley House reception, Station Street, Nottingham, NG2 3NG

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

The Licensing Officer, Tamar Building, Talbot Street, London Road,  
Nottingham, NG2 3AH

e-mail: [general.licensing@nottinghamcity.gov.uk](mailto:general.licensing@nottinghamcity.gov.uk)

Telephone: 0115 8761749.

- 3.4 This Statement complies with the requirements of Part 6 of the Gambling Commissions "Guidance to Licensing Authorities 4<sup>th</sup> Edition September 2012. For the purposes of this policy, regard also has been given to the Commissions consultation draft of revisions to the Guidance. Applicants for licence and other permissions, Interested Parties and Responsible Authorities are encouraged to read the Statement and have regard to the principles the City Council will apply in its role as Licensing Authority under the Gambling Act 2005.

## **4 The Functions of the Licensing Authority**

- 4.1 The Act gives licensing authorities a number of important regulatory functions in relation to gambling. Their main functions are to:

- license premises for gambling activities;
- consider notices given for the temporary use of premises for gambling;
- grant permits for gaming and gaming machines in clubs and miners' welfare institutes;
- regulate gaming and gaming machines in alcohol licensed premises;
- grant permits to family entertainment centres for the use of certain lower stake gaming machines;
- grant permits for prize gaming;
- consider occasional use notices for betting at tracks; and
- register small societies' lotteries.

Spread betting is regulated by The Financial Services Authority.

The National Lottery, Remote Gambling, Operator Licences and Personal Licences are dealt with by the Gambling Commission.

- 4.2 When considering applications for premises licences the Licensing Authority will aim to permit the use of premises for gambling as set out in section 153 of the Act. Nothing in this Statement should be regarded or interpreted as any indication that any statutory requirement of gambling or other law is to be overridden.

## **5 Statement of Principles**

- 5.1 The Authority recognises the wide variety of premises which will require a licence or a permit. In carrying out its licensing functions under the Act the Authority will have regard to the guidance and codes of practice issued by the Gambling Commission and to the Statement of Gambling Principles set out below.
- 5.2 The Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation and will seek to avoid the duplication of other legislation.
- 5.3 The guidance issued to licensing authorities is not intended to replace the judgment of a licensing authority in an individual case. Moreover, this guidance cannot anticipate every set of circumstances that may arise and, except in relation to Part 8 (premises licences) of the Act, as long as it has been understood and taken into account, licensing authorities may depart from it where they consider it would be right to do so. However, where the Authority chooses to depart from the guidance it will give its reasons for doing so.
- 5.4 To ensure the licensing objectives are met the Authority will establish a close working relationship with relevant enforcement agencies, the Gambling Commission and, where appropriate, other responsible authorities.
- 5.5 Applicants and Licensees are required by the Gambling Commission's Licence Conditions and Codes of Practice to consider local risks and formulate risk assessments which should be shared with the Authority and where appropriate, translated into conditions and controls.
- 5.6 When children and other vulnerable people are allowed access to premises where gambling takes place, the Authority will take whatever steps it considers necessary to either limit access or introduce measures to prevent under age gambling where it believes it is right to do so for the prevention of their physical, moral or psychological harm. Weight will be given to valid representations to that effect.
- 5.7 Applicants seeking premises licences are encouraged to put forward appropriate, realistic and achievable prohibitions, restrictions or conditions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate having regard to the type, nature and operational proposals of the licensable activity.
- 5.8 However, the overriding principle is that all applications and the circumstances prevailing at each premises will be considered on their own individual merits.

## Local Risk Assessments

- 5.9 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in February 2015, formalise the need for operators to consider local risks. Local risk assessment apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences. This provision comes into force on 6 April 2016
- 5.10 Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.
- 5.11 Licensees must review (and update as necessary) their local risk assessments:
- to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
  - when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
  - when applying for a variation of a premises licence; and
  - in any case, undertake a local risk assessment when applying for a new premises licence.
- 5.12 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Risk assessment must also be updated:
- when applying for a variation of a premises licence
  - to take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement
  - when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- 5.13 The new social responsibility provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority. Both provisions take effect from 8 May 2015.
- 5.14 Where concerns do exist, perhaps prompted by new or existing risks, a licensing authority may request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has

in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of license conditions is required.

- 5.15 The licensing authority have an expectation that all local risk assessments will take into account the local social profile of the area.

### **Preventing Gambling from Being a Source of Crime and Disorder**

- 5.16 The Gambling Commission will play a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent inappropriate people from providing facilities for gambling.

- 5.17 The Authority will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the Authority will bring those concerns to the attention of the Commission.

- 5.18 Disorder in the context of the gambling regime is intended to mean activity that is more serious and disruptive than mere nuisance. Factors that will be considered by the Authority in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it. There are already powers in other legislation designed to prevent or minimise nuisance, whether it arises as a result of noise from premises or from general disturbance in the area of licensed premises as people arrive or leave the premises. The Authority does not intend to use the gambling regime to deal with general nuisance issues such as parking problems, noise in the street or noise breakout from premises which can be dealt with using alternative powers.

### **5.19 Policy One**

**The Authority will have particular regard to the likely impact of licensing on related crime and disorder in the district particularly when considering the location, impact, operation and management of all proposed licence applications.**

***REASON: Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent, crime and disorder in their area.***

### **Ensuring Gambling is Conducted in a Fair and Open Way**

- 5.20 The Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an

individual. Both issues will be addressed by the Commission through the operating and personal licensing regime. However where the Authority becomes aware of matters that lead it to believe that this Objective is not being promoted in accordance with the aims of the regime it will notify the Commission.

- 5.21 Because track operators may not require an operating licence from the Commission the Authority may attach conditions to the Premises Licence in appropriate cases which ensure that the environment in which betting takes place is suitable. The Authority may in these circumstances also consider the suitability of the applicant to hold a track premises licence.

### **Protecting Children and Other Vulnerable People from Gambling**

- 5.22 The Authority will expect applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include:-

- appropriate measures / training for staff as regards suspected truant school children on the premises,
- appropriate measures / training covering how staff would deal with unsupervised children being on the premises, or children causing perceived problems on / around the premises.

- 5.23 With limited exceptions the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments in order to protect them from being 'harmed' or exploited by gambling.

- 5.24 The Authority encourages applicants for premises licences to offer controls that will promote this Objective. Examples may include the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises such as pubs, clubs and betting tracks.

- 5.25 The Authority expects to see the effective management and supervision of gaming machines in licensed family entertainment centres. The same consideration applies to tracks where children will be permitted in the betting areas on race-days.

- 5.26 In appropriate cases the Authority will take steps to prevent children from taking part in, or being in close proximity to, gambling especially with regard to premises situated in areas where there may be a high rate of reported truancy, in premises likely to be attractive to children



and young people and near to schools, colleges and facilities and activities provided for, or aimed at, children and young people.

- 5.27 The Authority may impose restrictions on advertising so that gambling products advertised on licensed premises are not aimed at children or advertised in such a way that makes them particularly attractive to children and young people.
- 5.28 A gaming machine in licensed premises which is of a category that children are not permitted to play on must be clearly labelled as such and the machine adequately supervised at all times the premises are open to the public. Areas to which access is limited by age must be clearly demarcated and effectively supervised to ensure underage persons do not enter.
- 5.29 In seeking to protect vulnerable people the Authority will apply its consideration of the application to people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling perhaps due to a mental impairment, alcohol or drugs.
- 5.30 The Authority encourages applicants to offer controls that limit access by customers to gambling or further access to alcohol where the customer shows signs of inebriation.
- 5.31 The Authority will always treat each case on its individual merits. When considering whether specific measures are required to protect children and other vulnerable people, the Authority will balance these considerations against the overall principle of aiming to permit the use of premises for gambling, where that principle applies.
- 5.32 The Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). In particular the Authority will consider whether children can gain access; the compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 5.33 Where the legislation allows the Authority will look particularly closely at applications that are made for premises:
- close to sensitive areas or developments
  - residential areas
  - schools and other educational establishments
  - residential hostels for vulnerable adults
  - premises licensed for alcohol or gambling

