



Civic Centre,  
Arnot Hill Park,  
Arnold,  
Nottinghamshire,  
NG5 6LU

# Agenda

## Council

Date: **Wednesday 21 January 2015**

---

Time: **6.00 pm**

---

Place: **Council Chamber**

---

For any further information please contact:

**Alec Dubberley**

Service Manager, Elections and Members' Services

0115 901 3906

---

# Council

## Membership

**Mayor** Councillor Jenny Hollingsworth

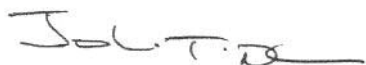
**Deputy Mayor** Councillor Meredith Lawrence

Councillor Steve Ainley  
Councillor Pauline Allan  
Councillor Roy Allan  
Councillor Bruce Andrews  
Councillor Patricia Andrews  
Councillor Emily Bailey  
Councillor Peter Barnes  
Councillor Sandra Barnes  
Councillor Chris Barnfather  
Councillor Denis Beeston MBE  
Councillor Alan Bexon  
Councillor Krista Blair  
Councillor John Boot  
Councillor Nicki Brooks  
Councillor Bob Collis  
Councillor Ged Clarke  
Councillor John Clarke  
Councillor Jim Creamer  
Councillor David Ellis  
Councillor Roxanne Ellis  
Councillor Andrew Ellwood  
Councillor Paul Feeney  
Councillor Kathryn Fox  
Councillor Tony Gillam

Councillor Mark Glover  
Councillor Gary Gregory  
Councillor Cheryl Hewlett  
Councillor Sarah Hewson  
Councillor Mike Hope  
Councillor Paul Hughes  
Councillor Phil McCauley  
Councillor Barbara Miller  
Councillor Richard Nicholson  
Councillor Marje Paling  
Councillor John Parr  
Councillor Michael Payne  
Councillor Lynda Pearson  
Councillor Carol Pepper  
Councillor Stephen Poole  
Councillor Colin Powell  
Councillor Suzanne Prew-Smith  
Councillor Darrell Pulk  
Councillor Nick Quilty  
Councillor Roland Spencer  
Councillor Sarah Tomlinson  
Councillor John Truscott  
Councillor Muriel Weisz  
Councillor Henry Wheeler

## SUMMONS

A meeting of the Borough Council will be held in the Council Chamber, Civic Centre, Arnot Hill Park on Wednesday 21 January 2015 at 6.00 pm to transact the business as set out below.



John Robinson  
Chief Executive

## AGENDA

Page

- 1 Opening Prayers.
- 2 Apologies for Absence.
- 3 Mayor's Announcements.
- 4 To approve, as a correct record, the minutes of the meeting held on 12 November 2014. 1 - 8
- 5 Declaration of Interests.
- 6 To answer questions asked by the public under Standing Order 8.
- 7 To answer questions asked by Members of the Council under Standing Order 9. 9 - 10
- 8 Creation of a combined authority for Nottingham and Nottinghamshire. 11 - 62  
Report of the Chief Executive.
- 9 Localism Act Pay Policy Statement 2015/16 63 - 108  
Recommendation from the Appointments and Conditions of Service Committee.
- 10 Proposed amendment to the Constitution: Standing Order to prohibit recording of private meetings 109 - 114  
Report of the Council Solicitor and Monitoring Officer.

**11 To receive questions and comments from Members concerning any matter dealt with by the Executive or by a Committee or Sub-Committee (Standing Order 11.1).**

<b>a</b>	<b>Minutes of meeting Tuesday 23 September 2014 of Audit Committee</b>	<b>115 - 118</b>
<b>b</b>	<b>Minutes of meeting Wednesday 29 October 2014 of Planning Committee</b>	<b>119 - 130</b>
<b>c</b>	<b>Minutes of meeting Tuesday 4 November 2014 of Environment and Licensing Committee</b>	<b>131 - 136</b>
<b>d</b>	<b>Minutes of meeting Thursday 13 November 2014 of Cabinet</b>	<b>137 - 144</b>
<b>e</b>	<b>Minutes of meeting Wednesday 19 November 2014 of Planning Committee</b>	<b>145 - 146</b>
<b>f</b>	<b>Minutes of meeting Tuesday 25 November 2014 of Environment and Licensing Committee</b>	<b>147 - 152</b>
<b>g</b>	<b>Minutes of meeting Tuesday 25 November 2014 of Joint Consultative and Safety Committee</b>	<b>153 - 156</b>
<b>h</b>	<b>Minutes of meeting Thursday 27 November 2014 of Planning Committee</b>	<b>157 - 180</b>
<b>i</b>	<b>Minutes of meeting Tuesday 9 December 2014 of Environment and Licensing Committee</b>	<b>181 - 186</b>
<b>j</b>	<b>Minutes of meeting Wednesday 10 December 2014 of Planning Committee</b>	<b>187 - 190</b>
<b>k</b>	<b>Minutes of meeting Monday 15 December 2014 of Overview and Scrutiny Committee</b>	<b>191 - 202</b>
<b>l</b>	<b>Minutes of meeting Wednesday 17 December 2014 of Appointments and Conditions of Service Committee</b>	<b>203 - 204</b>
<b>m</b>	<b>Minutes of meeting Thursday 18 December 2014 of Cabinet</b>	<b>205 - 208</b>
<b>n</b>	<b>Minutes of meeting Wednesday 7 January 2015 of Planning Committee</b>	<b>209 - 210</b>

12 To consider comments, of which due notice has been given, under Standing Order 11.03(a).

13 To consider motions under Standing Order 12.

**Motion 1**

This council believes that women who choose to breastfeed should be supported and respected. Breastfeeding has many benefits for children and mothers including

- Reducing the likelihood of a mother contracting breast cancer by up to 20% and also reduces risk of ovarian cancer and developing cardiovascular disease.
- Reducing stress levels and the risk of postpartum depression.
- Protects the baby from a long list of illnesses including respiratory infections, diabetes and gastroenteritis.
- Reduces likelihood of a child developing allergies.
- May boost the child's intelligence and reduce their likelihood of being obese in later life.

However recent events have shown that many women who want to breastfeed feel unable to do so when out of the home and Britain continues to have low rates of breastfeeding take up especially after 3 months (17%), four months (12%) and six months (1%).

This Council commits to promote breastfeeding and to work towards providing suitable facilities for breastfeeding within its own buildings and to encourage partners to do likewise.

Proposer: Councillor Roxanne Ellis

Seconder: Councillor Wheeler

**Motion 2**

This Council notes Her Majesty's Inspectorate of Constabulary's warning that they have a 'growing concern that neighbourhood policing is being eroded. The already thin blue line in our communities is narrowing still further.'

This Council decries the Government's 20% real terms cut to central government police funding since 2010, resulting in the loss of 16,000 officers from our streets.

This Council recognises the difficulty faced by the Nottinghamshire Police and Crime Commissioner in dealing with the £47m central government cut to Nottinghamshire's police budget since the 2010 Spending Review.

This Council welcomes the efforts he has made to recruit more front line

officers, in spite of the budget pressures from central government.

Nevertheless, this Council calls on the Nottinghamshire Police and Crime Commissioner to commit to saving Carlton Police Station from closure.

Proposer: Councillor John Clarke

Seconder: Councillor Gary Gregory

## MINUTES COUNCIL

**Wednesday 12 November 2014**

Councillor Jenny Hollingsworth (Mayor)

Present:	Councillor Meredith Lawrence	Councillor Cheryl Hewlett
	Councillor Steve Ainley	Councillor Sarah Hewson
	Councillor Pauline Allan	Councillor Mike Hope
	Councillor Roy Allan	Councillor Paul Hughes
	Councillor Bruce Andrews	Councillor Phil McCauley
	Councillor Patricia Andrews	Councillor Barbara Miller
	Councillor Sandra Barnes	Councillor Richard Nicholson
	Councillor Chris Barnfather	Councillor John Parr
	Councillor Denis Beeston MBE	Councillor Michael Payne
	Councillor Alan Bexon	Councillor Lynda Pearson
	Councillor John Boot	Councillor Carol Pepper
	Councillor Nicki Brooks	Councillor Stephen Poole
	Councillor Bob Collis	Councillor Colin Powell
	Councillor Ged Clarke	Councillor Suzanne Prew-Smith
	Councillor David Ellis	Councillor Darrell Pulk
	Councillor Andrew Ellwood	Councillor Nick Quilty
	Councillor Paul Feeney	Councillor Roland Spencer
	Councillor Tony Gillam	Councillor Sarah Tomlinson
	Councillor Mark Glover	Councillor John Truscott
	Councillor Gary Gregory	Councillor Henry Wheeler

Absent: Councillor Emily Bailey, Councillor Peter Barnes, Councillor Krista Blair, Councillor John Clarke, Councillor Jim Creamer, Councillor Roxanne Ellis, Councillor Kathryn Fox, Councillor Marje Paling and Councillor Muriel Weisz

### **47 OPENING PRAYERS.**

Reverend Michael Taylor, Mayor's Chaplain, delivered the opening prayers.

### **48 APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors Bailey, Peter Barnes, Blair, John Clarke, Creamer, Roxanne Ellis, Fox, Paling and Weisz.

### **49 MAYOR'S ANNOUNCEMENTS.**

The Mayor spoke about a variety of engagements she had attended in particular the very poignant remembrance event in Arnot Hill Park which was attended by children from Arno Vale Junior School.

The Mayor thanked Colwick Theatre Group for allowing her a guest part in their recent production.

Councillor Parr was thanked for arranging the horse sculpture, as part of remembrance activities, which was taking pride of place in the civic centre foyer.

Finally the Mayor thanked members for their good wishes following her son's recent accident and said that he was feeling much better.

**50 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETINGS HELD ON 10 AND 24 SEPTEMBER 2014.**

**RESOLVED:**

That the minutes of the above meetings, having been circulated, be approved as a correct record.

The Mayor invited Councillor Payne to address Council concerning the Daybook based dentist who was under investigation for poor clinical practice. He advised that this was likely to affect a significant number of Gedling residents and that the Council and its partners were doing all they could to reassure, give information to and support those affected.

**51 DECLARATION OF INTERESTS.**

None.

**52 TO ANSWER QUESTIONS ASKED BY THE PUBLIC UNDER STANDING ORDER 8.**

Question from Mr Stuart Beniston

"The A W Lymn appeal against refusal of planning permission for a crematorium on Catfoot Lane was turned down on various grounds. In his report, the inspector highlighted several inadequacies in the way both the Lymn and Westerleigh applications had been handled by the Planning Department. It therefore seems that the Westerleigh permission was approved by a flawed process. However, that permission was subsequently quashed following a legal challenge by A W Lymn. That decision is now being appealed in a higher court, both by the Council and by Westerleigh, due to be heard in early December.

I was told by one of the planning officers that the Council has appealed in order to resolve wider national planning issues. However, if the appeal succeeds, the Westerleigh permission for a crematorium and cemetery



will be automatically reinstated, creating a permanent intrusion into our countryside which may be unjustified.

Is the Council comfortable with adding its weight to the appeal when, according to the Lymn Appeal inspector, the original permission was granted without full and proper consideration of all the issues?

My view is that the Council should now be making every effort to restart the whole process to allow a full evaluation to be carried out, taking account of the Inspector's comments.

To this end, does the Council agree that its appeal should be withdrawn? In that event, it is likely that Westerleigh will continue with their appeal and the wide planning issue will be resolved anyway. Should that not happen, there will be other opportunities to resolve these issues without saddling the Borough with an intrusive development for which the case has not truly been made. "

Answer from Councillor Pulk, Portfolio Holder for Leisure and Development.

It is correct that the A W Lymn application, which was refused by the Council, was considered at a public inquiry in June 2014. The Inspector upheld the Council's refusal of that application and dismissed the appeal.

However, it is not correct to conclude that the Inspector highlighted several inadequacies in the way both the A W Lymn and Westerleigh applications were handled by the Planning Department.

I would point out that the inquiry only considered the A W Lymn application – it did not (and had no jurisdiction to) consider the Westerleigh application. The Inspector made this clear both at the time and in his Decision.

However the Inspector did look at the issue of need, which related to both applications and concluded that 'It may be that there is such a need, but if so, it remains to be demonstrated.' The Council addressed this at the original Planning Committee by producing a joint report on this one issue. The officer recognised that "the decision as to whether need has been proven is extremely finely balanced" but came to the conclusion that the evidence was "sufficient to be regarded as very special circumstances in this instance."

Your question raises separate points:

1. Your view is that the Council should now be making every effort to restart the whole process to allow a full evaluation to be carried out, taking into account the Inspector's comments.

The 'whole process' cannot be re started because, the Westerleigh application is still outstanding. This application was approved by the Council and subsequently quashed by the High Court. The application has therefore been remitted back to the Council for re determination. It is outstanding and will be determined at a future planning committee meeting.

However, I can confirm that when it goes forward for re determination the Inspector's decision will be taken into account because it is a 'material consideration'. Indeed the Inspector in his decision states that the Council would not be bound to follow its earlier decision and that 'any new decision that it might make would have to take account of all the current circumstances, at the time the decision is made...' In view of this, the applicant is about to submit refreshed evidence to reflect changes in planning legislation and material considerations since the original determination.

All other material considerations, which include any relevant parts of the Inspector's decision on the Lymn appeal, will be addressed in the report to committee when the Westerleigh application goes forward for redetermination.

There are no further decisions for the Council in relation to the Lymn proposal – that application remains refused and no other application has been submitted.

2. You ask if the Council is comfortable with adding its weight to an appeal when, according to the Inspector, the original permission was granted without full and proper consideration of the issues.

For the avoidance of doubt, the Council is appealing in its own right, not 'adding weight' to an existing appeal.

The Inspector did not state that the Westerleigh application was granted without full and proper consideration of the issues – the Inspector was solely concerned with the Lymn application.

The main reason that the Council made the decision to appeal is (as you rightly identify) to resolve wider planning issues. The High Court decision interprets the National Planning Policy Framework, the NPPF, in a way which impacts on all cases where there is a change of use within the green belt. Prior to the NPPF a change of use could be 'appropriate' where it maintained the openness of the green belt. Following the High Court decision, the way the NPPF is now interpreted is that any change of use is 'inappropriate' (unless it is one of the few exceptions specifically referred to in the NPPF) which places a higher bar for applicants. The effect of this goes beyond applications for cemeteries – for example, a change of use from an agricultural field to a football pitch. Both uses maintain the openness of the green belt but the use as a football pitch would now be deemed 'inappropriate'.

3. You ask if the Council agrees that the appeal should be withdrawn.

No, the Council does not agree that the appeal should be withdrawn. Counsel's advice remains that the Council has good prospects of success. The Inspector's decision at the Inquiry has no impact on the Council's decision to appeal and nothing else has changed – the reasons for making the decision to appeal remain. In addition, if the Council withdraws now, it will become liable for the costs of the other parties to the appeal.

### **53 REVIEW OF POLLING PLACES, POLLING DISTRICTS AND POLLING STATIONS**

Consideration was given to a report of the Service Manager Elections and Members' Services, which had been circulated prior to the meeting, seeking approval to adopt a new scheme of polling places, polling districts and polling stations for Gedling Borough.

#### **RESOLVED to:**

- 1) Adopt the new polling districts, polling places and polling stations set out in the appendix to the report to be used for elections from May 2015;
- 2) Request that the Chief Executive formally publishes the notice of the conclusion of the review and its findings; and
- 3) Note that the Chief Executive is authorised to designate an alternative polling place should one become unavailable at short notice before an election.

### **54 INDEPENDENT REMUNERATION PANEL - REPORT AND RECOMMENDATIONS FOR 2015/16**

Consideration was given to a report of Stephen Bray, Corporate Director, which presented the findings of the Council's Independent Remuneration Panel for the next financial year.

#### **RESOLVED:**

- 1) To note the report of the Independent Remuneration Panel;
- 2) That pending the outcome of the strategic review of members' allowances, the allowances be frozen at the current rate and the current scheme of members allowances continues;
- 3) To agree the schedule of members' allowances for 2015/16, as attached at Appendix 2 to the report; and

- 4) To authorise the Council Solicitor and Monitoring Officer to make appropriate changes to Part 6 of the Constitution to reflect the changes to members' allowances agreed.

**55                    PROPOSED AMENDMENT TO THE CONSTITUTION: STANDING ORDER TO PROHIBIT RECORDING OF PRIVATE MEETINGS**

Consideration was given to a report of the Council Solicitor and Monitoring Officer, which had been circulated prior to the meeting, asking the Council to approve an addition to the Procedural Standing Orders in the Constitution to prohibit recording of a meeting where the public are excluded

**RESOLVED:**

That the matter stand adjourned without discussion to the next ordinary meeting of the Council.

**56                    TO RECEIVE QUESTIONS AND COMMENTS FROM MEMBERS CONCERNING ANY MATTER DEALT WITH BY THE EXECUTIVE OR BY A COMMITTEE OR SUB-COMMITTEE (STANDING ORDER 11.1).**

In accordance with Standing Order 11.1, a number of comments were made and responded to by the appropriate Cabinet Member or Committee Chair.

**57                    TO CONSIDER MOTIONS UNDER STANDING ORDER 12.**

Upon a notice of motion received in the name of Councillor Henry Wheeler a proposition was moved by Councillor Henry Wheeler and seconded by Councillor Paul Hughes in the following terms:-

*Recognising that tobacco use remains one of the most significant public health challenges in the UK, costing billions of pounds each year, and that smoking is the single greatest cause of premature death and disease in our communities, causing more deaths in England than any other preventable cause, this Council commits to sign the Nottinghamshire Declaration on Tobacco Control. We will, as local leaders with a commitment to contribute to improving the health of local people, take an active lead on developing and implementing a plan of action to support the reduction of harm caused by tobacco with partners, stakeholders and the wider Gedling Community.*

After discussion and on the requisition of two Members the motion was put to a named vote and the motion was carried.

**For the Motion**

Councillor Steve Ainley

Councillor Sarah Hewson

Councillor Pauline Allan  
Councillor Bruce Andrews  
Councillor Patricia Andrews  
Councillor Sandra Barnes  
Councillor Chris Barnfather  
Councillor Denis Beeston MBE  
Councillor Alan Bexon  
Councillor John Boot  
Councillor Nicki Brooks  
Councillor Ged Clarke  
Councillor Bob Collis  
Councillor David Ellis  
Councillor Andrew Ellwood  
Councillor Paul Feeney  
Councillor Tony Gillam  
Councillor Mark Glover  
Councillor Gary Gregory  
Councillor Cheryl Hewlett

Councillor Jenny Hollingsworth  
Councillor Mike Hope  
Councillor Paul Hughes  
Councillor Phil McCauley  
Councillor Barbara Miller  
Councillor Richard Nicholson  
Councillor John Parr  
Councillor Michael Payne  
Councillor Lynda Pearson  
Councillor Stephen Poole  
Councillor Colin Powell  
Councillor Darrell Pulk  
Councillor Nick Quilty  
Councillor Roland Spencer  
Councillor Sarah Tomlinson  
Councillor John Truscott  
Councillor Henry Wheeler

**Against the motion:**

Councillor Meredith Lawrence

**Abstentions:**

Councillor Roy Allan  
Councillor Carol Pepper  
Councillor Susanne Prew-Smith

**RESOLVED that:**

Recognising that tobacco use remains one of the most significant public health challenges in the UK, costing billions of pounds each year, and that smoking is the single greatest cause of premature death and disease in our communities, causing more deaths in England than any other preventable cause, this Council commits to sign the Nottinghamshire Declaration on Tobacco Control. We will, as local leaders with a commitment to contribute to improving the health of local people, take an active lead on developing and implementing a plan of action to support the reduction of harm caused by tobacco with partners, stakeholders and the wider Gedling Community

The meeting finished at 7.55 pm

Signed by Chair:

Date:

This page is intentionally left blank



## **Questions received from Members of the Council under Standing Order 9**

### Question from Councillor Roland Spencer to the Leader of the Council

Holy Trinity Church at Lambley has had a Closed Church Yard since 1890. This means that this Council has a statutory duty to maintain the grounds. Could the Leader of the Council tell me who made the decision to stop this maintenance?

This page is intentionally left blank





## Report to Council

**Subject:** Creation of a combined authority for Nottingham and Nottinghamshire

**Date:** 21 January 2015

**Author:** Chief Executive

### Purpose

- 1.1 To seek approval for Gedling Borough Council to formally join the Nottingham and Nottinghamshire Combined Authority once it is established and for Council to consider and comment on the draft Governance Review and draft Scheme for the establishment of the Nottingham and Nottinghamshire Combined Authority.

### Background

- 2.1 At its meeting on 19 December 2014, the Nottingham and Nottinghamshire Economic Prosperity Committee agreed to "*recommend to its Constituent Councils that they pursue a Combined Authority under the relevant provisions of the Local Democracy, Economic Development and Construction Act 2009 (and other such provisions as are necessary to ensure the authority has a range of functions to match expectations)*".
- 2.2 Following this decision, the statutory consultation of partners and interested parties on the proposals for the Combined Authority was launched. Copies of the consultation versions of the Governance Review and Scheme are attached to this report as appendices 1 and 2.
- 2.3 The Governance Review and Scheme are the statutory documents that will form the basis of the constituent partners' application to the Government for Combined Authority status and it is important to note that there will be further changes to the documents as details are worked through and consultation responses included.
- 2.4 The consultation period ends on 6 February 2015. Consultation feedback will be considered by the Economic Prosperity Committee and final versions of the Governance Review and Scheme will be prepared. It is currently proposed that the Nottingham and Nottinghamshire Combined Authority Governance Review and Scheme will be submitted to the Secretary of State for Communities and Local Government by mid February 2015.

- 2.5 Discussions with the Department for Communities and Local Government (DCLG) and the Department for Business, Innovation and Skills (BIS) about a Nottinghamshire and Nottingham Combined Authority have been positive. An indication has been given that provided the necessary consultation has taken place and the Governance Review and Scheme demonstrate how the Combined Authority will positively benefit the area, it is possible that a Combined Authority may be created by Statutory Instrument in September 2015. A copy of the draft order which the Secretary of State will be asked to consider is attached as Appendix 3.
- 2.6 Members should note that the formal establishment of the Nottingham and Nottinghamshire Combined Authority will not bring about an immediate change to governance or operational arrangements. Negotiations with the Government will need to take place over the powers and functions that will be vested in the Combined Authority and local negotiations will take place to establish operating protocols across the constituent partners.
- 2.7 In view of tight timescales and the high likelihood of changes being required to the statutory documents, Council is asked to delegate sign off of the final Governance Review and Scheme to the Chief Executive in consultation with the Leader of the Council and Opposition Group Leaders.

### **Powers of the Combined Authority**

- 3.1 The prime purpose of the Combined Authority is to improve the exercise of statutory functions in relation to economic development, regeneration and transport.
- 3.2 The full list of powers is set out in section 2 of Appendix 2 and includes:-
- Setting an economic and investment strategy
  - Coordinating inward investment activity
  - Functions in respect of the funding and provision of housing
  - Functions of a local transport authority
- 3.3 The powers of the Combined Authority will be supplemented by operating “protocols” agreed locally by the Combined Authority and councils. These protocols will include recognition of the strategic role of the Combined Authority and safeguards to ensure that it does not unnecessarily interfere with local decision making and delivery. As detailed in the Governance Review document, councils may, in time, choose to delegate additional powers to the Combined Authority by virtue of Section 101 of the Local Government Act 1972. In all cases, the delegation of such powers would require a decision from each local authority concerned.

## **Rationale for creating a Combined Authority**

- 4.1 The current arrangements, with two joint committees reporting into the N2D2 Local Enterprise Partnership have secured some successes – in relation to development of the Enterprise Zone, developing a shared view on the development of key business sectors across the N2 area; working collaboratively on projects which have been funded through the growth deal and through other funding schemes.
- 4.2 However, it is recognised that:-
- Decision making about economic development is not always well co-ordinated and well aligned
  - The LEP is not always considered to be transparent or accountable
  - A single, democratically accountable body established as a permanent feature of local government would be able to take a strategic and long term view about economic growth, infrastructure and transport.
- 4.3 The main governance options that could be considered in Nottingham and Nottinghamshire are:
- a) Maintain the current Joint Committees
  - b) Improve the existing Joint Committee arrangements
  - c) Establish an Economy Prosperity board
  - d) Establish a Combined Authority

The merits of these options are more fully considered in the governance review in appendix 1 and the favoured option which has emerged is the option of a Combined Authority. This is thought preferable because:

- Decisions will be made in one place by democratically elected leaders
- The Combined Authority option gives greater formality to existing partnership working
- The Combined Authority solution gives greater transparency and accountability
- The Combined Authority option represents the best chance of attracting further devolution of powers and funding from central government.

## **Financial Implications**

- 5.1 Under the current Economic Prosperity Committee arrangement, each of the constituent councils contributes £3,500 per year towards the secretariat costs. The proposals for the Nottingham and Nottinghamshire Combined Authority have not yet been costed. However the latest version of the scheme proposes that:

*The costs of the Combined Authority that are reasonably attributable to the exercise of its functions relating to economic development and regeneration (and any start-up costs) shall be met by the constituent councils. Such costs shall be apportioned between the nine councils on a per capita basis, with county and district authorities apportioning their share of costs on a 75:25 basis. The Combined Authority will agree an annual budget for the purpose of this expenditure.*

### **Implications for Gedling Borough Council**

- 6.1 In as much as the powers referred to above relate to economic development, these are already exercised within the context of the Joint Committee.
- 6.2 The powers relating to transport and education are not currently powers that Gedling possesses. Therefore by joining a Combined Authority, Gedling will have the opportunity to influence these sorts of decisions in future in more powerful ways than are possible at present.
- 6.3 In as much as the powers relate to Housing, it is thought that by working within a Combined Authority, the funding and decision making of the Homes and Communities Agency (HCA) could be devolved to the Combined Authority. Housing powers would, however, still be exercisable concurrently so this does not represent a “loss” to Gedling – instead it may represent a greater opportunity.
- 6.4 The powers relating to securing wellbeing and the power of general competence is a wide statutory power which could be used to benefit local areas. Again, the powers would be exercisable concurrently with individual authorities.
- 6.5 In conclusion, therefore, there seems much to be gained for Gedling and little to lose in entering into this arrangement for a Combined Authority. There would be more to lose by staying outside of it, since authorities which remain outside the new structure cannot be assured of any influence or funding streams.

### **Recommendations**

- 7.1 It is recommended that Council:
- a. Agrees that a submission be made to the Secretary of State for Communities and Local Government for the establishment of a Combined Authority for Nottingham and Nottinghamshire;

- b. Approves Gedling Borough Council formally joining the Nottingham and Nottinghamshire Combined Authority once this is established;
- c. Comments on the draft Governance Review and Scheme to inform the final drafting of these documents;
- d. Delegates authority for the signing off of the final Governance Review and Scheme to the Chief Executive in consultation with the Leader, and Opposition Group Leaders.

This page is intentionally left blank

## **Nottingham and Nottinghamshire**

### **N2 Governance Review**

## Introduction

- 1.1. This document has been prepared by the local authorities that form the City of Nottingham and Nottinghamshire Joint Economic Prosperity Committee (Ashfield District, Bassetlaw District, Broxtowe Borough, Gedling Borough, Mansfield District, Nottingham City, Nottinghamshire County, Newark & Sherwood District and Rushcliffe Borough Councils). It details the findings of a governance review that has been undertaken under Section 108 of the Local Democracy, Economic Development and Construction Act 2009 (LDEDCA)<sup>1</sup> and Section 82 of the Local Transport Act 2008.
- 1.2. Section 108 of LDEDCA provides that relevant authorities may undertake a review of the effectiveness and efficiency of transport within the area covered by the review and of the effectiveness and efficiency of arrangements to promote economic development and regeneration within the area covered by the review.
- 1.3. A review may recommend that a new legal body should be established if the creation of one of these bodies would be likely to improve:
  - the exercise of statutory functions relating to economic development, regeneration and transport in the area i.e. the area covered by N2 authorities
  - (for combined authorities) the effectiveness and efficiency of transport in the area;
  - and the economic conditions in the area.
- 1.4. The issues set out in this document are the subject of consultation with all stakeholders including proposed members of the Combined Authority (henceforth referred to as the “Nottingham and Nottinghamshire Combined Authority”); neighbouring authorities; the D2N2 Local Enterprise Partnership and neighbouring LEPs; Nottingham and Nottinghamshire MPs; other public bodies; the Chamber of Commerce; other private sector bodies; regulatory bodies; third sector bodies as well as all relevant government departments.
- 1.5. This document is issued as part of an iterative process of consultation. The findings of this governance review and the ‘scheme’ for the Nottingham and Nottinghamshire Combined Authority will be considered by each of the constituent local authorities. Following the submission of the scheme, the Department for Communities and Local Government will launch a statutory consultation exercise.

## 2. Executive Summary

- 2.1. The nine local authorities that make up the N2 area have a long history of informal collaboration on matters which impact on the economic success of the area and

---

<sup>1</sup> See draft statutory guidance <http://www.communities.gov.uk/documents/regeneration/pdf/1457197.pdf>



which contribute to the wider economic geography across the D2N2 area (Derby, Derbyshire and Nottingham, Nottinghamshire).

- 2.2. This collaboration was formalised through the development of the City of Nottingham and Nottinghamshire Joint Economic Prosperity Committee as well as continuing collaboration on a more informal basis through the Nottinghamshire Leaders Group. The tangible benefits of this collaboration can now be seen in the designation of the Nottingham Enterprise Zone, Nottingham's City Deal, and the recent D2N2 Growth Deal.

2.3. ***Figure 1 – the N2 area***

***Insert map of N2 area here***

- 2.4. Whilst increased coordination and collaboration is positive and leads to tangible benefits, the governance structures of the N2 area need to be viewed in the context of the scope for exercising devolved powers and resources through strong local governance structures.
- 2.5. Those authorities in the N2 area recognise the value of leading and shaping the debate on devolution and taking wider responsibility for the economic prosperity of their area. The N2 area will outgrow its existing governance structures and arrangements – which have traditionally been informal, voluntary partnerships with the recent addition of a Joint Economic Prosperity Committee. Accordingly, N2 Leaders have recognised the opportunity to establish a more formal governance structure in the form of a Combined Authority.
- 2.6. To this end, it was agreed at the Joint Economic Prosperity Committee on 26 September 2014 that this Governance Review should be undertaken under s.108 of the Local Democracy, Economic Development and Construction Act 2009 (LDEDCA) and under the 2008 Transport Act. In accordance with statutory guidance<sup>2</sup> the purpose of this Governance Review has been to:
- evaluate the effectiveness and efficiency of existing governance arrangements for economic development, regeneration and transport across the N2 area;
  - consider the options available for making changes to these governance structures and arrangements – such as leaving existing governance unchanged, strengthening or restructuring existing governance arrangements, establishing an Economic Prosperity Board (EPB), and establishing a Combined Authority;
  - recommend which option is likely to be most beneficial to the N2 area and strengthen the overall governance arrangements across Derbyshire and

---

<sup>2</sup><http://www.communities.gov.uk/documents/regeneration/pdf/1457197.pdf>

Nottinghamshire that contribute to the effectiveness of the D2N2 Local Enterprise Partnership.

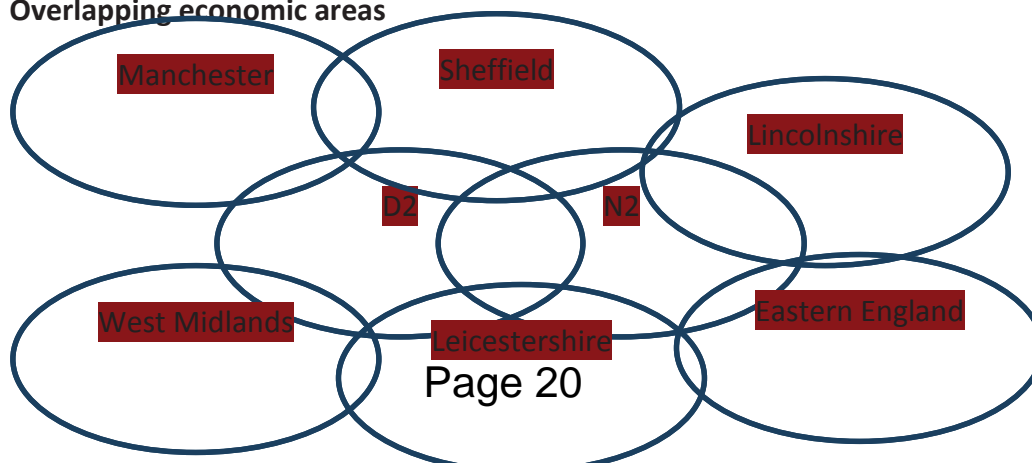
- 2.7. The N2 Governance Review has been undertaken in the context of an evolving relationship between the N2 local authorities, with the D2 local authorities and Government. Accordingly, the question for the N2 governance review has not just been whether N2 governance arrangements are sufficient today, but also whether they will be sufficient to deliver the N2 area's medium to long-term ambitions?
- 2.8. This document sets out the N2 Governance Review and concludes that establishing a Nottingham and Nottinghamshire Combined Authority **would improve the exercise of statutory functions in relation to economic development, regeneration and transport and would lead to an enhancement of the economic conditions and performance of the Nottingham and Nottinghamshire area.**

### 3. Local Enterprise Partnerships

- 3.1. The D2N2 LEP covers a wide area with many shared economic characteristics. However, there are clear distinctions within the D2N2 area between the D2 and N2 economies. There is a shared strength in manufacturing but with clear differences in the focus and strengths of manufacturing industries. For example, in N2 bioscience and medicine are important whereas in the D2 area transport manufacturing is key. Similarly, in transportation, the challenges of rural connectivity and accessibility in the D2 area differ from the focus in Nottinghamshire on the interplay between national transport corridors and local networks. The nature of the specific challenges and the focus of solutions is therefore different.
- 3.2. The D2N2 LEP is a key strategic partner for all Nottinghamshire Authorities. However, it has to be recognised that other LEPs and functional economic areas overlap with the area. Sheffield Combined Authority is an example of how these overlapping functional economic areas will be a key consideration in the development of an appropriate governance framework.

3.3.

#### Overlapping economic areas



- 3.4. The diagram illustrates clearly the challenge that is faced; whereas some combined authorities have worked primarily within defined urban areas with a single LEP the same solution cannot easily apply to the N2 area. As a consequence, consideration of governance will need to take this into consideration and provide the arrangements and capability to integrate with multiple overlapping agendas. Managing this complexity will be the key to harnessing the resources available across these areas to greatest effect.
- 3.5. As shown in the diagram above, the greatest overlap is with the D2 area. Ensuring that the relationship with D2N2 LEP is maintained and strengthened so that there is cohesion around common economic features and challenges across Derbyshire and Nottinghamshire will be central to ensuring robust governance.

#### **D2N2 LEP**

- 3.6. It is essential in any consideration of the governance arrangements that consideration is given as to how the arrangements considered will feed into and strengthen our key partnerships
- 3.7. D2N2 LEP is presently seeking to strengthen its own governance arrangements in order to ensure that it is best placed to deliver for both areas. The authorities involved in this review recognise the key importance in having a LEP that has the capacity and the credibility to facilitate work between the public and the private sector in order to deliver growth. Any arrangements for future governance will need to assist in the process.