## 6 Responsible Authorities

- 6.1 Responsible Authorities have a role to play in both authorising and regulating the various forms of gambling activity permitted by the Act. In accordance with the Gambling Commission's Guidance for Local Authorities (the "Guidance") this Authority has designated the Local Safeguarding Children Board for Nottingham City Council as the responsible authority to advise on child protection issues because of its status in law to take action in respect of the protection of children from harm.
- 6.2 The names and contact details of the Responsible Authorities recognised by the Authority for the purpose of the Gambling Act 2005 are available on the website [www.nottinghamcity.gov.uk](http://www.nottinghamcity.gov.uk)
- 6.3 Through the inclusion of a wide range of responsible authorities the Act aims to achieve a regime where all relevant regulatory bodies and organisations are made aware of the applications for gambling premises licences or other permissions. The Guidance recognises that in many instances comments that responsible authorities make will be relevant to the licensing authority's determination. Equally, in some cases, representations may not relate to matters that lead to the licensing authority refusing a premises licence. However, the wide dissemination of applications allows responsible authorities to take action under their own legislation and enforcement powers, even if there is no direct role for them in the gambling licence process. The Gambling Act contains no obligation on responsible authorities to respond to applications for premises licences if they do not wish to do so. The Authority therefore encourages Responsible Authorities to make representation on applications where they consider it necessary but to work within the spirit of the Act and to agree reasonable, achievable and proportionate conditions in appropriate cases.
- 6.4 The Licensing Authority will seek to avoid duplication of other powers when inspecting or enforcing under the Gambling regime and encourages the Responsible Authorities to do likewise.

## 7 Interested parties

- 7.1 Interested parties have limited rights to make representations in relation to gambling activities. They may only make representations in relation to applications for premises licences and provisional statements, and may apply for a review of an existing licence. Interested parties are defined as persons who **in the licensing authority's opinion:**

- Live sufficiently close to the premises to be likely to be affected by the authorised activities
- Have business interests that might be affected by the authorised activities, or

- Represent either of the above.
- 7.2 A wide interpretation will be given to those categories of persons and organisations that represent residents and businesses. These may include residents and tenants associations, trade unions and other associations, as well as individuals whose role is to represent the interests of one or more residents or businesses such as a councillor, MP or legal representative.
- 7.3 This Authority will require the person/body representing an interested party to show that they have been approached to do so by an individual who can be classed as an Interested Party in their own right, for example one who lives sufficiently close to the premises to be likely to be affected by the activities being applied for. A letter accompanying the representation from the individual to the nominated representative requesting that the representation be made on their behalf, will normally be sufficient.
- 7.4 Similarly the Authority will interpret the phrase “business interest” widely and not merely confine the phrase to meaning those engaged in trade and commerce. It may therefore include charities, churches, medical practices, schools and other establishments and institutions.
- 7.5 In determining what ‘sufficiently close’ means the Authority may take any or all of the matters below into account as appear relevant to it to ensure that those who are likely to be directly affected by the proposed activities can exercise their right to be heard:
- the size and capacity of the application premises
  - the proximity of their home or business to the application premises
  - the nature of the complainant
  - the nature of their residency (e.g. private resident, resident in home for the vulnerable etc)
  - the potential impact of the premises
  - the likely catchment area of the premises
  - whether the person making the representation has business interests in the catchment area that might be affected
  - the nature of the authorised activities to be conducted on the application premises
  - the routes likely to be taken to and from the application premises
  - the character of the area
  - the density of the built up area
  - the topography of the area
- 7.6 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, then without further evidence relating to the licensing objectives

supporting the representation, the Council would not consider this to be a relevant representation because it relates to 'demand' or competition.

## 8 **Local Standards Relevant to Specific Types of Gambling Matters**

8.1 Gambling may be authorised in various ways dependant on the nature of the gambling activity involved. In general either a premises licence or permit will be needed though certain activities may be authorised by way of mere notification. The involvement of responsible authorities, interested parties and the degree of control and discretion available to the Licensing Authority varies dependant upon the type of authorisation necessary. This section addresses the local standards applicable to the various types of authorisation.

### **Premises Licences and Provisional Statements**

8.2 Premises licences are only necessary for the following types of gambling:

- Betting premises (including tracks)
- Casino premises
- Bingo premises
- Adult gaming centres
- Licensed family entertainment centres (i.e. one which operates machines with a £100 maximum prize)

8.3 The Gambling Act allows "responsible authorities" (identified in section 157 of the Act) and "interested parties" to make representations to applications relating to premises licences and provisional statements. In the case of reviews that right is also given to the licensee. With regard to other forms of notification and permit, the right to object is restricted to specified bodies.

8.4 A person may make an application for a provisional statement in respect of premises which he expects to be altered or constructed or which he expects to acquire the right to occupy. The provisions set out below apply to provisional statements as they apply in relation to premises licences especially as the Licensing Authority is under a duty to disregard any representations that could have been made in relation to the provisional statement when considering the subsequent premises licence application.

### **Applications**

8.5 The Act places a duty on the Authority to aim to permit the use of premises for gambling in so far as the Authority thinks the application is in accordance with:

- the Codes of Practice,

- the Commission's Guidance,
- this Policy Statement, and;
- where the application is reasonably in accordance with the licensing objectives.

As these are the criteria against which an application is to be assessed representations which address these issues are more likely to be accepted and given weight.

- 8.6 This policy statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.
- 8.7 Forms and notices relevant to activities within the Authority's remit are available from the Licensing Service at [www.nottinghamcity.gov.uk](http://www.nottinghamcity.gov.uk)
- 8.8 Licences will only be issued in accordance with the Act. Premises licences are transferable to someone else holding a valid Operating Licence. The Act provides that licensing authorities may attach conditions to Premises Licences. Guidance has been issued by the Commission that suggests what conditions might be considered in relation to each type of Licence.
- 8.9 When considering applications for premises licences the Authority will not take into consideration either the expected 'demand' for facilities or the likelihood of planning permission or building regulations approval being granted. Except in the case of a Provisional Statement or an application to allow a track to be used for betting where other persons will provide the betting facilities, applicants for a premises licence will need to show to the satisfaction of the Authority that they have a right to occupy the premises concerned; hold a valid Operating Licence from the Commission or have applied for an Operating Licence and meet such other criteria set out in law. The Premises Licence can be only issued once the Operating Licence is issued. In the case of a Provisional Statement where the applicant does not currently have a right to occupy the application premises, the Authority will require written confirmation that the applicant may reasonably expect to acquire that right within a reasonable time.
- 8.10 In relation to an application to split existing licensed premises thereby creating multiple sites, the Licensing Authority will expect the primary use of each area to be the main business in accordance with the type of licence held. Any activities other than the primary use will be considered ancillary to the main business.
- 8.11 The Commission's Licence Conditions and Codes of Practice published in February 2015 formalise the need for operators to consider local risks. The Social responsibility Code also requires licensees to assess the local risks to the licensing objectives posed by the provision of

gambling facilities at each of their premises and have policies, procedures and control measures to mitigate those risks. Such risk assessments must be reviewed and updated on a regular basis. Licensees must also share their risk assessments with the Licensing Authority when applying for a new premises licence or variation of their existing licence, or upon request. In undertaking these risk assessments operators should have regard to relevant matters identified in this Statement of Policy ( eg those at paragraph 5.25 and section 9) and also at any local area profiles which the Authority may compile and publish on it's website.

### **Representations**

- 8.12 Representations (objections) to applications or requests for a review should be based on the licensing objectives of the Gambling Act which are set out at the start of the Statement.
- 8.13 Representations received outside the statutory period for making such representations or which otherwise does not comply with the Regulations will be invalid and will not be taken into consideration when the application is determined. In addition the Authority expects representations to be made in accordance with Policy Two below:

### **Policy Two**

**A representation should indicate the following:**

- (i) the name, address and a contact number for the person making the representation.**
- (ii) the capacity in which the representation is made (i.e. interested party, responsible authority) and if made as a representative should indicate who is being represented.**
- (iii) the name and address of the premises in respect of which the representation is being made.**
- (iv) the licensing objective(s) relevant to the representation.**
- (v) why it is felt that the application, for one or more of the following reasons;**
  - is not reasonably consistent with the licensing objectives or;**
  - is not in accordance with this Policy, the Commission's Guidance or the relevant Code's of Practice or;**
  - otherwise should not be granted or;**
  - should only be granted subject to certain specified conditions**
- (vi) details of the evidence supporting the opinion in (v).**

Whilst representations which are not in the preferred form or which do not fully comply with Policy Two will not automatically be rejected, they

may be less likely to comply with the law relating to representations resulting in them ultimately being rejected or given little or no weight.

REASON: To ensure the representation is made by a responsible authority or interested party and that it is relevant and directly related to the application premises.

- 8.14 It is in the interest of those making representations that they include as much detail and evidence as possible at the time the representation is made. The Authority will determine whether a representation should be excluded as frivolous or vexatious based on the normal interpretation of the words. A representation may therefore be excluded if it obviously lacks seriousness or merit, or is designed to be antagonistic. An example may be a representation received from a rival operator which is based solely on the fact that the new premises would compete with their own.
- 8.15 Ordinarily where representations are received the Authority will hold a hearing. However, a hearing does not have to be held where the Authority thinks that a representation is frivolous, vexatious, or will certainly not influence the authority's determination of the matter. It is for the licensing authority to determine whether a representation falls within these categories, however, representations which comply with Policy Two are unlikely to do so.

#### **Review**

- 8.16 A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review from a responsible authority or interested party. Reviews cannot be delegated to an officer of the licensing authority – the lowest level of delegation permitted is to a licensing sub-committee (licensing panel).
- 8.17 The Act provides that licensing authorities may initiate a review of either a particular class of premises licence or a particular premises if it has reason to suspect that licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives it cause to believe that a review may be appropriate. Officers of the Council or of a responsible authority may be involved in the initial investigations of complaints leading to a review, or may try informal mediation or dispute resolution techniques prior to a full scale review being conducted.
- 8.18 Representations and review applications will be considered by the Authority in accordance with the relevant legislation, guidance issued by the Commission, this Statement of Principles and Codes of Practice.

### **Vessels and vehicles**

- 8.19 The Act allows pleasure boats to apply for a premises licence. As with multi-purpose buildings the part of the vessel where gambling takes place will be licensed and the usual restrictions on access for children will apply. The Act applies in relation to a vessel which is not permanently moored or berthed as if it were premises situated in a place where it is usually moored or berthed. In relation to vessels that may be moored or berthed in more than one Authority's administrative area this Authority will make arrangements as necessary with those other Authorities that are involved to agree who will receive and determine the application.
- 8.20 Vehicles (trains, road vehicles, aircraft, sea planes and amphibious vehicles other than a hovercraft) may not be the subject of a premises licence and therefore all forms of commercial betting and gaming will be unlawful in a vehicle in Great Britain. Certain allowances are made for private and non-commercial gaming or betting to take place in a vehicle, but these are subject to a number of stringent requirements. These ensure that at no point can the gambling become a commercial activity and are dealt with by the Gambling Commission.

### **Conditions**

- 8.21 The Act provides that conditions may be attached to premises licences in a number of ways:
- automatically by the Act;
  - through regulations made by the Secretary of State;
  - by the Commission through operating and personal licences; or
  - by licensing authorities.
- 8.22 Conditions may be general in nature and attached to all licences or all licences of a particular class, or they may be specific to a particular licence.
- 8.23 The Authority will not normally interfere with default conditions which apply by reason of regulations unless an applicant can demonstrate that alternative controls will be operated by him that achieve the same or similar effect or where the Authority is of the opinion that a more stringent condition should be imposed. In both case the Authority will give notice of its reasons for departing from the default conditions to the applicants and all parties making representation on the matter.
- 8.24 The Authority will not generally impose conditions that limit the use of premises for gambling unless it is considered necessary as a result of the requirement to act in accordance with the codes of practice, Gambling Commission's guidance, this Statement of Policy or in a way that is reasonably consistent with the licensing objectives.
- 8.25 Conditions imposed by the Authority will be proportionate to the circumstances they are intended to address and:



- relevant to the need to make the premises suitable as a gambling facility;
- directly relevant to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

8.26 The Authority will not consider imposing conditions:

- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission.
- relating to gaming machine categories or method of operation.
- which specify that membership of a club or other body is required.
- in relation to stakes, fees, winnings or prizes.

Duplication with other statutory or regulatory regimes will be avoided as far as possible. Each application will be determined on its own merits.

## 9 Local Standards Relevant to Specific Types of Premises Licence

### **Betting**

9.1 The Act contains a single class of licence for betting though there are different types of premises within this class which require licensing.

9.2 Licensable activities include:

- off-course betting;
- on-course betting for tracks (see below);
- betting by way of betting machines, and;
- up to four class B2, B3, B4, C or D category gaming machines

9.3 Factors for consideration by the Authority when determining the application will be:

- location, particularly in relation to vulnerable persons;
- suitability of the premises;
- size of premises in relation to the number of betting machines;
- the ability of staff to monitor the use or abuse of machines and;
- the provision for licence holders to ensure appropriate age limits are adhered to.

9.4 This is not an exhaustive list and each application will be judged on its merits. Any effective measures offered by the applicant to support the licensing objectives will be taken into account.

- 9.5 Conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary and such licences are subject to mandatory and default conditions applied by regulations issued by the Secretary of State.

### **Tracks**

- 9.6 **General Matters Relevant to Tracks** - In addition to the Racecourse which is used both for horse racing and for dog racing the City has a number of premises that may apply for a premises licence to operate as a 'Track' for the purposes of the Gambling Act.
- 9.7 Tracks may be subject to one or more premises licence provided each licence relates to a specified area of the track. The Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) in the determination of premises licence applications for Tracks and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 9.8 Track operators are not required to hold an operators licence granted by the Gambling Commission unless they are operating gambling activities themselves. Therefore premises licences for tracks issued by the Authority are likely to contain requirements for premises licence holders relevant to their responsibilities in relation to the proper conduct of betting. The Authority recognises that Track operators will have an important role to play in the regulation of gambling activities expect that they will take proactive action appropriate to that role. For example in ensuring that betting areas are properly administered and supervised.
- 9.9 The Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 9.10 Applicants are encouraged to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions imposed by the Authority may cover issues such as:
- Proof of age schemes
  - CCTV
  - Supervision of entrances / machine areas
  - Physical separation of areas
  - Location of entrances
  - Notices / signage
  - Specific opening hours

- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 9.11 **Gaming Machines used on Tracks** - Guidance from the Gambling Commission addresses where such machines may be located on Tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. The Authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 9.12 **Betting Premises on tracks** - A Track may hold a betting premises licence allowing betting to take place within defined areas, there may also be a number of subsidiary licences authorising other gambling activities to take place including off-course betting. Unlike betting offices (bookmakers), a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines. Pool betting may also take place on certain types of Tracks and the appropriate operating licence to enable this will be required before a premises licence authorising this activity may be determined by the Authority.
- 9.13 In line with the Commission's Guidance the Authority will expect operators of self-contained units on Tracks to seek an ordinary betting premises licence to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.
- 9.14 **Betting machines on Tracks** - The Authority will take into account the size of the premises and the ability of staff to monitor the use of these machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for Track Betting Premises Licences.
- 9.15 When considering whether to exercise its power to restrict the number of betting machines at a track the Council will consider the circumstances of each individual application and, among other things

will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.

- 9.16 ***Applications and plans for Tracks*** - Regulations set out specific requirements for applications for premises licences. In accordance with the Gambling Commission's suggestion that, to ensure the Authority gains a proper understanding of what it is being asked to licence the premises licence application pack for a Track includes the information that is required which includes detailed plans for the racetrack itself and the area(s) that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses, fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities. Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. It would be helpful to the Authority and the Responsible Authorities if the plans were marked using a colour-coded scheme or at a minimum by use of a key to denote the use of those areas shown.

### **Casinos**

- 9.17 The City Council did not exercise its right under s175 of the Act to make an expression of interest to the Casino Advisory Panel for one of the small, large or regional casinos enabled by the Government in 2005. Six existing operators were entitled to and were granted Converted Casino Licences under the Act and can continue to operate throughout the City.
- 9.18 In 2006 the Licensing Authority passed a resolution under section 166 of the Act not to issue any new casino premises licences for its administrative area. This was reviewed and retained in 2009 and 2012 and the resolution has again been reviewed and subsequently renewed by the Authority during the review of this Statement of Policy. A copy of the most recent resolution and matters to which regard was had when making it is included at appendix 2 of this policy.
- 9.19 The Act and regulations attach a number of conditions automatically to a casino licence according to the gambling activities permitted to take place on the premises and the controls that are required by way of codes of practice which are, in effect, industry standards. See other parts of this Statement for the Authority's general approach to other conditions that it may impose.
- 9.20 The Gambling Commission's code of practice deals with matters including access to casino premises by children and young persons,

the giving of credit and the ban on gambling taking place on Christmas Day. In particular the code specifies that no one under the age of 18 is allowed to enter certain casino premises and entrances to the casino gambling area would be required to be properly supervised.