## **4. Nottingham and Nottinghamshire's plans for growth**

- 4.1. The economy of Nottingham and Nottinghamshire has undergone structural transformation over the last thirty years, moving from an economy reliant on large-scale, traditional heavy industries to one that is much more flexible and diverse. Service industries dominate the economic landscape and provide the bulk of employment opportunities in the city and conurbation. This is balanced out by resurgent manufacturing and energy sectors in the county that are building on the legacy of an area renowned for its ability to generate, make and innovate.
- 4.2. The economic structure of Nottingham and Nottinghamshire is diverse and the spread of sectors reflects issues such as skills levels and type, commuting patterns, availability of land and connectivity to key markets. There is also strong evidence of sector growth on the back of supply chain opportunities, with global companies such as Boots, Rolls Royce and Capital One generating significant added value for the local

economy and driving growth in manufacturing, life sciences and the business and finance sectors.

- 4.3. The 'powerhouse' sectors in GVA terms (excluding public administration, education and health) are distribution, transport; accommodation and food (20.1% of GVA in 2011) and production (14.6%). 74% of production's contribution to GVA is generated by manufacturing. Notable companies and OEMs in these sectors that are based in N2 include Wilkinsons, Boots, Hillarys, British Sugar, Lindhurst Engineering, Brunton Shaw, Speedo, Changan and CenterParcs. These will continue to be important sources of growth and employment into the future, but are also now joined by a whole host of innovative companies in other priority sectors – creative/digital, life sciences/medical, low carbon and logistics.
- 4.4. The public sector is still a major employer in N2, with health and education alone providing 113,700 jobs (24%) in the area in 2012<sup>3</sup>. Retail remains a significant sector for jobs, employing 55,000 people (or 12%) of the total workforce. These figures at N2 level mask intra-county discrepancies in terms of wage and skills levels, with the boroughs which border the city having higher skills and wage levels than the county average, and parts of the city and northern and western districts showing the opposite.
- 4.5. The population of the N2 area is 1.11million, with a working age population of 715,700<sup>4</sup>. 68% of the working age population is in employment of whom 7% are classed as self-employed. 26% of the working age population are inactive, with the remaining 7% being 'active' in that they are out of work but looking for a job.<sup>5</sup> These figures mask a significant amount of variation within the patch, for instance Newark and Sherwood's unemployment rate is 2.7%, whereas the unemployment rate in Mansfield is 13.8%.
- 4.6. Skills levels are broadly in line with the East Midlands average, but around 4 percentage points behind the England average at N2 level. There are major differences between skills levels within N2. The % of people with no qualifications at all is higher than the national average in all areas except Gedling and Rushcliffe. The south of the area outperforms national averages in terms of the % of people with degree level qualifications, with over 54% of working age people educated to degree level or above in Rushcliffe and more than 36% in Broxtowe and Gedling.
- 4.7. Analysis by Nottingham City Council suggests that for the unemployed population to reach the same skill level as the employed population around 30,000 unemployed people would need to be up-skilled by the equivalent of at least one NVQ level. The

---

<sup>3</sup> ONS Business Register and Employment Survey 2012

<sup>4</sup> ONS 2013 Mid Year Population Estimates

<sup>5</sup> ONS Annual Population Survey April 2013- March 2014

proportion of 16-17 years olds in full time Education and Training is higher than the England average (82.3% - March 2014) in Nottinghamshire at 84.2%, but lower in Nottingham at 80.2%. N2 partners' work on employment and skills is focussed on tackling this gap between areas that rely on the same labour market (that provided by the Nottingham conurbation).

- 4.8. N2 is home to two world class universities bringing over 60,000 students into the area each year<sup>6</sup>. The University of Nottingham is a world leading research university, one of the UK's Russell Group and Nottingham Trent University is the 13th largest university in the UK.
- 4.9. The N2 economy functions in different spatial arrangements, depending on the nature of the local industrial base and the local labour force (see Fig 1 below). Some areas have significant in and out flows in terms of commuting patterns to sub-regional centres. Nottingham City remains a significant employment hub and provides jobs for nearly 90,000 people who commute in from surrounding areas<sup>7</sup> (this includes cross-border movement from Derbyshire and Leicestershire). Over 55% of this commuter movement is from the borough council areas that immediately adjoin Nottingham, where transport connections are much better (and where the skills of the local population are more likely to match those required by the key sectors in Nottingham). 36% of Gedling residents in work, work in Nottingham City as do similarly high percentages of Broxtowe (29%) and Rushcliffe (27%) residents
- 4.10. There is an 'outflow' of commuting from Nottingham of over 38,500 people with most people travelling to the surrounding districts.
- 4.11. The travel to work patterns vary and, as would be expected, the level of commuting into Nottingham reduces with distance from Nottingham. Bassetlaw has an outflow of commuters to neighbouring South Yorkshire (19%). Mansfield (9%) and Ashfield (12%) have outflows to Derbyshire and Newark and Sherwood has an outflow to Lincolnshire (6%). Nevertheless, each of these districts is much more self-supporting in terms of the employment base and significant majorities of people work in the district itself or in neighbouring Nottinghamshire districts.

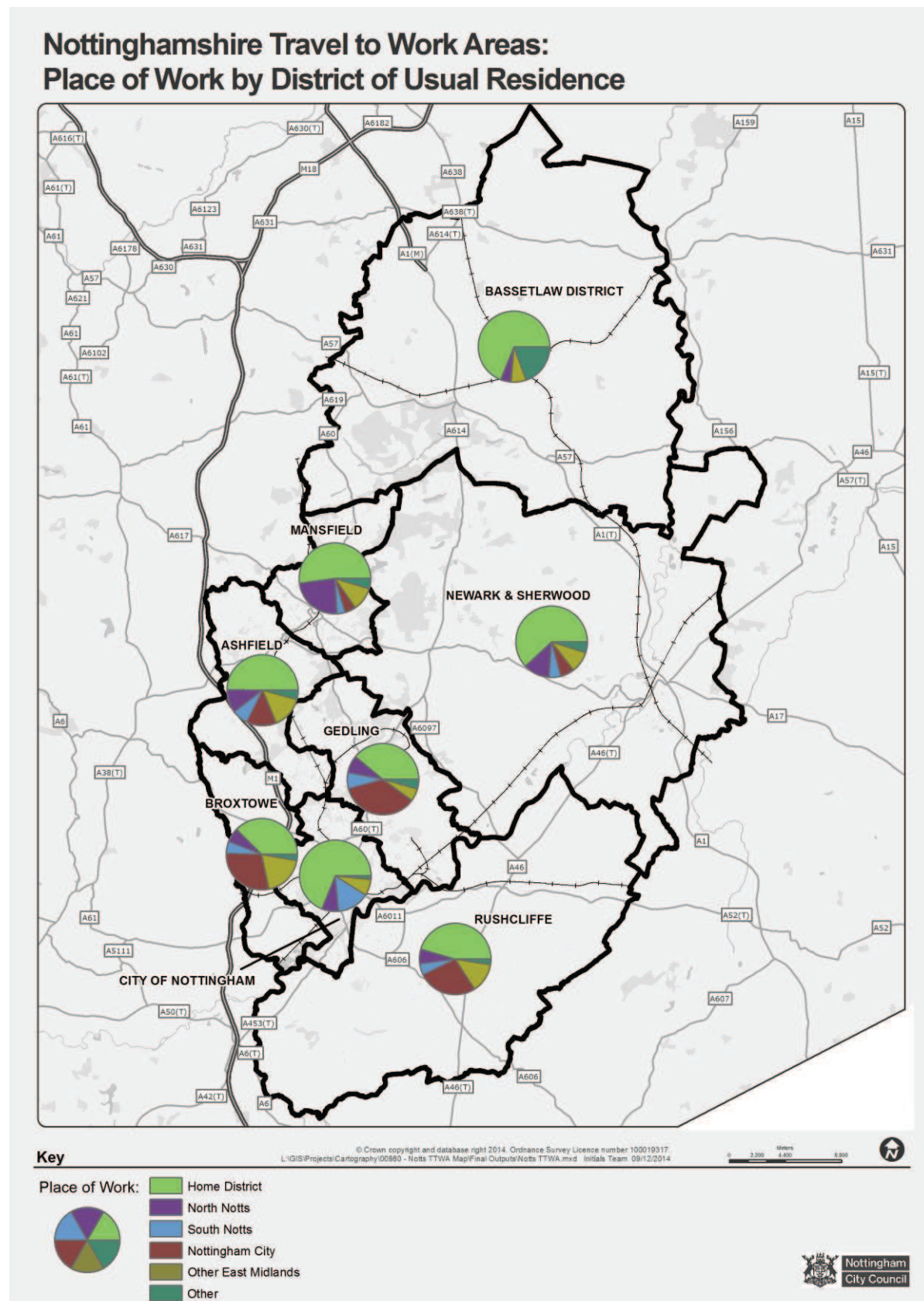
---

<sup>6</sup> HESA student enrollments 2012/13

<sup>7</sup> 2011 Census ONS



4.12. Fig 1.



- 4.13. It is important for the area that while recognising the economic coherence across Nottinghamshire we also recognise the cross boundary flows that aid in strengthening our area. Our central location as a hub also needs to be recognised. There is a varying but significant level of functional economic coherence within the N2 area with the communities lying further from Nottingham demonstrating a degree of self-sufficiency and links with overlapping economic areas. The area connects with many overlapping functional economic areas and this position must be recognised through a strong governance structure.
- 4.14. An analysis of the transportation links assists in demonstrating the interconnected nature of the area at the same time as identifying the need for governance arrangements to be agile enough to face multiple directions simultaneously. Rail travel is one illustration with the East of the N2 area looking to the East Coast Mainline, the central areas looking to the Midland Mainline and provision of the new HS2 line station and the West of Derbyshire looking to a HS2 station at Crewe. Airports also illustrate the point with the southern area looking to East Midlands Airport, the north-west towards Manchester and north-east to Doncaster Robin Hood Airport.
- 4.15. With a population of over 1.11 million people and a GVA contribution of over £19 billion **Nottingham and Nottinghamshire is evidently already an area of national economic significance.** However, independent economic forecasts suggest that there is further potential to be developed. One forecast suggests that Nottingham alone *could* deliver an extra 10,000 jobs by 2020.<sup>8</sup>
- 4.16. We can do more. The two Growth Plans that cover the N2 area were drafted concurrently in order to align priorities and investment where possible across the area. There are shared priorities around infrastructure investment (i.e. the widening of the A453; superfast broadband; Nottingham Enterprise Zone; Newark Southern Link Road and Rolls Royce Hucknall) which the area's civic and business leaders promote into the D2N2 Local Enterprise Partnership and to Government. Significant resources (over £66 million) have been secured to support infrastructure activity across the area in the first round of the Growth Deal, with much more to come in future rounds.
- 4.17. Both Growth Plans also feature employment and skills and business growth as core priorities, and N2 partners are working closely together to align this with D2N2 proposals and funding plans. Thus the newly established N2 Skills and Employment Board is developing a framework that will drive future investment in upskilling the local labour force and re-engaging the long-term unemployed in key growth sectors,

---

<sup>8</sup> Oxford Economics Economic Projections for Core Cities (November 2013)

and the wider N2 partnership is working with D2N2 on plans for a Growth Hub and new business support and access to finance initiatives.

- 4.18. The public and private sectors in Nottingham and Nottinghamshire have worked in strong, progressive partnerships focused on the economic transformation of the area. Greater decentralisation and autonomy or “earned devolution” is central to our future success. Public and private sector leaders have a detailed understanding of the Nottingham and Nottinghamshire economy, where it is strong and sustainable and where there are challenges that hold the economy back. Stronger governance offers us the opportunity to build on that partnership record, for example, by developing a single coherent growth strategy for the area.
- 4.19. N2 leaders recognise that in order to deliver the N2 economic strategy and to secure greater devolution and autonomy - strong stable, visible and accountable governance will be essential. The question for the N2 governance review has therefore not just been whether N2 governance arrangements sufficient today, but also whether they will be sufficient to deliver the N2 area’s medium to long-term ambitions?

## **5. The potential to strengthen Nottingham and Nottinghamshire governance**

- 5.1. The Nottinghamshire Local Authority Leaders have a long-established collaborative relationship through a regular informal meeting which has maintained a strong focus on economic and transport issues. More recently, the Nottingham and Nottinghamshire Joint Economic Prosperity Committee has been established to provide a formal means of taking shared decisions on strategic economic development and ensuring that aspirations for the N2 area are properly understood and reflected in the priorities of the D2N2 LEP.
- 5.2. The leaders of Nottingham City Council, Nottinghamshire County Council and Newark & Sherwood District Council (representing the Nottinghamshire Districts) are members of the D2N2 LEP Board. The D2N2 LEP’s vision is for a more prosperous, better connected and increasingly resilient and competitive economy. Renowned and well-established businesses like Alliance Boots, Capital One, Speedo, DSG Retail (Currys PC World), DHL, Wilkinson’s, Laing O’Rourke and British Sugar together with an array of innovative small and medium-sized businesses demonstrate the strength of private sector business in Nottingham and Nottinghamshire.
- 5.3. Nottinghamshire County Council and Nottingham City Council are responsible for the strategic direction of transport planning and delivery in the N2 area and are the



bodies responsible for the [Nottinghamshire Local Transport Plan](#) and the [Nottingham City Local Transport Plan](#).

5.4. N2 local authorities have been able to secure significant improvements for economic growth through its collaborative approach including:

- *Securing the Nottingham Enterprise Zone which will grow health and wellness businesses as part of Nottingham's growing cluster of healthcare, bio technology and pharmaceuticals businesses*
- *Developing a shared view on the development of clusters of key business sectors across the N2 area.*
- *Working collaboratively to develop a strong pipeline of projects that can unlock economic growth and enterprise*
- *Securing the potential for investment in key projects through the D2N2 Growth Deal, ESIF programme, Nottingham City Deal, partnership working through cross City and County organisations such as destination management organisation Experience Nottinghamshire, and delivering employment support for young people through (Nottingham and Nottinghamshire) Futures.*

5.5. However, it is recognised that the pace and intensity of work required to realise the full potential of the N2 economy may require greater capacity for strategic planning and decision-making around N2's aspirations and that therefore the current arrangements through the Nottinghamshire Leaders Group and the Nottinghamshire Joint Economic Prosperity Committee may be insufficient for the following reasons:

- As an informal body, the Nottinghamshire Leaders Group is dependent on agreements by or delegations from the constituent authorities. This can slow down the implementation of decisions and can create ambiguity about when decisions are or are not subject to further ratification
- Decision-making in relation to economic development (including inward investment, skills and business support), regeneration, transport and the relationship with strategic Planning is not always effectively coordinated so that decisions affecting N2 are not always aligned in a way that secures maximum economic and social benefit
- A stronger and clearer relationship with the D2N2 LEP would deliver greater transparency and accountability in local decision making and a stronger sense of cohesion with and support for the Strategic Economic Plan
- A single, stable, democratically accountable body established as a permanent feature of local governance would be able to take a strategic and long term view about economic growth, infrastructure and transport.

- 5.6. The ability to secure devolved funding for major transport schemes and to play an active and strongly influential role in shaping major national infrastructure projects including HS2; the development of the East Coast mainline; the delivery of universal superfast broadband, and governance and oversight of delivery bodies which span authorities such as Nottingham Means Business, Experience Nottinghamshire and Futures are all dependent on improved N2 governance. It is recognised that more formal and robust arrangements will lead to a process of “earned devolution” – where greater local autonomy will follow strengthened governance and a track record of local competence. The constituent authorities recognise this important opportunity to secure significant devolution of powers and resources from central government and view the strong governance model of a Combined Authority as an opportunity to ensure this happens.
- 5.7. Creation of a Nottingham and Nottinghamshire Combined Authority therefore supports the N2 authorities’ ambitions for Nottingham and Nottinghamshire.

## **6. Evaluating the governance options**

- 6.1. Good governance matters for two key reasons. The first relates to the need to manage and support economic development in an effective way. Collaboration across boundaries helps to ensure that maximum return on investment is being achieved, and that public policy has a keen impact (OECD 2009). The second reason relates to questions of transparency and accountability for decisions taken. This includes having the mechanisms in place to make tough, binding decisions at a level that reflects the most pragmatic representation of the functional economic geography of an area.
- 6.2. Section 4.5 of this report, establishes that there are strong reasons to strengthen N2 governance. There are four possible governance options that could be implemented in Nottingham and Nottinghamshire:

- 1. Maintain the current Joint Committee arrangements**
- 2. Improve the existing Joint Committee arrangements**
- 3. Establish an Economic Prosperity Board**
- 4. Establish a Combined Authority**

- 6.3. To ensure compliance with the relevant LDEDC and Local Transport Act legislation, consideration of the available delivery options seeks to establish and evidence which model would bring about an improvement in the area in the following:

*The **exercise of statutory functions** relating to economic development, regeneration and transport in the area;*

*The **effectiveness and efficiency** of economic development (and transport) and;*

*The **economic conditions** in the area.*

- 6.4. The Review considers the above statutory tests against the options, notwithstanding the absence of a clear definition of ‘economic development and regeneration’.
- Government guidance on undertaking governance reviews under the Local Transport Act has been available for some time. DfT has confirmed it is looking for the following headline issues to be addressed in the formulation of governance arrangements in order to be accountable for devolved major transport scheme funding:

*Effective alignment between decision making on transport and decisions on other areas of policy such as land use, economic development and wider regeneration*

*Robust and streamlined decision making arrangements which allow necessary decisions to be taken on complex and difficult issues in a timely and transparent manner*

*A real enhancement of delivery capability and capacity by taking a coherent and integrated approach to managing currently fragmented transport planning and delivery skills and capacity.*

- 6.5. There are limits to comparisons between the options. The existing N2 Joint Committee arrangement is fit for purpose within the current N2 operating environment and the nature of relationships with adjacent LEP areas. However, firmer and stronger local governance arrangements will enhance our ability to deliver, bring cohesion and pace to decision-making and improve opportunities to acquire new powers and investment.
- 6.6. Creating appropriate governance structures alone will not achieve our ambitions for the N2 area. Issues around policy development, organisational culture and values and recognising/ maintaining the importance of local identity within geographies will also be key factors.
- 6.7. Any resulting governance model will also need to:

*Create the capacity for clear agreement to be reached on the most challenging strategic issues; and*

*Create the space for debate that national politicians find difficult to manage - thereby demonstrating the confidence in the scope for greater devolution of responsibility in future.*

- 6.8. Analysis of the four possible options has been undertaken objectively and within the context of existing challenges. It also takes into account the potential opportunities around enhanced freedoms, flexibilities and powers and the scope for further devolution in the medium term.

- 6.9. **Maintain the current Joint Committee arrangements.** The nature of current arrangements is set out below.
- 6.10. The N2 Joint Economic Prosperity Committee is tied to the broader governance structure of the LEP and aims to work closely with the D2 Joint Committee for Economic Prosperity and other neighbouring authorities including the Sheffield City Region Combined Authority (SCRCA) to ensure fully effective arrangements for the purpose of progressing economic development, regeneration and transport.
- 6.11. The D2N2 Board considers it is best placed to take the strategic lead in delivering the D2N2 programme including identifying the priorities, activities, schemes, programmes and projects that best meet the economic needs and ambitions of the D2N2 area and delivering the objectives of the Strategic Economic Plan and the EU Structural and Investment Fund Strategy. D2N2 will take an active role in managing the delivery of the 2014-2020 programme, working with both Joint Committees and the Accountable Body to:

*Take decisions about what is procured, when it is procured and how it is procured.*

*Engage with the 'provider' market to inform the development of propositions of the appropriate scale, impact and strategic fit.*

*Pursue a balance of commissioning and calls for projects with a blend of collaboration, LEP wide and local programmes and activities, to deliver the outputs and outcomes required.*

*Undertake strategic assessments of applications, programme or project proposals, expressions of interest or any other relevant application for EU SIF funding from the D2N2 allocation.*

*Oversee and manage the performance of the programme and delivery partners to ensure that the programme meets its mid-term performance criteria.*

*Review the overall direction, governance and delivery of the programme to ensure that it remains responsive to local needs and opportunities.*

- 6.12. The Board takes overall responsibility for the LEP's activities in developing and managing delivery of the SEP. A lean governance structure draws on the support and takes account of the input of the D2 and N2 Joint Committees, other panels/ boards and the advice of the Accountable Body to ensure decision-making is informed by local priorities and compliance with relevant regulations.
- 6.13. The relationship with the N2 Joint Committee is recognised as a key part of the D2N2LEP governance and delivery framework, in its aspiration to maximise local

strategic engagement in decision-making. The LEP anticipates that the Joint Committee will fulfil a role and purpose as set out in the Government's Growth Deal guidance which is to:

- Demonstrate wider commitment to growth;
- Align and pool local authority capital and revenue spending on growth;
- Provide effective collaboration on economic development activities;
- Develop synergy with local growth programmes.

6.14. In practice, this system of governance has exposed some challenges and problems in terms of:

*the extent to which the N2 Joint Committee is an advisor, influencer or co-decision-maker in any key decision;*

*the extent to which N2 strategic aspirations have been reflected in decision-making by the D2N2 LEP;*

*the transparency of and accountability of decision-making.*

Securing investment, whether that is through 'growth deals' with Government or by encouraging private investment, requires local authority partners in the N2 area to be able to act with agility and pace, to coordinate efforts with D2 partners and to engage positively with the D2N2 LEP. Current arrangements have proved to be sub-optimal in these respects because of timing delays and a lack of clarity in the decision-making relationships.

6.15. In summary, the current Joint Committee arrangement:

*Supports the LEP-wide delivery programme,*

*Assesses projects and proposals and provide recommendations to the Board,*

*Provides advice on a range of activities around local priorities and programmes,*

*Develops of a 'pipeline' of delivery projects and programmes*

but

*demonstrates some ambiguity and inefficiency in decision-making and strategic alignment*

and

*is deficient in transparency and clarity of accountability.*

- 6.16. **Improve the existing Joint Committee arrangements.** This option involves extending the scope and functions of the current Joint Committee.
- 6.17. There is potential to consider adding additional oversight of the strategic elements of functions such as strategic planning, transport and housing as well as seeking to integrate some strategic and operational aspects of economic development, transport and infrastructure work. It would also be possible to extend the working arrangements of the Committee itself – perhaps through discussion with the LEP around matters of delegation and delivery.
- 6.18. Establishing clear priorities for growth within the N2 area which contribute to the overall D2N2 SEP priorities will help to ensure that the Joint Committee’s influence in shaping the SEP and its delivery activities is strengthened. A clear agreement on how the Joint committee’s governance systems dovetail with the LEP and the implications for the ways in which decisions are taken and influenced would be an important goal in improving the current Joint Committee arrangements.
- 6.19. The underlying principles of the operation of the Joint Committee would, however, remain the same (see 6.14 and 6.15 above) with its inherent advantages and disadvantages.
- 6.20. **Establish an Economic Prosperity Board (EPB).** There is no legal definition of ‘economic development and regeneration’ nor the functions that relate to these activities. Legislation allows for any function of the participating local authorities to be granted to an EPB. It is for local authorities to put forward and make a case for the functions for inclusion in an EPB. In the overall ‘hierarchy’ of options, this is the first of the more formal vehicles. An EPB is a legal entity and statutory body – created for purpose of promoting the sustainable economic development and regeneration of its area (it is a body corporate). Its functions should be those that allow it to fulfil this role and should be responsive to local conditions.
- 6.21. An EPB is an ‘accountable body’ and therefore can have devolved powers and hold funding. An Integrated Transport Authority and an EPB can co-exist.
- 6.22. Previous documentation, *Transforming Places; Changing Lives: Taking Forward the Regeneration Framework* set out the Government’s three priority outcomes for regeneration:

*Improving economic performance and tackling worklessness, particularly in deprived areas*

*Creating the right conditions for business growth which could include investment in infrastructure, land use, and a better public realm; and*

*Creating sustainable places where people want to live and can work and businesses want to invest.*

Any proposal needs to have regard to these outcomes in considering what functions should be granted to an EPB.

- 6.23. An EPB attracts additional potential in relation to funding (the basis by which the contribution of each participating council will be determined is not specified in the Act and needs to be agreed locally when drawing up proposals):

*The Secretary of State may give funding to EPBs under section 31 of the Local Government Act 2003, although it is not likely that Government will provide any additional funds to EPBs over and above what would already be provided to their area for the activities they will be carrying out*

*EPB's do not have any tax raising powers*

*EPB's do not have power to issue a levy to constituent authorities*

*EPB's do not have the power to borrow.*

- 6.24. An EPB therefore addresses the weaknesses identified with the Joint Committee in that there is clarity and transparency in decision-making as the EPB is a formal legal entity with powers to act as an accountable body and can therefore align strategy and resources more effectively. However, an EPB does not encompass strategic transport and, given the importance of connectivity in N2's aspirations, it is unlikely that an EPB would satisfy the issues set out in Paragraph 5.4.

- 6.25. **Establish a Combined Authority.** A combined authority is the most comprehensive vehicle for delivering economic regeneration. Combined authorities may be given functions of the constituent local authorities in the same way as EPBs and it is for local authorities to propose the functions the new body will need and to justify this decision.

- 6.26. In addition, combined authorities may be delegated functions of local authorities and the Secretary of State, and have powers and functions of ITAs transferred to them under the provisions of chapter 2 of part 5 of the Local Transport Act 2008. They also have certain functions and powers in their own right, such as a general power of competence.
- 6.27. Like EPBs, combined authorities provide strong governance arrangements and therefore attract funding freedoms and flexibilities. The Act provides them with similar financial powers to those available to ITAs, including the power to borrow and the power to levy relevant constituent authorities. Powers will only apply in relation to transport functions. Combined authorities can therefore levy relevant constituent authorities to meet costs that are attributable to transport activities and to fund transport projects and can borrow for transport purposes.
- 6.28. A combined authority can't fund any activity whose overarching purpose is not to deliver transport objectives or functions by means of the levy or through borrowing. These other costs will need to be met by constituent councils according to an agreed formula, as is the case for EPBs. The Secretary of State has the power to give section 31 funding to a combined authority, but does not expect to use this power to provide a level of funding over and above the level previously awarded to the constituent local authorities for the activities that the combined authority carries out.
- 6.29. A combined authority therefore meets the first test set out in paragraph 5.3 in that it permits the efficient discharge of statutory economic growth and strategic transport duties, and does so to a much greater extent than an EPB.
- 6.30. The second test is around improvements to the effectiveness and efficiency of economic development and transport and the CA model provides a governance mechanism through which strategic issues and challenges can be coordinated and decisions can be taken.
- 6.31. The combined authority will also meet this element of the test (and arguably the third and final element below) through an improved contribution to both the D2N2 LEP and those others such as Sheffield City Region Combined Authority. In particular arrangements an N2 Combined Authority would be able to provide a clear contribution to stronger governance arrangements for the LEP as a whole. Strengthening decision-making also paves the way for greater collaboration in aligning current resources and capacity.
- 6.32. The final (and arguably most important) test is the impact on economic conditions in the area. A combined authority is the only governance vehicle which has the potential to address the challenges set out in paragraphs 5.5 and 5.6 of this report and to create the conditions in which a substantial growth in jobs and GVA can be achieved.
- 6.33. The **Maintain the current Joint Committee arrangements** option is discounted on the basis of:



*Failure to strengthen N2 governance will compromise the medium to long-term ambitions of the area and therefore be detrimental to the future economic performance.*

*Failure to formalise N2 governance will not address current weaknesses and ambiguities in decision-making and transparency*

*An opportunity would be missed to better align decision-making around strategic economic development, transport and regeneration.*

- 6.34. The second option, **Improve the existing Joint Committee arrangements**, is also discounted on the grounds that there are limits to what can be achieved through a less formal partnership. It is likely that decision-making would be slower because of the need to ratify decisions at constituent authority level. This option would not satisfy the Government's requirement for stronger governance and therefore would not open up opportunities for greater devolution of powers and resources with the consequent implications for outcomes for local economic growth.
- 6.35. N2 Leaders recognise that only a statutory body with a legal personality in its own right will be strong enough to lead the collaboration between N2 local authorities and form the necessary legal relationships required going forward. Having considered the tests set out in LEDEDCA, a Combined Authority is considered to be the optimal legal model for N2. The Combined Authority model is preferred to an Economic Prosperity Board because of the **overwhelming benefits of aligning decision making in relation to strategic economic development and transport under one strategic body**. The Combined Authority model is also more likely to secure the benefits of "earned devolution".
- 6.36. The rationale for the Nottingham and Nottinghamshire Combined Authority is underpinned by **three key findings** of the N2 Governance Review:
- the N2 area is an ambitious and diverse sub-regional economy including the core city of Nottingham and with complex economic overlaps with Derbyshire, the Sheffield City Region, Lincolnshire and Leicestershire, with some **untapped economic potential** and clear plans for growth;
  - there is **the potential to strengthen N2 governance** both in term of the efficacy of decision making and in terms of transparency and accountability;
  - having considered the various options available (including maintaining the current Joint Committee option), establishing the Nottingham and Nottinghamshire Combined Authority is the option **most likely to deliver sustained economic and social benefits** to the N2 area.

- 6.37. **The headline recommendation of the N2 Governance Review is therefore that establishing the Nottingham and Nottinghamshire Combined Authority is the optimal solution to the issues and opportunities set out in this document.**

Specific detail relating to the Nottingham and Nottinghamshire Combined Authority including: the area it will cover; its membership; voting and any executive arrangements; its functions and the way in which it will be funded are set out in the ***Scheme for the establishment of a Nottingham and Nottinghamshire Combined Authority***. As detailed in the scheme, the recommendation of the N2 Governance Review is that the Nottingham and Nottinghamshire Combined Authority should be established according to the following principles:

*The Nottingham and Nottinghamshire Combined Authority should be **lean, streamlined and focussed**. The purpose of the CA will be to provide strong, stable governance and support the Nottingham and Nottinghamshire area to fulfil its huge potential. The delivery of this vision will be facilitated by attracting new powers, duties and funding to the Nottingham and Nottinghamshire Combined Authority.*

*In addition to this, the CA will be a mechanism by which Nottingham and Nottinghamshire is able to formalise arrangements where there is already effective collaboration (e.g. skills and inward investment). **Decisions on these matters will be made in one place, by elected Leaders** who are responsible for strategic direction and underwriting any risks.*

- 6.38. The Nottingham and Nottinghamshire Combined Authority will, so far as is practicable, reflect the functional economy of the Nottingham and Nottinghamshire area. It is recognised that economic interdependence and cohesion varies across the area and is less pronounced for communities that lie further from Nottingham. Therefore, our understanding of the functional economy takes into account the need to ensure that there are strong collaborative mechanisms in place for ensuring that the overlapping economic interests with neighbouring areas are properly addressed. Specifically, this means ensuring there are strong relationships with the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Sheffield City Region), the proposed Combined Authority for Derby and Derbyshire (D2N2 LEP area), Lincolnshire local authorities and the Lincolnshire LEP, and Leicester and Leicestershire local authorities and the LLEP. This is the optimal deliverable solution for the N2 area.
- 6.39. The governance arrangements need to recognise the challenges outlined in paragraph 3 above. N2 are clear that this unique set of challenges faced in the creation of this body need explicit recognition and that this can be achieved through a **duty to**

**cooperate.** The adoption of such a duty by the proposed Combined Authority will give a clear footing for work with D2. The special relationship with D2 through the LEP will be given particular attention in the design of the governance arrangements to ensure that the strength of working as a whole is retained while at the same time providing the agility needed in order to deal with the complexity of the functional economic arrangements referred to above. This flexibility internally will be key to addressing the challenges set out in paragraphs 5.6 and 5.7 above.

- 6.40. Arrangements with others such as the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority would be supported by the creation of Memoranda of Understanding with these partners to ensure that such integration has a clear framework. The arrangements would be strengthened if other areas were also to have such a duty. However, we accept that this is a matter for them.
- 6.41. Under current legislation, a combined authority must hold the same responsibilities relating to transport, regeneration and economic development across the whole of its area. Therefore a combined authority including Nottinghamshire County Council must hold the same transport, regeneration and economic development responsibilities for all of the districts in the county. Under the current statutory requirements, therefore, a Nottingham and Nottinghamshire Combined Authority would include all of the constituent authorities in this review.
- 6.42. The involvement of constituent authorities in neighbouring combined authorities is positively encouraged through these arrangements as this can only aid understanding and cooperation between areas to the advantage of both. Specifically, for the Nottingham and Nottinghamshire Combined Authority, Bassetlaw District Council's continuing membership as a non-constituent member of the Sheffield City Region Combined Authority is seen as a key strength.
- 6.43. Strategic Powers will be held concurrently by the Nottingham and Nottinghamshire Combined Authority and the constituent authorities. Decision making will take place based upon the principle that the Nottingham and Nottinghamshire Combined Authority would be responsible for the strategic direction of the N2 area (within the context set out by D2N2's Strategic Economic Plan and the EU Structural and Investment Fund Strategy). The N2 constituent authorities will wish to continue making local decisions. The constituent authorities will agree where precisely the balance between strategic and local decision making sits as the Combined Authority develops.
- 6.44. Whilst the possible legislative changes might lead to future reviews of the governance arrangements for the N2 area, any changes would need to be considered against the statutory tests and government expectations set out in paragraphs 5.3 and 5.4 of this report.

- 6.45. The Nottingham and Nottinghamshire Combined Authority will have nine members – Ashfield District, Bassetlaw District, Broxtowe Borough, Gedling Borough, Mansfield District, Nottingham City, Nottinghamshire County, Newark & Sherwood District and Rushcliffe Borough Councils. The voting rights of all members will be defined in the ***Scheme for the establishment of a Nottingham and Nottinghamshire Combined Authority***.
- 6.46. As detailed in the ***Scheme for the establishment of a Nottingham and Nottinghamshire Combined Authority*** the Nottingham and Nottinghamshire Combined Authority shall have the power to issue a levy to the relevant constituent councils in respect of the expenses and liabilities of the CA which are reasonably attributable to the exercise of its functions relating to transport. The amount to be raised by the levy shall be apportioned between the relevant constituent councils on an agreed basis. Non-transport functions will be funded from a budget agreed annually by CA members and apportioned as above. The constituent councils intend to include scope to allocate finances such as surpluses from the NDR pool to support the work of the Nottingham and Nottinghamshire Combined Authority.
- 6.47. The Nottingham and Nottinghamshire Combined Authority will need support from a small executive function. N2 local authorities are committed to reviewing policy and delivery functions for economic development and to ensure that links are made where appropriate and to drive out efficiencies in the delivery of common functions.
- 6.48. As detailed in the ***Scheme for the establishment of a Nottingham and Nottinghamshire Combined Authority***, the Nottingham and Nottinghamshire Combined Authority will have powers in relation to strategic Economic Development and Transport. As noted above, it is the intention of all partners that the Nottingham and Nottinghamshire Combined Authority remains a streamlined and focussed strategic commissioning body. Accordingly, powers and duties outlined in the scheme will be taken up as and when necessary by agreement between the constituent authorities.
- 6.49. Strategic Economic Development will include collaboration around functions such as economic policy and strategy, skills, inward investment, major infrastructure and housing investment decisions and decisions relating to other economic assets.
- 6.50. In time, and by local resolution, partners may choose to take-up additional powers which become available to the Nottingham and Nottinghamshire Combined Authority. The transfer of any powers from constituent authorities would require a decision from each constituent local authority.
- 6.51. The Nottingham and Nottinghamshire Combined Authority, as a legally independent body, should act as the accountable decision-making body for matters of significance (where N2-level collaboration is desirable and adds value), delegating powers and duties to sub-committees as appropriate. The Nottingham and Nottinghamshire

Combined Authority should also act as the Accountable Body for N2 funds and investments. It is recognised that this will need to be carefully co-ordinated with D2 to ensure consistency and efficiency across the LEP area and this will be done through joint arrangements to enable agility in decision making across the LEP area that is not a characteristic of the present arrangements.