- 9.21 Casino premises licences will be monitored by the Authority so far as the Act, the guidance, and the codes of practice allow. Such licences are also subject to the review process but the 'no casino' resolution is not a factor that can be taken into account by the Authority in calling for a review.

### **Bingo**

- 9.22 Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain prescribed threshold. If the only type of bingo to be provided is prize bingo then this may be authorised by way of a permit – see the section on prize gaming permits later in this Statement of Policy. Other types of Bingo will require a bingo operating licence from the Gambling Commission and in addition a premises licence from this Authority.

- 9.23 **Access by Children** - A limited number of gaming machines may also be made available at bingo licensed premises. If children are allowed to enter premises licensed for bingo it is important that that they do not participate in gambling, other than on category D machines. Mandatory Conditions apply in such circumstances to ensure that children cannot gain access to other types of gaming machines.

- 9.24 **Suitability and Layout of Bingo Premises** - The Gambling Commission has issued guidance about the need for licensing authorities take into account the suitability and layout of bingo premises. Therefore plans should make clear what is being sought for authorisation under the bingo premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. It would be helpful to the Authority and the Responsible Authorities if the plans were marked using a colour-coded scheme or at a minimum by use of a key to denote the use of those areas shown.

### **Adult Gaming Centres**

- 9.25 These premises must be operated by the holder of a gaming machine general operating licence from the Gambling Commission as well as a premises licence from the Authority.

- 9.26 Permitted activities include:

- A number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available on the premises;
- unlimited category C and D machines.

The Category B machines are limited to B3 and B4.

9.27 Factors for consideration by the Authority when determining the application for an Adult Gaming Centre will include:

- the location;
- the ability of operators to minimise illegal access to the premises by under 18's

This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

9.28 Conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary. In addition to the mandatory and default conditions attached by regulations issued by the Secretary of State. No one under the age of 18 is permitted to enter an Adult Gaming Centre.

9.29 The Authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant for an Adult Gaming Centre to satisfy the authority that there will be sufficient measures to control access to and participation in gambling by such persons, for example to meet the third licensing objective.

9.30 The Authority will also expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions imposed by the Authority may cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- change machines
- self-barring schemes
- provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is neither mandatory nor exhaustive and is merely indicative of example measures.

### **Licensed Family Entertainment Centres**

9.31 There are two classes of Family Entertainment Centres (FECs) dependent upon the type of gaming machines provided on the premises:

- FECs with category C and D machines require a Premises Licence.
- Unlicensed FECs provide only category D machines and are regulated through FEC gaming machine permits (see below)

9.32 In determining the suitability of the location, consideration will be given to the following factors:

- proximity of premises to schools and vulnerable adult centres (e.g. a centre for gambling addicts);
- proximity to residential areas where there may be a high concentration of families with children;
- whether the premises have a town centre or edge of town centre location.

9.33 The Authority will have specific regard to the third licensing objective (the need to protect children and vulnerable persons from harm or being exploited by gambling) and will expect the applicant to satisfy the Authority in this respect (i.e. that there will be sufficient measures to ensure that persons under 18 years of age do not have access to the adult only gaming machine areas).

9.34 Conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary in addition to the mandatory and default conditions attached by regulations issued by the Secretary of State. Applicants are encouraged to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions imposed by the Authority may cover issues such as:

- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.
- measures / training for staff on how to deal with suspected truant school children on the premises

This list is neither mandatory nor exhaustive and is merely indicative of example measures.

## 10 Notifications

### Temporary use notices

- 10.1 Premises which are not licensed for gambling may be used by a licensed operator for an aggregate period of 21 days in a period of 12 months for prescribed types of gambling. In order to do so the operator must serve a temporary use notice (or notices) on the Licensing Authority, the Commission and the Police. These are the only bodies who may object to such a notice. In such circumstances a hearing may be held and the Licensing Authority may prevent the notice from taking effect or limit the activities or impose conditions.

### Occasional Use Notices

- 10.2 Betting on unlicensed tracks may also be authorised for up to 8 days in a calendar year by the service of occasional use notices by the occupier of the track or the person responsible for the administration of the event. As long as the notice relates to a track and does not exceed the 8 day limit then there is no provision for objections to be made to this type of activity or for it to be prohibited.

## 11 PERMITS AND REGISTRATIONS

### Gaming machines - General

- 11.1 Permits are generally required for the use of gaming machines on premises which do not require a premises licence under this Act. Applications for permits are not required to be notified to the public in the same way as applications for premises licences and the right to make representations is limited to certain specified responsible authorities. In exercising its duties in relation to these functions the Licensing Authority is not under a duty to aim to permit the use of premises for gambling and need not in all cases have regard to the licensing objectives.

- 11.2 A gaming machine can cover all types of gambling activity which can take place on a machine, including betting on 'virtual' events. Legislation prescribes the number and category of gaming machines that are permitted in each type of licensed gambling premises. Subject to the provisions of the Act however, gaming machines can also be made available in a variety of other premises, including:

Family entertainment centres  
Clubs  
Pubs and other alcohol licensed premises  
Travelling fairs

- 11.3 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would cause it to be deemed a gaming machine.



- 11.4 The Authority encourages permit and premises licence holders to apply relevant codes of practice which may be introduced by the amusement industry from time to time, to their operations.

**Gaming machines in premises licensed to sell alcohol**

- 11.5 The Act provides for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. However to rely on this automatic entitlement the person who holds the Premises licence under the Licensing Act 2003 must formally notify the Licensing Authority and pay the prescribed fee. Failure to do so means that the gambling is unauthorised and the premises user or any person who makes the machine available for use commits an offence. A suitable form of notification is available from the Licensing Service. The Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises in breach of the automatic entitlement provisions contained in S282 of the Act;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

- 11.6 If a premises wishes to have more than 2 machines it needs to apply to for a licensed premises gaming machine permit. In determining such an application regard will be had to the licensing objectives and any guidance issued by the Gambling Commission. In particular the Authority will expect the applicant to satisfy it that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Suitable notices and signage may also be support the applicant's commitment. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare are available, clearly positioned and maintained at or near to gaming machines.

- 11.7 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence or a Family Entertainment Centre (either licensed or unlicensed) dependant upon the classification of the machines intended to be used.

- 11.8 It should be noted that the Authority can decide to grant the application for a licensed premises gaming machine permit with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 11.9 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

#### **Club Gaming Permits and Club Machine Permits**

- 11.10 These permits are required where members clubs and Miner's Welfare Institutes wish to offer higher stakes gaming and higher category gaming machines than allowed under automatic entitlement. The number of machines is limited by regulation.
- 11.11 Club gaming permits authorise qualifying clubs to provide gaming machines as well as equal chance gaming and games of chance as prescribed in regulations.
- 11.12 Club machine permits allow the provision of gaming machines where the premises licence holder wishes to offer higher stakes gaming machines than allowed under automatic entitlement but is either a commercial club or does not wish to offer higher stakes gaming. The number of machines is limited by regulation.
- 11.13 Commercial clubs may in some circumstances operate with club machine permits but not club gaming permits.
- 11.14 The Authority may only refuse an application on the following grounds:
- a) the applicant does not fulfill the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
  - b) the applicant's premises are used wholly or mainly by children and / or young persons;
  - c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - d) a permit held by the applicant has been cancelled in the previous ten years; or
  - e) an objection has been lodged by the Commission or the police;

and in the case of (a) or (b) must refuse the permit.

The authority may grant or refuse a permit, but it may not attach conditions to a permit.

### **Prize Gaming Permits**

11.15 These permits cover gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming - the prize is determined by the operator before play commences.

11.16 Consideration will be given to the following factors:

- Proximity of premises to schools and vulnerable adult centres (e.g. a centre for gambling addicts);
- Proximity to residential areas where there may be a high concentration of families with children;
- Whether the premises are in a town centre or edge of town centre location.

It should be noted that a permit cannot be issued in respect of a vessel or a vehicle.

11.17 The application process for such permits is for Licensing Authority to determine, however, the applicant must be 18 years of age or over. The Council has a prescribed form which it requires applicants to use and which is available from the Licensing Office or online at [www.nottinghamcity.gov.uk](http://www.nottinghamcity.gov.uk). Regard will be had to any unspent "Relevant Convictions" (defined by Schedule 7 of the Act) which may be revealed. In addition the Safeguarding Children Board and Police will also be consulted on the application. The Authority has determined that regard will be had to the licensing objectives when determining such applications notwithstanding the Authority's wide discretion when considering such matters.

### **Unlicensed Family Entertainment Centres (also known as Unlicensed FECs /Family Entertainment Centre Gaming Machine Permits)**

11.18 Where premises do not hold a premises licence but wish to provide gaming machines, the occupier or user may apply to the Authority for a FEC Gaming Machine Permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use and may only offer category D machines.

11.19 An application for a permit may only be granted if the Authority is satisfied that the premises will be used as an unlicensed FEC, and if the Police have been consulted on the application. The application process for such permits is for Licensing Authority to determine, however, the applicant must be 18 years of age or over.

11.20 The Council has a prescribed form which it requires applicants to use and which is available from the Licensing Office or online at [www.nottinghamcity.gov.uk](http://www.nottinghamcity.gov.uk). Regard will be had to any unspent "Relevant Convictions" (defined by Schedule 7 of the Act) which may be revealed. In addition the Safeguarding Children Board and Police

will also be consulted on the application. The Authority has determined that regard will be had to the licensing objectives when determining such applications notwithstanding the Authority's wide discretion when considering such matters. Applicants will also need to demonstrate:

- a right to occupy application premises
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that staff are appropriately trained to have a full understanding of the maximum stakes and prizes.

11.21 In considering applications for permits the Authorities will also consider the suitability of the location of the premises, in particular

- proximity of premises to schools and vulnerable adult centres (e.g. a centre for gambling addicts);
- proximity to residential areas where there may be a high concentration of families with children;
- Whether the premises are in a town centre or edge of town centre location.

11.22 The Authority may grant or refuse the permit but cannot attach conditions to this type of permit.

#### **Lotteries (Small Society Lotteries)**

11.23 The purpose of permitted lotteries is to raise money for causes that are non-commercial and therefore the Act requires that a minimum proportion of the money raised by the lottery is channeled to the goals of the society that promoted the lottery.

11.24 A lottery is unlawful unless it is run in accordance with an operating licence issued by the Gambling Commission or it is an 'exempt' lottery as defined by the Act. One of those exemptions is in respect of what are termed "small societies lotteries". Small Society lotteries are distinguished from large society lotteries by the amount of the proceeds that they generate. A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less. Other lotteries are dealt with by the Gambling Commission.

11.25 If a small society lottery breaches these limits it will be in breach of the Act and will be liable to prosecution. Guidance for persons wishing to operate a small society lottery is available from the Licensing Service.

11.26 Small society lotteries are required to be registered with the local authority in the area where their principal office is located. A society with its principle office within Nottingham must register with the Authority if it is a 'non-commercial' lottery; for example, if it is established and conducted:

- for charitable purposes ;
  - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;
  - below the permitted maximum financial limits; or
  - for any other non-commercial purpose other than for private gain.
- 11.27 An application form is available from the Licensing Service and when registration is completed the organiser will be informed by that Service. The Authority will maintain a register of small society lotteries which it has registered.
- 11.28 Refusal of registration shall be in accordance with the Act and Guidance and in particular a registration may be refused or revoked if it is believed that:
- the applicant is not a non-commercial society,
  - a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
  - information provided in or with the application for registration is false or misleading.
  - An operating licence held by the applicant for registration has been revoked or an application for an operating licence has been refused.
- 11.29 As part of the application the Authorities will ask applicants to set out the purposes for which the society is established in order to ensure that they represented a bona fide noncommercial society and have no relevant convictions. Where the Authority feels it appropriate on the circumstances of each case it will consider whether there are factors which suggest that further enquiry is needed before registration occurs.
- 11.30 The Authority will only refuse an application to register after the society has had the opportunity to make representations. The Authority will inform the society of the reasons why it is minded to refuse registration and the evidence on which it has that has reached that preliminary conclusion. Persons wishing to make representation about an application for registration may request a copy of the procedures that will be followed by contacting the Licensing Service. A copy will also be on the Licensing Service web site.
- 11.31 A registration may be revoked if the authority would have been entitled to refuse an application for registration had it been made at that time. No revocation can take place unless the society has had the opportunity to make representations.
- 11.32 Schedule 11 of the Act details the information that must be returned to the Authority no later than 3 months after the lottery. The returns required to be made must be sent to the Licensing. Operators are

recommended to send these by recorded delivery to ensure receipt. Statements submitted over the previous 18 months **must** be available for inspection. Failure to provide a statement is an offence.

11.33 The Commission recommends that operators maintain written records of unsold and returned tickets for a period of one year. The licensing authority is permitted to inspect the records of the lottery for any purpose related to the lottery and expect operators to maintain the aforementioned written records.

11.34 If registered if a society fails to comply with any of the other conditions of a small society lottery laid down in Part 4 of Schedule 11 it will be operating in an illegal manner. Under these circumstances the society may be prosecuted by the Commission, the police or the licensing authority.

### **Travelling fairs**

11.35 Where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, it falls to this Authority to decide whether the statutory requirement, that the facilities for gambling amount to no more than an ancillary amusement at the fair, is met. The Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

11.36 It should be noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held regardless of whether it is the same or different travelling fairs occupying the land. The Authority will work with the appropriate Departments within the City Council, with its neighbouring authorities and land owners to ensure that land, particularly that crosses our boundaries is monitored so that the statutory limits are not exceeded.

11.37 A guide for those wishing to operate gambling machines at travelling fairs is available on the Commission website.

## **12 Exchange of and Access to Information**

12.1 The Authority will act in accordance with all the relevant legislation and guidance from the Commission with regard to data protection and the freedom of information. Additionally the Authority will adopt and apply the principles of better regulation.

## **13 Fees**

13.1 Premises licence fees in England and Wales will be set via a series of bands, with a prescribed maximum in each band. Licensing authorities are able to set fees from within the bands, limited to cost recovery. The fees set by Nottingham City Council's Licensing Committee are available on request from the Licensing Service.

## 14 Delegations

- 14.1 The list of delegations used by this Authority is available on the Licensing Service website [www.nottinghamcity.gov.uk](http://www.nottinghamcity.gov.uk).

## 15 Inspection and Enforcement

- 15.1 It is the Commission's intention that, where appropriate, there should be consistency across licensing authorities about the manner in which functions under the Act are carried out. This is important so as:

- to achieve a consistent standard of regulation and shared priorities ensuring that the licensing objectives are promoted; and
- to minimise the impact of regulation on businesses by ensuring that operators receive sufficient advice to help them understand and comply with gambling regulation and know what the requirements of licensing authorities are likely to be.

- 15.2 The Act gives licensing authorities a range of powers to inspect premises used for gambling purposes that fall within their sphere of responsibility, to ensure compliance with the Act and where necessary to take enforcement action should the Act be breached.

- 15.3 In undertaking such duties the Authority will aim to be:

- proportionate: regulators should only intervene when necessary;
- remedies should be appropriate to the risk posed, and costs identified and minimised;
- accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- consistent: rules and standards must be joined up and implemented fairly;
- transparent: regulators should be open, and keep regulations simple and user friendly; and
- targeted: regulation should be focused on the problem.

- 15.4 The Authority will operate a risk-based inspection programme which includes targeting high-risk premises and activities which require greater attention, whilst operating a lighter touch in respect of low-risk premises and activities, so that resources are effectively concentrated on problems relevant to the regime. The level of risk will be determined by criteria such as that issued by the Commission in its guidance to local authorities.

- 15.5 The primary function of the Council's enforcement work is to protect the public and the environment. At the same time fair and consistent

enforcement helps to maintain a level playing field for local businesses, individuals and our other service users.

- 15.6 We recognise that the effectiveness of legislation depends upon the compliance of those regulated and that most businesses and individuals want to comply with the law. We will therefore assist and advise wherever possible, whilst taking firm action against those who break the law or act irresponsibly

### **Policy Three**

**The authority will adopt a risk based assessment approach for determining the frequency of compliance inspections. The risk rating will be based broadly on the following factors:**

- **location of the premises and their impact on the surrounding area,**
- **enforcement history of the premises,**
- **nature of the licensed or permitted operation,**
- **potential to have an adverse affect on the licensing objectives, and;**
- **management record.**

REASON: To provide a targeted and cost efficient enforcement service which will encourage and improve operating practice, promote the licensing objectives, and drive out poor practices; whilst at the same time meet accepted best practice principles of compliance inspection.