- 6.52. Finally, it should be noted that many partners agree that this approach will deliver the best outcomes from the area and enable a step change in the way strategic issues are tackled across the area. For example, the Great Nottingham Debate 2014 came to the same conclusion as this review, approaching the consideration from a practical consideration of what will work for the N2 economic area.

## 7 Recommendation

- 7.1 Our Governance Review concludes that establishment of an N2 Combined Authority **would improve the exercise of statutory functions in relation to economic development, regeneration and transport and would lead to an enhancement of the economic conditions and performance of the Nottingham and Nottinghamshire area. We therefore recommend to the nine constituent authorities that a submission should be made to the Secretary of State for Communities and Local Government for the establishment of a combined authority for Nottingham and Nottinghamshire, including Ashfield, Bassetlaw, Broxtowe, Gedling, Mansfield, Newark & Sherwood and Rushcliffe.**

This page is intentionally left blank

# **Scheme for the establishment of a Nottingham and Nottinghamshire Combined Authority**

***DRAFT – September 2014***

## **Section 1 – Intention to establish a Nottingham and Nottinghamshire Combined Authority**

### **1. Establishment of Authority**

A Combined Authority shall be established pursuant to Section 103 of the Local Democracy, Economic Development and Construction Act 2009 (“LDEDCA”).

### **2. Name of Authority**

The name of the Combined Authority shall be the ***Nottingham and Nottinghamshire Combined Authority (“the Combined Authority”)***.

### **3. Area of Authority**

3.1. The Combined Authority area shall be the whole of the following local government areas:

- Ashfield District Council
- Bassetlaw District Council
- Broxtowe Borough Council
- Gedling Borough Council
- Mansfield District Council
- Nottingham Council
- Newark & Sherwood District Council
- Nottinghamshire County Council
- Rushcliffe Borough Council

3.2 The nine councils listed above shall be referred to as the *“constituent councils”*.

### **4. Membership of Authority**

4.1. Membership of the Combined Authority will be drawn from the constituent councils listed in section three.



- 4.2 The constituent councils will appoint nine elected members<sup>1</sup> to the Combined Authority. Each constituent council will appoint one member.
- 4.3 Membership of the Combined Authority will be a decision for each council. The constituent councils shall each appoint another of its elected members to act as a member of the Combined Authority in the absence of the elected member appointed under paragraph 4.2 above (“substitute member”). Each constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the Combined Authority and the constituent member may appoint a replacement member as soon as reasonably practical.
- 4.4 Where a member or substitute member of the Combined Authority ceases (for whatever reason) to be an elected member of the council that appointed them, the elected member shall cease to be a member of the Combined Authority, and the relevant council shall appoint a replacement member as soon as practicable.
- 4.5 The Combined Authority shall, in each year, appoint a Chairman and Vice-Chairman from among its members. The appointments shall be the first business transacted at the first meeting of the Combined Authority. Where, at any meeting of the Combined Authority, the Chairman is absent, the Vice Chairman shall assume the Chairman’s role for that meeting. Where the Chairman and Vice Chairman are not present or are unable to act, the Combined Authority members will elect one of the members present to preside for the meeting or part of the meeting.
- 4.6 No remuneration shall be payable by the Combined Authority to its members other than allowances for travel and subsistence, provided always that a constituent authority may, on the recommendation of its independent remuneration panel, pay a special responsibility allowance to any elected member appointed by it to the Combined Authority in respect of duties and responsibilities undertaken as a member of the Combined Authority.
- 4.7 The Combined Authority may co-opt additional, non-voting representatives.<sup>2</sup>

## **5. Voting**

- 5.1. The constituent council members of the Combined Authority shall have one vote each.
- 5.2. Subject to paragraph 5.3 below and the provisions of any enactment, all questions coming or arising before the Combined Authority shall be decided by a simple majority of the members of the Combined Authority present and voting. In the case

---

<sup>1</sup> Note: it is a requirement of LDEDCA that the majority of members are drawn from the constituent authorities of the CA.

<sup>2</sup> Note: such representation will always be non-voting as such representatives are not members.

of a tied vote on any motion or amendment, the motion or amendment shall be deemed to have been lost. The Chair of the Combined Authority shall not have a second or casting vote. On the requisition of any two members, made before the vote is taken, the voting on any matter shall be recorded so as to show how each member voted and there shall also be recorded any member abstaining from voting.

- 5.3 To be discussed – provisions to enable councils to proceed in “reserved” areas without unanimity or majority eg. transport

## 6. Executive Arrangements

Executive arrangements (within the meaning of the Local Government Act 2000) shall not apply to the Combined Authority. However, the discharge of the functions of the Combined Authority will be subject to the scrutiny arrangements set out in section 9 below.

## 7. Scrutiny Arrangements

Constituent authorities may exercise scrutiny functions over the Combined Authority (including, where appropriate, the Combined Authority's committees) through their own overview and scrutiny or committee arrangements.

**Anticipated legislation is likely to directly apply overview and scrutiny arrangements to Combined Authorities.**

### Section 2 – Functions, powers and duties of the Combined Authority

## 8. The functions of the Combined Authority

- 8.1. The prime purpose of the Combined Authority is to improve the exercise of statutory functions in relation to economic development, regeneration and transport in the N2 area leading to an enhancement of the economic conditions and performance of the Nottingham and Nottinghamshire area.
- 8.2. In pursuit of this aim, the Combined Authority will have the functions set out in sub paragraphs 8.3 to 8.5 in relation to Strategic Economic Development and Transport. These powers will be exercised by the Combined Authority on a concurrent basis i.e. no powers have been “ceded” to the Combined Authority from its members.
- 8.3.
  - Strategic Economic Development.
  - Setting the Economic Strategy
  - Setting the investment strategy for the N2 area
  - Making decisions with regard to the investment strategy for the N2 area
  - Making decisions in relation to the uplift from Enterprise Zone business rates
  - Coordinated inward investment activity.
  - Strategic Planning functions
  - Function in respect of further education provision, co-ordination and funding.

- Functions in respect of the funding and provision of housing in the area of the Combined Authority.
- Functions in respect of provision, co-ordination and funding of initiatives for increasing employment and improving skills.
- Functions in respect of the provision of support and funding for local business initiatives in the area of the Combined Authority.
- The duty under Section 8 (i) of the Housing Act 1985 (duty of local housing authorities to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation).

#### Transport

- The functions of a local transport authority
- The functions of a Passenger Transport Executive

8.4. The Combined Authority will have the benefit of a General Power of Competence to provide for maximum flexibility in being able to deal with economic development and regeneration issues. The Combined Authority shall exercise any function of the Secretary of State delegated to the N2 Combined Authority by the order of the Secretary of State pursuant to Section 86 LTA2008, Section 104(1)(b), LDEDCA and sections 15 to 19 of the Localism Act 2011. Such functions shall be exercised subject to any condition imposed by the order.

8.5. In addition to the above, the Combined Authority will have the following specific powers. These are viewed as complementary to the broader powers to address economic development identified above:

- The power under section 144 of the Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities).
- The duties under sections 15ZA, 15ZB, 15ZC, 17A, 18A(1)(b), of the Education Act 1996 and the power under sections 514A and 560A of that Act (duties and powers related to the provision of education and training for persons over compulsory school age).
- The duty under section 4(1) of the Local Government Act 2000 (duty to prepare a strategy for promoting or improving the economic, social and environmental well-being of their area and contributing to the achievement of sustainable development in the United Kingdom) and the power under section 4(2) of the

Local Government Act 2000 (power to modify their sustainable communities strategy).

- The duty under section 69 of the 2009 Act (duty to prepare an assessment of economic conditions).

- 8.6. These powers will be supplemented by operating “protocols” agreed locally by the Combined Authority and councils. These protocols will include a recognition of the strategic role of the Combined Authority and safeguards to ensure that it does not unnecessarily interfere with local decision making and delivery. As detailed in the Governance Review document - councils may, in time, choose to delegate additional powers to the Combined Authority by virtue of Section 101 of the Local Government Act 1972. In all cases, the delegation of such powers would require a decision from each local authority concerned.
- 8.7. The Combined Authority will not have any specific planning-related powers. However, using general economic development powers, the Combined Authority may take actions which support, enhance and provide cohesion to local planning frameworks.

## **Section 3 – Funding**

### **9. Funding**

- 9.1. The Combined Authority, as a levying body under Section 74 of the Local Government Finance Act 1988, shall have the power to issue a levy to its relevant constituent councils (ie. Nottingham City Council and the Nottinghamshire County Council) in respect of the expenses and liabilities of the Combined Authority which are reasonably attributable to the exercise of its functions relating to transport. The amount to be raised by the levy will be apportioned between the relevant constituent authorities on an agreed basis.
- 9.2. The levy shall be in ten equal instalments payable monthly by the end of the first ten months in the financial year.
- 9.3. The costs of the Combined Authority that are reasonably attributable to the exercise of its functions relating to economic development and regeneration (and any start-up costs) shall be met by the constituent councils. Such costs shall be apportioned between the nine councils on a per capita basis, with county and district authorities apportioning their share of costs on a 75:25 basis. The CA will agree an annual budget for the purpose of this expenditure.

## **Section 4 – Other arrangements**

### **10. D2N2 Local Enterprise Partnership and Derbyshire Combined Authority**

- 10.1. A partnership between the public and private sector, D2N2 LEP's vision is for a more prosperous, better connected and increasingly resilient and competitive economy.
- 10.2. It is intended that the D2N2 Local Enterprise Partnership would be a lead advisory body to the Combined Authority, bringing private sector voices and providing leadership of particular Combined Authority projects and workstreams.
- 10.3. It is recognised that the Combined Authority will need to coordinate its work closely with the equivalent Combined Authority arrangements in Derbyshire in order to ensure that effective governance arrangements can operate across the whole of the D2N2 LEP area. It is therefore proposed that the Combined Authority and its equivalent in Derbyshire will enter into arrangements to achieve this. Other Arrangements
- 10.3. The Combined Authority may establish committees, sub-structures, sub-committees and arrangements for delegating powers and functions as it considers appropriate.

This page is intentionally left blank



---

STATUTORY INSTRUMENTS

---

2014 No.

**LOCAL GOVERNMENT, ENGLAND**

**TRANSPORT, ENGLAND**

**The Nottingham and Nottinghamshire Combined  
Authority Order 2014**

*Made*

*Coming into*

*force in accordance with article 1*

This Order is made in exercise of the powers conferred by sections 84, 91 and 93 of the Local Transport Act 2008(a) and sections 103 to 105 and 114 to 116 of the Local Democracy, Economic Development and Construction Act 2009(b) [and sections 15 to 19 of the Localism Act 2011].

The Secretary of State, having regard to a scheme prepared and published under section 109 of the Local Democracy, Economic Development and Construction Act 2009, considers that the making of this Order is likely to improve-

- (a) the exercise of statutory functions relating to transport in the area to which this Order relates,
- (b) the effectiveness and efficiency of transport in that area,
- (c) the exercise of statutory functions relating to economic development and regeneration in that area, and
- (d) economic conditions in that area.

The Secretary of State is satisfied that the area to which this Order relates meets the conditions set out in section 103 of the Local Democracy, Economic Development and Construction Act 2009.

The Secretary of State has consulted-

- (a) the councils for the area
- (b) such other persons as the Secretary of State considered appropriate.

The councils whose areas are comprised in the area have consented to the making of this Order.

---

(a) 2008 c.26.  
(b) 2009 c.20.

In making this Order, the Secretary of State has had regard to the need to reflect the identities and interests of local communities, and to secure effective and convenient local government.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 117 of the Local Democracy, Economic Development and Construction Act 2009.

Accordingly, the Secretary of State makes the following Order:

## **PART 1**

### **General**

#### **Citation and commencement**

1. This Order may be cited as the Nottingham and Nottinghamshire Combined Authority Order 2014 and shall come into force on the day after the day on which it is made.

#### **Interpretation**

2. In this Order-

"the 2009 Act" means the Local Democracy, Economic Development and Construction Act 2009;

"combined area" means the area consisting of the areas of the constituent councils;

"the Combined Authority" means the Nottingham and Nottinghamshire Combined Authority constituted by article 3;

"commencement date" means the date on which this Order comes into force;

"constituent councils" means-

- (a) Nottingham City Council
- (b) Nottingham County Council
- (c) Ashfield District Council,
- (d) Bassetlaw District, Council,
- (e) Broxtowe Borough Council,
- (f) Gedling Borough Council,
- (g) Mansfield District Council,
- (h) Newark & Sherwood District Council and
- (i) Rushcliffe Borough Council

The Nottinghamshire County Council; and;

(c) financial year" means the period of 12 months ending with 31st March in any year;

"non-constituent councils" means-

(a) [?]; and

[?]

"transferring body" means any organisation from whom functions are transferred to the Combined Authority by this Order of the Secretary of State or by arrangements made by the Local Government Act 1972 and Local Government Act 2000

## **PART 2**

### **Establishment of a combined authority for Nottingham and Nottinghamshire**

#### **Establishment**

3.-(1) There is established a combined authority for the combined area.

(2) The combined authority is to be a body corporate and to be known as the Nottingham and Nottinghamshire Combined Authority.

(3) The functions of the Combined Authority are those functions conferred or imposed upon it by this Order or by any other enactment (whenever passed or made), or as may be delegated to it by or under this Order or any other enactment (whenever passed or made).

#### **Constitution**

4. Schedule I (which makes provision about the constitution of the Combined Authority) has effect.

#### **Funding**

5.-(1) The constituent councils must meet the costs of the Combined Authority reasonably attributable to the exercise of its functions relating to economic development and regeneration.

(2) The amount payable by each of the constituent councils is to be determined by apportioning the costs of the Combined Authority referred to in paragraph (1) between the constituent councils in such proportions as they may agree, or in default of agreement, in proportion to the total resident population at the relevant date of the area of each council concerned as estimated by the Registrar General.

(3) For the purposes of paragraph (2) the relevant date in relation to a payment for a financial year is 30th June in the financial year which commenced two years prior to the current financial year.

## **PART 3**

### **Transport**

#### **Adaptation of enactments**

6.-(1) In any enactment (whenever passed or made)-

- (a) any reference to an integrated transport area; or
- (b) any reference which falls to be read as a reference to such an area,

is to be treated as including a reference to the combined area.

(2) In any enactment (whenever passed or made)-

- (a) any reference to an integrated transport authority; or
  - (b) any reference which falls to be read as a reference to such an authority,
- is to be treated as including a reference to the Combined Authority.

#### **Continuity**

7(1) There may be continued by or in relation to the Combined Authority anything (including legal proceedings) which-

- (a) relates to any of the functions, property, rights or liabilities transferred to the Combined Authority; and
- (2) Anything which-
  - (a) was made or done by or for the purposes of or otherwise in connection with any of the functions, property, rights or liabilities transferred; and
  - (b) is in effect immediately before the transfer takes effect,
 has effect as if made or done by or in relation to the Combined Authority.
- (3) The Combined Authority shall be substituted for the transferring body in any instruments, contracts or legal proceedings which
  - (a) relate to any of the functions, property, rights or liabilities transferred; and
  - (b) are made or commenced before the transfer takes effect.
- (4) A reference in this article to anything made or done by or in relation to a transferring body includes a reference to anything which by virtue of any enactment is to be treated as having been made or done by or in relation to the transferring body.

---

(a) S.I. 1973/1728.  
 (b) 1972 c. 70.  
 (c) 1988 c.41; section 74 was amended by the Local Government Finance Act 1992 (c. 14), Schedule 13, paragraph 72; the Local Government (Wales) Act 1994 (c. 19), Schedule 6, paragraph 21; the Environment Act 1995 (c. 25), Schedule 24; the Greater London Authority Act 1999 (c. 29) section 105; the Courts Act 2003 (c. 39), Schedule 8, paragraph 305(a); the Fire and Rescue Services Act 2004 (c. 21), Schedule 1, paragraph 68; the Local Government and Involvement in Public Health Act 2007 (c. 28), Schedule 1, paragraph 16; the Local Democracy, Economic Development and Construction Act 2009 (c. 20), Schedule 6, paragraphs 74 and 75 and Schedule 7, Part 4; the Police Reform and Social Responsibility Act 2011 (c. 13), Schedule 16, paragraph 182(a); the Localism Act 2011 (c. 20), Schedule 7, paragraphs 1, 2; and by S.J. 1994/2825.  
 (d) S.I. 1992/2789, amended by S.I. 2012/213.

## PART4

### Additional functions

#### Economic development and regeneration functions

8-(1) The functions of the constituent councils and other functions set out in Schedule 2 to this Order are exercisable by the Combined Authority in relation to its area.

(2) The functions are exercisable concurrently with the constituent councils.

(3) Any requirement in any enactment for a constituent council to exercise such a function may be fulfilled by the exercise of that function by the Combined Authority.

#### Incidental provisions

9. The following provisions shall have effect as if the Combined Authority were a local authority for the purposes of these provisions-

- (a) section 142(2) of the Local Government Act 1972 (the power to arrange for publication of information etc relating to the functions of the authority); and
- (b) section 222 of the Local Government Act 1972 (the power to prosecute and defend legal proceedings).

10-(1) The Combined Authority shall have the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985(a) (research and collection of information) whether or not a scheme is made under that section.

(2) For the purposes of paragraph (1) of this article, paragraphs (a) and (b) of section 88(1) of the Local Government Act 1985 shall have effect as if a reference to "that area" were a reference to the combined area.

11. Section 13 of the Local Government and Housing Act 1989(b) (voting rights of members of certain committees) shall have effect as if-

- (a) in subsection (4) after paragraph (h) there were inserted-
  - "(i) subject to subsection (4A), a committee appointed by the Nottingham and Nottinghamshire Combined Authority;" and
- (b) after subsection (4) there were inserted-
  - "(4A) A person who is a member of a committee falling within paragraph (i) of subsection (4) or a sub-committee appointed by such a committee shall for all purposes be treated as a non-voting member of that committee or sub-committee unless that person-
  - (a) is a member of one of the constituent councils as defined by article 2 of the Nottingham and Nottinghamshire Combined Authority Order 2014; or
  - (b) is given voting rights by resolution of the Combined Authority in accordance with paragraph 4(6) of Schedule 1 to that Order."

---

(a) 1985 c.51.

(b) 1989 c.42.

(c) S.I. 2013/2356; there are no relevant amendments.

- 12 (1) The Local Government Pension Scheme Regulations 2013 are amended as follows.
- (2) In Part 1 of Schedule 2 (Scheme employers) at the end insert-

"25. City of Nottingham and Nottinghamshire Combined Authority established by the Nottingham and Nottinghamshire Combined Authority Order 2014(a)."

- (3) In Part 1 of Schedule 3 (pension funds) at the end insert-

"(z) the Nottingham and Nottinghamshire Combined Authority established by the Nottingham and Nottinghamshire Combined Authority Order 2014."

Signed on behalf of the Secretary of State for Communities and Local Government

31st March 2014

## SCHEDULE 1

Article 4

### Constitution

#### **Membership**

**1.-(1)** Each constituent council shall appoint one of its elected members to be a member of the Combined Authority.

(2) Each constituent council shall appoint another of its elected members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (1) ("the substitute member").

At the request of the Combined Authority another body may nominate one of the members, officers or employees to act as a co-opted member of the Combined Authorities and another to act as a co-opted member of the Combined Authority in the absence of the first nominated co-opted member (the substitute co-opted member").

- (6) For the purposes of this Schedule any reference to a member is to be treated as including a reference to a co-opted member. ]
- (7) A person ceases to be a member or substitute member of the Combined Authority if they cease to be a member or employee or officer (as the case may be) of-
- (a) the constituent council that appointed them; or
  - [ (b) the body which nominated them for co-option
- 12 A person may resign as a member or substitute member of the Combined Authority by written notice served on the proper officer of the constituent council that appointed them or, as the case may be, the nominated representative of the organization from wholly they were co-opted.
- (8) Where a member or substitute member's appointment ceases by virtue of sub-paragraph (7) or (8)-
- (a) the constituent council that made the appointment shall, as soon as practicable, give written notice of that fact to the Combined Authority and appoint another of its elected members in that person's place;
  - [(b) the co-opting body shall as soon as practicable, give written notice of that fact to the Combined Authority and nominate another of its members in that person's place.]
- (10) A constituent council or nominating body may at any time terminate the appointment of a member or substitute member appointed by it, or co-opted (as the case may be) to the Combined Authority and appoint another one of its elected members (in the case of a combined Council, or a member, officer or employee in the case of a nominating body) in that person's place.
- (11) Where a constituent council or nominating body exercises its power under sub-paragraph (10), it shall give written notice of the new appointment and the termination of the previous appointment to the Combined Authority and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.
- (12) The Combined Authority shall appoint a member nominated under sub-paragraph (9)(b) at the next meeting of the Combined Authority.
- (13) For the purposes of this paragraph, an elected mayor of a constituent council is to be treated as a member of the constituent council.

#### **Chairman and vice-chairman**

2.-(1) The Combined Authority must in each year appoint a chairman and a vice-chairman from among its members and the appointments are to be the first business transacted after the appointment of members of the Combined Authority, at the first meeting of the Combined Authority, and in subsequent years at the annual meeting of the Combined Authority.



(2) A person ceases to be chairman or vice-chairman of the Combined Authority if they cease to be a member of the Combined Authority.

(3) If a vacancy arises in the office of chairman or vice-chairman, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority, or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.

#### Proceedings

3.-(1) Subject to the following sub-paragraphs, any questions that are to be decided by the Combined Authority are to be decided by a majority of the members and substitute members, acting in place of members, present and voting on that question at a meeting of the Combined Authority.

(2) No business shall be transacted at a meeting of the Combined Authority unless at least two members or substitute members appointed by the constituent authorities are present at the meeting.

(3) Each member, or substitute member acting in that member's place, is to have one vote and no member or substitute member is to have a casting vote.

(4) If a vote is tied on any matter it shall be deemed not to have been carried.

[(5) Co-opted members shall be non-voting members of the Combined Authority.]

(6) Questions relating to the following matters require a unanimous vote in favour by all nine constituent council members, or substitute members acting in place of those members, to be carried-

- (a) adoption of any strategic growth plan as provided for in the Combined Authority's standing orders;
- (b) adoption of any local transport plan under section 108(3) of the Transport Act 2000;
- (c) approval of the Combined Authority's annual budget;
- (d) setting of any transport levy under section 74 of the Local Government Finance Act 1988 and in accordance with regulations made thereunder;
- (e) allocation of local transport plan funding to the individual constituent authorities;
- (f) adoption of Strategic Plans;
- (g) approval of borrowing limits, treasury management strategy including reserves, investment strategy and capital budget of the Combined Authority; and
- (h) such other plans and strategies as may be determined by the Combined Authority and set out in its standing orders.

(7) The proceedings of the Combined Authority are not invalidated by any vacancy among its members or substitute members or by any defect in the appointment or qualifications of any member or substitute member.

#### Committees

4.-(1) The Combined Authority may appoint one or more committees, as it sees fit for the purpose of carrying out and reviewing its functions.

(2) Any committee appointed by the Combined Authority may appoint one or more sub-committees, as it sees fit, for the purposes of carrying out and reviewing its functions.

## **Records**

5.-(1) The Combined Authority must make arrangements for the names of members and substitute members present at any meeting to be recorded.

(2) Minutes of the proceedings of a meeting of the Combined Authority, or any committee or sub-committee of the Combined Authority, are to be kept in such form as the Combined Authority may determine.

(3) Any such minutes are to be signed at the same or next suitable meeting of the Combined Authority, committee or sub-committee as the case may be, by the person presiding at that meeting.

(4) Any minute purporting to be signed as mentioned in sub-paragraph (3) shall be received in evidence without further proof.

(5) Until the contrary is proved, a meeting of the Combined Authority, committee or sub-committee, a minute of whose proceedings has been signed in accordance with this paragraph, is deemed to have been duly convened and held, and all the members and substitute members present at the meeting are deemed to have been duly qualified.

(6) For the purposes of sub-paragraph (3) the next suitable meeting is the next following meeting or, where standing orders made by the Combined Authority provide for another meeting

---

(a) 2000 c. 22. Sections 9FG and 9GA were inserted by the Localism Act 2011 (c. 20), section 21 and Schedule 2.

of the authority, committee or sub-committee, to be regarded as suitable, either the next following meeting or that other meeting.

#### Standing orders

6. The Combined Authority may make standing orders for the regulation of its proceedings and business and may vary or revoke any such orders.

#### Remuneration

7. No remuneration is to be payable by the Combined Authority to its members.

## SCHEDULE 2

Article 6, 8 and 9

### Transport and Economic development and regeneration functions

1. Such functions of the constituent authorities as are exercisable for the purpose of economic development and regeneration in reliance on the general power of competence under section 1 of the Localism Act 2011(a).

2. The power under section 144 of the Local Government Act 1972 (the power to encourage visitors and provide conference and other facilities).

3. The duties under sections 15ZA, 15ZB, 15ZC, 17A and 18A(l)(b), of the Education Act 1996(b) and the power under sections 514A and 560A of that Act (duties and powers related to the provision of education and training for persons over compulsory school age).

4. The duty under section 69 of the 2009 Act (duty to prepare an assessment of economic conditions).

5. The functions of a local transport authority

6. The functions of a Passenger Transport Executive

7. Functions in respect of further education, provision, co-ordination and funding.

8. Functions in respect of the provision and findings of housing in the area of the Combined Authority.

9. Functions in respect of provision, co-ordination and funding of initiatives for increasing employment and improving skills.

10. Functions in respect of the provision of support and funding for local business initiatives in the area of the Combined Authority.

11. The duty under Section 8 (i) of the Housing Act 1985 (duty of local housing authorities to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation).

---

(a) 2011  
1  
c.2  
0.

(b) 1996 c.56. Sections 15ZA, 15ZB, 15ZC, 17A, 18A(l)(b), 514A and 560A were inserted by the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), sections 41, 42, 45 to 48 and by S.I. 2010/11158. Sections 17A and 18A were also amended by the Education Act 2011 (c. 21), sections 30 and 82.

This page is intentionally left blank



## **Report to Council**

**Subject: Pay Policy Statement 2015/16**

**Date: 21 January 2015**

**Report of: Appointments and Conditions of Service Committee**

### **1. Purpose of the report**

For Council to approve the Pay Policy Statement for 2015/16 as recommended by the Appointments and Conditions of Service Committee.

### **2. Background**

Section 38 of the Localism Act 2011 requires local authorities to publish a Pay Policy Statement by 31 March each year for the following financial year. This report presents a proposal for the Gedling Borough Council Pay Policy Statement 2015-16 as recommended by the Appointments and Conditions of Service Committee.

### **3. Proposal**

The Pay Policy Statement was approved by the Appointments and Conditions of Service Committee at its meeting in December 2014. The policy is now attached at Appendix A and requires formal adoption by Council.

### **4. Financial Implications**

None arising from this report.

### **6. Recommendation**

Council is recommended to approve the Pay Policy Statement, attached at Appendix A to this report, for publication on the website.

This page is intentionally left blank

## Gedling Borough Council; Pay Policy Statement 2015-16

### 1. Introduction

Section 38 of the Localism Act 2011 requires local authorities to publish a Pay Policy Statement by 31 March each year. The purpose of the Statement is to increase accountability in relation to payments made to senior members of local authority staff by enabling public scrutiny.

This is the Council's fourth Pay Policy Statement.

The Pay Policy Statement has been drafted not only to meet the requirements of the Localism Act, but also is designed to reflect the principles of the Code of Recommended Practice for Local Authorities on Data Transparency (updated in 2014), the Accounts and Audit (England) Regulations 2011 and aspects of good practice highlighted by the Local Government Association and the Association of Local Authority Chief Executives. Furthermore, this year's statement also has regard to the guidance made available in February 2013 by the Department for Communities and Local Government in respect to "openness and accountability" as described in section 40 of the Localism Act.

### 2. Pay Policy Statement; Executive Summary

Details necessary for publication are explored fully in this Pay Policy Statement in sections three and four. The Executive Summary does not reflect all information required or recommended in the legislation and guidance described in the introduction above; however, it is designed to show key information in a simple, digestible format. Unless otherwise stated, data in these tables is current at 30 November 2014.

#### General Council pay data

Lowest rate of pay	£7.65 per hour (£14,760 per annum full time)
Median rate of pay	£8.81 per hour (£16,998 per annum full time)
Mean rate of pay	£10.78 per hour (£20,798 per annum full time)
Highest rate of pay	£50.97 per hour (£98,334 per annum full time)
Expression (as a multiple) of highest rate of pay against:	
Lowest pay:	6.66 times greater
Median pay:	5.78 times greater
Mean pay:	4.73 times greater

### Job-related information for Chief Officers

Job Title (& name for "Senior Posts") <sup>1</sup>	Substantive post- Salary Band p.a. (pay pts in scale)	Enhancement to basic pay or Addition to basic pay (not related to main job)	Total salary including basic pay enhancements	For "Senior Posts" <sup>1</sup> : Number of staff reports & total budget <sup>6</sup> (Headcount @30/11/14)
<b>Chief Executive</b> John Robinson	£93,753 - £96,040 - £98,334	Yes- Election fees		13 staff (491 total) £962,400
<b>Corporate Directors</b> A) Stephen Bray  B) Mark Kimberley  C) Paula Darlington  D) David Wakelin	£70,000 - £72,500 - £75,000 Progression is performance-related	No		A) 23 staff £972,900 B) 134 staff £33,543,700 C) 175 staff £5,875,000 D) 146 staff £7,718,100
<b>Council Solicitor and Monitoring Officer<sup>2</sup></b>	Band 14 £40,254 - £41,148 - £42,032	5% (S.M.) <sub>3</sub> 15% (M.O.) <sub>4</sub>	£48,305- £49,378- £50,438	
<b>Service Manager<sup>2</sup>; Financial Services</b>	Band 14 £40,254 - £41,148 - £42,032	5% (S.M.) <sub>3</sub> 5% (S114) <sub>5</sub>	£44,279- £45,263- £46,235	
<b>Service Managers<sup>2</sup>;</b> • Public Protection • Customer Services & IT • Revenues • Planning • Audit and Asset Management • Leisure • Housing	Band 14 £40,254 - £41,148 - £42,032	5% (S.M.) <sub>3</sub>	£42,267- £43,205- £44,134	
<b>Service Managers<sup>2</sup>;</b> • Organisational Development	Band 13 £37,578 - £38,422 - £39,351	5% (S.M.) <sub>3</sub>	£39,457- £40,343- £41,319	
<b>Service Managers<sup>2</sup>;</b> • Elections and Member Services • Parks & Street Care • Community Relations	Band 12 £34,894 - £35,784 - £36,676	5% (S.M.) <sub>3</sub>	£36,639 - £37,573 - £38,510	
<b>Service Manager<sup>2</sup>;</b> • Waste Services	Band 11 £32,072 - £33,128 - £33,998	5% (S.M.) <sub>3</sub>	£33,676 - £34,784 - £35,698	
<b>Service Manager<sup>2</sup>;</b> <b>Communications</b>	Band 10 £29,528 - £30,311 - £31,160	5% (S.M.) <sub>3</sub>	£31,004 - £31,827 - £32,718	

<sup>1</sup> As defined in Recommended Code of Practice for Data Transparency

<sup>2</sup> Eligible for additional personal payments under Principal Officer Incentive Scheme

<sup>3</sup> Service Manager

<sup>4</sup> Monitoring Officer responsibility (Statutory role)

<sup>5</sup> Section 114 Officer responsibility (Deputy S151 Officer; Statutory role)

<sup>6</sup> Total current gross expenditure budget (2014/15); includes employee costs.



### **3. Setting the scene; general policy statements**

The following paragraphs and statements outline the Council's general position in respect to employment, pay and conditions of service and are pertinent to the requirements of the Localism Act:

- 3.1. As at the end of November 2014, Gedling Borough Council employed 491 people (399 full time equivalents).
- 3.2. Five posts work within the national conditions of service covered by the Joint Negotiating Committees (JNC) for Chief Executives and Chief Officers, these being the Chief Executive and the four posts of Corporate Director. All other employees, including those defined by the Localism Act as Chief Officers, work within the national conditions of service covered by the National Joint Council (NJC) for Local Government Employees.
- 3.3. These national conditions of service are added to, and amended by, local terms and conditions detailed in the Employee Handbook and further modified at an individual level by Statements of Employment (contracts) applying to particular employees or posts.
- 3.4. For the purposes of the Localism Act, report must be made on the pay policies relating specifically to "Chief Officers". In the Act, included in the definition of what is a "Chief Officer" are any posts, statutory or not statutory, that report direct to the Chief Executive, or to a post that reports immediately to the Chief Officer. The purpose is to ensure that "Deputy Chief Officer" posts are included in the pay policy. Locally, for Gedling Borough Council this means that the Chief Executive, Corporate Directors and Service Managers will be covered in the Pay Policy Statement.
- 3.5. Policies relating to the setting of pay are determined by committee. Currently such decisions fall under the remit of the Appointments and Conditions of Service Committee (ACSC). Historically, all decisions relating to pay policies have been the subject of consultation with the recognised unions representing employees of the Council, either direct with the unions, or more usually through discussion at the Joint Consultative and Safety Committee (JCSC) which is the recognised forum for formal consultation between employee representatives and the employer.
- 3.6. The Council has embraced the principles of Single Status (a term designed by national employers' groups and trade unions to describe the equal treatment, in respect to terms and conditions, of all employees) since 2001. Gedling was one of the first local authorities in the region to formally implement the national NJC Job Evaluation Scheme. Pay policy was written at this time to reflect how NJC pay was to be applied within this scheme and this is shown at Appendix i. The NJC Job Evaluation Scheme continues to be used and pay grades are established using this tool for all NJC posts, including Chief Officer posts. Job assessment is carried out jointly by both management and union representatives.

- 3.7. The filling of, or promotion to all posts, be they governed by NJC or JNC conditions of service are dealt with under the same defined protocols. The general protocol for the filling of vacancies is shown at Appendix ii and a variation was specifically designed to deal more effectively with the Council reorganisation in 2011/12 and agreed following consultation with the trade unions is shown at Appendix iii; although the restructuring flowing from the major 2011/12 exercise is now complete, this “variation” is shown for completeness.
- Other than in cases where there is a need to prevent redundancy through possible redeployment of existing employees, or where efficiencies can potentially be realised, all permanent vacancies are advertised externally and all appointments are made on merit as required by the Local Government and Housing Act 1989. There is an additional recognised protocol (appendix iv) that allows temporary vacancies for periods of less than one year to be filled internally.
- 3.8. Appointments to the post of Chief Executive or Corporate Director are made by the Appointments and Conditions of Service Committee, subject to no objections being raised by Cabinet. Appointment to all other posts including Chief Officers defined within the Localism Act is made by officers delegated to act on behalf of the Chief Executive.
- 3.9. In respect to appointment to any post, where the grade of a post compromises a range of pay points, the general practice is that appointment is made to the bottom pay point other than in cases where the successful candidate can demonstrate that their experience or skill set is of relevant and exceptional nature. In such cases, for officers working under NJC conditions, a Service Manager may agree to commencement at a higher pay point. For Chief Officers governed by JNC conditions, the pay policy for pay at appointment and subsequent promotion is determined by the Chief Executive following consultation with the Appointments and conditions of Service committee as detailed in Appendix v. The same general principles governing application of pay points apply both to external appointment and internal promotion.
- 3.10. For many years, as a general principle and where business need allows, the Council has supported the sharing of posts (job share) between two or more people. Where this has occurred, appointments have been made on merit. Appointment for any job share partner will be made within the confines of the pay grade, determined through job evaluation and within the principles as described above in relation to the determination of starting salary.