## **16 MONITORING AND REVIEW OF THIS STATEMENT**

- 16.1 This Policy Statement will be reviewed at least every three years. In preparing succeeding policy statements regard will be had to data and information collated over the operating period of the current policy together with trends and the outcome of related initiatives from both local sources and nationally issued data and guidance.
- 16.2 Bodies that are Responsible Authorities for the purpose of the Act will be encouraged to report to the Authority on relevant issues within the remit of that body under the licensing function.



## APPENDIX 1

### PERSONS CONSULTED FOR THE PURPOSE OF THE STATEMENT OF GAMBLING POLICY

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police
- One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted those organisations and individuals that it knows have an active gambling operation within the City.
- The following were directly consulted and the draft Statement of Policy was available for comment on the Authority's website:
  - (a) Chief Officer of Police.
  - (b) Director of City Development, Nottingham City Council.
  - (c) Director of Leisure and Community Services, Nottingham City Council.
  - (d) Local elected representatives (Councillors and MPs).
  - (e) The Nottingham City Crime and Drugs Partnership.
  - (f) One Nottingham.
  - (g) Premises holding licences under the Licensing Act 2003.
  - (h) Nottingham City Council Children's Services
  - (i) The Responsible Authorities (see section 6)
  - (j) Adult Services

Our consultation took place between \*\* and \*\*we followed the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector.

Any comments as regards this document should be sent by e-mail or letter to:

The Licensing Officer  
Licensing  
Tamar Building  
London Road  
Nottingham  
NG2 3AH  
Email: [general.licensing@nottinghamcity.gov.uk](mailto:general.licensing@nottinghamcity.gov.uk)

## **APPENDIX 2**

### **'NO CASINO' RESOLUTION MADE UNDER S166**

On 11 December 2006 Nottingham City Council adopted a resolution pursuant to section 166 of the Gambling Act 2005 that, no new premises licences for casinos will be issued for the administrative area of the City of Nottingham. This resolution was reviewed and renewed alongside the Authority's Gambling Policy in 2009 and again in 2012. On \*\*December 2015 the City Council once again resolved that with effect from 31 January 2016 no new premises licences will be issued for casinos in the administrative area of the City of Nottingham.

#### **Principles/matters to which regard was had in passing the resolution**

Nottingham is the regional centre for culture and leisure in the East Midlands. It has a vibrant city centre, a flourishing multi-cultural artistic scene, major sporting and entertainment venues, theatres, cinemas and a range of local community facilities and events. However,

- The City has no Electoral Wards that are wholly or mainly industrial and many areas are primarily residential.
- The City as a whole was ranked 20<sup>th</sup> out of 326 local authorities based on 2010 Index of Multiple Deprivation score measures.
- The City has a high level of potentially vulnerable people. In January 2015 the City had an Job Seekers Allowance claimant rate of 3.9% and 20.7% of the resident population aged 16 years or over were school pupils or full-time students

The higher than national averages of deprivation, unemployment and young persons in the City are of particular importance bearing in mind the licensing objective to protect children and other vulnerable people from being harmed by gambling. The statistics and information outlined in the Introduction to this Statement of Policy shows that the City has a high level of potentially vulnerable people contained within a relatively small geographical area but also has a high concentration of licensed and other premises providing leisure, entertainment and other recreational facilities. This includes 6 licensed casinos which took advantage of ability to apply for grandfather rights to continue in operation under the 2005 Act. The City also has many hundreds of other types of gambling outlets.

The City Council believes that the local economy requires careful support and nurture in order to maintain the City's position as a regional centre. The level of jobs created by a new casino would not be expected to be significant in reducing the unemployment rate for the City and no guarantee can be given that the City's population alone will be given any jobs created.

The City Council is concerned that the introduction of a new Casino of the type permitted by the Gambling Act, (the smallest of which would be considerably larger than any of the existing licensed casinos) may have an adverse impact on the local community and economy and may not be consistent with the licensing objectives. The City Council therefore passed the resolution outlined above to further protect its position. In the event of more casino licences becoming available under Section 175 of the Gambling Act the Authority may reconsider the “no casino” resolution and rescind it if it is felt appropriate at that time. This resolution will in any event be reconsidered in accordance with statutory requirements at least once every three years.

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**CITY COUNCIL – 13 JULY 2015**

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

**OVERVIEW AND SCRUTINY ANNUAL REPORT 2014-15**

**1. SUMMARY**

- 1.1 I would like to record the Council's thanks to the following individuals, organisations and groups who supported Overview and Scrutiny during the last Municipal Year:
- Our partners and Executive Councillors who have been involved in overview and scrutiny work, both in providing the evidence that underpins our reports and in responding to our recommendations;
  - The many community representatives, voluntary and community sector groups and individual citizens who have contributed to and supported Overview and Scrutiny; and
  - Colleagues in the Council who have also supported our work.
- 1.2 The Overview and Scrutiny Annual Report for 2014/15 is appended to this report for the consideration of Council.

**2. RECOMMENDATIONS**

- 2.1 To accept the Overview and Scrutiny Annual Report for 2014-15.

**3. REASONS FOR RECOMMENDATIONS (INCLUDING OUTCOMES OF CONSULTATION)**

- 3.1 Not applicable.

**4. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 4.1 None.

**5. BACKGROUND**

- 5.1 In 2014-15 the statutory scrutiny function was delivered through an Overview and Scrutiny Committee, which agreed and co-ordinated the overall work programme and carried out scrutiny of key strategic issues. This Committee was supported by the Health Scrutiny Panel, the Joint Health Scrutiny Committee, the Call-in Panel and a number of Scrutiny Review Panels commissioned by the main Overview and Scrutiny Committee.

**6. FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)**

- 6.1 None.

**7. RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS, CRIME AND DISORDER ACT IMPLICATIONS AND EQUALITY AND DIVERSITY IMPLICATIONS)**

7.1 None.

**8. EQUALITY IMPACT ASSESMENT (EIA)**

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

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

9.1 None.

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

10.1 Reports, agenda and minutes of the Overview and Scrutiny Committee, Health Scrutiny Panel, Joint Health Scrutiny Committee, Call-in Panel and Scrutiny Review Panels during the municipal year 2014-15.

**COUNCILLOR BRIAN PARBUTT**

**CHAIR OF THE OVERVIEW AND SCRUTINY COMMITTEE**

# Overview & Scrutiny **Annual Report** 2014-15



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## **FOREWORD**

I am very pleased to introduce this Annual Report to Council which outlines the continued contributions made by the Overview and Scrutiny Committees during 2014/15. Throughout the year scrutiny councillors have engaged in a number of significant reviews and have worked to add value to the delivery of City Council services in a challenging operational environment.

During the year, key areas of work have included engagement with the Crime and Drugs Partnership, reviewing the associated risks with transforming rehabilitation of offenders in Nottingham, progress made by the Council since Ofsted's inspection of its Children's Services in March 2014 and the scrutiny of a wide range of health related issues. In August, Alexis Jay published her report of the inquiry into Child Sexual Exploitation in Rotherham. This raised important questions for the role of scrutiny and the way in which we hold decision makers to account. As scrutiny councillors we talk a lot about the need for scrutiny to work closely with the Executive and the Council's leadership and this is something we will continue to do – both providing constructive and critical challenge and gathering data from a range of sources to take scrutiny forward in a meaningful way.

In the future it will be increasingly important, as we continue to navigate our way through this period of financial constraint, that we focus our scrutiny resource on areas that matter most to the public and areas where we feel we can help the Council to work smarter and more efficiently.

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

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



Brian Parbutt

### **Councillor Brian Parbutt**

Chair of the Overview and Scrutiny Committee  
Nottingham City Council

## **INTRODUCTION**

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

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

This annual report reviews how the Overview and Scrutiny function performed in 2014-15 and provides a snapshot of some of the contributions it made to improving public services.