3.11. The pay grades of the Chief Executive and of Corporate Directors were last reviewed in 2011 as part of the major review of the council's structure and a new pay policy has been adopted by the ACSC for Corporate Director posts (Appendix v).

3.12. In 2013 supplementary guidance was offered by the Department for Communities and Local Government under section 40 of the Localism Act 2011 about decisions relating to appointments and dismissal from senior posts where the costs of such decisions are likely to be high. The Secretary of State considers that a salary of £100,000 is the right level for the threshold of such decisions.

In the year 2014/15 no post in the organisation has a salary at this level, however, the post of Chief Executive is defined as "senior" for the purpose of this guidance and consequently decisions relating to appointment and dismissal will be determined by full Council following recommendation made by the Appointments and Conditions of Service Committee. This arrangement is incorporated within the council's constitution.

Also as determined within the council's constitution, other posts governed by Chief Officers' Conditions of Service will have decisions relating to appointment and termination made by the Appointments and Conditions of Service Committee. Prior to this decision, the proposal for appointment or dismissal is put to every member of the Executive which gives them the opportunity to object if there were to be material grounds on which to do so. Any objection received will be considered by the Appointments and Conditions of Service Committee prior to that committee making final decision about appointment or dismissal. The decisions of the Appointments and Conditions of Service Committee are also reported to full Council.

All decisions relating to pension release and non-standard discretionary payments made under local council policy will be taken by the Appeals and Retirements Committee, a committee delegated to act on behalf of Council.

Already published elsewhere in this Pay Policy Statement are the council's policies relating to severance policies and discretionary compensation for employees, including senior officers in the event of redundancy.

- 3.13. The “Living Wage” is set by the Living Wage Foundation annually and represents the hourly rate of pay that is deemed to provide workers with a wage that can meet the basic costs of living.

During the “Living Wage Week” in November 2013, the Leader of the council announced his intention to propose that the Living Wage be paid at Gedling Borough Council at 1 April 2014.

This commitment was implemented as policy and consequently all contracted employees and casual workers (other than those in specific training posts) were paid at a minimum rate based on a newly-introduced local pay point 10a which at 1 April 2014 equated to the Living Wage rate of £7.65 per hour. At the time, these changes improved the pay for 116 contracted employees and a further 138 casual workers.

- 3.14. As required by the Transparency Code, structure diagrams of the Council showing all posts, including vacant posts, and pay bands are maintained on the Council’s website together with contact details for Chief Officers.
- 3.15. The 2014 Transparency Code requires information about trade union facility time to be published. This is the amount of time that is allowed by the organisation for the representatives of the recognised trade unions to participate in approved union activities. For this council the information is as follows:
- 3.15.1. There are six staff that are recognised as representatives (the Executive). This equates to 5.27 full time equivalents (FTEs).
  - 3.15.2. There are no union representatives who devote at least 50% of their time to union duties.
  - 3.15.3. It is estimated that the total salary cost of union representatives undertaking union duties over a year is £6,644.
  - 3.15.4. It is estimated that the spending on unions as a percentage of the total pay bill is 0.055%.
- 3.16. This Pay Policy Statement is published on the Council’s website.

#### **4. Other specific reportable issues as defined in the Localism Act**

##### **4.1 Chief Officer pay**

###### **4.1.1 Basic pay**

Pay scales for Chief Officers are shown in the Executive Summary table. These are current up to 30 November 2014.

###### **4.1.2 The setting of basic pay grades and pay rates**

There are a number of existing decisions and policies that determine Chief Officers’ overall pay policy.

The Chief Executive's pay scale, and the pay scales for Corporate Directors is determined locally by the Appointments and Conditions of Service Committee following formal consultation with recognised unions through the Joint Consultative and Safety Committee. This was last undertaken in August 2011 as part of the Council's management review and restructuring exercise. The ACSC when setting these pay scales took into account the need to balance affordability with fair pay for the work whilst also recognising pay levels for similar posts within the local market and pay differentials within the organisation.

The ACSC approved a performance-related pay scheme that applies to the post of Corporate Director. This is shown at Appendix v. This confirms that appointment is generally at the bottom point of the pay scale and that progression through the scale is through satisfactory performance only.

The pay policies applying to all other Chief Officers as defined by the Localism Act are derived from the pay policies relating to NJC employees. As part of the implementation of the NJC national Job Evaluation Scheme in 2001, a pay policy was adopted by committee in 2001 (Appendix i). Basic job grades are still determined using this scheme and the basic principles set out therein. With the implementation of the job evaluation scheme came the setting of a "pay line", that is the equating of evaluation points to a job grade. The pay policy statement for the Council's NJC staff defines how national spinal column points are associated to job grades and is again shown in Appendix i.

The national pay awards for the period 2014/16 are not included in the salary details for this Pay Policy Statement as the paper is written to be current at 30 November 2014 in terms of staffing and budget data. This is the general reference period used in each statement. Due to the specific conditions arising from this year's bargaining round the consolidated pay element of the NJC award is not made until 1 January 2015. The total average award which will be applied to the period 1 January 2015 to 31 March 2016 will be 2.2% with other non-consolidated "one-off" payments" being made in December 2014 and April 2015. Greater percentage awards will be made to the lower pay points in the national pay scale with spinal column point 5 being removed from 1 October 2014. For JNC Chief Officers and Chief Executives the national pay award is likely to be 2.0% to be applied to salaries below £100,000 from 1 January 2015.

#### **4.1.3 Enhancements to Chief Officers' basic pay**

There are a number of additions and enhancements that are applied to Chief Officers' basic pay.

The basic pay grades of all Service Manager posts, and the post of Council Solicitor and Monitoring Officer are determined through job evaluation. In addition to basic salary, these posts receive a payment equivalent to 5% of basic salary. Following formal consultation, the Appointments and Conditions of Service Committee determined this addition in recognition of the additional duties and responsibilities to be applied; that is that these posts will be expected to be the most senior operational lead officer for a single, or small group of services. The

addition recognises the particular requirements of the role and is designed to differentiate between other management roles that may carry the same substantive evaluated pay grade.

The role of “Deputy Section 151 Officer (Section 114 Officer)” is recognised by the Council under the Local Government and Finance Act 1988 and the responsibility is applied to the post of Service Manager; Financial Services. An additional payment of 5% of basic salary is made to this post and applies in addition to any other additional payment.

The role of Monitoring Officer is recognised by the Council under the Local Government and Housing Act 1989 and the responsibility is applied to the post of Council Solicitor and Monitoring Officer. An additional payment of 15% of basic salary is made to this post and applies in addition to any other additional payment.

Holders of Chief Officer posts defined by the Localism Act and who are governed by NJC conditions of service are also eligible for additional payments through the Council’s Principal Officer Incentive Payment Scheme. This Scheme applies to all officers on Pay Band 10 and above; details are shown at Appendix vi. The scheme is performance-based and gives potential for up to three additional incremental pay points to be applied to basic pay. These enhancements to pay are made on a personal basis to recognise exceptional performance. The application of the second and third incremental awards under the scheme is time-limited.

Honorarium payments are not made to Chief Officers on NJC conditions of service as salaries are deemed to be inclusive of all job requirements at the most senior level. Honorarium payments to Chief Officers governed by NJC conditions are possible, but are tightly controlled and the circumstances in which awards are made are defined in Appendix iv (temporary appointments) and Appendix vi (Principal Officer Incentive Scheme (POI)). In essence, it is expected that most occasions of “higher level” work will be accommodated with the POI Scheme, however, where specific and substantially higher-level duties are required of any NJC officer, including Chief Officers, for a period of beyond four weeks, then it may be appropriate to consider application of an honorarium arrangement. In such cases both the relevant Service Manager and the Service Manager; Organisational Development will determine the appropriate level of payment to be made.

#### **4.1.4 Additional payments made to Chief Officers**

Other than the enhancements to basic pay described above, the only additional payment made to Chief Officers relates to election expenses. The only post formally designated within legislation and to which expenses are paid is that of Chief Executive which is nominated as the Returning Officer. The role of Deputy Returning Officer may be applied to any other post and payment may not be made simply because of this designation.

Payments to the Returning Officer are governed as follows:  
For national and European elections, fees are prescribed by the Electoral Commission.

For local elections, fees are determined within a local framework used by other District Councils within the County. This framework is applied consistently and is known as “The County Scale”. This is reviewed periodically by lead electoral officers within the boroughs.

#### **4.2 Salary protection**

The Council’s Pay Protection Policy was reviewed as part of the 2011 reorganisation arrangements. A full description of the Policy is shown at Appendix vii. This Pay Protection Policy applies to all employees of the Council, including Chief Officers as defined in the Localism Act. In essence, should a case of pay protection arise, for example due to redeployment or down-grading of a post, protection between an employee’s salary at that time and the value of their new substantive post will apply in the following way:

- 100% for one year
- 75% for year two
- 50% for years three and four
- No protection thereafter.

#### **4.3 Lowest-pay and the relationship with highest pay**

##### **4.3.1. Definition; “lowest pay”**

The definition of “lowest pay” for the purpose of this Pay Policy Statement is, “The lowest spinal column point in the national pay spine that is used within the local pay and grading structure of the Council for non-training posts. At 30 November this is our local Spinal Column Point 10a”. The reasons behind using SCP 5 as the lowest pay point are further detailed in the Council’s current Pay Policy shown at Appendix i, which reflects the decision to adopt the national pay spine to form the basis of our grading structure. However, although the national pay points within the national pay spine are still recognised, the implementation of the Living Wage at 1 April 2014 and the establishment of a new local pay point to accommodate this now means that the lowest rate of pay in the council is set at a higher level than the lowest rate for national pay points.

##### **4.3.2. Definition; “highest pay”**

The definition of “highest pay” for the purpose of this Pay Policy Statement is, “The highest local spinal column point that forms part of the Chief Executive’s pay band”.

##### **4.3.3 Relationship between highest and lowest pay**

When expressed as a multiplier of pay, the Chief Executive’s salary is:

6.66 times greater than the lowest pay rate of the council

4.73 times greater than the mean pay rate of the council

5.78 times greater than the median pay rate of the council

Although the Localism Act requires Authorities to publish the data, the original Hutton Review of fair pay in the public sector rejected calls for a fixed limit on pay multiples. However, to give guidance on what might be considered to be a reasonable pay multiple of highest pay against lowest pay, a ratio of 20:1 was suggested as part of the consultation during the review.

The High Pay Commission in its report “Cheques and Balances” reported that top executives’ pay in Lloyds and Barclays has a ratio of 75:1 against lowest pay. For the year 2012/13, the ratio in the Cooperative Group was 70:1. In the voluntary sector Agenda Consulting’s People Count 2013 report showed that on average the highest paid employee earns eight times (ratio 8:1) the base salary of the lowest paid.

The ratios within the council’s pay structures therefore seem fair and reasonable.

This relationship will be reported annually for comparison purposes.

The rates of for lowest, mean, median and highest pay are included in the Executive Summary table.

#### **4.4 Payments made to Chief Officers on ceasing office**

##### **4.4.1 Conduct and Capability Policies**

The Council’s policies are stated in the employee handbook. Changes and variation to these policies are made following consultation with recognised unions and formal adoption by the Appointments and Conditions of Service Committee. For each of these policies, the scope of application is defined as follows, “The procedure applies in general terms to all employees of the Authority covered by the terms of the National Joint council for Local Government Services. This includes full and part-time employees and temporary employees. Employees covered by the Joint Negotiating Committees for Chief Officers and Chief Executives, and NJC posts nominated as the Council’s Monitoring and Section 151 Officers will have particular provisions applied to them under the Council’s Standing Orders Relating to Staff. In these cases, this Disciplinary and Capability Procedures will be applied as closely as possible subject to such modification as may be required pursuant to those Standing Orders.”

Subject to the above definition of application, for conduct and capability dismissals all employees will receive only statutory payments due which may, depending on circumstance include notice pay (other than in cases of gross misconduct) and outstanding untaken leave entitlement.



#### **4.4.2 Ill health retirement**

All employees who are members of the local government pension scheme (LGPS) shall have applied to them a pension defined within the LGPS Regulations. Obligations under law requiring the payment of an appropriate notice period or outstanding unpaid holidays are honoured. No additional discretionary payments will be made. Authority to dismiss on grounds of ill health and authority for release of pension as determined within statute is delegated to the Chief Executive.

#### **4.4.3 Termination of employment; Redundancy and Efficiency**

The Council's Appeals and Retirements Committee has authority to make payment within the approved Early Retirement and Redundancy Policy (Appendix viii). The scheme of compensatory payment is clearly identified in this policy and is based on the table of compensation defined within the Employment Rights Act 1996. For redundancy, payment is limited to a maximum of 60 weeks' pay and 30 weeks' pay for dismissal for reason of 'efficiency of service'.

The policies relating to redundancy and 'efficiency of service' are formally adopted by the Council and are drafted within the legislative framework of the Local Government (Early Termination of Employment)(Discretionary Payments) (England and Wales) Regulations 2006. Specifically, the policies reflect the need to define "a week's pay" and to detail the Council's severance payments. For removal of doubt, the Council currently defines "a week's pay" for the purpose of calculation of compensatory redundancy payments as "actual pay" rather than the statutory maximum figure.

The Council's Flexible Retirement Policy is shown at Appendix A of the parent appendix, Appendix viii.

All employees, including Chief Officers are covered by these general policy arrangements. Section 3.12 details the special arrangement applying to "senior posts" in respect both to appointment and dismissal for reasons of redundancy and efficiency which require a decision to be taken by Committee in respect of Chief Officers or at full Council in relation to the Chief Executive.

#### **4.4.4 Other potential additional payments approved by the Council**

In addition to the decisions taken by the council through its appropriate committees in relation to compensatory and discretionary payments and which are detailed in the Council's Early Retirement and Redundancy Policy described above, Regulations determined within the LGPS Regulations also allow for the Authority to award additional membership of the LGPS.

Specifically, within the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007, the Council has taken a formal decision in respect to increasing pension benefits as follows:

a) "The New Look Scheme (2008) allows the employer to grant additional pension to an active scheme member up to £5000 per annum (in aggregate). This is in addition to any discretion to grant augmentation. This discretion will be exercised locally only in exceptional circumstances where there is a firm business reason for granting such an addition of annual pension. The Early Retirements Committee (now Appeals and Retirements Committee), based on a business case outlined and supported by senior management will determine the amount of the addition. Such payments will not be made purely in recognition of long or good service, which, in themselves, should not be deemed to be "exceptional" when considering whether to exercise such discretion. Equality and consistency of application will be taken into account when making such decisions."

b) "Similarly, the employing authority has discretion to contribute towards a scheme member's Additional Voluntary Contribution arrangement. These "Shared Cost AVCs" will only be entered into where there is a business case that anticipates with reasonable prospect, either cost efficiencies or service enhancements by their introduction. The Appeals and Retirements Committee, based on a business case outlined and supported by senior management will determine whether such benefits should be applied and the amount of the benefit. Equality and consistency of application will be taken into account when making such decisions."

## **5. Review and Publication**

This Pay Policy Statement will be reviewed annually and reported to Council for approval.

The Statement will be made available to the public on the Council's website and will be included in the Council's Publications' Scheme in a format that complies with regulations governing transparency.

## **Pay Policy – Single Status Employees**

### **1. Purpose of Policy**

To establish the principles and arrangements for pay for all employees in the Authority linked to the job evaluation of all posts.

### **2. Objectives**

- To ensure all pay arrangements reflect equal pay for work of equal value.
- To establish clear and consistent approaches to pay.
- To reflect how employees develop in skills and knowledge within a job.
- To provide a basis for establishing the grading system in relation to job evaluation.

### **3. Pay Points**

The pay points for all employees covered by the single status agreement will be nationally agreed points 6 to 49. In the final grading structure it is possible that not all of the points will be utilised. If necessary local points will be developed within the single status pay and grading structure in order to meet organisational need.

### **4 Pay Award**

The nationally agreed pay award determined at 1 April each year will be applied to the spinal column points used in the grading structure, including any locally set points.

### **5 Incremental Progression**

- a. All jobs will be allocated to a scale consisting of a number of incremental points not exceeding 5. The scales will not overlap and depending on the final grading structure may not be continuous with the national spinal column points.
- b. In most cases employees appointed to a new post will start at the bottom incremental point of the grade for the post. Where it can be demonstrated through the selection process that an individual candidate has relevant experience or qualifications, appointment at a higher incremental point may be justified. This should be agreed by the Corporate Director following consultation with personnel to ensure consistency both within Departments and across the Authority.
- c. Employees will progress to the next incremental point on their grade on 1 April of each year except where the employee has been in post less than 6 months. Where an employee has been in post less than 6 months at 1 April, they will progress to the next incremental point 6 months after appointment and thereafter on 1 April each year.

- d. Employees will progress automatically through the incremental scale in accordance with paragraph c. In the exceptional circumstances that an employee is not meeting output and quality standards expected for a post the Corporate Director, after consultation with the Service Manager; Organisational Development, may withhold an increment. Any such action will be supported by an adverse probation report, extension of probationary service or other formal performance review mechanism.
- e. The reasons for withholding an increment will be explained to the employee and guidance given about areas for improvement such that incremental progression can continue when standards are met.
- f. Where an individual employee is dissatisfied with the reasons for withholding an annual increment, they may appeal in writing to the Head of Paid Service, who will review the decision of the Corporate Director.

## **6. Market Factor Supplements**

- a. The pay and grading structure has been set to reflect the relative values of jobs within this organisation and at pay levels which reflect the general local employment pay levels. However, there may be occasions where it is necessary to enhance the pay levels of specific groups of employees where it is proven that it is difficult to attract and retain employees because of external pay levels. Where such situations are identified, additional market factor supplements may be agreed.
- b. Payment of market factor supplements will be made taking into account the following factors:
  - Evidence of high levels of turnover in the particular staff group
  - Evidence of difficulties in recruiting to posts ie by low response rates to advertisements or inability to attract suitable candidates
  - Comparison with like jobs in other local authorities and more widely in the sector
  - All current employees within the group affected will receive the payment
  - Clear criteria for receiving the payment must be determined ie possession of specific qualifications and length of experience etc.
  - Payment will be made for a specific time period and subject to an annual review. Where it is determined that the supplements can no longer be justified, employees in receipt of these will be given 12 months notice of withdrawal. At the end of that time they will revert to the substantive salary for their post.
- c. The amount to be awarded will be determined by the evidence gathered to support the need for a market factor supplement that would indicate the appropriate salary levels. The supplement will be a number of increments above the top of the grade, paid on a monthly basis.
- d. A report proposing the awarding of market factor supplements should be presented to Management Team who will agree to the awarding of and the

level of any market factor supplements and determine the posts to which it is applied.

## 7. Temporary Additional Responsibilities

In some situations employees may carry out a different role from their substantive job. Where such situations occur, the employee will receive the appropriate rate for carrying out these duties for the period they do so. For all other occasions they will be remunerated at the rate for the job undertaken.

## 8. Revised grading structure (updated to 30.11.14 following implementation of policy relating to Living Wage and removal of national pay point 5)

Evaluated points for job		New grade	National Spinal Column Points in new grade	
From	To		From	To
200	270	Band 1	6	8
271	310	Band 2	9	10a
311	350	Band 3	11	13
351	395	Band 4	15	17
396	440	Band 5	19	21
441	475	Band 6	23	25
476	515	Band 7	26	28
516	540	Band 8	29	31
541	580	Band 9	32	34
581	620	Band 10	35	37
621	650	Band 11	38	40
651	695	Band 12	41	43
696	735	Band 13	44	46
736	800	Band 14	47	49

For posts other than training posts, scp 6-10 are not used following the policy changes relating to the recognition of a Living Wage rate payment at 1.4.14.

## **Enabling employment security - Protocol for managing changes in posts throughout the council**

Revised September 2010

### **1. Background**

The Council will be required to make budgetary savings over the next 3-4 years to meet the reductions that are anticipated from the Coalition Government's public sector spending review.

The extent of the savings required will become clearer after the Comprehensive Spending Review but it is expected that they will not be able to be met by efficiencies alone and that some services may have to be significantly reduced or ceased.

This has implications for our workforce and as a good employer with a track record of avoiding compulsory redundancy this protocol is intended to ease the difficult times ahead.

### **2. Aim**

- i. The aim of this protocol is to :
  - give as much employment security as possible to existing employees
  - utilise the existing skills and knowledge of employees for the overall benefit of the Council
  - avoid redundancies as far as possible
  - operate a fair process for retaining employees, where workload is changing
  - offer personal development opportunities on a fair basis

### **3. Vacancy Management**

With effect from July 2010 the following process will be in place for all vacancies that arise, across all service areas:

- Confirmation with the Chief Executive/ Delegated Officer that the post can be filled.
- Consider, in liaison with Personnel Services, whether there are redeployees/ secondees identified across the Council for whom this post is suitable, or with some adjustment to the requirements it would be suitable. If so then redeployees/ secondees will be placed in the post. (see section 4.1 below).
- If there are no suitable candidates from posts at risk, then the post will initially be advertised internally. Managers will take a flexible approach to

the requirements in the person specification such that existing employees can more easily be considered for the post. This may mean that the grade is reduced and/or there is a training period required before the individual can be placed on the full grade.

- Internally advertised posts might be on a permanent or temporary basis (where for example it is dependent on funding). Existing employees who take a temporary post will not lose their employment rights and at the end of the temporary appointment the aim will be for them to revert to either their existing job or an equivalent.
- Posts that are not filled internally will be advertised externally; however they will be on a temporary (less than) 12 month basis unless the Chief Executive determines that there are exceptional circumstances that justify the offer of a permanent position.
- New employees will be employed for a temporary period of less than 12 months. At the end of the temporary contract the post should be filled with an existing permanent employee or frozen. Extensions of employment for a new employee in any job, beyond 12 months will not be permitted, without the approval of the Chief Executive.

#### **4. Identification of Posts 'at risk'**

- i. To facilitate the filling of vacancies by existing employees it is necessary to be clear where there are likely to be reduced services and/or efficiencies which ultimately will mean a reduced number of posts. This exercise was first carried out as part of the overall budget planning for 2011/12.
- ii. Where it has been identified that a reduction in posts is required, this should be detailed by Corporate Directors in terms of the numbers and types of posts. Essentially this is a potential redundancy situation. However, the aim of this protocol is to avoid redundancies. Such situations need to be managed with care and avoiding unnecessary concern.
- iii. Once identified, there will be consultation with the affected employees and Trade Unions on the proposed reductions, allowing the employees affected to propose alternatives, for example reduced hours working, career breaks etc. Since these proposals will be driven by financial constraints, it is unlikely that suggestions of additional work to be carried out, unless income generating will be suitable solutions.
- iv. At the conclusion of the consultation on the changes, the appropriate formal decisions will be made to put the changes into effect. The impact on the individual employee will be managed using the appropriate policies of the Council.

##### **4.1 Same or Lower Graded Redeployments**

- i. The people occupying posts that have been identified as at risk will be placed into posts which might be suitable to their skills and knowledge. Where possible, alternative redeployments may be offered. These posts

will not be advertised across the organisation. These posts may not be within the professional area of the affected post-holders, but it will be considered that their existing skills and knowledge can be applied to these posts. The posts offered may be on a lower grade than the post-holders currently occupy. The Council's protection policy will apply.

- ii. Where there are a number of people identified in an at risk group, all will be expected to give serious consideration to undertaking the redeployment. If the available post cannot be filled through voluntary application, then an assessment process will be undertaken to identify the most suitable person. (This is likely to be similar to the approved protocol for selection into posts following structural review).
- iii. If for any reason it is not appropriate to assess employees 'at risk' for redeployment, then a selection for redundancy exercise will be undertaken using criteria determined in consultation with the Trade Unions, and the Council's redundancy and redeployment policy will be followed. This will lead to identification of redeployment opportunities and employees are required within the context of national employment law, to consider all reasonable offers of redeployment.

## **5. Secondments**

- i. In some situations the full definition of a redundancy situation may not apply – as described above. An opportunity may present itself within a team for a short term reduction in staffing requirements and therefore a requirement to place employees into temporary arrangements. Equally there may be vacancies within the organisation that are critical to fill and it is desirable that this is done internally, but not necessarily on a permanent basis.
- ii. It is also possible that vacant posts could be filled internally on a temporary basis by employees moving from lower priority service areas giving rise to savings. Such situations will be dealt with by a secondment arrangement.
- iii. Secondments agreed in this way will only be temporary arrangements, the employee who undertakes the secondment post will be entitled to return to their substantive post either at the end of a fixed term arrangement or when the need for the post becomes sustainable again, or another post becomes vacant for which they wish to be considered for redeployment.
- iv. If during the period of secondment, the individual's substantive post is identified for deletion, the individual will be treated as a redeployee, and the protocol described in Section 4 above will apply.
- v. Before a post is released for secondment/redeployment, there will be a review of the requirements of the post, to enable successful appointment from employees who might otherwise have not met the minimum criteria. This may lead to a review of the post grade to ensure that the substantive grade of the post fully reflects the duties being carried out. If this situation



arises, the grading of the post will be reviewed through the job evaluation scheme in consultation with the Trade Unions.

- vi. The protocol in such situations is as follows:

#### **5.1 Same or lower Grade Secondments Identified**

- i. The protocol for placing people into same or lower graded secondments will be as above for posts at risk.

#### **6. Higher Graded Secondment or Redeployment Identified**

- i. Where a secondment or redeployment post is identified at a higher grade than people requiring redeployment then there will be an internal advertisement for the post. This will enable all employees to be considered for this post – and may result in the person(s) at risk not being successful. However it will release another post within the organisation that may then be available for the secondee/redeployee.
- ii. If the higher graded post is within the contained professional area where there is an identified reduction then the applicants can be restricted to the group of employees 'at risk'. Appointment to the post will be on merit.
- iii. Redeployment at a higher grade may be a temporary or permanent arrangement depending on the circumstances. If the arrangement is temporary, at the end the individual is placed back into being 'at risk' and this protocol will continue to apply.
- iv. If no suitable secondee/redeployee is identified, then the process for vacancy management Section 3 above will be followed.

#### **7. Equality and Diversity Implications**

- i. Using this protocol for dealing with the medium term difficulties can bring potential for conflict with the Council's commitment to equality and diversity. In terms of recruitment and employment, the Council has previously advertised all jobs either externally or internally for all employees. This protocol is a departure from this. In terms of the workforce profile, it will not help in ensuring that the employees of the Council are representative of the population. Currently our minority ethnic make-up is below that of the area, and by retaining recruitment internally, there are limited opportunities to address this.
- ii. However, for maintaining the morale and commitment of existing employees to achieve high performance in difficult times, it is necessary to balance these conflicting demands. Appointment to any vacancies, particularly where there is an increase in grade will be on merit, and if no internal candidates can meet the criteria, appointments will not be made. All employees within a group 'at risk' or faced with other change will be treated fairly and given equal chance for any secondments or redeployments.

## **8. Training and Development**

- i. Using this protocol should offer protection to existing employees, and will retain within the organisation valuable skills and expertise. However it has to be recognised that whether there is a secondment or a redeployment arrangement it is possible that posts might be filled by employees without relevant training or knowledge.
- ii. In such situations there is a commitment to provide this training to enable the employee to deliver the requirements of the post within a relatively short time (12 - 18 months). The grade of the post might be adjusted during this training time to reflect this and to ensure equity with comparable post holders.
- iii. If an employee at risk expresses a desire to fully retrain to a different professional area, and this requires considerable investment in qualifications etc; this will be considered. However this can only be agreed to if there is an ongoing demand for that skill, and if there is significant cost to the training (eg a degree) this can be met from existing budgets. The usual requirements of the PETs scheme will apply.

(P&R Committee September 2010)

## **Senior Management Review 2011 Procedure for filling posts**

### **Background**

The Council's existing protocol for selection into posts following structural review outlines general principles that will be adopted at times of review. It is written to work within the general policy framework of the Early Retirement and Redundancy Policy which deals with the general principles for the management of vacancies and redeployment opportunities.

The Early Retirement and Redundancy Policy states that, "If it is likely that a process of selection for redundancy is necessary then a fair and equitable set of criteria will be established. These will be different depending on the circumstances of the redundancy situation and will be subject to consultation with employees and trade Unions."

The following procedure has been drafted to define how posts will be filled for the current Management Review. Where vacant posts are to be advertised internally only, it is proposed that application is limited to potentially displaced employees only in order to try to minimise the potential for redundancy.

### **Procedure**

1. A new senior management structure for the organisation is proposed. The model is based on "Director" posts to which report formally identified "Section Head" posts. Where existing posts are proposed for deletion under this new model, all post holders will be informed.
2. All current Head of Service posts are to be deleted. Newly-created Director posts will be advertised internally in the first instance, and opportunity for application will be ring-fenced to existing Heads of Service who are potentially displaced. Expressions of interest for the vacant posts will be invited. Where there is competition for a post, an appropriate and full selection process will be applied; where there is no competition, a shortened process may be applied. Selection will be made by the Chief Executive and an appropriate panel of Elected Members.
3. If any Director post remains unfilled following the selection process, these will be openly advertised externally and internally. Processes particular to statutory functions (such as Section 151 responsibilities) will be observed.
4. Following the internal selection process to determine the filling of the Director posts, recruitment will begin for vacant or newly-created Service Manager posts. These will be advertised internally in the first instance, and opportunity for application will be ring-fenced to all employees who are potentially displaced through the proposal. At this stage, there will be no "slotting-in" process and there will be no preference given to employees displaced from a more senior tier within the organisation. (Existing Section Head posts that are occupied and for which there is no grade change proposed will not be opened for competition and the existing post holder will remain in post.) Expressions of interest for the vacant posts will be invited. Where there is competition for a post, an appropriate and full selection process will be applied; where there is no

competition, a shortened process may be applied. The selection panel will be determined by the Chief Executive.

5. Any vacant posts at a level below the new Service Manager posts and not already advertised will initially be advertised internally only and will be ring-fenced for application from potentially displaced employees.
6. At the end of the complete cycle of the competitive recruitment process, any Heads of Service, Section Heads or other employees that remain displaced will be assessed in terms of their suitability against any remaining vacant posts. Suitability will be determined by a relevant Director or the Chief Executive, by reference to the person specification for a vacant post. The displaced officer will need to meet all essential criteria or be able to meet such criteria within a reasonable length of time as determined by the Chief Executive or Director. If more than one displaced officer appears suitable, a competitive process will be applied. In the event of the Chief Executive or Director believing that there may be a possible suitable match of employee to post, but with some uncertainty, a trial period of at least four weeks in the post will be offered.

Where a vacant post appears suitable and is without competition from other displaced officers and is at the same or lower pay band than the displaced officer, the officer will be "slotted in". The Pay Protection Policy in force at that time will apply. Where a post appears suitable for a displaced officer and is without competition from other displaced officers and is at a higher grade, a reduced selection process may be applied.

7. If it becomes apparent during, or at the end of the cycle of recruitment and selection that, in the view of the organisation, no suitable post remains for an employee to compete for, or be considered for redeployment to, then notice of redundancy will be served on that officer and the procedures identified in the Redundancy and Early Retirement Policy will be applied.
8. Any remaining vacant posts at the conclusion of the exercise will be advertised externally and internally. Displaced Heads of Service or Section Heads who were unsuccessful in their application for a Service Manager post will be eligible to re-apply for that same post, should any such post be so advertised.

## **Procedure for filling temporary vacancies**

In order to recognise the current business climate as one of change and to help respond to the issues identified in the workforce development plan such as the need for succession planning, the Council will adopt the recruitment practice as follows:

### **Temporary Recruitment**

- For all temporary posts of up to one year, where there is a likely prospect (determined jointly by the operational service manager and Service Manager for Organisational Development) that the temporary vacancy could be filled with a suitably qualified and experienced, high-calibre internal candidate, then the post will be advertised openly but internally in the first instance.

Normally, a full recruitment process will apply. However, there may be occasions where “expressions of interest” are invited through advertisement; the purpose of this is to speed up the process where the vacancy is particularly specialist and only a small number of people may be suitably qualified. In effect, it is a quick method of testing the internal market. Where this method is used and there is only one interested person, it will be sufficient to assess their suitability through a “targeted-question” interview; an application form may be unnecessary. If more than one person expresses an interest, all people will be required to complete an application form and a full selection process will be followed.

- Traineeships of up to a year are excluded from this arrangement to only advertise internally; all such vacancies will be advertised externally.
- Where a post becomes permanent after being occupied for a temporary period of any length, the vacancy will be advertised externally.
- Normally, where a short-term vacancy is identified, it will be filled by the above methods. In certain circumstances, particularly those where a reduced (partial) set of tasks or responsibilities need to be picked up within a team, the vacancy is specific and technical in nature, or the need to fill is exceptionally urgent, then an honorarium arrangement may be appropriate.

### **Honoraria**

- A manager may seek, in conjunction with Service Manager for Organisational Development, to apply an honorarium in the following circumstances:
- A vacancy exists in the existing team and it is decided jointly by the service manager and Service Manager for Organisational Development that the vacancy should be filled on a short-term basis, but that there is not a need to fill the post at its full grade; the range of duties and level of responsibilities are reduced. OR
- In the short-term, additional duties and responsibilities are required of one or more post holders to recognise particular business needs even though there is no specific vacancy at a more senior level.
- “Principal Officers” (those posts graded at pay band 10 and above) have certain restrictions placed on them as to their inclusion in the honorarium scheme; although it will often be the case that simply working at a level beyond normal expectation for the grade will be covered by the Performance Incentive Scheme for Principal Officers, there may be occasions where a Principal Officer formally covers some or all of the duties of a more senior post for a period of more than four weeks. In such cases, it

may be appropriate to apply an honorarium arrangement as for other posts.

- Honoraria payments will not normally go on beyond one year.
- The level of payment will normally be set at a fixed spinal column point or salary figure to represent the additional duties and responsibilities to be carried out by the employee.
- The level of payment will be agreed between the service manager and Service Manager for Organisational Development. This may be done by establishing a “felt-fair” spinal column point between the employee’s current pay point and the level of duties and responsibilities expected. Where it is difficult or contentious to identify a point in this way, job evaluation may be used to identify an appropriate pay band and then a point to be applied within this band will be agreed by the service manager and Service Manager for Organisational Development.
- Selection for honoraria may take place in a number of ways:
  - Where particular, specific skills are required and it is reasonable to expect that only one post holder will meet the criteria at a particular work base (for example, Civic Centre, specified Leisure Centre), the service manager may, following consultation with, and agreement by, Service Manager for Organisational Development, identify a particular individual to whom they wish to offer an honorarium.
  - Where a number of people within a team might be expected to be able to work up to a higher level, but people outside the team would not be expected to have the current skill-set required, the service manager would be expected, with appropriate assistance from Personnel Services to identify if there would be interest from a number of people to act up into a more senior role. If this were the case, the service manager would need either to offer the opportunity to all interested parties on some fair rota basis or decide on a single candidate following some formal assessment process similar to a recruitment exercise, such as a targeted interview (although this would not necessarily require application form). This exercise might be site-specific if there was a business or operational need to not alter or change staffing arrangements between work sites (for example; opportunity to act up to a duty manager role at a leisure centre may only be offered to employees currently working at that site).
  - In cases where there is potential for a particular vacant role to be filled by employees from other teams, locations or services within the Council, unless there was a specific urgent need to find someone to carry out a particular role for a short length of time in which case either of the two above scenarios might apply, then the process to identify suitable candidates would mirror the steps for temporary employment above, including appropriate advertisement (in effect, it would be a recruitment exercise rather than an honorarium arrangement).
  - Where a decision is taken to fill a post on a permanent basis that has been occupied at part or full duties by someone on an honorarium basis, the vacancy will be advertised externally.

## **Corporate Director; pay policy**

Appointment to any Corporate Director posts will be made at the bottom scale point of a three-point pay scale.

A formal performance review will be conducted by the Chief Executive to determine suitability to progress to the mid-point of the grade after one year's service in post and following consultation with the Appointments and Conditions of Service Committee.

Should the Chief Executive determine that performance is unsatisfactory, pay will remain at the bottom point of the pay grade

Payment of the top pay point of the grade to be determined annually by formal performance review conducted by the Chief Executive and following consultation with the Appointments and Conditions of Service Committee. Subject to satisfactory performance, payment of the top pay point will be made following two years' service in post and, again subject to satisfactory performance, annually thereafter. Should the Chief Executive determine that performance is unsatisfactory, pay will remain at, or be reduced to, the mid-point of the pay grade.

The detail of the performance review scheme is determined by the Chief Executive.

## **Principal Officer Incentive Scheme**

### **1. Objectives**

This performance scheme is intended to achieve the following objectives:

- To recognise the important role of those posts that lead change
- To recognise individual performance where it is directed at achieving the Council's aims
- To reward the behaviours and attitudes of those who are taking initiative and engaged in progressing change
- To provide a mechanism for recognising where individuals have undertaken specific key projects or additional responsibilities outside the normal expectations of their role

In the past performance or additional hours worked has been rewarded through the use of honoraria. With the introduction of this scheme, these posts will not be eligible to be awarded an honorarium. It is recognised that many Principal Officers do regularly work beyond 37 hours, however additional hours worked for any reasons will not be financially rewarded, and individuals need to manage their own time through the flexi-scheme and time off in lieu.

The exception to the payment of honoraria is where arrangements are made to cover the duties of a post whilst a post-holder is temporarily absent, eg long term sickness, maternity leave etc. This is normally recognised by an honorarium reflecting the difference in levels of responsibility between the existing post and the additional duties. Such arrangements can continue to be made where appropriate and this scheme does not apply.

### **2. Performance Scheme Structure**

The substantive grades for all jobs have been established in job evaluation and the pay and grading structure agreed which recognises the relative values of each job. It is not proposed that this is changed with this performance incentive scheme. For reasons of equal pay, the grades as they relate to job evaluation points must remain intact. However, since this is an objective and measurable based incentive scheme which applies to a certain identifiable group of people, not based on gender, it is felt that this will meet the equality objectives of equal pay.

The performance incentive scheme will provide the opportunity for those Principal Officer posts at Band 10 and above to receive up to an additional 3 increments based on performance. The increments are based on the national spinal column points. The top point of the national spinal column is 49, which is also the top of Band 14, it will therefore be necessary to add 3 local increments at the top.



### **First Incremental performance award**

All eligible employees will be invited to submit an application for this based on their achievement of or commitment to working towards the Gedling Management Competencies. For those who have already achieved NVQ level 4 or 5 in Operational or Strategic Management this will be sufficient evidence. For those who have not undertaken this assessment they will be required to submit a written statement for each of the competency areas with evidence about how they demonstrate competency or what development they are undertaking to achieve this. This is not intended to be exceptionally onerous for individuals but in order to ensure this scheme's integrity there needs to be consistency across all Departments. All submissions would need the positive support of their Corporate Director, and where the individual does not report directly to a Corporate Director, the support of their immediate line manager.

It is recognised that the Gedling Manager Competencies are primarily intended for those who manage teams, and that within the grouping of Principal Officers there are some single professional posts. For such roles some latitude in the requirement to meet all elements of each standard will be taken. However, individuals will still be expected to interpret the standards within the context of their job, and where their role does not normally require a particular competence, to identify how they might demonstrate this through development activities, for example participation in working groups.

Where individuals do not meet the requirements for the additional increment, they will be offered to opportunity to agree a development programme such that they can submit a further application at a later stage.

Individuals can choose whether or not to apply for this performance award.

The demonstration of the Gedling Manager competencies is considered to be key to the role of all posts at Band 10 and above, and therefore it is expected that all post-holders will in due course receive this increment.

### **Second Performance Increment Award**

To be eligible for the second performance increment individuals will need to demonstrate that they are engaged with the Council's agenda for change and that they are showing leadership in delivering this. Examples which would demonstrate this include:

- leading by example inspiring enthusiasm and commitment to new ideas and ways of working;
- motivating employees (whether team members or other colleagues) to change ways of working and to improve performance;
- creating an atmosphere of positive thinking and innovation;

Those behaviours that would not lead to this second increment award would include:

- Concentration on own job, resisting change or failing to identify performance improvement
- Not communicating and delegating, paying little attention to the needs of team or other working colleagues
- Demonstrating a lack of interest in new strategies and corporate needs and does not monitor performance or service delivery.

Submission for this Second Performance Increment Award will need to be backed up with examples of active involvement in corporate working, introducing change in service areas, demonstrating initiative and innovation etc. Individuals would be able to demonstrate this leadership either through the work of their individual teams or through leading corporate working groups. It is recognised that not everyone will have the opportunity to demonstrate this leadership, but assessment will be made of the way in which individuals respond to challenges within their teams or corporately, the extent to which they seek to resolve problems rather than constructing barriers to progress.

Again, the individual's submission will need the positive support of their Corporate Director and immediate line manager if not a Corporate Director to go forward.

This Second Performance Increment Award is intended to recognise performance which is beyond the minimum requirement of these posts. It will be made for a period of 3 years and reviewed after this time. Generally it would be anticipated that having demonstrated the requisite behaviours and attitudes, individuals would be unlikely to change, however for the effective management of the scheme a review would be appropriate.

### **Third Performance Increment Award**

The third award will be for exceptional performance over a more limited time period. It is expected that there will be a limited number of these. The intention is to recognise individuals who are responding to particular demands of change. It is not intended that it is paid to recognise additional workload.

Examples might include:

- Sole leadership of a major corporate project
- Working under particularly difficult circumstances eg lack of resources, complexity or high profile
- Implementing major new working arrangements eg outsourcing

The third award would be made only for a maximum of one year initially. Depending on the reason for the award, it may be awarded for part of a year. Individuals would be nominated by SLT rather than submitting an application. Whilst the award could be renewed, it would not be expected that an individual would work at this level for extended periods of time without a review of the role.

### **3. Procedure**

- Applications for the first performance increment cannot be made until the individual has reached the top of the incremental scale. At that point they can submit for the first and second award if they feel they meet the criteria.
- In general it would be expected that a submission for first or second award would be made following the individual's annual PDR at which their line manager in consultation with the Corporate Director would discuss the extent to which the individual met the criteria. It would then be for the individual to present their submission with the relevant evidence.
- Once received the Service Manager or Director will progress the submission to the next suitable SLT for corporate consideration.
- Ideally this process will take place during March when most PDRs are carried out. However there is no deadline for these and if awarded an increment will take effect from the 1<sup>st</sup> of the Month following the date of submission.
- Although the process would preferably be part of the annual PDR, individuals may submit an application at any time they feel they meet the criteria.
- An individual's Corporate Director will make the submission for the 3rd Increment to SLT for approval. Personal submissions are not appropriate for this particular performance increment.

### **4. Application of the Scheme**

The scheme applies from 1<sup>st</sup> April 2007.

If a post is regraded whilst the post-holder is in receipt of the first or second increments because of changes to duties and responsibilities, the increments will be carried over to the new grade. Normally when a post is re-graded the post-holder commences on the first increment of the new grade, if they are in receipt of incentive increments, these will be made in addition and annual increments within the grade will apply.

If a post-holder already in receipt of incentive increments applies for and is appointed to a post at a higher grade, then they will commence on the bottom incremental point with no incentive increments. In a new role they will need to demonstrate their ability to meet the requirements for a performance increment award, they would normally become eligible for this once they have reached the top of the grade. Where the bottom increment of the higher graded post is less than or the same as their current increment with performance incentive, then they will be placed on the next increment in the band.

## **5. Appeal Process**

The awarding of the first and second increments is based on individuals making submissions through their Corporate Director. If a Corporate Director does not feel that the individual meets the requirements for either increment, the submission will not be progressed for consideration at SLT.

In the event that the individual feels this is unfair, they may appeal against the Corporate Director's decision to the Chief Executive. The individual would submit their evidence to support their submission to the Chief Executive along with any comments about the Corporate Director's decision not to progress the submission. The Chief Executive will consider the evidence, the Corporate Director's reasons and determine whether the individual does meet the criteria for the relevant increment. He will then progress the submission for consideration at SLT. The Chief Executive will determine on the evidence presented whether or not to discuss the appeal with the individual or Corporate Director.

There is no further right of appeal against either the non-submission of an individual for performance increments to SLT or against the decision of SLT.

## **Pay Protection Policy; 2011**

The general policy of the Council is that pay protection is applied over a four year period at a protected rate of 100% in the first 12 months, 75% in the second 12 months and 50% for a further 24 months from the date of commencing a post at a lower grade.

This general policy applies to any and all new pay protection arrangements arising after 7<sup>th</sup> October 2011.

Any employee already on an existing pay protection arrangement at 7<sup>th</sup> October 2011 had the terms of the new protection arrangement applied to them with effect from 1<sup>st</sup> October 2012. From this date, the period of four-year pay protection as described above commenced.

## **Early Retirement and Redundancy Policy**

### **Aim**

To establish fair and consistent criteria for the application of terms for early retirement and redundancy for all employees.

### **Objectives**

To determine a policy for the management of early retirement, flexible retirement and redundancy.

To establish the various steps which would be taken to avoid early retirement and redundancy situations.

To determine a policy for enhancement of pension benefits where there are early retirement and redundancy situations.

To protect the ongoing viability of the pension fund through monitoring of pension enhancements and early release of pension benefits.

## **1. General Background**

1.1 The Audit Commission's report 'Retiring Nature' published in 1997 on the planning and control of early retirement, recommended that Authorities establish greater controls on the enhancements and early release of pension benefits particularly to tackle the 'culture of expectation' that had built up around early retirement. They expressed concern that Authorities were not stating clearly the costs of individual decisions in terms of the actuarial strain arising from the early release of pension benefits. As a consequence Authorities were recommended to identify these costs to Members to inform the decisions being made.

1.2 In a report to Policy and Resources Committee on 20<sup>th</sup> July 1998 it was agreed that the actuarial strain for all early retirements would be calculated and would be paid into the pension fund over a three-year period to protect Gedling's part of the fund. It was also agreed that a sub-committee be established to consider all early retirement, ill health and redundancy situations, along with the relevant costs and savings in order to make a decision to release the employee. Following constitutional change the appropriate committee is now the Appeals and Retirements Committee.

1.3 As part of their Value for Money reviews, District Audit has also carried out a review of recent early retirement, ill health and redundancy decisions within Gedling. Generally, the pattern of early releases has been satisfactory meeting the requirements of good practice, however their recommendation, in line with those contained in 'Retiring Nature' is that a policy for determining the circumstances and enhancements given to employees should be agreed.

Managing early retirement and redundancy situations requires a proactive approach to minimise distress to individuals and ensure continuity of service provision. There can be no prescribed time limits to resolve any situations but there should be every effort made to avoid excessive waiting and uncertainty. Although there is a requirement for greater transparency about the costs of early retirement in terms of the strain on the superannuation fund, costs and affordability are not the only factors in resolving situations that arise. At all times the needs of the individual and the organisation must be carefully balanced.

New Discretionary Compensation Regulations arrangements were published on 6 November 2006 under which the Government withdrew the existing regulations which allowed the payment of additional discretionary compensation to employees whose employment was being terminated on grounds of redundancy or in the interests of the efficiency of the service and replaced them with a new set of regulations in response to the Age Discrimination legislation, effective from 1 October 2006.

## **2. Discretions**

2.1 In accordance with the requirements of Regulation 7(1) of the Local Government (Early Termination Of Employment) (Discretionary Compensation) (England And Wales) Regulations 2006, Gedling Borough Council has agreed the following policy statement in respect of the discretions available under Regulations 5 and 6 of the same Regulations. Regulation 8 removes a previous discretion available to the Council.

### **2.1.1 Regulation 5**

Redundancy payments will be calculated on the employee's actual week's pay.

### **2.1.2 Regulation 8**

The Council no longer has discretion to waive or reduce contributions of employees who have completed 40 years membership of the Scheme. No repayment of waived contribution will be required from current or ex-employees in cases where payment "holidays" were granted.

## **3. Redeployment**

3.1 When any potential early retirement situation arises consistent with ill-health, redundancy or efficiency of the service, every possible action will be taken to avoid termination of employment. Redeployment is an option that will always be considered.

3.2 In looking for possible redeployment opportunities, every effort will be made to match the employee's existing duties and terms and conditions. It will be necessary for both the individual employee and management to be as flexible as possible in making redeployments suitable.

### 3.3 Responsibilities of Management

- To make reasonable adjustments to duties and workplace to accommodate the employees needs
- To offer training and development where appropriate to enable the employee to undertake the duties of the redeployment
- To take steps to release vacancies for redeployment
- To offer career counselling to employees to enable them to take full advantage of opportunities offered: including trial interviews, training in completing application forms etc
- To offer trial periods of 4 weeks as required in the Employment Protection (Consolidation) Act and to extend this if it will assist in securing a redeployment
- To notify and consult with the Trade Unions as required by legislation.

### 3.4 Responsibilities of Employees

- To be flexible in their approach to considering redeployment opportunities
- To undertake training and development in order to undertake the duties of redeployments
- To make every effort to mitigate the requirement for redeployment by actively seeking alternative employment
- To undertake trial periods with a positive approach to ensuring the redeployment will be successful

### 3.5 Protection

In any redeployment situation, the provisions of the Authority's protection policy will apply. Consideration will be given to assistance with excess travelling expenses should there be a change of base. Reimbursement will be made on the basis of additional expenditure incurred by using public transport. An allowance may also be considered for excess travelling time incurred by a move of base. Both excess travelling expenses and additional travelling time will in any event only be awarded for a maximum period of three years.

### 3.6 Procedure

When a situation of potential redeployment arises, personnel should be advised immediately. The individual will be offered a personal counselling interview with a personnel officer to identify their own needs and interests.

It may be appropriate to freeze vacancies for redeployment and trial period options that will require the co-operation of management and other employees.



## **4. Policies and Procedures**

The approved policies and procedures of the council are as follows:

### **4.1. Ill-health Retirement**

#### **4.1.1 Definition**

This arises when an employee is no longer able to carry out the duties of their post, or comparable due to ill health. This will always be supported by advice from the Authority's recognised occupational health physician who will issue a certificate of permanent incapacity if in their opinion they meet this criterion. The LGPS 2008 Regulations amended the rules of how ill-health retirement is defined and treated.

#### **4.1.2 General issues**

Currently, if a certificate of permanent incapacity is issued and the employee is a member of the (Local Government Pension Scheme) LGPS then there are regulations within the scheme that determine the levels of enhancement offered. The Authority cannot alter these and the costs of the enhancement and early release are borne by the pension fund.

Should a certificate of permanent incapacity be issued then a recommendation will be put to the Chief Executive that the employee is dismissed on the grounds of capability due to their ill-health and that if they are a member of the superannuation scheme the appropriate mandatory enhancements and early release are actioned.

#### **4.1.3 Procedure**

When ill-health retirement situations arise, they will be identified by management in liaison with Personnel Services. Through counselling and welfare visits the individual's personal situation will be considered and a referral made to the Occupational Health Physician. The advice given will determine whether a recommendation is made for the individual to be given retirement on the grounds of ill health.

No recommendation will be made to the Chief Executive without the clear support of the Occupational Health Physician through the issuing of a certificate of permanent incapacity. In the absence of clear advice supporting ill health retirement and the employee continues to be absent through ill health, alternative courses of action may be considered including redeployment, flexible retirement, early retirement on the grounds of efficiency of the service and dismissal on the grounds of incapacity. The appropriate routes for any course of action will be followed in the interests of both the employee and the Authority.

#### 4.1.4 Release of Pension Benefits

The requirements for release and enhancement of pension benefits on ill health retirement are specified in the Local Government Pension Scheme Regulations.

### 4.2 Flexible Retirement

#### 4.2.1 Background

The Local Government Pension Scheme Regulations (LGPS) were amended so that from 1 April 2006, scheme members can, with their employer's consent, take a reduction in grade or hours and opt to receive the immediate payment of their pension benefits. In those cases where this is before the age of 60 the benefits are reduced to reflect the fact that payment is made earlier and for longer. The 2014 Regulations extend voluntary retirement age down to age 55. Potentially this means that flexible retirement is an option by request of the employee, however, there will be direct costs to the employer associated with this due to pension strain.

#### 4.2.2 The Local Policy

The local Flexible Retirement Policy is shown at Appendix viii) a).

Where an employee makes a request to retire flexibly, they must first gain support for the reduction in working hours or job duties (and grade) from their Service Manager and Corporate Director. Where the early release of pension would result in a pension strain cost to the authority, approval for the reduction and release of pension will be subject to permission from the Council through the Appeals and Retirements Committee. Permission will only be granted where a business case is produced showing how the cost of the flexible retirement can be recouped over a period of three years.

### 4.3 Redundancy

#### 4.3.1 Definition

This is defined within the Employment Rights Act as a dismissal which is attributable wholly or mainly to the fact that:

The employer has ceased or intends to cease:

a. to carry on the business for the purposes of which the employee was employed;  
or

b. to carry on the business in the place where the employee was so employed;

or

ii. The requirements of the business for employees:

a. to carry out work of a particular kind;

or

b. to carry out work of a particular kind in the place where the employee was employed;

have ceased or diminished, or are expected to cease or diminish

For the purposes of the interpretation of local policy, there is no differentiation between voluntary or compulsory redundancy except where relevant to the facts of

the situation.

#### 4.3.2 General Procedure

Where a potential redundancy situation arises there will be consultation with the Trade Unions as required by the Trade Union and Labour Relations (Consolidation) Act. A minimum of 90 days consultation will be given where the numbers of affected employees is greater than 100 otherwise consultation will begin at least 30 days before the first of the dismissals take effect.

In order for a redundancy to be justified it will be necessary for a post to be deleted from the establishment, which would demonstrate that there has been a cessation or diminution of the requirement for that type of work. This loss of a post should provide the financial saving necessary to offset the costs of the redundancy. Every effort will be taken to avoid redundancies, whether voluntary or compulsory through the following steps:

Release any temporary employees with less than one year's service to provide vacancies for employees at risk

Identify existing vacancies either for deletion to make the necessary saving or for redeployment for employees at risk

Search for volunteers for redundancy where their release would provide redeployment for an employee at risk

Freeze of relevant vacancies to ensure redeployment opportunities are maximised

Personal counselling and retraining offered to employees at risk to maximise opportunities for redeployment

If it is likely that a process of selection for redundancy is necessary then a fair and equitable set of criteria will be established. These will be different depending on the circumstances of the redundancy situation and will be subject to consultation with employees and trade Unions.

#### 4.3.3 Release of Pension Benefits

Such cases are covered by the Council's approved policy, required under Regulation 6 of the Local Government (Early Termination of Employment)(Discretionary Compensation) (England and Wales) Regulations 2006. This is detailed in Appendix viii) b).

For the purposes of this policy, and as required under Regulation 5 of the Discretionary Compensation Regulations 2006, the Council has determined that redundancy payments will be calculated on actual week's pay. This applies also to compensatory payments made under the Council's scheme of payments defined in Appendix vii) b).

#### 4.4 Efficiency of the Service

##### 4.4.1 General Principles

Early retirement and release of pension, together with compensatory lump sum payments may be granted in cases where there is demonstrable business benefit to the Council (this may be financial or related to improvement in performance or quality of service delivery) arising from the payment.

##### 4.4.2 Release of Pension Benefits

Such cases are covered by the Council's approved policy, required under Regulation 6 of the Local Government (Early Termination of Employment)(Discretionary Compensation) (England and Wales) Regulations 2006. This is detailed in Appendix vii) b).

For the purposes of this policy, the Council has determined that compensatory payments made under the Council's scheme of payments defined in Appendix viii) b) will be calculated on actual week's pay.

#### **5. Financial Implications**

5.1 Employing departments are required to identify how the costs of early retirement will be met prior to a recommendation to the Appeals and Retirements Committee. For ill health retirements, this will not be necessary as the individual's situation is such that it is not appropriate to only release employees where costs can be met. The regular actuarial revaluations, which take place for all pension scheme members, take into account the costs of ill health retirement up to an assumed level and consequently the costs are spread over time and across Departments.

5.2 For Early Retirement cases proposed on grounds of efficiency of the service, the Department will identify where savings can be made both by the release of the employee and from other areas of their budgets subject to the approval of the Appeals and Retirements Committee. It may not be necessary for savings to be fully identified in order for there to be agreement; an overall business case will be considered.

5.3 For Redundancy cases there will be an immediate saving from the disestablishment of a post, this will normally be sufficient to fund the redundancy payment and additional compensatory lump sum payment over a period of between one year and eighteen months. The reduction in the salary budget from the loss of the post should then be identified for meeting the costs of any actuarial. Normally these savings should be fully identified before a recommendation will be put to the committee.

5.4 In cases where early release of pension is requested through flexible retirement, a decision will be made taking into account both the financial business case and issues of service improvement, in a similar way to decision taken for cases of efficiency of the service.

## **6. Procedure**

6.1 Following a referral to Personnel Services, when a redeployment situation is identified, all options will be explored by the Service Manager in conjunction with the Service Manager- Organisational Development. It is important that managers take responsibility for managing situations as they arise and that they take early action to prevent individual distress and to avoid excessive costs arising. It is recognised that each situation relates to an individual and their own personal circumstances. People will be treated with respect and with compassion to achieve an outcome which is satisfactory to them and to the Authority.

6.2 Taking into account the individual's preferences and requirements of the Authority a report will be taken to the Appeals and Retirements Committee by the Service Manager- Organisational Development and the Head of Paid Service, including financial comments by the relevant Corporate Director. The Committee will also be advised of developing situations as they arise prior to final recommendations being made.

6.3 Reports to the Appeals and Retirements Committee will be in a standard format and an annual monitoring report will also be presented to the committee with information on all retirements over the previous twelve months.

6.4 For the period up to 2016-17 the Chief Executive has delegated powers to release pension in cases of redundancy and to authorise the payment of maximum discretionary payment under the local scheme. Where a recommendation is made that a compensatory payment is to be made below this maximum, the decision will be referred back to the Appeals and Retirements Committee.

## **7. Monitoring**

7.1 In accordance with Regulations 7 (2) and (3), any changes to the policy relating to retirement and its application, will not be made until one month after a statement setting out the intended changes has been published. There will be a review of this policy and associated procedures after twelve months of its approval.

## **FLEXIBLE RETIREMENT POLICY**

### **1. The Scheme**

With effect from 1 April 2006, changes to the Inland Revenue tax rules made it possible for employees who are aged 50 or over to draw their pension benefits whilst continuing in employment on reduced hours (or on a reduced grade) with the consent of the Gedling Borough Council – a form of ‘flexible retirement’. (Subsequently this age restriction has been raised to age 55.) Employees who take up this option may continue to pay into the Local Government Pension Scheme to build up further benefits in the Scheme up to the age of 75.

There will be a pension strain (the cost to the employer as a result of the pension being drawn early) if the employee is under 60 without sufficient pensionable service and, in these cases, permission to take flexible retirement will depend on whether there is a business case showing how the costs of the pension strain can be recouped over a maximum period of three years.

Discretionary decisions will be taken by the Appeals and Retirements Committee in all appropriate cases. A report setting out the business case will be needed to obtain permission for the employee to take flexible retirement.

Where an employee is under 65 and does not meet the 85-year rule, the Council may choose to waive, in whole or in part, any actuarial reduction to benefits as a result of them being drawn early. Reductions will usually only be waived in exceptional circumstances where there is a strong business case.

Where a request to voluntarily reduce hours with pension is made, managers must consult with Personnel Services before any decision is communicated to the employee. Personnel Services will request the necessary information from the County Council Pensions Team to enable the manager to construct the business case.

Where an employee voluntarily reduces their hours with pension, a trial period is not possible and therefore the change will form a permanent variation to their contract of employment.

An alternative option to reduction in hours with pension is reduction in grade with pension. Where an employee wishes to draw their pension linked to a reduction in their grade this will be subject as before to a business case for the early release of pension. There is no automatic right to be transferred into a lower-graded post, or for the duties within an existing post to be reduced or diminished, and an employee wishing to take this option will normally be expected to apply for the post in the normal manner and demonstrate competency via an appropriate process. Paragraphs 2-7 of this Scheme apply to reductions in grade with pensions in the same way as reductions in hours with pension. Successfully securing a lower-graded post, or a post with fewer hours through voluntary competition will not mean that the Council will automatically agree to a pension release; a sound business case will need to be made by the employee and their manager prior to the employee taking up “reduced” duties.

## **2. Appeal**

2.1 A right of appeal exists against any recommendation made to the Appeals and Retirements Committee by the Head of Paid Service.

2.2 Prior to a report being made to the Appeals and Retirements Committee, the person who is the subject of the report will be notified of the recommendation to be made. If they do not agree with this recommendation, they will be allowed to submit a written appeal against this. The written appeal will be considered by the Appeals and Retirements Committee as part of its decision in regard to the report submitted. Where the committee may wish to ask the appellant for additional information, they may request that the appellant attends the meeting. Also, if the appellant wishes to make a personal statement of case, they may attend the committee meeting to do this. In either circumstance, the appellant will not be allowed to be present whilst the decision is discussed. If the appellant does attend the meeting, a union representative or work colleague may accompany them.

## **EARLY RETIREMENT POLICY**

### **1. Early Retirement on Grounds of Redundancy**

1.1 For all employees with two or more years' continuous local government service, including service covered by the Redundancy Payments Modification Order, (RPMO) who are dismissed by reason of redundancy, lump sum compensation will normally be payable (inclusive of any statutory redundancy payment) at a level of twice the statutory payment (as defined in compensation rules under the Employment Relations Act 1996) but based on an actual week's pay. This means that the maximum award normally made within the local scheme would be limited to 60 weeks' pay. Under exceptional circumstances, the Committee may agree variation to the normal payment scheme, but still within the 60 week maximum.

1.2 The service that will be taken into account when calculating entitlement to a redundancy payment under this policy will be continuous service with an organisation covered by the RPMO.

### **2. Early Retirement on Grounds of Efficiency of the Service**

2.1 For an employee with two or more years' continuous local government service, (including service covered by the Redundancy Payments Modification Order), who is dismissed in the interests of the efficient exercise of the Council's functions, the Council shall have discretion to make a payment to the employee up to a maximum of 30 weeks' pay in circumstances where there is a demonstrable business benefit to the Council (this may be financial or related to improvement in performance or quality of service delivery) arising from the payment. Payment normally will be based on an amount equivalent to the number of weeks' payable (with no multiplier rate applying) under the ERA 1996 used in redundancy compensation calculations. Under exceptional circumstances, the Committee may vary the payment made, but still within the 30 week maximum.

### **3. Discretions**

3.1 Discretions under this policy shall be applied by the Appeals and Retirements Committee.

3.2 In all cases, redundancy and compensatory lump sum payments covered within this policy will be based on actual week's pay.



#### **4. Additional Membership of the Local Government Pension Scheme**

4.1 Employees who are members of the LGPS and are either made redundant or dismissed in the efficient exercise of the Council's functions will have the option of being able to request that the Council converts their lump sum compensation (over and above the statutory minimum) into additional membership of the Local Government Pension Scheme (LGPS). The total amount of membership that can be purchased by the excess lump sum cannot exceed the shorter of:

- 6 2/3 years or;
- By the period by which the employee's total membership falls short of the total membership s/he would have had if s/he continued in the scheme until age 65.

4.2 The request by the employee to convert any of the lump sum into pension must be made at the time the case is brought to the Appeals and Retirements Committee, before the employee leaves the employment of the Council.

#### **5. Appeal**

5.1 A right of appeal exists against any recommendation made to the Appeals and Retirements Committee by the Head of Paid Service.

5.2 Prior to a report being made to Appeals and Retirements Committee, the person who is the subject of the report will be notified of the recommendation to be made. If they do not agree with this recommendation, they will be allowed to submit a written appeal against this. The written appeal will be considered by the Appeals and Retirements Committee as part of its decision in regard to the report submitted. Where the committee may wish to ask the appellant for additional information, they may request that the appellant attends the meeting. Also, if the appellant wishes to make a personal statement of case, they may attend the committee meeting to do this. In either circumstance, the appellant will not be allowed to be present whilst the decision is discussed. If the appellant does attend the meeting, a union representative or work colleague may accompany them.

#### **6. Changes to this policy**

In accordance with Regulations 7 (2) and (3), any changes to this policy and its application will not be made until one month after a statement setting out the intended changes has been published. The policy will be reviewed after one year to review its effectiveness.

#### **7. Potential employment related claims**

In those cases where there is a prospect of an employment related claim, a condition of the Council exercising its discretions under Regulations 5 and 6 may be that the employee agree to sign a compromise agreement under the Employment Rights Act 1996, by which the employee will agree not to pursue any legal claims, including unfair dismissal claims, against the Council. Where an employee unreasonably refuses to enter into such an agreement, the employee will be entitled only to the statutory minimum compensation (if any).

This page is intentionally left blank



## **Report to Council**

**Subject:** Proposed amendment to the Constitution: Standing Order to prohibit recording of private meetings

**Date:** 21 January 2015

**Author:** Council Solicitor and Monitoring Officer

### **1. Purpose of the Report**

To seek approval for an addition to the Procedural Standing Orders in the Constitution to prohibit recording of a meeting where the public are excluded.

### **2. Background**

Members will recall that the attached report (Appendix 1) was presented to the Council meeting on 12 November 2014 recommending changes to the Council's Procedural Standing Orders. In view of the operation of Standing Order 29, consideration of the report was adjourned without discussion to the next ordinary meeting of the Council.

### **3. Proposal**

It is proposed that the Council approves the adoption of the Standing Order to prohibit recording of a meeting where the public are excluded as set out in the report as set out in the attached report.

### **4. Resource Implications**

None arising from this report.

### **5. Recommendation**

**It is recommended that:**

- 5.1 the Council approves the adoption of the Standing Order to prohibit recording of a meeting where the public are excluded as set out in the attached report; and

- 5.2 the Council Solicitor and Monitoring Officer is authorised to make the appropriate amendments to the Constitution to incorporate the Standing Order.

## **Report to Council**

**Subject:** Proposed amendment to the Constitution: Standing Order to prohibit recording of private meetings

**Date:** 12 November 2014

**Author:** Council Solicitor and Monitoring Officer

### **1. Purpose of the Report**

To seek approval for an addition to the Procedural Standing Orders in the Constitution to prohibit recording of a meeting where the public are excluded.

### **2. Background**

- 2.1 The Openness of Local Government Bodies Regulations 2014 came into force on 6 August 2014 and allow any person attending a council meeting which is open to the public to report on that meeting.

“Reporting” includes –

- a) Filming, photographing or making an audio recording of proceedings at the meeting;
- b) Using any other means for enabling persons not present to see or hear proceedings at the meeting as it takes place or later; or
- c) Reporting or providing commentary on proceedings at the meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.

- 2.2 This means that anyone (including Councillors) can use digital communication methods, such as filming, tweeting and blogging, to record any public meetings. However, oral commentary is not allowed as this could be disruptive, so a person cannot for example sit in the public gallery and record a commentary on what is going on at the meeting on a mobile phone. They could however, for example, set the mobile phone to record what is being said by Members and Officers at the meeting.

The Council can only prevent the recording where the public are excluded from the meeting or the person reporting on the meeting is interrupting the meeting or generally being disruptive.

### 3. Proposal

- 3.1 The Council's current Procedural Standing Orders do not prevent filming or recording but do include provisions to control disruptive behaviour. There is no Standing Order which the Council would be able to rely on to prevent filming or recording in a private meeting. It is therefore proposed that the following is added to the Council's Procedural Standing Orders in the Constitution:

*Where the public are excluded from a meeting, persons present shall not report on the meeting using methods-*

- a) Which can be used without that person's presence at the meeting, and*
- b) Which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later,*

*Unless the meeting first resolves to allow such reporting to take place.*

*For the purposes of this standing order, "reporting" means –*

- 1. Filming, photographing or making an audio recording of proceedings at the meeting;*
- 2. Using any other means for enabling persons not present to see or hear proceedings at the meeting as it takes place or later; or*
- 3. Reporting or providing commentary on proceedings at the meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present.*

- 3.2 This wording would prohibit the recording of a meeting where the public and press are excluded, but would give the meeting the discretion to allow it in appropriate circumstances.

- 3.3 The proposed change falls within Standing Order 29 which states:

*"29. Variation and Revocation of the Constitution*

*Any motion to add to, vary or revoke the Articles of the Constitution, Procedural Standing Orders, Standing Orders relating to Contracts, Standing Orders for Dealings with Land and Standing Orders relating to staff except for the amendment of financial limits and other amendments appropriate to give effect to changes in officers' duties, responsibilities and*

*titles, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.”*

Consequently, the changes to the Standing Orders cannot be agreed straightaway.

#### **4. Resource Implications**

None arising from this report.

#### **5. Recommendation**

**It is recommended that:**

- 5.1 the Council approves the adoption of the Standing Order to prohibit recording of a meeting where the public are excluded as set out in the report; and
- 5.2 the Council Solicitor and Monitoring Officer is authorised to make the appropriate amendments to the Constitution to incorporate the Standing Order.

This page is intentionally left blank



## **MINUTES AUDIT COMMITTEE**

**Tuesday 23 September 2014**

Councillor Paul Feeney (Chair)

Councillor Sandra Barnes  
Councillor Chris Barnfather  
Councillor Bob Collis

Councillor Tony Gillam  
Councillor Richard Nicholson

Apologies for absence: Councillor Nick Quilty

Officers in Attendance: M Kimberley, V Rimmington, F Whyley and A Ball

### **46 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillor Quilty.

### **47 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 17 JUNE 2014.**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

### **48 DECLARATION OF INTERESTS.**

None.

### **49 KPMG ANNUAL GOVERNANCE REPORT 2013/14.**

Consideration was given to KPMG's Annual Governance Report 2013/14. The report was presented by Richard Walton and Thomas Tandy, representatives of KPMG, the Council's external auditors.

#### **RESOLVED:**

To note the report.

### **50 STATEMENT OF ACCOUNTS 2013/14.**

Consideration was given to a report of the Corporate Director and Chief Financial Officer, which had been circulated prior to the meeting, seeking approval of the Council's Statement of Accounts 2013/14.

**RESOLVED to:**

1. Approve the Statement of Accounts for 2013/14; and
2. Note the letter of representation.

**51 NFI NATIONAL REPORT SUMMARY.**

Consideration was given to a report of the Service Manager, Audit and Risk Management, which had been circulated prior to the meeting, summarising the key findings of the National Fraud Initiative report issued in June 2014.

Members asked that the Service Manager, Audit and Risk Management, provide feedback to the Audit Commission regarding the clarity of the report.

**RESOLVED:**

To note the report.

**52 CORPORATE RISK SCORE CARD.**

Consideration was given to a report of the Service Manager, Audit and Risk Management, which had been circulated prior to the meeting, updating members of the Audit Committee on the current level of assurance that can be provided against each corporate risk.