The structure for Overview and Scrutiny in 2014-15 was:-

- an Overview and Scrutiny Committee to determine and co-ordinate a prioritised work programme and carry out scrutiny and review of key strategic issues;
- a series of single session reviews, carried out by review panels, with very focused scopes;
- a Health Scrutiny Panel to scrutinise health and adult social care issues within the city;
- a Joint Health Scrutiny Committee to scrutinise health issues across the Nottingham conurbation with councillors from both the City and County Councils;

- a Call-in Panel to review executive decisions when requested by non-executive councillors.

The function is supported by two Senior Governance Officers, with support from other colleagues in Constitutional Services.

Successful Overview and Scrutiny is reliant upon active participation, not only from non-executive councillors, but also from many others, including executive councillors'; colleagues'; representatives of external organisations and partners (including the voluntary sector), interest groups and individual citizens.

This year scrutiny has been supported by many organisations and individuals including: Environment Agency, Severn Trent, The Equalities and Fairness Commission, One Nottingham, Nottingham Community and Voluntary Service (NCVS), Nottingham's Education Improvement Board, Nottingham City Safeguarding Children Board, Nottingham University Hospitals NHS Trust, Nottinghamshire Healthcare NHS Trust, Nottingham CityCare Partnership, Healthwatch Nottingham and Healthwatch Nottinghamshire, NHS England Derbyshire and Nottinghamshire Area Team, OSCAR Nottingham, Nottingham ME and CFS Self-Help Group (MESH), Nottingham City Clinical Commissioning Group and other Clinical Commissioning Groups in south Nottinghamshire, Arriva who provide patient transport services, the Royal Collage of Nursing, East Midlands Ambulance Service and individual patients and users of health services.

We would like to thank all those who provided us with information, attended meetings and responded to our recommendations in 2014-15.

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

### **The way we work**

The Overview and Scrutiny Committee looks at strategic issues and the work of cross-cutting partnerships which affect the Council, the city's residents and those who work in and/ or visit the city. In this way the Committee contributes to the development of policy and strategy and identifies its review priorities. We look to maximise the opportunities for Overview and Scrutiny to be of value to the Council, our partners and citizens of Nottingham. With this in mind, the annual Work Programme is developed to ensure that each review topic has a clear purpose and focuses on achieving outcomes.

Key in the approach to scrutiny in 2014-15 was continuing to take on board the outcomes of the Francis Report (see more in the health scrutiny section below) and the Jay Report. Following the publication of the Jay Report into Child Sexual Exploitation in Rotherham in 2014, media attention focused on the sexual exploitation of children and young people across the country. The findings of this report, as with those of the Francis Report, have overarching implications for scrutiny in general, as well as in relation to specific issues. Scrutiny should not place too much store on the assurances of people in authority that everything is in order and that they are performing well. It's important to consider a range of evidence provided by a range of contributors to get a valid picture of what is or isn't happening.

This year scrutiny councillors have discussed what effective scrutiny is and have concluded that they must be careful not to

uncritically accept reports of activity and performance at face value and to be sure to obtain a wide range of views and evidence in order to draw conclusions and make recommendations.

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

This year scrutiny work has been carried out in Overview and Scrutiny Committee meetings and in review panels, which focus on a topic in more depth over one or two meetings. Some of this work is outlined below to give a flavour of what scrutiny councillors did in 2014-15.

- Both the Leader, Councillor Jon Collins, and the Chief Executive, Ian Curryer, discussed their priorities with the Overview and Scrutiny Committee to help shape the work programme for 2014-15. The Leader set out a clear context of the need to be as creative as possible to continue to provide services within severe budget constraints.
- 2014-15 has seen the involvement of scrutiny grow in key areas of development:

In response to the information provided by Ian Curryer on the Council's efforts to put citizens at the heart of decision making, the Committee made a number of recommendations, which included proposing more involvement from scrutiny to support the Council on its journey from 'Good to Great'. 'Good to Great' was introduced by Ian to give the Council a clear sense of direction by adopting a single operating model with a focus on service user outcomes ie putting the citizen at the forefront of the organisation and providing great

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

As a result of scrutinising Nottingham Plan performance for 2013/14 it was agreed that scrutiny councillors should be more involved and engaged in performance monitoring of Plan priorities and three scrutiny councillors now attend the Joint One Nottingham and Scrutiny Performance Panel to take part in regular monitoring and evaluation of progress.

- Major crime related issues are reported on annually by the Crime and Drugs Partnership (CDP) to the Overview and Scrutiny Committee. In June 2014, Peter Moyes, Director of the CDP, and his colleagues provided a helpful update to the Committee on the progress in meeting the targets in their Partnership Plan and the results of their Strategic Assessment 2013/14. As part of the discussion, the Committee also welcomed Paddy Tipping, the Police and Crime Commissioner; who attended to discuss and evaluate the first year of the office of the Police and Crime Commissioner. The Committee agreed to consider at a future date whether a review of partnership working could be effective in strengthening partnership working.
- Like many other services the National Probation Service is currently undergoing significant transformation. This year the Committee explored the impact of changes made to local services, focusing on how associated risks are being managed. The Overview and Scrutiny

Committee took evidence from the Derbyshire, Leicestershire, Nottinghamshire and Rutland Community Rehabilitation Company Limited (DLNR CRC), the National Probation Service (NPS) and the Crime and Drugs Partnership (CDP). The Committee offered its support for the Crime and Drugs Partnership Plan 2014/15 and the focus on tackling violence and alcohol related crime. The Committee looks forward to reviewing progress in implementing changes now that the provider for low and medium risk offenders has been appointed and commenced work.

- The Overview and Scrutiny Committee also looked at the Council's and its partners' activities to promote and build the economic climate. It has contributed to the Nottingham Plan and the Nottingham Growth Plan, focusing its input on how we can best develop a skilled workforce to ensure local jobs for local people. The growing interest in the debate about greater devolution in England was also explored during the discussion. Nottingham holds a position nationally, as one of the Core Cities, and has been at the forefront of discussions in the first wave of devolution in 2014, benefiting from the first Local Growth Deals with Local Enterprise Partnerships. The Growth Deal represents significant investment in Nottingham and has allowed the city to bring forward a number of key infrastructure and regeneration schemes. Recommendations to the Portfolio Holder for Jobs and Growth included the need to ensure support mechanisms to deliver long-term business growth and closer working with health partners to address the skills gap in the health sector. The scrutiny of major programmes and regeneration in the city is likely to form part of the Committee's work programme for 2015/16.

- Following an unannounced three-week inspection of ‘services for children in need of help and protection, children looked after and care leavers’ in March 2014, Ofsted inspectors concluded that Nottingham’s children remain safe. However, it was noted that improvements were required and in January 2015 scrutiny councillors were reassured by Paul Burnett, the Independent Chair of Nottingham City Safeguarding Children’s Board, Alison Michalska, Corporate Director for Children and Adults, at Nottingham City Council and David Mellen, Portfolio Holder for Children’s Services that inspection recommendations have been addressed and progress is being made.
- In consultation with the Nottingham Equalities and Fairness Commission (EFC) scrutiny councillors carried out a time limited review on equality principles and the Council’s commissioning and procurement processes. The review panel was commissioned to consider what action the Council was taking in relation to:
  - promoting equality through the Council’s procurement and commissioning policy; and
  - embedding equalities principles in the Council’s commissioning and procurement processes.

The Panel and members from the EFC were concerned that smaller communities and voluntary sector organisations can often find it difficult to make bids for commissioning contracts. They do not always have the capacity and resources of larger providers, which are likely to have more experience of making bids and which may even have dedicated staff who can focus on bidding.

The Panel recognised the efforts of Council colleagues to support smaller groups to engage with the commissioning process and was reassured to hear that a range of resources are offered such as workshops and e-learning materials, to clarify the commissioning and procurement processes and provide guidance on bidding to be a service provider. The Panel recommended the use of jargon-free guidance for small and medium sized enterprises (SMEs) to ensure that they are given as much opportunity as larger organisations to understand processes and procedures and that more effort is made to communicate with the hardest to reach groups in order to engage them proactively with the commissioning process.

Panel members were very appreciative of the time and support given by members of the EFC and the Council’s Commissioning and Procurement staff to this review and the helpful insights provided on how these services are managed and run.

## Call-in Panel

The Call-in Panel met twice this year:

On 11 September 2014 the Panel considered a call-in request from non-executive councillors on the delegated executive decision ‘Workplace Parking Levy (WPL) Fixed Camera Trial Project’. This decision approved the trial use of fixed camera technology to reduce WPL administration. The decision was called in on the basis that there had been inadequate consultation prior to decision making and also that relevant information had not been considered. However, the Panel did

not uphold the call-in and agreed to the immediate implementation of the decision.