Members asked that consideration be given to highlighting the difference between risk emanating from audit activity and those emanating from the risk register in future reports.

**RESOLVED:**

To note the report.

**53 FOLLOW-UP OF AUDIT RECOMMENDATIONS.**

Consideration was given to a report of the Service Manager, Audit and Risk Management, which was circulated prior to the meeting, informing Members of departmental progress in the implementation of Internal Audit recommendations and identifying to Members where additional action needs to be considered in relation to any outstanding recommendations.

**RESOLVED:**

To note the report.

**54 SUMMARY OF AUDIT ACTIVITY.**

Consideration was given to a report of the Service Manager, Audit and Risk Management, which had been circulated prior to the meeting, summarising the outcome of Internal Audit activity for the period July to September 2014.

**RESOLVED:**

To note the report.

**55 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

Signed by Chair:  
Date:

This page is intentionally left blank

## **MINUTES PLANNING COMMITTEE**

**Wednesday 29 October 2014**

Councillor John Truscott (Chair)

In Attendance:	Councillor Barbara Miller	Councillor Andrew Ellwood
	Councillor Pauline Allan	Councillor Cheryl Hewlett
	Councillor Roy Allan	Councillor Jenny Hollingsworth
	Councillor Peter Barnes	Councillor Mike Hope
	Councillor Chris Barnfather	Councillor Meredith Lawrence
	Councillor Denis Beeston MBE	Councillor Lynda Pearson
	Councillor Alan Bexon	Councillor Colin Powell
	Councillor John Boot	Councillor Suzanne Prew-Smith
	Councillor Bob Collis	

Absent: Councillor Ged Clarke and Councillor Marje Paling

Officers in Attendance: P Baguley, N Morley, L Parnell and L Sugden

### **233 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillors Paling and Clarke.

### **234 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 8 OCTOBER 2014.**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record, subject to the following amendment:

1. That the apologies for absence read:

“Apologies for absence were received from Councillors Collis and Barnfather.

Councillor Clarke attended as a substitute for Councillor Pauline Allan, who had given apologies.”

### **235 DECLARATION OF INTERESTS**

None.

### **236 APPLICATION NUMBER 2014/0665 - LAND AT 96 PLAINS ROAD,**

## **NOTTINGHAM, NG3 5RH**

Proposed Residential Development (outline).

Mr Newell, the applicant, spoke in support of the application.

Mr Mulhern, of Mapperley Golf Course, spoke in objection to the application.

**RESOLVED to GRANT OUTLINE PLANNING PERMISSION, subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council as education authority for the provision of, or financial contributions towards Educational Facilities and Open Space; and subject to the following conditions:**

### **Conditions**

1. Application for the approval of the reserved matters shall be made to the Borough Council not later than three years from the date of this permission.
2. The vehicular access hereby permitted shall be constructed in the position shown on the Draft Illustrative Layout Plan drawing (13/105-01alt v.1), deposited on 4th June 2014.
3. Unless otherwise agreed in writing by the Borough Council, development must not commence until the following has been complied with: Site Characterisation An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Borough Council. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Submission of Remediation Scheme Where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Borough Council. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.
4. In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable

of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Borough Council.

5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Borough Council and once the Borough Council has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council.
6. Before development is commenced, including site clearance and demolition works, there shall be submitted to and approved in writing by the Borough Council a Dust Management Plan. The Plan shall be produced and carried out in accordance with 'The Control of Dust and Emissions from Construction and Demolition' (Best Practice Guidance). The Plan shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
7. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council a site level survey plan showing existing and proposed site levels in relation to adjacent properties. The development shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
8. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, Traffic Regulation Orders and drainage. All details submitted to the Borough Council for approval shall comply with the County Council's Highway Design and Parking Guides which are current at the time the details are submitted. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
9. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of wheel washing facilities to be used by vehicles entering and leaving site during the construction. The approved wheel washing facilities shall be maintained in working order at all times during the

construction period and shall be used by every vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.

10. Before development is commenced there shall be submitted to and approved in writing by the Borough Council drainage plans for the proposed means of disposal of surface water and foul sewage. The scheme shall be implemented in accordance with the approved details before the development is first brought into use, unless otherwise prior agreed in writing by the Borough Council.
11. Before development is commenced, including site preparation, the existing trees on adjoining land shall be protected in accordance with the details specified within the Arboricultural Report and Method Statement dated 9th June 2014 by Forest Farm Tree Services. The protection measures shall be retained until all construction works have been completed.
12. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of a scheme for the incorporation of integrated bird and bat boxes within the fabric of a proportion of the houses; bird boxes should target species such as house sparrow and swallow. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
13. No vegetation clearance or ground works shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year), unless pre-commencement checks for nesting birds have been undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council. If any nesting birds are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council before the development commences. The mitigation measures shall be implemented in accordance with the approved details before development commences, unless otherwise prior agreed in writing by the Borough Council.
14. No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.



15. No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
16. The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings. The development shall be carried out in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
17. The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted, which shall consist of native species, ideally of local provenance, where possible; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties such as driveways and footpaths to front doors and (d) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
18. If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Borough Council seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Borough Council.
19. Should any bats be found during demolition, work must stop immediately. If the bats do not voluntarily fly out, the aperture shall be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. EMEC Ecology (0115 964 4828) or The Bat Conservation Trust (08451 300228) should be contacted immediately for further advice and any advice must be followed before any further demolition work takes place.

20. Should any common species of amphibian be found during works, they should be removed carefully by hand to areas away from the works, such as under scrub habitat not to be affected by the works. Gloves should be worn to avoid touching amphibians by hand. If it is proposed to drain the pond, this should be carried out between 1st July to 31st March inclusive in any given year, which will allow sufficient time for any frog tadpoles present to have changed into small frogs. These can then be moved into safe areas beneath hedgerows etc.
21. During the construction phase, if any trenches are left open overnight, they should be left with a sloping end or ramp to allow badgers or other animals that may fall into the excavation to escape, and any pipes over 200 mm in diameter should be capped off at night to prevent animals from entering them.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Section 92 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
4. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
5. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
6. To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework.
7. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

8. To ensure that the roads of the proposed development are designed to an adoptable standard in order to accord with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
9. In the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
10. To ensure a satisfactory development in accordance with the aims of Sections 10 and 11 of the National Planning Policy Framework and Policy 1 of the Aligned Core Strategy for Gedling Borough (September 2014).
11. In the interests of visual amenity in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
12. To enhance biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
13. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
14. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc), in the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
15. To ensure surface water from the site is not deposited on the public highway causing dangers to road users, in the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
16. To ensure a satisfactory development in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
17. To ensure a satisfactory development and that the landscaping of the development as proposed at reserved matters stage accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
18. To ensure a satisfactory development, in accordance with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

19. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
20. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
21. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).

### **Reasons for Decision**

The development has been considered in accordance with the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), the Aligned Core Strategy for Gedling Borough and the National Planning Policy Framework, where appropriate. In the opinion of the Borough Council, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

### **Notes to Applicant**

Your attention is drawn to the attached comments from Nottinghamshire County Council's Highway and Nature Conservation sections, Nottinghamshire Wildlife Trust, Environment Agency, Severn Trent Water and the Borough Council's Public Protection section.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application. This has been achieved by providing details of issues raised in consultation responses and providing updates on the application's progress.

**APPLICATION NUMBER 2014/0864 - 384 WESTDALE LANE WEST,  
MAPPERLEY, NOTTINGHAMSHIRE, NG3 6ES**

Change of Use from residential to day nursery.

Ms. Maria Fullwood, the applicant, spoke in support of the application.

Mrs Thomas, a local resident, spoke in objection to the application.

**RESOLVED to GRANT CONDITIONAL PLANNING PERMISSION  
subject to the following conditions:-****Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall be operated in accordance with the Planning Application Forms and Plans received on 6th July 2014.
3. The day nursery shall have no more than 30 children in their care at any one time.
4. The day nursery shall only operate between the hours of 7:30 am and 6.30 pm Monday to Friday and shall not operate on a Saturday, Sunday or on a Bank Holiday.
5. No part of the development hereby permitted shall be brought into use until the dropped vehicle footway crossing and access has been widened to 5.25 metres in width and is made available for use and constructed to the Local Highway Authority specifications to the satisfaction of the Local Planning Authority.
6. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are surfaced in a bound material with parking bays clearly delineated in accordance with the plans received on the 6th July 2014. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and service areas.
7. Before the nursery is first brought into use a layout plan showing the precise area to be used as the children's play area, together with details of how the play area will be clearly defined on site and details of the proposed surfacing of the rear play area shall be submitted to and approved in writing by the Local Planning Authority. The rear play area shall be sited, defined and surfaced in accordance with the approved details prior to the development

being brought into use. Children attending the nursery shall only play in the area defined on the approved plan.

8. Before the nursery is first brought into use precise details of the acoustic fence to be installed shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted and approved shall set out the type, height and location of the proposed acoustic fence and provide a method statement outlining how the acoustic fence shall be installed. The acoustic fence shall be installed in accordance with the approved details prior to the nursery first being brought into use and retained thereafter for the lifetime of the development.
9. The existing garage shown on the plan received on the 6th July 2014 shall remain in use for the purposes of parking for staff at the nursery. It shall be kept available for the accommodation of staff parking at all times and shall not be used for any other purpose unless otherwise agreed in writing by the Borough Council as the Local Planning Authority.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
4. To safeguard the residential amenity of neighbouring properties and in order to accord with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) and Policy 10 of the Aligned Core Strategy for Gedling Borough.
5. In the interests of Highway Safety.
6. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
7. To safeguard the amenity of neighbouring residents in order to comply with the Aligned Core Strategy for Gedling Borough (September 2014) Policy 10.

8. To ensure that the details of the development are acceptable , in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
9. In the interests of road safety, in accordance with the aims of policies ENV1 of the Gedling Borough Replacement Local Plan (Certain Saved Policies 2014).

### **Reasons for Decision**

The proposed use is an acceptable use in this location, results in no undue impact on neighbouring properties or the area in general. The proposal is also acceptable from a highway safety viewpoint. The proposal therefore accords with Policies ENV1 and C3 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).

### **Notes to Applicant**

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

## **238 PLANNING DELEGATION PANEL ACTION SHEETS**

### **RESOLVED:**

To note the information.

## **239 FUTURE PLANNING APPLICATIONS**

### **RESOLVED:**

To note the information.

## **240 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.**

The Chair reminded Members of a Planning Seminar scheduled to take place on the 7<sup>th</sup> November and a technical briefing taking place on the 14<sup>th</sup> of November.

The meeting finished at 6.35 pm

Signed by Chair:

Date:



## **MINUTES ENVIRONMENT AND LICENSING COMMITTEE**

**Tuesday 4 November 2014**

Councillor Marje Paling (Chair)

Present: Councillor Meredith Lawrence Councillor Gary Gregory  
Councillor Bruce Andrews Councillor Cheryl Hewlett  
Councillor Sandra Barnes Councillor Mike Hope  
Councillor Nicki Brooks Councillor Carol Pepper  
Councillor Roxanne Ellis Councillor Stephen Poole  
Councillor Tony Gillam

Absent: Councillor Barbara Miller and Councillor John Parr

Officers in Attendance: R Pentlow and L Sugden

### **119 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillor Miller.

Councillor Prew-Smith attended as substitute for Councillor Parr, who had given apologies.

### **120 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETINGS HELD ON 07 OCTOBER AND 21 OCTOBER 2014.**

#### **RESOLVED:**

That the minutes of the above meetings, having been circulated, be approved as a correct record.

### **121 DECLARATION OF INTERESTS.**

None.

### **122 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

### **123 EXCLUSION OF THE PRESS AND PUBLIC.**

#### **RESOLVED:**

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

**124 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - RHA**

RHA did not attend the meeting.

**RESOLVED:**

To defer consideration of the application for a Joint Hackney Carriage/Private Hire Driver's Licence from RHA to a future meeting of the Committee. If RHA does not attend his next appointment, his application will be treated as withdrawn.

**125 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - AL**

AL did not attend the meeting.

**RESOLVED:**

To defer consideration of the application for a Joint Hackney Carriage/Private Hire Driver's Licence from AL to a future meeting of the Committee. If AL does not attend his next appointment, his application will be treated as withdrawn.

**126 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - MK**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from MK.

MK attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines and took into consideration the circumstances of the event. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To approve MK's application for a Hackney Carriage/Private Hire Driver's Licence, subject to the appropriate checks.

**127            APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - DG**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from DG.

DG attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines and took into consideration the circumstances of the event. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To approve DG's application for a Hackney Carriage/Private Hire Driver's Licence.

**128            APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - RYA**

RYA did not attend the meeting.

**RESOLVED:**

To defer consideration of the application for a Joint Hackney Carriage/Private Hire Driver's Licence from RYA to a future meeting of the Committee. If RYA does not attend his next appointment, his application will be treated as withdrawn.

**129            APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - NJM**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from NJM.

NJM attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines and took into consideration the circumstances of

the event. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To approve NJM's application for a Hackney Carriage/Private Hire Driver's Licence.

**130**

**APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - TH**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from TH.

TH attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To refuse TH's application for a Hackney Carriage/Private Hire Driver's Licence on the grounds that he is not a fit and proper person.

TH was advised of his right to appeal against the decision of the Committee.

**131**

**APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - KAQ**

KAQ did not attend the meeting.

**RESOLVED:**

To defer consideration of the application for a Joint Hackney Carriage/Private Hire Driver's Licence from KAQ to a future meeting of the Committee. If KAQ does not attend his next appointment, his application will be treated as withdrawn.

The meeting finished at Time Not Specified

Signed by Chair:  
Date:

This page is intentionally left blank

## **MINUTES CABINET**

**Thursday 13 November 2014**

Councillor John Clarke (Chair)

Councillor Michael Payne  
Councillor Peter Barnes

Councillor Darrell Pulk  
Councillor Henry Wheeler

Observers: Councillor Chris Barnfather and Councillor Paul Hughes

Absent: Councillor Kathryn Fox

Officers in Attendance: P Baguley, A Ball, H Barrington, S Bray, K Cafferkey, A Callingham, L Parnell, V Rimmington and D Wakelin

### **166 APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillor Kathryn Fox.

### **167 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 16 OCTOBER 2014**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

### **168 DECLARATION OF INTERESTS.**

None.

### **169 QUARTERLY BUDGET MONITORING, PERFORMANCE DIGEST & VIREMENT REPORT**

The Service Manager, Financial Services, presented a report of the Chief Financial Officer, which had been circulated prior to the meeting, informing Cabinet of the position against Improvement Actions and Performance Indicators in the 2014/2015 Gedling Plan, updating Cabinet on the likely outturn of the Revenue and Capital Budgets for the

2014/2015 financial year and seeking approval for changes to targets and budgets as outlined.

**RESOLVED**

**to:**

- 1) Approve the changes to the Indicator Action target as detailed in paragraph 2.1.7 of the report, as an amendment to the agreed Gedling Plan;
- 2) Approve the General Fund Revenue Budget virements included within Appendix 1 to the report; and
- 3) Include details of budget and performance monitoring in a quarterly performance digest, to be published on the Council's website and Intranet in line with the recommendations of Performance Review Scrutiny Committee.

**170 PRUDENTIAL CODE INDICATOR MONITORING 2014/15 AND  
QUARTERLY TREASURY ACTIVITY REPORT FOR QUARTER  
ENDED 30 SEPTEMBER 2014**

The Service Manager, Financial Services, presented a report of the Chief Financial Officer, which had been circulated prior to the meeting, informing Members of the performance monitoring of the 2014/15 Prudential Code Indicators, and advising Members of the quarterly treasury activity, as required by the Treasury Management Strategy.

**RESOLVED:**

To note the report, together with the Treasury Activity Report for Quarter 2 and the Prudential and Treasury Indicator Monitoring for Quarter 2.

**171 COMMUNITY INFRASTRUCTURE LEVY REVISED DRAFT  
CHARGING SCHEDULE - SUBMISSION**

The Service Manager, Planning and Economic Development, presented a report of the Planning Policy Manager, which had been circulated prior to the meeting, seeking Cabinet's approval of the proposed responses to the main issues raised in the comments received on the Revised Draft Charging Schedule (June 2014) and associated documentation and approval of the submission documents for examination, comprising of the Revised Draft Charging Schedule (June 2014), the Proposed Statement of Modifications (dated for submission January 2015), and supporting documents.

**RESOLVED that:**



- 1) Under the provisions of Regulation 19 of the Community Infrastructure Levy Regulations 2010 the Statement of Modifications be published for a period of four weeks to allow for public representations;
- 2) In accordance with Regulations the Revised Draft Charging Schedule, Regulation 123 List, supporting documentation and representations received together with the changes the Council would propose to make in light of those representations be submitted for examination;
- 3) The Corporate Director be authorised to appoint the examiner and if necessary, appoint other persons to assist the examiner; and
- 4) The Corporate Director in consultation with the Portfolio Holder for Leisure and Development be authorised to agree minor amendments to the revised draft documents in response to the consultation process.

172

#### **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014, REFORM OF ANTI-SOCIAL BEHAVIOUR POWERS.**

Dave Wakelin, Corporate Director, presented a report, which had been circulated prior to the meeting, informing Members of the new tools and powers that came into force on 20 October 2014 with the implementation of the new Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act"). The Service Manager, Public Protection, outlined the new tools and powers at the disposal of the Council.

#### **RESOLVED to:**

- 1) Note the new tools and powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014;
- 2) Delegate all functions and responsibilities under the Anti-Social Behaviour, Crime and Policing Act 2014 and any regulations made thereunder to the Corporate Director;
- 3) Authorise the Corporate Director in consultation with the council Solicitor and Monitoring Officer to authorise legal proceedings under the Anti-Social Behaviour, Crime and Policing Act 2014;
- 4) Approve a fixed penalty level of £100 payable within 14 days of service of a FPN for failing to comply with a Community Protection Notice; and
- 5) Agree a formal review of the tools and powers after a 6 month implementation period.

## **173 FORWARD PLAN**

Consideration was given to a report of the Service Manager, Elections and Members' Services, which had been circulated prior to the meeting, detailing the Executive's draft Forward Plan for the next four month period.

### **RESOLVED:**

To note the report.

## **174 PROGRESS REPORTS FROM PORTFOLIO HOLDERS.**

### **Councillor Peter Barnes (Environment)**

- Congratulations to the team of Officers working on the Gedling Country Park, which was a runner up in the Nottingham Evening Post awards recently.
- The 25,000 solar panels have now been installed on the Gedling Country Park site.
- The Arnold Flood Forum is due to meet on 27 November.
- Parks and Open Spaces have been shortlisted for an APSE award.
- A meeting has recently taken place with Gedling grounds staff to brainstorm ideas for the open spaces around the Borough.

### **Councillor Henry Wheeler (Health and Housing)**

- A person who has recently spent time in the housing team as part of a DWP work placement has now found employment and moved on.
- Affordable housing projects at the site of the Grove pub and Dunstan Street are progressing.
- NCHA are developing the Rutland Road site, creating 6 housing units for people with learning disabilities.
- The Severe Weather Protocol is in place and ready for use should temperatures drop in the coming weeks.
- Meetings are currently being held to look into becoming a breastfeeding friendly Council.
- The Gedling Older Persons' Group will launch on the 17 January.
- A dementia awareness project is being delivered in primary schools across the Borough.
- A recent visit to the Cornwater Club, Ravenshead has prompted work to look into how the model employed there could be rolled out to other groups around the Borough.
- A health stakeholders' event will be held at the Richard Herrod Centre to look at the health and wellbeing of the homeless population of the area.

- The Youth Council recently met with the Leader, Deputy Leader and Chief Executive for a question and answer session. Invitations to attend and talk to the Youth Council have been extended to the Opposition Group leaders.

#### **Councillor Michael Payne (Public Protection and Communications)**

- £120 was recently raised for Children in Need by a Councillor “bake off”. Congratulations to the winner of the bake sale, Councillor Sarah Hewson.
- Recently met with the new police inspectors for Gedling North and South, both were grateful for the support of the Council and its elected Members.
- Concerns remain about the forthcoming closure of Arnold and Carlton Police Stations. The Police will continue to station staff at the Home Brewery building in Arnold to continue police presence in the Borough, however it is not currently the plan to respond from the building. A letter was recently sent to the Police and Crime Commissioner, as requested by members of the Overview and Scrutiny Committee, detailing the Council’s concerns.
- The push to create a community hub at Carlton Police Station will continue.

The Chair invited Policy Advisors, Councillor Sandra Barnes, Councillor Collis and Councillor Ellis to provide updates on their recent activities.

#### **Councillor Sandra Barnes (Policy Advisor)**

- Visits made to lots of older people’s clubs across the Borough.
- Wrote a letter to the Nottingham Evening Post, which has been published, following a visit to the Cornwater Club in Ravenshead. Looking at what lessons can be learnt from the club and how the model can be rolled out across the Borough.
- The lack of available toilet facilities in the community has been raised a problem for older people. Looking into way that this might be improved through working together with local business to provide access to facilities.
- Carrying out community development projects in the area.

#### **Councillor Roxanne Ellis (Policy Advisor)**

- The Older Person’s Plan has now been adopted and implementation is being monitored.
- 57 frontline officers have now been trained as dementia friends, with more training scheduled for the New Year.
- Work underway to ensure that Dementia Friend training is included in the new Member induction plan.
- Work is underway to make connections with local Women’s groups.

- Recently attended a national event on female genital mutilation, which was held in the Borough, and was the only elected Member present. Confirmed with the organiser that they would be happy to deliver a further event in the East Midlands.
- Met with the Mellish Rugby Club regarding the white ribbon campaign. The Club are making great strides in connecting with harder to reach males and will be holding a charity rugby match to support the campaign.
- Currently working with Women's Aid on an anti-domestic violence campaign, looking at how best to target the campaign and how the message should be portrayed.
- Work is underway to create a Breast Feeding Friendly Gedling, working with the CCG and the Gedling Health and Wellbeing Delivery Group.

#### **Councillor Bob Collis (Policy Advisor)**

- Following a decision to remove the birds from the Aviary in Arnot Hill Park, most have now been rehomed. An alternative use for the building is now being investigated.
- A final draft of an animal welfare policy has now been approved.
- Discussions are currently ongoing, with partners at Nottinghamshire County Council and Veolia, as to how we might best promote the recycling of Compact Fluorescent Light Bulbs.
- Solar panels have now been installed on the Solar Farm at Gedling Country Park and these can barely be seen.
- Hoping to arrange for the installation of solar panels at the Druids Car Park to provide power to Arnold Leisure Centre.
- A £2 million programme for the installation of cavity wall insulation by Gedling Homes could be rolled out in Arnold, funding permitting.
- Further progress is being made to become a "compassionate Council", including the provision of dementia friend training, partnership working with Nottingham Credit Union and potential work to promote fostering locally.

Councillor Clarke left the meeting and Councillor Payne took the Chair.

#### **175 MEMBER'S QUESTIONS TO PORTFOLIO HOLDERS.**

In response to a question from Councillor Barnfather, Councillor Payne agreed to provide further information and a breakdown of the costs associated with the provision of Christmas trees and decorations in areas of the Borough.

#### **176 ANY OTHER ITEMS THE CHAIR CONSIDERS URGENT.**

None.

## **177 EXCLUSION OF PRESS AND PUBLIC**

### **RESOLVED:**

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

## **178 SALE OF LAND AT TEAL CLOSE**

The Estates Surveyor presented a report, which had been circulated prior to the meeting, seeking Cabinet's approval to enter an agreement to jointly market and sell land at Teal Close, part of which is owned by the Council, and to authorise the Corporate Director, in consultation with the Portfolio Holder, to agree the final Heads of Terms for the Landowner Agreement and the final sale price at no less than the minimum price.

### **RESOLVED that:**

- 1) The Council enters into a Landowners Agreement with MLPL/NT to facilitate the sale of the Residential Land and sets out the way in which the net sale proceeds are shared between the parties and the historic and current costs of promotion and disposal are split;
- 2) The Council's Land is marketed as part of the Residential Land by a marketing agent appointed jointly by the Council and MLPL instead of following the tender process set out in the Council's Standing Orders for Dealings with Land;
- 3) The Corporate Director be authorised to agree the appointment of the said agent on behalf of the Council;
- 4) The Corporate Director, in consultation with the Portfolio Holder for the Environment, be authorised to agree the final Heads of Terms for the Landowner Agreement; and
- 5) The Corporate Director, in consultation with the Portfolio

Holder for the Environment, be authorised to agree the final sale price at no less than the Minimum Price.

## **MINUTES PLANNING COMMITTEE**

**Wednesday 19 November 2014**

Councillor John Truscott (Chair)

In Attendance:	Councillor Barbara Miller	Councillor Andrew Ellwood
	Councillor Pauline Allan	Councillor Cheryl Hewlett
	Councillor Roy Allan	Councillor Jenny Hollingsworth
	Councillor Chris Barnfather	Councillor Meredith Lawrence
	Councillor John Boot	Councillor Marje Paling
	Councillor Ged Clarke	Councillor Colin Powell
	Councillor Bob Collis	Councillor Suzanne Prew-Smith

Absent: Councillor Peter Barnes, Councillor Denis Beeston  
MBE, Councillor Alan Bexon, Councillor Mike Hope  
and Councillor Lynda Pearson

Officers in Attendance: P Baguley and L Parnell

### **241 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillors Barnes, Beeston MBE, Bexon, Hope and Pearson.

### **242 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 29 OCTOBER 2014**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record, subject to the following amendment:

1. That Councillor Ellwood be marked absent.

### **243 DECLARATION OF INTERESTS**

None.

### **244 APPLICATION NUMBER 2014 0559 - THE CAVENDISH PUB, CAVENDISH ROAD, CARLTON, NOTTINGHAM**

Application 2014/0559 was withdrawn prior to the meeting, at the request of the applicant, following the receipt of additional information.

### **245 PLANNING DELEGATION ACTION SHEETS**

**RESOLVED:**

To note the information.

**246 FUTURE PLANNING APPLICATIONS**

**RESOLVED:**

To note the information.

**247 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.**

The Chair reminded Members of the extraordinary meeting of Planning Committee, scheduled to take place on the 27 November 2014 at 6pm.

The meeting finished at 6.10 pm

Signed by Chair:  
Date:



## **MINUTES ENVIRONMENT AND LICENSING COMMITTEE**

**Tuesday 25 November 2014**

Councillor Marje Paling (Chair)

Present: Councillor Meredith Lawrence      Councillor Cheryl Hewlett  
Councillor Bruce Andrews      Councillor Mike Hope  
Councillor Roxanne Ellis      Councillor Barbara Miller  
Councillor Gary Gregory

Absent: Councillor Sandra Barnes, Councillor Nicki Brooks,  
Councillor Tony Gillam, Councillor John Parr and  
Councillor Stephen Poole

Officers in Attendance: P Gibbs and D Blasdale

### **132 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillor Barnes, Brooks, Gillam and Poole.

Councillor Prew-Smith attended as substitute for Councillor Parr, who had given apologies.

### **133 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 4 NOVEMBER 2014**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

### **134 DECLARATION OF INTERESTS.**

None.

### **135 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

### **136 EXCLUSION OF THE PRESS AND PUBLIC.**

#### **RESOLVED:**

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

**137                    REQUEST TO BE EXEMPT FROM DISPLAYING FIXED PLATES - AZ**

Consideration was given to a report of the Corporate Director, which had been circulated prior to the meeting, outlining a request from Mr Zaheer to consider granting exemption from displaying fixed plates on vehicles licensed by him as he only undertakes executive private hire.

**RESOLVED that:**

1. With respect to Mr Zaheer – the requirement to display vehicle licence plates is waived; and
2. The Council issue a notice which will be permanently displayed at all times, in a position to be agreed, inside any licensed vehicles used for executive private hire purposes, owned or operated by Mr Zaheer.

**138                    APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - SAU**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from SAA.

SAA attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines and took into consideration the circumstances of the event. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To approve SAA's application for a Hackney Carriage/Private Hire Driver's Licence.

**139                    APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE**

## **HIRE DRIVERS LICENCE - NB**

NB did not attend the meeting.

### **RESOLVED:**

To defer consideration of the application for a Joint Hackney Carriage/ Private Hire Driver's Licence from NB to a future meeting of the Committee. If NB does not attend his next appointment, his application will be treated as withdrawn.

## **140 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - KJ**

KJ did not attend the meeting.

### **RESOLVED:**

To defer consideration of the application for a Joint Hackney Carriage/ Private Hire Driver's Licence from KJ to a future meeting of the Committee. If KJ does not attend his next appointment, his application will be treated as withdrawn.

## **141 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - ZM**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from ZM.

ZM attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

### **RESOLVED:**

To refuse ZM's application for a Hackney Carriage/Private Hire Driver's Licence on the grounds that he is not a fit and proper person.

ZM was advised of his right to appeal against the decision of the Committee.

## **142 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - WP**

WP did not attend the meeting.

**RESOLVED:**

To defer consideration of the application for a Joint Hackney Carriage/Private Hire Driver's Licence from WP to a future meeting of the Committee. If WP does not attend his next appointment, his application will be treated as withdrawn.

**143      APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE  
HIRE DRIVERS LICENCE - MMS**

MMS did not attend the meeting.

**RESOLVED:**

To defer consideration of the application for a Joint Hackney Carriage/Private Hire Driver's Licence from MMS to a future meeting of the Committee. If MMS does not attend his next appointment, his application will be treated as withdrawn.

**144      APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE  
HIRE DRIVERS LICENCE - BSS**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from BSS.

BSS attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To refuse BSS's application for a Hackney Carriage/Private Hire Driver's Licence on the grounds that he is not a fit and proper person.

BSS was advised of his right to appeal against the decision of the Committee.

**145      APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE  
HIRE DRIVERS LICENCE - WL**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from WL.

WL attended the meeting, accompanied by his partner, and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

Councillor Lawrence asked that the minute record that he voted against the motion to refuse WL's application.

**RESOLVED:**

To refuse WL's application for a Hackney Carriage/Private Hire Driver's Licence on the grounds that he is not a fit and proper person.

WL was advised of his right to appeal against the decision of the Committee.

The meeting finished at 12.05 pm

Signed by Chair:  
Date:

This page is intentionally left blank

## **MINUTES JOINT CONSULTATIVE AND SAFETY COMMITTEE**

**Tuesday 25 November 2014**

Councillor Steve Ainley (Chair)

Present:	Councillor Emily Bailey	Councillor John Parr
	Councillor Paul Feeney	Councillor John Truscott
	Councillor Sarah Hewson	
Unison:	Alan Green	Gill Morley
	Alison Hunt	

Absent: Councillor Roland Spencer

Officers in Attendance: D Archer, A Dubberley, G Ilett, H Lee, V Rimmington, J Robinson and D Wakelin

### **28 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillor Spencer.

### **29 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 12 AUGUST 2014.**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

### **30 DECLARATION OF INTERESTS.**

None

### **31 HEALTH AND SAFETY**

The Health and Safety Officer presented a verbal report summarising a number of issues related to Health and Safety.

#### **RESOLVED:**

To note the report.

### **32 THE COUNCIL'S SMOKING POLICY**

Corporate Director, David Wakelin, presented a report, which had been circulated prior to the meeting, concerning the updated smoking policy.

It explained that the new policy would address areas of confusion regarding the current policy and include guidance on nicotine replacement treatment.

Members were asked to consider and comment on this revised policy before being submitted to the Appointments and Conditions of Service Committee for adoption.

**RESOLVED:**

That that subject to further consideration and minor revision to clarify points 2.3 and 2.4 the report is submitted to Appointments and Conditions of Service Committee.

**33 EQUAL PAY AUDIT**

The Service Manager, Organisational Development presented the Equal Pay and Equality Audit 2014, which had been circulated prior to the meeting.

**RESOLVED:**

To note the report.

**34 CURRENT TRENDS AND ISSUES IN SICKNESS ABSENCE.**

The Service Manager, Organisational Development presented a report, which was circulated prior to the meeting, summarising current trends and issues in respect of sickness absence.

**RESOLVED:**

To note the report.

**35 CURRENT STAFFING ISSUES**

The Chief Executive presented a report summarising a number of items of interest including the success of this year's Employee Conference and current pay proposals.

**RESOLVED:**

To note the report.

**36 MINOR CHANGES TO THE ESTABLISHMENT AGREED BY THE CHAIR AND TRADE UNIONS OUTSIDE OF THE FORMAL JCSC PROCESS**



The Service Manager, Organisational Development, presented a report highlighting staffing changes in response to the developing needs of the Licensing function (taxi licensing).

**RESOLVED:**

To note the report.

**37 ANY OTHER ITEM WHICH THE CHAIRMAN CONSIDERS URGENT.**

None.

**38 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:**

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

**39 STAFFING REVIEW - AUDIT & ASSET MANAGEMENT PASC**

The Service Manager, Audit and Asset Management presented a report, which had been circulated prior to the meeting, regarding staffing structure changes to two service areas following the transfer of responsibility for street lighting and engineering responsibilities to the Parks and Street Care Team.

**RESOLVED:**

To note the report and receive comments from employees and trade union representatives to the proposals for further consideration by JCSC towards the end of the formal consultation period.

The meeting finished at 7.00 pm

Signed by Chair:  
Date:

This page is intentionally left blank

## **MINUTES PLANNING COMMITTEE**

**Thursday 27 November 2014**

Councillor John Truscott (Chair)

In Attendance:	Councillor Barbara Miller	Councillor Bob Collis
	Councillor Pauline Allan	Councillor Andrew Ellwood
	Councillor Roy Allan	Councillor Cheryl Hewlett
	Councillor Peter Barnes	Councillor Mike Hope
	Councillor Chris Barnfather	Councillor Meredith Lawrence
	Councillor Denis Beeston MBE	Councillor Marje Paling
	Councillor Alan Bexon	Councillor Lynda Pearson
	Councillor John Boot	Councillor Colin Powell
	Councillor Ged Clarke	Councillor Suzanne Prew-Smith

Absent: Councillor Jenny Hollingsworth

Officers in Attendance: F Whyley, P Baguley, J Cole, A Dubberley, L Mellors and N Morley

### **241 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillor Hollingsworth.

### **242 DECLARATION OF INTERESTS**

None.

### **243 APPLICATION NO. 2014/0915- A612 BURTON ROAD/B684 MAPPERLEY PLAINS, GEDLING/ARNOLD, NOTTINGHAMSHIRE.**

Construction of a 3.8km long road linking A612 Burton Road and B684 Mapperley Plains Road (Gedling Access Road).

The Service Manager for Planning and Economic Development introduced the report and reported that 13 additional representations had been received from local residents which had raised similar points to those outlined in the report as well as one representation which stating that the County Council's landscaping opinions should be published online. One representation made reference to the development on Clementine Drive stating that the developer wouldn't have known about the road's route as he wouldn't have modified the design of the properties so that they were three storeys making the view of the road more prominent. One representation received from Burton Joyce Parish

Council stated that the Parish was considering withdrawing their objections to the proposal at their next meeting.

An additional letter had been received from solicitors acting on behalf of Carlton Le Willows School asking for deferral of the application to allow further consultation to take place

The Committee was advised that extensive consultation had taken place with the school and more was planned and that proposed condition 5 would give the school the opportunity to be involved with the design of the section of the road in the vicinity of the school. The Service Manager for Planning and Economic Development did not feel it was necessary to defer consideration of the application.

In conclusion the Service Manager for Planning and Economic Development advised that the late representations did not give officers reason to alter their recommendation for approval.

The Chair explained that due to the scale of the proposed development he had agreed to extend the time allocated for public speaking and that he would be allowing separate contributions from residents in the Mapperley Area, Gedling Area and the area to the South of the proposed development.

#### Speakers in support

Alan Bishop, Area Manager Homes and Communities agency, spoke on behalf of the applicants for the development.

Francis Rodrigues on behalf of Gedling Preservation Society spoke in support of the application.

#### Speakers in objection

David Sandercock, a resident of the Mapperley area, spoke in objection to the application.

Colin Weaver, Headteacher of Carlton Le Willows School, spoke in objection to the application.

#### **RESOLVED to:**

**Grant Planning Permission subject to the conditions below and the applicant giving a unilateral undertaking under s106 of the Town and Country Planning Act 1990 to the Borough Council in relation to (1) a Traffic Regulation Order associated with speed limits on Arnold Lane, (2) details of wheel washing and means of access and routes of construction traffic, (3) details of proposed new setts and barn owl nest boxes, details of translocation of Open Mosaic Habitat and badgers to the Gedling Country Park, (4) details of**

**mitigation measures to compensate for the loss of land at Carlton Le Willows Academy and Woodthorpe (St Marks) Scout Group, (5) details of a travel plan co-ordinator and travel plan monitoring in relation to the operational phase of the GAR, (6) details for monitoring of traffic conditions during the operational phase of the GAR and mechanisms for implementing mitigation measures and (7) details of a local labour agreement for the construction of the GAR.**

### **Proposed Conditions**

The conditions that are recommended to be attached to the planning application for the Gedling Access Road are set out below.

A time limit condition specifying when the first phase and second phase of the GAR shall be constructed by is considered necessary as a result of the Environmental Statement (ES) that has been submitted. Following the time limit condition it is proposed that there should be a condition setting out the plans and documents that are to be approved as part of this application.

Given the form of the ES it is considered necessary to condition the manner in which the GAR shall be opened to the public. It is proposed that the 5-arm roundabout should be opened first and that the rest of the GAR should be opened in one entire phase (except for the roundabout and arms of the GAR proposed on Lambley Lane). An exception is made for Lambley Lane, because this part of the GAR will need to be brought into use in order to retain vehicular access through this part of the Borough.

Details of how pedestrian and traffic movement shall be managed during the construction and post construction prior to the opening of the phases of the GAR is also proposed to be conditioned. This will assist in ensuring that adequate measures are put in place so as to avoid any adverse socio-economic impacts that could be caused as a result of temporary alterations to the road network caused by the construction of the GAR.

A public transport strategy is also requested to cover both phases of the development and also to cover the three time periods of construction, post construction and prior to the opening of each phase and then post opening. This information is required in order to ensure that there is no disruption to public transport.

Highways have requested a condition to ensure that any proposed security lighting will not have any adverse impact on other road users.

Two Construction Environmental Management plans are sought, the first would be required prior to site clearance of Phase 1 and the second would be sought prior to the site clearance of Phase 2. These CEMPs would secure the mitigation measures proposed within Chapter 9 of the

Ecology Chapter to reduce any adverse impacts on wildlife whilst the GAR is under construction. The CEMPs would be supplemented by the proposed s106 agreement details in relation to the open mosaic habitats and sites for badgers and owls.

The next set of conditions relate to the need to submit a surface water drainage scheme and a detailed highway design code. The surface water drainage condition would assist in preventing flooding and adverse impacts on water quality, whilst the highway design code would ensure that once the GAR is constructed and is operational that it would be of adoptable standard.

Following on from the highway and drainage conditions it is proposed that there should be conditions requiring the submission of tree protection measures, landscaping scheme, dust management scheme and a noise assessment.

An Environmental Management Plan to cover the post construction protection and enhancement of wildlife which would secure the measures set out in section 9.7.60 to 9.7.76 of the Chapter 9 of the Ecology Chapter. Again, the s106 agreement details in relation to the open mosaic habitats and sites for badgers and owls would also assist in terms of the post construction protection and enhancement of wildlife.

The remaining conditions relate to dealing with contamination, the demolition of Glebe Farm, the walled garden at Gedling House and the required diversion of the public right of way (Carlton Footpath No.2).

### **Public Consultation on Approval of details required by Conditions**

It is considered that the approval of details required by the conditions set out below should be subject to wider public consultation (including other relevant parties such as the Carlton Le Willows Academy) as the detail that would be contained within the information will be of wider public interest. The consultation period in relation to these details would be 21 days and similar to statutory consultation and notification time frames. It is proposed that the approval of the details submitted in relation to the conditions set out below should be referred to Planning Committee.

- Condition 4 and 5 in relation to the management of traffic and pedestrian movement during the construction of the GAR and post construction but prior to the opening of each phase.
- Condition 6 in relation to the management of public transport during the construction of the GAR and post construction but prior to the opening of each phase and after the construction of each phase.
- Condition 7 in relation to temporary lighting whilst the GAR is being constructed.

- Condition 11 in relation to the proposed Highway Design Code.
- Condition 12 and 13 in relation to retention of trees and landscaping.
- Condition 15 in relation to pre-commencement noise assessment and proposed mitigation measures.
- Condition 21 in relation to the details for the rebuilding of the Gedling House Wall garden
- Condition 22 in relation to the diversion of the Carlton Footpath No.2.

Due to the technical nature of the surface water drainage scheme and the need to ensure adequate protection is given to nature conservation interests, it is recommended that conditions relating to these aspects should be dealt with in the usual manner and that consultation should take place with the appropriate technical bodies. Approval of details associated with these conditions would be delegated to the Corporate Director.

### **Conditions**

1. The Gedling Access Road hereby approved shall be constructed in two phases. Phase 1 shall cover the construction of the five arm roundabout off Arnold Lane, which shall be completed by 31st December 2015. Phase 2 shall cover the construction of the rest of the Gedling Access Road, which shall be completed by 31st December 2019.
2. Phase 1 and Phase 2 of the Gedling Access Road shall be built in accordance with the following plans: Red Line Boundary Climbing Lane Option, Sheets 1-3 (drawing numbers GAR02-1, GAR02-2 and GAR02-3), deposited on 14th August 2014; Proposed Scheme Layout Climbing Lane Design, Sheets 1-3 (drawing numbers GAR17, GAR18 and GAR19), deposited on 9th October 2014; and Additional Cross Sections for Planning Application (drawing number Design Sketch GR1), deposited on 10th October 2014.
3. Phase 1 of the Gedling Access Road hereby approved shall be made available for use by the public first and the rest of the Gedling Access Road shall be made available for use by the public once Phase 2 has been completed in its entirety (except in relation to the proposed alterations to Lambley Lane).
4. Prior to the commencement of site clearance in relation to Phase 1 of the Gedling Access Road hereby approved, precise written

details and plans of how traffic and pedestrian movement shall be managed during and after the construction of the 5-arm roundabout onto Arnold Lane but prior to Phase 1 being made available to the public, shall be submitted to and approved in writing by the Borough Council. Traffic and pedestrian movement shall be managed in accordance with the approved details during and after the construction of 5-arm roundabout prior to the opening of Phase 1 of the Gedling Access Road.

5. Prior to the commencement of site clearance in relation to Phase 2 of the development hereby approved, precise written details and plans of how traffic and pedestrian movement shall be managed during and after the construction of the following junctions but prior to Phase 2 being made available to the public, together with a timetable for implementation shall be submitted to and approved in writing by the Borough Council. These must include: (1) the junction of the Gedling Access Road onto Mapperley Plains Road and the other proposed highway alterations; (2) the proposed roundabout on Lambley Lane and the construction of the northern and eastern arms of the Gedling Access Road onto Lambley Lane; and (3) the junction of the Gedling Access Road onto Trent Valley Way and Burton Road/Nottingham Road at Burton Joyce and the other proposed highway alterations. Traffic and pedestrian movement shall be managed in accordance with the approved details during and after the construction of these junctions prior to the opening of Phase 2 of the Gedling Access Road.
6. Prior to the commencement of site clearance of Phase 1 and also prior to the commencement of site clearance of Phase 2, a public transport strategy shall be submitted in writing each time and approved in writing by the Borough Council. The strategy shall include details of how public transport shall be managed and accessed during the construction of each phase of development, and after the construction of each phase of development but prior to that phase being made available for use by the public, and once each phase is brought into use. The strategy shall provide precise locations of temporary and permanent bus stops, the design of both temporary and permanent bus stops together with the design of pavements to assist access to buses (including for wheelchairs and pushchairs) and shall contain a programme of implementation and a timetable to cover construction, after construction but prior to the opening of each phase of the Gedling Access Road and then after each phase is brought into use. Public transport shall be managed and accessed in accordance with the approved details.
7. Prior to the commencement of site clearance of Phase 1, and prior to the commencement of site clearance of Phase 2, there shall be submitted to and approved in writing by the Borough



Council written details of any temporary security lighting/floodlighting (together with a lux plot of the estimated luminance) to be installed during the construction of that phase, which shall be designed, located and installed so as not to cause a nuisance to users of the highway. The security lighting/floodlighting shall be implemented in accordance with the approved details and shall be removed prior to the opening of phase 1 and phase 2 of the Gedling Access Road.

8. Prior to the commencement of site clearance of Phase 1 of the Gedling Access Road hereby approved a written Construction Environmental Management Plan shall be submitted to and approved in writing by the Borough Council. The Construction Environmental Management Plan shall include the following: (1) details of an ecological clerk who shall be employed to oversee ecological mitigation and to gain necessary licences to undertake ecological mitigation; (2) details of the proposed hours of working during the construction of Phase 1, together with details of any construction site lighting and compound lighting; (3) details of the proposed area for the storage of soil and other materials during the construction of Phase 1, together with details of how dust, noise, incidental damage and spillages will be monitored and dealt with; (4) details of the proposed means of access of construction vehicles during Phase 1 construction; (5) details of a methodology and programme of site clearance of vegetation; (6) details of a methodology and mechanism for the surveying, recording and reporting together with the provision of a programme and timetable for the implementation of mitigation measures in relation to flora and fauna that could be affected by the construction of Phase 1 (the ecological interest to be covered shall include amphibians, insects, bats, badgers, and birds, trees hedgerows, and the Mapperley Tunnel); and (7) details of planting schemes indicating the location, size, species and density of all planting proposed to compensate for the loss of habitat during construction of Phase 1 and a schedule of implementation and timetable of the proposed planting and a management plan including long term design objectives, management responsibilities and maintenance schedules covering the construction phase. The Construction Environmental Management Plan shall be implemented in accordance with the approved details and the proposed mitigation measures shall be retained in accordance with approved details.
9. Prior to the commencement of site clearance of Phase 2 of the Gedling Access Road hereby approved, a written Construction Environmental Management Plan shall be submitted to and approved in writing by the Borough Council. The Construction Environmental Management Plan shall include the following: 1) details of an ecological clerk who shall be employed to oversee ecological mitigation and to gain necessary licences to undertake

ecological mitigation; (2) details of the proposed hours of working during the construction of Phase 2, together with details of any construction site lighting and compound lighting; (3) details of the proposed area for the storage of soil and other materials during the construction of Phase 2, together with details of how dust, noise, incidental damage and spillages will be monitored and dealt with; (4) details of the proposed means of access of construction vehicles during Phase 2 construction; (5) details of a methodology and programme of site clearance of vegetation; (6) details of a methodology and mechanism for the surveying, recording and reporting together with the provision of a programme and timetable for the implementation of mitigation measures in relation to fauna and flora that could be affected by the construction of Phase 2 (the ecological interest to be covered shall include amphibians, great crested newts, Gedling House Wood (LNR), bats, badgers, dingy skippers and any other invertebrates, birds, trees and hedgerows, Mapperley Tunnel, the Pepperpots and Glebe Farm); and (7) details of a management strategy to include methods of mitigation, compensation and enhancement in order to protect local wildlife habitats, the strategy shall include demarcation of permanent fencing to protect Local Wildlife Sites; methods, locations and timing for translocation of notable habitat described as pioneer community which forms part of the mosaics of habitat recorded within the development; plant seed mixes; the design and planting of new water bodies to improve their ecological value; methods for managing and avoiding the spread of invasive species; methods to protect protected and notable species during removal of fire ponds and during vegetation clearance; seed harvesting and larval food plant translocation methods from the existing vegetation to an agreed receptor site; it shall also include details for monitoring and where necessary details of remedial measures for reseedling and habitat management during the construction phase. The Construction Environmental Management Plan shall be implemented in accordance with the approved details and the proposed mitigation measures shall be retained in accordance with approved details.

10. Prior to the commencement of site clearance of Phase 1 and prior to the commencement of site clearance of Phase 2, there shall be submitted and approved in writing by the Borough Council, written details of a surface water drainage scheme for each phase of development. The surface water drainage scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of each phase of development shall be provided. The surface water drainage scheme to be submitted shall; (1) demonstrate that the scheme has been designed in accordance with CIRA C697 and C687 or the National SUDS standard (whichever is in force at the time that the scheme is designed); (2) limit the discharge rate generated by

all rainfall events up to and including the 100 year plus 20% allowance for climate change critical rain storm to Greenfield runoff rates for the site; (3) demonstrate the provision of rainwater run-off attenuation storage in accordance with requirements specified in Science Report SC030219 Rainfall Management for Developments; (4) demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed scheme for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods; (5) include a programme of implementation and a timetable for the provision of each element of the surface water drainage scheme; and (6) shall confirm how the on-site surface water drainage systems shall be adopted and maintained in perpetuity to ensure long term operation at the designed parameters. The surface water drainage scheme shall be implemented in accordance with the approved details at the time that each phase is constructed and shall be retained in accordance with the approved details for the lifetime of the development.

11. Prior to the commencement of site clearance of Phase 1 and prior to the commencement of site clearance of Phase 2, a written Highway Design Code shall be submitted to and approved in writing by the Borough Council. The Design Code shall cover the operational phase of Phase 1 and Phase 2 and shall include detailed coding for the: (1) street type/function; (2) the principal dimensions of the Gedling Access Road for each phase of development including specific details of boundary treatments, details of sight lines (visibility splays and gradients) at junctions onto and off the Gedling Access Road for each phase, and details of the Gedling Access Roads gradients and the design of embankments and their gradients in relation to each phase of development; (3) junctions and types of traffic calming; (4) treatment of major junctions, bridges and public transport links; (5) street lighting and street furniture specifications and locations; (6) specifications for tunnels and details of the locations that they are to be provided at in order to assist the movement of fauna within the surrounding area; (7) specifications, including locations of trees and planting adjacent to the highway, and details for the long term management of such planting together with maintenance schedules covering a minimum period of 25 years; (8) specifications and location of drainage and rainwater run off systems, including SUDS; (9) routeing and details of public utilities; (10) arrangements for maintenance and servicing including refuse collection/bin storage; (11) a strategy to enable the periodic review and, if necessary, revision of the Design Code once Phase 1 and Phase 2 are operational. The Highway Design

Code shall be implemented in accordance with the approved details.

12. Prior to the commencement of site clearance of Phase 1 and prior to the commencement of site clearance of Phase 2, there shall be submitted to and approved in writing by the Borough Council a full written Arboricultural Impact Assessment and Tree Constraints Plan for each phase of development which shall indicate the loss of trees required to facilitate the Gedling Access Road and a full planting mitigation solution and shall set out a programme of implementation and timetable for the provision of mitigation measures and their removal if appropriate. The Arboricultural Impact Assessment and Tree Constraints Plan to be submitted in writing shall detail and consider all supporting infrastructure, such as underground utilities, drainage proposals, street lighting, safety cameras and signage that will be required within the Gedling Access Road and the location of such structures within the red line plan defining the boundary of this Gedling Access Road planning application hereby approved. The Tree Constraints Plan shall be implemented in accordance with the approved details for the duration of that phase of the construction period and the proposed mitigation measures shall be implemented in accordance with approved details.
13. Prior to the commencement of site clearance of Phase 1 and prior to the commencement of site clearance of Phase 2 there shall be submitted to and approved in writing by the Borough Council a written landscape plan for that phase of the site. The detailed plans and particulars to be submitted shall include details of the size, species, positions and density of all trees, ground cover flora and shrubs to be planted, which shall consist of native species, ideally of local provenance where possible, and shall include details of existing trees to be felled and retained. A written programme and timetable for the implementation of the landscaping scheme shall also be submitted as part of the landscape plan. The landscaping scheme shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development.
14. Prior to the commencement of site clearance of Phase 1 and prior to the commencement of site clearance of Phase 2, there shall be submitted to and approved in writing by the Borough Council a written Dust Management Plan for that phase, produced in accordance with 'The Control of Dust and Emissions from Construction and Demolition' (Best Practice Guidance). The plan for each Phase shall be implemented in accordance with the approved details.
15. Prior to the commencement of site clearance of Phase 1 and prior to site clearance of Phase 2, a written methodology for

undertaking a noise assessment shall be submitted to and approved in writing by the Borough Council. A noise assessment shall then be carried out in accordance with the approved details and findings of the noise assessment together with mitigation measures, a programme of implementation and the length of time that measures are to be retained for shall be submitted in writing to and approved in writing by the Borough Council prior to the commencement of site clearance of Phase 1 and prior to site clearance of Phase 2. The mitigation measures and programme of implementation shall cover the period of construction, after construction and prior to the opening of each phase and once each phase has become operational. The mitigation measures shall be implemented in accordance with the approved details.

16. Prior to the commencement of construction of Phase 1 and prior to the construction of Phase 2, a written Environmental Management Plan shall be submitted to and approved in writing by the Borough Council. The Environmental Management Plan shall include the following: (1) details of a long term management strategy covering a minimum period of 25 years for the long term enhancement of water bodies, translocated habitats and other habitats (including areas of planting) created as part of the Phase 1 and Phase 2 Construction Environmental Management Plan. The long term management strategy shall set out the proposed means of management and maintenance schedules for each habitat created as part of the development and shall identify the roles and responsibilities of various parties and stakeholders associated with each site and the strategy shall also include details of how habitats will be reviewed in terms of condition and the appropriateness of management practices and alterations made to management practices; (2) details of a lighting scheme for all sensitive locations along the route of the Gedling Access Road, in order to reduce any adverse impacts on nocturnal species, which shall make use of the measures outlined in section 9.7.55 of chapter 9 Ecology of the Environmental Statement; (3) details of how invasive species such as Japanese Knotweed and New Zealand Stone Crop/Pygmy weed shall be surveyed and monitored within habitats created as part of the development and measures that will be taken to manage and treat invasive species; and (4) precise details of the mitigation and monitoring measures and a programme and timetable of implementation in relation to assisting amphibians, badgers, bats, breeding birds and invertebrates during the construction and operational phases of the Gedling Access Road, as set out in Section 9.7 of Chapter 9 Ecology of the Environmental Statement and in the letter dated 11th November 2014 from White Young Green. The Environmental Management Plan shall be implemented in accordance with the approved details and the proposed mitigation measures shall be retained in accordance with the approved details.

17. Prior to the commencement of construction of Phase 1 and prior to the commencement of construction of Phase 2 of the development hereby approved a written assessment of the nature and extent of any potential or actual contamination shall be submitted to and approved in writing by the Borough Council. This assessment shall include a survey of the extent, scale and nature of contamination and an assessment of the potential risks to human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. The assessment shall be undertaken by a competent person and shall assess any contamination of the site whether or not it originates on site.
18. In the event that remediation is required to render the development suitable for use in any phase, a written remediation scheme for that phase and timetable of works shall be submitted to and approved in writing by the Borough Council. The scheme shall then be implemented in accordance with the approved details. Prior to the development for that phase being first brought into use, a Verification Report (that satisfactorily demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Borough Council.
19. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Borough Council and development must be halted immediately on that part of the site until such time that the Borough Council has given written approval for works to recommence on site. Once contamination has been reported to the Borough Council an assessment of contamination must be undertaken in accordance with the requirements above in relation to condition 17 above. Where remediation is necessary, a written remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council. The Remediation Scheme shall be implemented as approved.
20. Prior to the demolition of the non-designated heritage asset of Glebe Farm, a historic building recording shall take place to level 3 of Understanding Historic Buildings 2006 and shall be submitted to Nottinghamshire County Council Historic Environment Record.
21. Prior to the partial demolition and rebuilding of the garden wall for Gedling House, a full recording of the existing wall along with a written specification and method statement for its demolition and precise details of the location and materials for the erection of the proposed new wall together with a programme of works and a timetable for the construction of the new wall shall be submitted in

writing to and approved in writing by the Borough Council. The scope of mitigation must include a comprehensive scheme of repair of the garden wall in addition to the basic re-building of the demolished east wall. Phase 2 of the Gedling Access Road in the vicinity of the wall and the erection of the new wall shall be implemented in accordance with the approved details.

22. The development will require the diversion of a public right of way (Carlton Footpath No.2) and no part of the development hereby permitted or any temporary works or structures shall obstruct the public right of way until a Diversion Order has been secured and the diversion has been constructed in accordance with a detailed design and specification which shall be submitted to and approved in writing by the Borough Council.

### **Reasons**

1. To ensure that the development is constructed in accordance with the scope of the impacts defined within the submitted Environmental Statement.
2. For the avoidance of doubt and to ensure that the Gedling Access Road is constructed in accordance with the above plans.
3. To ensure that the development is constructed in accordance with the scope of the impacts defined within the submitted Environmental Statement.
4. To ensure that traffic and pedestrian movement is adequately managed during and after construction of Phase 1 of the Gedling Access Road prior to its opening in the interests of highway safety and to accord with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
5. To ensure that traffic and pedestrian movement is adequately managed during and after construction of Phase 2 of the Gedling Access Road prior to its opening in the interests of highway safety and to accord with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
6. To ensure that public transport is adequately managed during and after construction of both Phases 1 and 2 of the Gedling Access Road and prior to the opening of each Phase, in the interests of highway safety and to support the use of public transport and to accord with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
7. To protect drivers from uncontrolled light sources near the public highway and to ensure a satisfactory development, in accordance

with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

8. To protect and enhance ecology interest in the area during the construction of Phase 1 and to accord with paragraph 109 of the National Planning Policy Framework and to ensure that the measures outlined in section 9.7.2 to 9.7.52 of Chapter 9 Ecology of the Environmental Statement are secured.
9. To protect and enhance ecology interest in the area during the construction of Phase 2 and to accord with paragraph 109 of the National Planning Policy Framework and to ensure that the measures outlined in section 9.7.2 to 9.7.52 of chapter 9 Ecology of the Environmental Statement are secured.
10. To prevent the increased risk of flooding, to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of sustainable drainage structures, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
11. To ensure that the Gedling Access Road is constructed to highway adoption standards, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
12. To minimise the arboricultural impact of the Gedling Access Road and to ensure a satisfactory development, in accordance with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
13. To ensure a satisfactory development and that the landscaping of the development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
14. To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
15. To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).



16. To protect and enhance ecological interests that could be affected during the operation of the Gedling Access Road and to ensure that the measures outlined in section 9.7.53 to 9.7.76 of Chapter 9 Ecology of the Environmental Statement can be secured, and to accord with paragraph 109 of the National Planning Policy Framework.
17. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
18. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
19. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
20. To ensure that an accurate record of the historic building is retained.
21. To ensure that an accurate record of the historic building is retained and that the mitigation works are in accordance with the aims of the National Planning Policy Framework.
22. To ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

### **Notes to Applicant**

Your attention is drawn to the attached correspondence from Nottinghamshire County Council, the Environment Agency, Severn Trent Water, Nottinghamshire Wildlife Trust, Natural England, National Grid and the Borough Council's Public Protection Section.

With regard to condition 1, in order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact the County Council for details.

With regard to condition 11, the applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for road works.

With regard to condition 22, in cases where a Diversion Order has yet to be secured, it should be noted that the grant of planning permission does not permit the obstruction of the public right of way and that separate statutory approval for the Stopping Up or Diversion Order will be required under the provisions of the Highways Act 1980 or the Town and Country Planning Act 1990 or any other statutory provision.

The proposed off-site traffic management works require a Traffic Regulation Order before the development is first brought into use to provide safe off-site mitigating works. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the applicant should contact the County Council at an early stage to discuss this matter further.

No infiltration of surface water drainage into the ground is permitted other than that covered by the surface water drainage condition set out above. Any deviation from the approved surface water drainage scheme shall require the express written consent of the Borough Council, either through the submission of a non-material amendment to the approved scheme or through the approval of a section 73 planning application.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application. This has been achieved by meeting the applicant and agent to discuss consultation responses; providing details of issues raised in consultation responses; requesting clarification, additional information or drawings in response to issues raised and providing updates on the application's progress.

## **Reasons for Decision**

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), where appropriate. In the opinion of the Borough Council, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

244

**APPLICATION NO. 2014/0556- BARRACKS FARM, FOREST LANE, PAPPLEWICK, NOTTINGHAMSHIRE**

Erection of a 500kw wind turbine with a tip height up to 77m along with transformer station at base, access track from farm to turbine and access improvements at junction of farm access and Forest Lane.

The Service Manager for Planning and Economic development introduced the report and advised that no further representations had been received.

Councillor Powell, seconded by Councillor Clarke proposed a motion to defer consideration of the application to allow the committee to be briefed on the technical aspects of wind energy. The motion was put to a vote and was defeated.

Robert Marshall, the applicant, spoke in support of the application and Brent Nicholls a neighbouring resident, spoke in objection to the application.

**RESOLVED to GRANT PLANNING PERMISSION subject to the following conditions:**

1. The development hereby permitted shall begin not later than three years from the date of this decision. Written confirmation of the date when electricity is first exported to the grid from the wind turbine hereby permitted (First Export Date) shall be submitted to the Borough Council within one month of the date of this taking place.
2. This permission shall endure for a period of 25 years from the first export date (of electricity to the grid), after which the use shall cease, and the turbine, ancillary structures, crane erection and lay down areas shall be removed from the site, and the land restored in accordance with details to be approved in writing under condition 18 below. The site shall be decommissioned in accordance with the details to be approved under condition 18.

3. The development hereby permitted shall be carried out in accordance with the following approved plans except insofar as may be otherwise required by other conditions of this planning permission: Site Layout Plan (L-MAR-064-SLPX); Site Layout Plan Proposed (L-MAR-064-SLPP); Wind Turbine Boundaries Plan (L-MAR-064-BP); Elevations (drawing no: 1000900); Ecological Walkover Survey Report (424.03643.00010 dated March 2014); Landscape and Visual Impact Assessment (dated December 2013); Noise Impact Assessment (Ref: 1632 Papplewick Wind Turbine); Shadow Flicker Assessment (Project L MAR 064); Technical and Operational Assessment (NAT ref: W(F) 18624); Volume 1 - The Planning Statement (dated April 2014); Planning Supporting Statement Addendum - Green Belt Special Circumstances Justification (August 2014); Supplementary Nightjar and Woodlark Report (SLR ref: 424.03643.00010 August 2014); and Further Detail with Respect to Very Special Circumstances (02.11.2014).
4. Before development hereby approved is first commenced, precise details and elevations of the proposed substation housing shall be submitted to and approved in writing by the Borough Council. The substation shall have the following parameters: No wider than 3.5 metres, no longer than 6.5 metres, and it shall have a ridge height no more than 3 metres. The development shall be implemented in accordance with the written approval.
5. Before the development hereby approved is commenced, and any associated materials transported to the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Borough Council. The Plan shall include the following: (i) A comprehensive study of the agreed delivery route to the application site including identification of the route where highway accommodation works will be required including the clearance of any vegetation and removal of street furniture; (ii) A schedule indicating the time for off peak construction deliveries; (iii) Details of measures to be taken to manage and control construction traffic on the agreed construction route and site access to include advance notification signage, abnormal load traffic warning signs and any temporary speed limits/traffic regulation orders; (iv) Details of measures to be taken to manage the proposed hedge and tree cutting including signage. (vi) details specifying how any damage caused by construction traffic to the highway along the agreed route shall be made good. The Construction Traffic Management Plan shall thereafter be implemented as approved prior to any construction works taking place on site and as required during the construction of the development.
6. Before the development hereby approved is commenced, and any associated materials transported to the site, precise details of

the hardstanding for construction traffic and details of improvements to the access track for the turbine delivery vehicles shall be provided in accordance with the plans to be first submitted to and approved in writing by the Borough Council. The hardstanding and servicing areas as approved shall thereafter be retained for the life of the development and decommissioned in accordance with details submitted under condition 19 of this approval.

7. Before the development hereby approved is commenced, a schedule of ecological site enhancement including hedgerow pruning works, shrub removal and bracken management shall be submitted to and approved in writing by the Borough Council (as indicated para 4.4 of the supplementary Nightjar and Woodlark Report SLR ref: 424.03643.00010). The schedule shall contain details of the works to be undertaken and a timescale for the works to be carried out. Ecological site enhancement works shall be completed in accordance with the approved schedule.
8. All construction work associated to the installation shall be undertaken outside of the bird-breeding season (March - September inclusive). Should works be carried out during this time, a suitably qualified ecologist shall be on site to survey for nesting birds, with a copy of the survey undertaken and any works required at the site to be submitted to and approved in writing by the Borough Council prior to the commencement of development at the site. Works shall be completed in accordance with the approved details.
9. Prior to the erection of the wind turbine, details of the colour finish of the turbine tower, nacelle and blades shall be submitted to and approved in writing by the Borough Council. Development shall thereafter be carried out in accordance with the approved details.
10. Prior to the erection of the substation, details of the colour and type of materials to be used for the external walls and roof shall be submitted to and approved in writing by the Borough Council. The size of the substation shall be in accordance with the parameters set out in condition 4 above. Development shall thereafter be carried out in accordance with the approved details.
11. Before development hereby approved is first commenced, precise details, including depths of the proposed wind turbine foundations to be constructed shall be submitted to and approved in writing by the Borough Council. The foundations as approved shall thereafter be retained for the life of the development and decommissioned in accordance with details submitted under condition 19 of this approval.

12. All cables within the development site from the turbine to the substation shall be set underground.
13. Prior to the first export date, a scheme providing a protocol for the investigation and alleviation of any electro-magnetic interference to terrestrial television caused by the operation of the wind turbine shall be submitted to and approved in writing by the Borough Council. The protocol shall also include full contact details of who to contact in relation to the development should the Borough Council receive a complaint from a local resident within 12 months of the first export date. The protocol shall provide for the investigation by a qualified independent television engineer of any complaint of interference with television reception at a lawfully occupied dwelling (defined for the purposes of this condition as a building within Use Class C3 and C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission, where such complaint is notified to the developer by the Borough Council within 12 months of the first export date. Where impairment is determined by the qualified television engineer to be attributable to the development, mitigation works shall be carried out in accordance with the protocol which has been approved in writing by the Borough Council
14. The Applicant must notify East Midlands Airport in writing that the wind turbine is in operation. This shall be done within 1 month, of the turbine commencing operation and the Borough Council shall be sent a copy of the notification made to East Midlands Airport.
15. The rating level of noise from the wind turbine (including the application of any tonal penalty) when calculated in accordance with the method described in the guidance document 'ETSU-R-97: The Assessment and Rating of Noise from Wind Farms' shall not exceed 35dBa for daytime and 43dBA for night time at nearby dwellings. At Barracks Farm the upper level of 36.5dBa daytime shall not be exceeded.
16. Within 28 days from the receipt of a written request from the Borough Council, following a substantiated complaint to it, the wind turbine operator shall, at its expense, employ an independent consultant approved by the Borough Council to assess the level of noise generated by the wind turbine, following the method described in ETSU-R-97 referred to in condition 14. Within 60 days of appointing the independent consultant, unless agreed otherwise in writing with the LPA, the ETSU-R-97 noise assessment shall be completed and submitted to the Borough Council. Prior to the commencement of the noise measurement and assessment the monitoring locations shall be agreed in writing with the Borough Council. If wind turbine Noise levels are measured and found to exceed those levels set out in Condition 14 the necessary corrective action should taken within 30 days to

reduce the levels to those set out in condition 14 and further noise assessment carried out to ensure compliance with condition 14. Copies of the results on noise assessments made after remedial action has been taken should also be submitted to the Borough Council. A complaint shall be considered 'substantiated' where the Borough Council has conducted a preliminary investigation and taken into consideration the data requested as per condition 11 and judged that the complaint warrants further investigation by the operator to demonstrate that the noise limits are not being breached.

17. The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1 (d) of ETSU-R-97. These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1 (e) to the Borough Council on its request, within 14 days of receipt in writing of such a request.
18. If the wind turbine hereby approved ceases to operate for a continuous period of 6 months unless otherwise approved in writing by the Borough Council, a scheme for the decommissioning and removal of the wind turbine and any other ancillary equipment, including a timetable for its removal, shall be submitted to and approved in writing by the Borough Council, within 3 months of the end of the 6 month cessation period. The approved scheme shall thereafter be implemented in accordance with the approved details.
19. Prior to the decommissioning of the site a scheme setting out a programme of works required to undertake decommissioning works, together with details of any access widening required, alteration to junctions, details of the abnormal load routes together with details of how any required off-site traffic management measures along the proposed route of decommissioning traffic, details of how the site shall be restored and landscaped once structures have been removed and a schedule of works required and timescales for undertaking the restoration shall be submitted to and approved in writing by the Borough Council. The site shall be decommissioned in accordance with the approved details.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. This is a temporary permission and condition 2 is attached for the avoidance of doubt.

3. For the avoidance of doubt.
4. For the avoidance of doubt.
5. In the interests of highway safety
6. For the avoidance of doubt.
7. To safeguard the appearance of the site
8. In order to safeguard the local bird population.
9. To ensure that the precise details of the turbine are defined in order for the Borough Council to control the nature of the development
10. To ensure that the precise details of the substation are defined in order for the Borough Council to control the nature of the development
11. To ensure that the precise details of the turbine are defined in order for the Borough Council to control the nature of the development
12. To safeguard the appearance of the site
13. To ensure that any adverse impacts on terrestrial television reception in the area is appropriately mitigated
14. To ensure that East Midlands Airport are advised that the turbine has commenced operation
15. In order to safeguard the aural amenity of the site and neighbouring residential properties.
16. In order to safeguard the aural amenity of the site and neighbouring residential properties.
17. To enable the Borough Council to monitor noise impacts and to monitor against condition 18.
18. To ensure that the site is decommissioned appropriately should the turbine cease to operate for a continuous period of 6 months.
19. To ensure that when the site ceases operation at the time stated within condition 2 above that decommissioning works take place in an appropriate manner and that the site is restored to a suitable condition.

#### **Reasons for Decision**



Paragraph 98 of the NPPF advises that when determining planning applications for renewable energy schemes, local planning authorities should approve the application if its impacts are, or can be made acceptable. In the opinion of the Borough Council it has been demonstrated that the impacts of the proposal are acceptable.

### **Notes to Applicant**

There is an international civil aviation requirement for all structures of 300 feet (91.4 metres) or more to be charted on aeronautical charts. In the interests of Aviation safety, the Civil Aviation Authority requests that any feature/structure 70 feet in height, or greater, above ground level is notified to the Defence Geographic, including location(s) height(s) and lighting status of the feature/structure, the estimated and actual dates of construction and the maximum height of any construction equipment to be used, at least 6 weeks prior to the start of construction to allow for the appropriate notification to the relevant aviation communities.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

### **245 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 7.40 pm

Signed by Chair:  
Date:

This page is intentionally left blank

## **MINUTES ENVIRONMENT AND LICENSING COMMITTEE**

**Tuesday 9 December 2014**

Councillor Marje Paling (Chair)

Present: Councillor Meredith Lawrence Councillor Cheryl Hewlett  
Councillor Bruce Andrews Councillor Mike Hope  
Councillor Sandra Barnes Councillor John Parr  
Councillor Nicki Brooks Councillor Stephen Poole  
Councillor Roxanne Ellis

Absent: Councillor Tony Gillam, Councillor Gary Gregory,  
Councillor Barbara Miller and Councillor Carol Pepper

Officers in Attendance: P Gibbs and D Blasdale

### **146 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies were received from Councillors Gregory, Miller and Pepper.