On 4 March 2015 the Panel considered a call-in request from non-executive councillors on the delegated executive decision 'Lease for Former Wilford Library'. The decision was to grant a 999 year lease of the former Wilford Library to the West Bridgford Spiritualist Church. The decision was called-in on the basis that there had been inadequate consultation prior to decision making and also that relevant information and viable alternatives had not been considered. However, the Panel did not uphold the call-in and agreed to the immediate implementation of the decision.

## **HEALTH SCRUTINY**

The Council has a statutory responsibility to review and scrutinise the planning and delivery of health services in the local area and where necessary, make reports and recommendations for improvement to organisations which commission and provide NHS funded services. It also has a statutory role in considering proposals to substantially develop or vary health services affecting City residents to ensure that patients and the public have been fully consulted and their views taken into account when making significant changes, as well as ensuring that such changes are in the best interests of patients and the public.

During 2014/15 health scrutiny was carried out by the Health Scrutiny Panel and the Joint City and County Health Scrutiny Committee.

Health scrutiny has continued to build good working relationships with its partners, including with local Clinical

Commissioning Groups, Healthwatch, the Health and Wellbeing Board, Public Health colleagues within the Council, NHS England and the Care Quality Commission (CQC).

Some examples of the work of health scrutiny are provided below.

## **Health Scrutiny Panel**

The Health Scrutiny Panel considered the Government's response to the Mid-Staffordshire NHS Foundation Trust Public Enquiry (the Francis Enquiry). The good working relationships already established (as described above) stand the function in good stead. To aid this there is now a protocol on the relationship between health scrutiny, Healthwatch and the Health and Wellbeing Board in place. Close working between these bodies has helped to avoid duplication, identify opportunities to work together and to complement each other's roles while making best use of resources.

- The Health Scrutiny Panel continued its involvement in scrutinising the substantial changes to the provision of urgent care through the closure of two walk-in centres and the opening of a centre on a single site. Scrutiny was able to provide a positive contribution to the consultation and the shaping of proposals. Healthwatch representatives fed back to the panel that their close involvement with the CCG in the consultation process and development of proposals was as a direct result of the Panel's initial scrutiny of the remodelling process.

- The Panel carried out a review on the integration of Public Health within Nottingham City Council one year on, also looking at the progress made by the function across the city. The focus this year included the transition of staff into the local authority, the development and implementation of the Public Health Business Plan in line with the Council's strategic plans and the safe transition of the commissioning responsibility for health visiting and the family nurse partnership from NHS England to the local authority from October 2015. The Panel was reassured that safe and effective integration had progressed according to plan.
- The Panel has been keeping a close eye on the wide-reaching implications of the Care Act 2014 and the City Council's plans and preparation to meet its new responsibilities. The Act includes a range of general duties for the Council, including promoting wellbeing and actively seeking improvements when carrying out care and support functions and a duty to provide a comprehensive information and advice service, including signposting to independent financial advice. Colleagues have been working to tight timescales and the Panel has been pleased to hear that progress has been on track so that the Council is legally compliant with the new requirements.
- Panel members were keen to ensure that the transfer of children's public health commissioning for 0-5 year olds to Nottingham City Council in October 2015 is well planned and were reassured that ongoing discussions between NHS England and Nottingham City Council and careful planning will result in a smooth and robust transition of responsibility and funding. Nottingham recently secured £45 million of funding through the Big Lottery Funding to support the 'Small Steps, Big Changes' project within the city, which will

go some way to supporting the improvement of health and social outcomes for 0-3 year olds across four wards over the next ten years.

In addition to the above, the Panel has considered procurement of community end of life services, the school nursing service, proposals for merging GP practices, bowel cancer screening, NHS health checks, adult health care integration, the new pathway for CAMHS (child and adolescent mental health services), services delivered by OSCAR Nottingham for people with Sickle Cell Disorder/ Thalassaemia and access to services for people with ME (Myalgic Encephalopathy/ Encephalomyelitis).

### **Joint City and County Health Scrutiny Committee**

- Transformation of services for adult mental health and mental health services for older people were considered as a substantial variation by the Committee this year. Proposed changes involved the closure of in-patient wards/ reduction of in-patient beds and new improved community service provision, including an enhanced Crisis Resolution and Home Treatment Service; a multi-disciplinary model of care; changes to care pathways and the introduction of a 'virtual ward'. The Committee considered that it had been properly consulted and that the proposed changes were in the interests of the local health service. There were some concerns about the public consultation carried out and the Committee asked commissioners to discuss the learning identified from the consultation process with Healthwatch to inform future consultations. Committee members were reassured when they received a paper outlining the results of this discussion.

- A review of the impact of intoxicated patients on the Emergency Department at NUH (Nottingham University Hospitals) resulted in a number of recommendations which were well received by the Trust. The committee was keen that the High Volume Service User Nurse role was extended beyond May 2015 and NUH agreed to consider whether to extend the secondment or make this post into a permanent position, given its success and impact to date. In addition, NUH agreed to carry out a piece of work to enable better understanding of how the behaviour of intoxicated patients affects other patients, visitors and staff.
- The Committee reviewed plans to address pressures on the urgent care system, including the preparation for dealing with winter pressures. The Committee was pleased to hear that earlier than usual notification of funding levels had allowed a level of planning, and consequently a quality of service, that had not been possible in the past. The provision of additional beds and additional Emergency Department cubicles at NUH to cover winter pressures was reassuring. Scrutiny councillors learnt that the biggest obstacle to effective responses to the additional needs in the winter was the recruitment of appropriate staff. Local and national shortages present a challenge to the Trust and the Committee continues to monitor this closely.
- Following considerable negative press coverage and feedback to local councillors on patient experiences about dermatology services, the Committee invited commissioners, providers and patients to a meeting to explore what was being done to address concerns. The Committee also received a letter from the British Association of Dermatologists expressing their concerns about the situation. The main issues were a) that as a

consequence of Dermatologists' reluctance to transfer their employment from NUH (NHS) to Circle, which provides dermatology services from the Treatment Centre, and some issues with service design and procurement, a number of valued dermatology specialists left their employment; and b) the existing service model was flawed and needed to be remodelled for a sustainable service. Councillors were reassured to find that an independent review of dermatology services had been commissioned, but concerned that dermatologists who had now left their employment had not been consulted at a stage where they could have contributed their views. There had been a significant impact on services as a result in the reduction in staff and there was a challenge ahead to attract consultants back or recruit new consultants in order to rebuild the service. The Committee intends to monitor the situation closely in the coming months.

- We have built on the successful approach established last year for reviewing and contributing to health providers' Quality Accounts. By considering the performance of providers against their stated priorities for the year and their intended priorities for the future in small, focused groups, scrutiny councillors, in partnership with Healthwatch, have taken a robust approach to this work and have again been able to provide more meaningful comment for inclusion in each published Quality Account document.

In addition to the above, the Committee has considered the use of the Government's Challenge Fund to improve access to primary care, Patient Transport Services, Hospital Pharmacy delays, NHS 111 Service performance, out of hours dental services, an apparent breach of control at a local dental practice, new strategies for EMAS (East Midlands Ambulance Service), eye casualty services, NUH's approach to



environment and waste, NUH's performance against the four hour emergency department waiting time targets and transformation plans for psychiatric services for children, young people and families.

## **LOOKING AHEAD**

All scrutiny committees will have their annual workshop sessions where they put time aside to hear about the priorities of relevant councillors, colleagues and partners and explore potential scrutiny topics for 2015/16.

The work of health and adult social care scrutiny in the city has grown significantly in 2014/15. In 2015/16, the Health Scrutiny Panel will be renamed the Health Scrutiny Committee and will meet monthly, rather than every other month as it has to date.

In 2015/16 we will be putting together proposals for a Children's Services Scrutiny Panel. The intention is to explore a range of topics allowing councillors to review post-Ofsted inspection updates as well as thematic and strategic topics like Missing Children and Child Sexual Exploitation. We want to ensure that we take forward the recommendations outlined in the Jay Review and the Casey report for a strong role for scrutiny in holding decision-makers to account and identifying potential risk in relation to vulnerable children and young people.

## **CONTACT INFORMATION**

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