### **147 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 25 NOVEMBER 2014.**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record, subject to the following amendment:

1. That Councillor Barnes be marked as absent with apologies.

### **148 DECLARATION OF INTERESTS.**

None.

### **149 ADVERTISING ON LICENSED VEHICLES - DOOR PANELS**

Consideration was given to a report of the Corporate Director, which had been circulated prior to the meeting, detailing a request made by Albatross Cars to display additional material on their vehicles door panels.

#### **RESOLVED:**

To approve the request from Albatross Cars to display the slogan "Voted Derbyshire's best taxi firm by the people Derby Telegraph 2014", as shown on the proposed sign.

**150 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

**151 EXCLUSION OF THE PRESS AND PUBLIC.**

**RESOLVED:**

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

**152 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - RIA**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from RIA.

RIA attended the meeting, accompanied by a friend/interpreter, and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines and took into consideration the circumstances of the event. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To approve RIA's application for a Hackney Carriage/Private Hire Driver's Licence.

**153 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - MH**

MH did not attend the meeting.

**RESOLVED:**

To treat the application from MH as withdrawn as a result of a failure to

attend Committee on two occasions.

**154 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - MF**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from MF.

MF attended the meeting, accompanied by his wife, and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines and took into consideration the circumstances of the event. On the basis of what it heard, the Committee was satisfied on balance that exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To approve MF's application for a Hackney Carriage/Private Hire Driver's Licence.

Councillor Ellis entered the meeting.

**155 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - MHA**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from MHA.

MHA attended the meeting, accompanied by a friend, and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines and took into consideration the circumstances of the event. On the basis of what it heard, the Committee was satisfied on balance that exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To approve MHA's application for a Hackney Carriage/Private Hire Driver's Licence.

**156 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE**

## **HIRE DRIVERS LICENCE - MA**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from MA.

MA attended the meeting accompanied by his wife who addressed the Committee on his behalf.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

### **RESOLVED:**

To refuse MA's application for a Hackney Carriage/Private Hire Driver's Licence on the grounds that he is not a fit and proper person.

MA was advised of his right to appeal against the decision of the Committee.

## **157 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - MN**

MN did not attend the meeting.

### **RESOLVED:**

To treat the application from MN as withdrawn as a result of a failure to attend Committee on two occasions.

## **158 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - CBA**

CBA did not attend the meeting.

### **RESOLVED:**

To treat the application from CBA as withdrawn as a result of a failure to attend Committee on two occasions.

## **159 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - MU**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private

Hire Driver's Licence from MU.

MU attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines and took into consideration the circumstances of the event. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To approve MU's application for a Hackney Carriage/Private Hire Driver's Licence, with a warning as to the necessary consequences of any further convictions or appearances before committee.

The meeting finished at 6.45 pm

Signed by Chair:  
Date:

This page is intentionally left blank



## **MINUTES PLANNING COMMITTEE**

**Wednesday 10 December 2014**

Councillor John Truscott (Chair)

In Attendance:      Councillor Barbara Miller      Councillor Cheryl Hewlett  
                         Councillor Pauline Allan      Councillor Jenny Hollingsworth  
                         Councillor Roy Allan      Councillor Mike Hope  
                         Councillor Peter Barnes      Councillor Meredith Lawrence  
                         Councillor Chris Barnfather      Councillor Marje Paling  
                         Councillor Alan Bexon      Councillor Lynda Pearson  
                         Councillor John Boot      Councillor Colin Powell  
                         Councillor Ged Clarke      Councillor Suzanne Prew-Smith  
                         Councillor Bob Collis

Absent:                      Councillor Denis Beeston MBE and Councillor  
   Andrew Ellwood

Officers in Attendance:      P Baguley, L Parnell, B Pearson and F Whyley

### **246              APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillors Beeston MBE and Ellwood.

### **247              TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETINGS HELD ON 19 NOVEMBER 2014 AND 27 NOVEMBER 2014.**

#### **RESOLVED:**

That the minutes of the above meetings, having been circulated, be approved as a correct record, subject to the following amendment:

1. That Councillor Barnfather be marked as present at the meeting on 19 November 2014.

### **248              DECLARATION OF INTERESTS**

None.

### **249              APPLICATION NO. 2014/0916 - GEDLING HOUSE, WOOD LANE, GEDLING.**

Partial demolition and rebuilding of garden wall.

The Service Manager, Planning and Economic Delivery, introduced the application and informed Members of one late response received from the 20<sup>th</sup> Century Society who did not wish to comment on the application.

Mr Alan Bishop of the Homes and Communities Agency spoke in favour of the application, as the applicant.

**RESOLVED to GRANT LISTED BUILDING CONSENT subject to the following conditions:**

**Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the approved plan (Drawing annotated Fig 3).
3. The partial demolition and rebuilding of the garden wall to which this application relates shall only be carried out on the commencement of Phase 2 of the Gedling Access Road (as defined by planning application 2014/0915).
4. Prior to the partial demolition and rebuilding of the garden wall for Gedling House, a full recording of the existing wall along with a written specification and method statement for its demolition and precise details of the location and materials for the erection of the proposed new wall together with a programme of works and a timetable for the construction of the new wall shall be submitted in writing to and approved in writing by the Borough Council. The scope of mitigation must include a comprehensive scheme of repair of the garden wall in addition to the basic re-building of the demolished east wall. The new wall shall be implemented in accordance with the approved details and shall be retained thereafter.

**Reasons**

1. In order to comply with Section 18 of the Listed Building and Conservation Areas Act 1990.
2. For the avoidance of doubt.
3. To avoid unnecessary demolition.
4. To ensure that an accurate record of the historic building is retained and that the mitigation works are in accordance with the aims of the National Planning Policy Framework.

## **Reasons for Decision**

In the opinion of the Borough Council the proposed partial demolition and rebuilding of the garden wall will result in no undue impact on the character or historic fabric of the Listed Building, Gedling House, and will not have any material impact on the amenities of neighbouring properties. The application is therefore in accordance with the National Planning Policy Framework (2012) and Policy 11 of the Gedling Borough Aligned Core Strategy (September 2014).

## **Notes to Applicant**

This consent should be read in conjunction with the corresponding application relating to the Gedling Access Road (application no. 2014/0915).

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the Listed Building Consent. This has been achieved by providing the applicant and agent with details of consultation responses, seeking additional information or drawings in response to issues raised and providing updates on the application's progress.

### **250 PLANNING DELEGATION PANEL ACTION SHEETS**

#### **RESOLVED:**

To note the information.

### **251 FUTURE PLANNING APPLICATIONS**

#### **RESOLVED:**

To note the information.

### **252 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.**

That Chair announced that Bev Pearson, Senior Planning Officer, would be leaving the Authority and wished her all the best in her new position.

The meeting finished at 6.15 pm

Signed by Chair:  
Date:

This page is intentionally left blank

## **MINUTES OVERVIEW AND SCRUTINY COMMITTEE**

**Monday 15 December 2014**

Councillor Mike Hope (Chair)

Councillor Gary Gregory	Councillor Colin Powell
Councillor Patricia Andrews	Councillor Suzanne Prew-Smith
Councillor Sandra Barnes	Councillor Nick Quilty
Councillor Paul Feeney	Councillor John Truscott
Councillor Cheryl Hewlett	Councillor Michael Payne
Councillor Paul Hughes	

Apologies for absence: Councillor Lynda Pearson and Councillor Stephen Poole

Officers in Attendance: J Ansell, S Bray, D Wakelin, A Callingham and D Jayne

Guests in Attendance Paddy Tipping (Nottinghamshire Police and Crime Commissioner) and Tim Wendels (Nottinghamshire Police)

### **59 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Councillor Colin Powell and Councillor Suzanne Prew-Smith

### **60 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 29 SEPTEMBER 2014.**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record and signed by the Chair.

### **61 DECLARATION OF INTERESTS.**

None

### **62 PORTFOLIO HOLDER HOLDING TO ACCOUNT AND QUARTER 2 PERFORMANCE**

#### **1. Rolling Programme of Portfolio Holder Holding to Account**

The Chair welcomed Councillor Michael Payne, Deputy Leader and

Portfolio Holder for Communications and Public Protection, Paddy Tipping Police and Crime Commissioner, Tim Wendels, Head of Estates, Nottinghamshire Police and Council officers, and invited Councillor Payne to present an overview of the crime reduction and community safety element of his portfolio, with specific reference to the PCC Policing Plan and the proposed closure of Carlton Police Station. Members had also requested an update on customer satisfaction.

Councillor Payne circulated a briefing note detailing the customer service highlights of 2014/15, including co location arrangements with Jobcentre Plus in the Customer Services Centre, the new Self Service Payment Kiosk, as well as feedback from the Gedling Conversation and recent Mystery Shopping exercise, customer satisfaction data including formal compliments and complaints. There had been a slight reduction in the number of formal complaints upheld between April and November 2014 against the two comparative years.

Councillor Payne then presented the following overview of the Councils Community Safety work:

#### **Partnership context**

- Gedling is part of South Nottinghamshire Community Safety Partnership (SNCSP) working in partnership with Broxtowe and Rushcliffe
- SNCSP represented on Safer Nottinghamshire Board
- Local governance; Domestic Violence Executive and Delivery Group, Partnership Plus, Vulnerable Persons and ASB Group, Locality Group

#### **Overview; Levels of Crime**

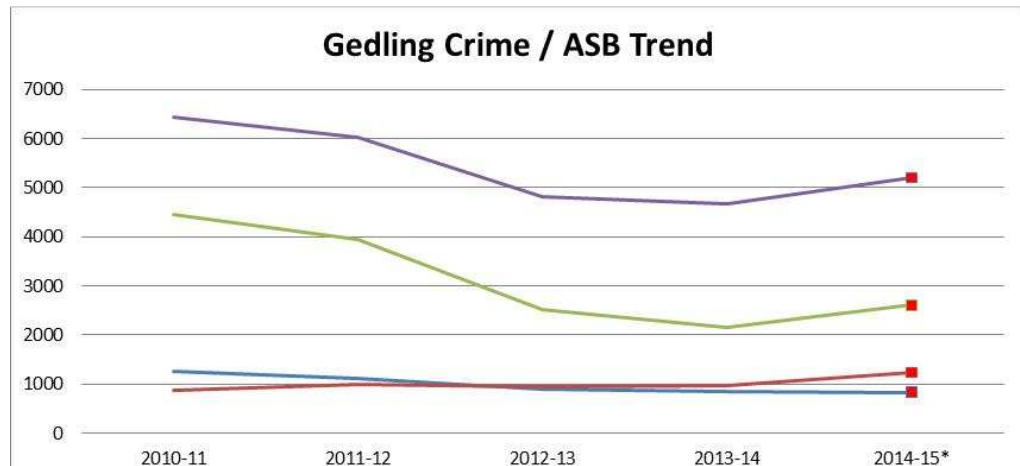
- All recorded crime; 7.6% increase, equates to 246 more offences
- House burglary; 7.5% decrease, equates to 18 less offences
- Car crime; 10.3% increase, equates to 27 more offences
- Robbery; 44.6% decrease, equates to 33 less offences
- Violence; with injury increase of 27.5%, 100 more offences and violence without injury increase of 33.7%, 91 more offences
- Shop theft is an emerging issue, new retail premises

#### **Overview; Levels of Anti-social Behaviour**

- All recorded ASB; 12.2% increase, equates to 189 more incidents
- Top wards by volume; St Marys, Daybrook, Netherfield and Colwick, Bonington and Carlton

- Top wards % increase compared to previous year; Killisick, Carlton Hill, St Marys, Valley and Bonington
- Killisick, St Marys and Valley increases largely down to single address / location, partnership plans are in place

(The figures above are for the period April to November 2014 compared to the same months in 2013).



- Anti-social Behaviour Police and Crime Act – October 2014
- Joined up approach across Nottinghamshire and Nottingham City
- Previously 19 powers, including ASBO, now 6 powers including Community Trigger
- Systems and processes all in place

### Supporting Families (troubled families)

- Phase 1 ends April 2015
- Phase 2 is an enhanced programme for 5 years
- From April 2015 Supporting Families will be part of a new structure within County – Family Resilience Service (working title only) for 0-19 year olds
- Steering Group working on new criteria against 6 “headline problems” seeking to engage and turn around 5000 families in Nottinghamshire

### Supporting Families Headline Problems

1. Parents or Children involved in crime or anti-social behaviour

2. Children who have not been attending school regularly
3. Children who need help
4. Adults out of work or at risk of financial exclusion and young people at risk of worklessness
5. Families affected by domestic violence and abuse
6. Parents and children with a range of health problems

These 6 Headline Problems are broken down into 28 sub criteria:

### **Gedling CCTV**

- 67 cameras across Gedling Borough
- Town Centres; Arnold, Carlton, Mapperley and Netherfield
- Jubilee Deport 5 cameras
- Arnot Hill Park 10 cameras
- Leisure centres 6 cameras
- Ravenshead Leisure Centre 3 cameras
- Planning under way for cameras in Newstead and Calverton

### **Partner Relationships**

- Supporting Families
- Nottingham North and East Clinical Commissioning Group
- Connecting Communities (C2)
- Neighbourhood Policing Inspectors
- Gedling Homes and other housing providers
- Wider community safety issues including Dementia Awareness and Loneliness

### **Borough Resources to Community Safety**

- Chair SNCSP Executive Group – Corporate Director
- Community Safety & Safeguarding Manager – 50% of post
- Service Manager Public Protection – 25% of post
- Community Protection Manager – 40% of post



- Community Safety Co-ordinator – part time post 3 days per week
- Anti-social Behaviour Co-ordinator – full time post
- Neighbourhood Wardens – 30% of 5 full time posts
- CCTV and Radio - £110,000 / year budget

The portfolio holder paid tribute to work going on across the borough to address the fear of crime, including the Dementia Friends and Loneliness campaigns.

In conclusion, Councillor Payne acknowledged recent increases in crime and ASB and the impact of the current financial situation and paid tribute to the hard work of Council Officers, the lead role undertaken by the Chief Executive in respect of Domestic Violence and the positive cooperation of partners including Notts Police, the office of the Police and Crime Commissioner and those representatives working with priority neighbourhoods in the Gedling Localities, and offered Members the opportunity to tour the new customer service facilities and the CCTV suite.

The Chair thanked Councillor Payne for his presentation, and invited Members to put questions to the Portfolio Holder and Police and Crime commissioner, to include those questions submitted in advance.

### **Members questions**

#### **Advance question from Councillor Parr:**

During the past two years or so we have had installed CCTV around the borough. I wonder how effective this has been in

- deterring traffic offences along Front street, Arnold?
- helping minimise incidents alongside B&Q in Daybrook?

A regular report relating to these assets would, I feel, be most welcome - in particular to the business community.

In response Cllr Payne explained that there is a need to watch safety in public places in order to 'design out' crime. Cameras had been provided to Ravenshead Parish Council and there are plans for a camera in Newstead and Calverton. He reported however that the Secretary of State has directed against use of CCTV to address traffic offences, and the cameras in Gedling had never been used for that purpose.

The Police and Crime Commissioner added that due to financial pressures and subject to consensus between authorities the Chief Constable is proposing the centralisation of all CCTV at Sherwood Lodge, giving the potential to link up CCTV footage between the city and

districts and to modernise the equipment and surveillance approach. A bid will be made to the Home Office in 2015 for a joint CCTV strategy.

The Police and Crime Commissioner informed Members about recent work undertaken by his office, including a review of Priority Plus areas to be considered by the Safer Nottinghamshire Board in January which highlights some positive outcomes and some areas for improvement.

Whilst crime trends generally are still at the lowest point for 30 years, nevertheless last year, 12 out of 43 forces across the country had a slight increase in crime, and figures up to September this year show a slight increase on the previous year. Specific increases in shop theft, sexual abuse including historical abuse are to be welcomed as they indicate greater public confidence in reporting these crimes.

**Advance question from Councillor Feeney:**

**Re: Proposals to close Carlton Police Station**

Would it not be better to keep Oxclose Lane and Carlton police station open and close Arnold in order to save money with regard to running costs as this would surely provide a more efficient balance of resources and give easier access to police services for both sides of the borough?

- What is the business case for moving the computer servers, custody and ID suite from Carlton to other locations?
- If this building is closed for police use, who will occupy it and what other users for this building have been identified?

**Advance question from Councillor Gregory**

I understand that a feasibility study was undertaken to establish the viability of putting co-locating partner organisations into Carlton Police Station to keep it open. What was the cost implication of that proposal?

The Police and Crime Commissioner gave the following response to the above two questions:

Looking at the sequence of events in respect of proposals to close Carlton and Arnold Police Stations, following consultation the Commissioner has been made aware of the public protest about Carlton station and acknowledged these concerns.

Arnold had been non – contentious, the proposal being to close Arnold station, move the entire staff team to the Home Brewery building and to provide a front counter service at the Civic Centre directly link to the Home Brewery team. Tim Wendels reported a delay in the timetable due to ongoing negotiations with the County Council.

In respect of the Carlton station, the Commissioner reported that the Police Service has had to make savings of £42m, with a further savings target of £12.7m by 31<sup>st</sup> March. Subject to a provisional settlement expected before Christmas, a potential further saving of £10m will be expected in 2015/16. It is estimated that over a 10 year period up to 50% of Police Service funding will be lost.

The rationale for closing Carlton Police Station is that the building is not fit for purpose. The facility is too big, with features that are no longer used due to changes in the way that policing is conducted. The cost of maintaining the building is £200k per annum, and the Police Service must find £2.8m from its estates budget over the next 2 years.

In response to local consultation and in the light of community concerns, the Commissioner has given an undertaking that the Carlton Police Station will not be closed until an alternative location for the service in the Carlton area has been established.

Councillor Payne confirmed that Gedling BC has been active in brokering discussions with partners including Notts County Council in respect of alternative venues and a possible partnership hub. Carlton Library and the East Midlands Ambulance Service have been considered along with the empty shops in Carlton Square, with a rental arrangement being an option. It will be important to relocate to the right building to enable a counter service.

Members raised the need for a service close to Netherfield and Colwick. The Commissioner confirmed that Netherfield is a priority area for policing, and that future services might well be located closer to that area.

Members expressed concerns about the future of the Carlton Police Station building once it is closed and the danger that it will add to the general dereliction evident in Carlton Square. The Commissioner confirmed that the building will be sold.

Members discussed the need for comprehensive development of the Carlton Square area, which it was generally agreed could potentially be achieved with intensive partnership working over a five year period.

Finding a new location is heavily dependent on successful negotiation with partners, which are ongoing, and an assurance has been given to keep the current station open until these discussions come to fruition. There is scope for a One Stop Shop in Carlton.

Members raised concern about levels of policing in rural areas, which had reduced in terms of locally based personnel in some rural areas in Gedling, and asked whether response times had increased as a result. The Commissioner confirmed that response targets in rural areas were being met, and made the point that in reality 25% of crime is committed

in 5 wards in the City, whilst some parts of the wider County have virtually no crime. The Commissioner highlighted a range of regionally coordinated services which are equally provided to both rural and urban areas. Members were also informed that the Chief Constable would be announcing a Rural Policing Pledge in the January budget announcement. The Commissioner explained that people want to see more police on the streets, and Nottinghamshire is one of only 5 forces in the country which is still recruiting PCSO's and Police Officers.

In closing the discussion, The Portfolio Holder explained that everyone doing a job at Gedling Borough Council has a responsibility to keep residents safe by remaining alert to vulnerable people and suspicious incidents whilst out and about in the Borough, and cited a number of examples of effective intervention.

## **2 Quarter 2 2014 Performance Review**

Stephen Bray, Corporate Director, provided Members with the Quarter 2 Performance information.

### **Summary**

18 out of 27 indicators are on target, particularly housing, benefits and improvements in planning performance.

Recycling has topped 40% for the first time (target 41%)

The main area for alert is recorded Crime which has increased

59 out of 60 actions are either on target or completed

1 target in respect of the Community Infrastructure Levy was changed at Cabinet, however is now back on track against the original target.

Members were pleased with the amnesty on the collection of bulky items and the ability to give such items to the Archway Project.

Members were concerned that the delivery of affordable homes is still showing red, and raised the importance of maximising opportunities for Gedling Homes to bid for properties in new developments.

The Corporate Director confirmed that the Council is currently working to a model which actively involves a number of social housing providers in bidding for properties from developers. The model assesses the viability of social housing – properties must be of the right type and located in the right place. The Council must find 60 affordable homes year on year.

The aim this year is to secure a total of 60 units at the Grove site, in Carlton and on Dunston Street in Netherfield, using a combination of HCA, GBC Commuted sums and monies from registered social

landlords.

The issue of social housing is a priority going forward, especially for older people.

### **3 2014/15 Programme of Portfolio Holder Attendance**

Members were informed that the current programme of Portfolio Holder attendance has completed, however there are two more meetings remaining in 2014/15. It was proposed that Councillor Wheeler, Portfolio Holder for Health and Housing be invited to the meeting on 11<sup>th</sup> February, to take questions on the following areas of his Portfolio:

- Housing and council tax benefits
- Housing Strategy
- Safeguarding

#### **RESOLVED to:**

- i. Thank the Portfolio Holder, Public Protection and Communications, the Police and Crime Commissioner and other guests for their attendance.
- ii. Note the Quarter 2 performance information and further information provided on the Quarter 1 information.
- iii. Agree the attendance of the Portfolio Holder, Health and Housing at the Overview and Scrutiny Committee meeting on Wednesday 11th February.

**63**

### **SCRUTINY WORK PROGRAMME 2014/15**

The Chair reported that two of the three in-depth Scrutiny working groups nominated this year had now concluded their deliberations, and invited Members to comment on the final reports and recommendations.

A revised Homelessness and Hardship report taking account of final amendments proposed by the working group chair was circulated at the meeting.

The Transport Links to and within Gedling Borough review will be concluded by the end of the financial year.

#### **Follow up on completed reviews**

Members considered the response to a follow up request of progress on the agreed recommendations of the Inclusion and Equality in – depth review.

**RESOLVED:**

- i. To approve the final reports and recommendations of the Reducing Unemployment in the Borough and Homelessness and Hardship reviews and refer them both to the Cabinet meeting on Thursday 8<sup>th</sup> January, requesting a response from the Portfolio Holder within 28 days.
- ii. To note the response received to the 6 month follow up on the agreed recommendations of the Inclusion and Equality review.

64

**ITEMS REFERRED TO THE CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE AS REQUIRED UNDER THE CONSTITUTION OR LAW.**

Members considered the standing report detailing items referred to the Chair of Overview and Scrutiny Committee under the Constitution or Law, including a late item tabled by the Chair at the meeting, as follows:

- 1. Items referred to the Chair of Overview and Scrutiny Committee under Contract Standing orders and Standing orders for dealing with Land.**
  - i) Notifications received where it has not been possible to obtain 3 quotations for a contract estimated to be between £10,000 and £50,000.**
    - Contract for Council to represent GBC at the Court of Appeal in the matter of Gedling Borough Council / Westerleigh –v- Timmins/AW Lymn.
  - ii) Notification of decision to dispose of land or property other than the sale of council houses to sitting tenants pursuant to the right to buy.**
    - Proposal for the future sale of land at Teal Close, Netherfield without using the tender process as defined in the Standing Orders for Dealings with Land.

Members requested further information to be circulated to all Scrutiny Committee Members on the item above.

- Proposal for sale of part of the unused long stay element of Carlton Square Car Park.
- Late item: Sale of land adjacent to proposed Lidl supermarket at Daybrook

## **2. Items referred to Scrutiny under the Budget and Policy Framework**

- None received

## **3. Items where the Executive proposes to take a key decision without it being published (on the Forward Plan) for at least 28 days. (New Local Authorities Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.**

- None received

### **RESOLVED:**

to note the report and request further information on the Teal Close item

## **65 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 7.50 pm

Signed by Chair:  
Date:

This page is intentionally left blank



## **MINUTES APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE**

**Wednesday 17 December 2014**

Councillor John Clarke (Chair)

Councillor Chris Barnfather  
Councillor Bob Collis  
Councillor Marje Paling

Councillor Michael Payne  
Councillor Colin Powell  
Councillor Roxanne Ellis

Apologies for absence: Councillor Muriel Weisz

Officers in Attendance: D Archer, H Barrington, D Wakelin and A Dubberley

### **22 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillor Weisz with Councillor Roxanne Ellis attending as substitute.

### **23 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 13 MARCH 2014.**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

### **24 DECLARATION OF INTERESTS.**

None.

### **25 THE COUNCIL'S SMOKING POLICY**

Dave Wakelin, Corporate Director, introduced the proposed new Smoking Policy which, he explained had been considered by the Joint Consultative and Safety Committee and their comments, together with a final draft were presented to the Committee for adoption.

#### **RESOLVED:**

To defer consideration of the report until the Committee has the benefit of the views of the cross-party working group set up to develop an action plan for the Council following the signing of the Nottinghamshire Tobacco Control Declaration.

**PAY POLICY STATEMENT 2015/16**

The Service Manager, Organisational Development, presented a report, which had been circulated prior to the meeting, outlining a proposal for the Gedling Borough Council Pay Policy Statement 2015-16.

**RESOLVED to:**

- 1) Approve the proposed Pay Policy Statement and method of implementation and further recommend its referral to, and adoption by, Council for subsequent publication on the Gedling Borough Council website.
- 2) Note the pay differential with other neighbouring local authorities and to ask officers to bring forward recommendations relating to pay and reward to address this potential threat.

The meeting finished at 5.05 pm

Signed by Chair:  
Date:

## **MINUTES CABINET**

**Thursday 18 December 2014**

Councillor John Clarke (Chair)

Councillor Michael Payne  
Councillor Peter Barnes

Councillor Darrell Pulk

Observers: Councillor Chris Barnfather and Councillor Paul Hughes

Absent: Councillor Kathryn Fox and Councillor Henry Wheeler

Officers in Attendance: J Robinson, H Barrington, S Bray, A Dubberley, J Gray, L Juby, M Kimberley and D Wakelin

**179 APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors Fox and Wheeler.

**180 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 13 NOVEMBER 2014.**

**RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

**181 DECLARATION OF INTERESTS.**

None

**182 SUSTAINABILITY PROGRESS REVIEW**

Stephen Bray, Corporate Director, presented a report which had been circulated prior to the meeting, giving an update on work being done around the council on sustainability.

**RESOLVED to:**

- 1) Note progress with delivery of the Sustainability Strategy and Action Plan;

- 2) Agree that future work on sustainability is encompassed in the Gedling Plan and relevant Service Plans, with any continuing high-level targets incorporated in the Gedling Plan; and
- 3) Manage future sustainability performance through established performance management mechanisms, with any target changes to be put forward for member consideration through quarterly performance review processes.

**183            LOCALITY PLANS UPDATE AND KILLISICK DELIVERY PLAN.**

Dave Wakelin, Corporate Director introduced a report, which had been circulated prior to the meeting, updating Cabinet on locality plan progress in Netherfield and Newstead and introducing a new plan for Killisick. Lance Juby, Service Manager for Community Relations, highlighted some of the key points in the plans.

All Members paid tribute to the work of the Locality Coordinators who were doing excellent work to building stronger communities in their areas.

**RESOLVED to:**

- 1) Note the progress report for the Netherfield and Newstead Locality Plans
- 2) Endorse the Killisick Delivery Plan
- 3) Note the Public Realm Survey and schedule of improvements for consultation across Netherfield.

**184            FIVE YEAR HOUSING LAND SUPPLY ASSESSMENT 2014**

Stephen Bray, Corporate Director, introduced a report which had been circulated prior to the meeting, giving information about the Council's five year land supply.

**RESOLVED:**

To note the report.

**185            FORWARD PLAN**

Consideration was given to a report of the Service Manager, Elections and Members' Services, which had been circulated prior to the meeting, detailing the Executive's draft Forward Plan for the next four month period.

**RESOLVED:**

To note the report.

186

## **PROGRESS REPORTS FROM PORTFOLIO HOLDERS.**

### **Councillor Peter Barnes (Environment)**

- Congratulations to the Parks and Street Care Team who were awarded the most improved street cleaning team at the APSE awards. The team were also finalists in the Best Performing Street Care Team category.
- Work on improving measures to combat flooding in the Arnold area was progressing well.
- Work on the new Gedling Country Park was also progressing well and on schedule.

### **Councillor Darrell Pulk (Leisure and Development)**

- Congratulations to Calverton Leisure Centre which was a finalist in the best small leisure centre category at the APSE awards. Congratulations also to the Community Centres team who had been shortlisted as finalist for the Burton Road Centre and won the prize for Pondhills Centre as the most improved community centre.
- Work was ongoing to examine the council's leisure offer in the context of affordability versus service level.

### **Councillor Michael Payne (Public Protection and Communications)**

- Thanks to the team in Customer Services for the excellent work done over the past year including taking approximately 250,000 telephone calls, seeing 20,000 customers face to face and dealing very professionally with the increased footfall caused by the co-location of the Arnold Job Centre. Customer satisfaction with the service had also been consistently high.
- The cash office had recently been replaced by an automated pay point which although not initially popular, was necessary to save the council money.
- Concern remained over the plans to close Carlton Police Station. Work was still ongoing, led by the Chief Executive, to identify measures to ensure a continued police presence in the area.

### **Councillor Clarke shared the following from Councillor Henry Wheeler's (Health and Housing) portfolio area:**

- He was supportive of a campaign to give landlords greater flexibility to carry out vital gas safety work in properties.

- Barnardos has released a protocol to assist young people when leaving local authority care
- Demand for service in relation to from the homelessness and temporary housing remained high.

**Councillor John Clarke (Finance and Performance)**

- Lots had been happening recently in Economic Development with discussions still ongoing for the creation of a combined authority.
- A letter of thanks from a Borough resident praising the good services on offer in Gedling was read out. All staff were thanked for their efforts.

**187 MEMBER'S QUESTIONS TO PORTFOLIO HOLDERS.**

In response to a question from Councillor Barnfather, Councillor Payne advised that he would provide a written response on how funding for Christmas lightning was allocated across the whole area.

**188 ANY OTHER ITEMS THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 1.55 pm

Signed by Chair:  
Date:

## **MINUTES PLANNING COMMITTEE**

**Wednesday 7 January 2015**

Councillor John Truscott (Chair)

In Attendance:	Councillor Barbara Miller	Councillor Andrew Ellwood
	Councillor Pauline Allan	Councillor Cheryl Hewlett
	Councillor Roy Allan	Councillor Jenny Hollingsworth
	Councillor Peter Barnes	Councillor Meredith Lawrence
	Councillor Chris Barnfather	Councillor Lynda Pearson
	Councillor Ged Clarke	Councillor Suzanne Prew-Smith
	Councillor Bob Collis	

Absent: Councillor Denis Beeston MBE, Councillor Alan Bexon, Councillor John Boot, Councillor Mike Hope, Councillor Marje Paling and Councillor Colin Powell

Officers in Attendance: P Baguley, D Gray, L Mellors and L Sugden

### **253 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillors Bexon, Boot, Paling, and Powell.

### **254 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 10 DECEMBER 2014.**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

### **255 DECLARATION OF INTERESTS**

None.

### **256 APPLICATION NO. 2014/1149- LAND SURROUNDING 315 SPRING LANE, MAPPERLEY, NOTTINGHAMSHIRE**

Diversion of Carlton Footpath No.1 Mapperley. The footpath proceeding from a point SK6069 4451, to a point SK6102 44 59, identified by the bold continuous line on plan TWY007/LOCO3 C.

#### **RESOLVED:**

That Members Authorise the Council Solicitor and Monitoring Officer to make an order that Carlton footpath 1 be diverted in accordance with the plan submitted with the application.

**257 FIVE YEAR HOUSING LAND SUPPLY ASSESSMENT 2014**

Consideration was given to a report of the Planning Policy Manager that had been referred from Cabinet informing Members of the Borough's Five Year Housing Land Supply.

**RESOLVED:**

To note the report.

**258 PLANNING DELEGATION PANEL ACTION SHEETS**

**RESOLVED:**

To note the information.

**259 FUTURE PLANNING APPLICATIONS**

**RESOLVED:**

To note the information.

**260 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 6.15 pm

Signed by Chair:  
Date:



## DECISIONS MADE UNDER DELEGATED AUTHORITY

<b><u>Business</u></b>	<b><u>Summary</u></b>	<b><u>Ref.</u></b>	<b><u>Date</u></b>	<b><u>Portfolio</u></b>
Free Bulky Waste Collection Period ref: 267	To seek approval to undertake a free bulky waste collection service across the Borough in January and February 2015	D267	08/01/2015	Environment
Sale of land adjacent proposed Lidl supermarket at Daybrook	To seek approval to sell land off Mansfield Road to Lidl UK GmbH	D278	07/01/2015	Environment
Calculation of Council Tax Base for 2015/2016 ref: 277	To detail the Council Tax base as prescribed by legislation for the year 2015/2016.	D277	19/12/2014	Finance, Performance and Economic Development
Nottinghamshire Minerals Local Plan: Additional Consultation – Shelford West ref: 272	To inform the Portfolio Holder of a further consultation on the inclusion in the Minerals Local Plan of the sand and gravel site at Shelford West and that officers have responded on behalf of the Council.	D272	17/12/2014	Leisure and Development
Richard Herrod Boxing Day Opening ref: 273	To seek approval for opening The Richard Herrod Centre on Boxing Day 2014.	D273	12/12/2014	Leisure and Development
Report to Portfolio Holder to approve the Healthier Option Takeaways (HOT) scheme ref: 269	To seek support for the “HOT” scheme in relation to takeaways food outlets.	D269	10/12/2014	Health and Housing
Commissioning of Landscape and Visual Analysis of Proposed	To seek authorisation from the to transfer funds from the Local Development Framework in order to engage consultants to undertake the Landscape and Visual	D255	09/12/2014	Leisure and Development

Development Sites ref: 255	Analysis of potential development sites.			
Air Quality and Emissions Mitigation: Guidance for Developers ref: 259	To inform Portfolio Holder of the preparation of the Air Quality and Emissions Mitigation: Guidance for Developers and seek approval to use the Guidance in dealing with planning applications on an informal, voluntary basis.	D259	24/11/2014	Leisure and Development
Additional edition of Contacts magazine in 2015 ref: 250	To seek approval to produce a third edition of Contacts magazine in 2014/15.	D250	19/11/2014	Communications and Public Protection
Purchase of one new 4.5 Tonne Road Sweeper ref: 266	To seek approval to use the Eastern Shires Purchasing Organisation (ESPO) framework agreement for the purchase of a new 4.5 Tonne Road Sweeper.	D266	14/11/2014	Environment
Direct Debit Management Contract ref: 261	To seek approval to extend the current contract with Harlands Services Limited for Direct Debit collection and management of DNA monthly memberships	D261	13/11/2014	Finance, Performance and Economic Development
Sale of land at Carlton Square Car Park, Carlton and the making of a new Off Street Parking Places Order ref: 265	Report concerning the sale of Land at Carlton Square Car park and associated car parking changes	D265	10/11/2014	Environment