



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

Agenda

Cabinet

Date: **Thursday 30 July 2015**

Time: **12.30 pm**

Place: **Reception Room**

For any further information please contact:

Lyndsey Parnell

Senior Elections and Members' Services Officer

0115 901 3910

Cabinet

Membership

Chair Councillor John Clarke

Vice-Chair Councillor Michael Payne

Councillor Peter Barnes
Councillor David Ellis
Councillor Kathryn Fox
Councillor Jenny Hollingsworth
Councillor Henry Wheeler

Observers: Councillor Chris Barnfather

AGENDA

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- 1 **Apologies for Absence.**
- 2 **To approve, as a correct record, the minutes of the meeting held on 25 June 2015.** 5 - 10
- 3 **Declaration of Interests.**
- 4 **Quarterly Budget Monitoring, Performance Digest & Virement Report** 11 - 32
Report of the Senior Leadership Team.
- 5 **Prudential Code Indicator Monitoring 2015/16 and Quarterly Treasury Activity Report for Quarter ended 30 June 2015** 33 - 46
Report of the Corporate Director (Chief Financial Officer).
- 6 **Draft Community Asset Transfer Policy for Consultation** 47 - 74
- 7 **Consultation response to the Nottinghamshire County Council (NCC) Waste Reduction, Reuse, Recycling and Composting Plan 2015-16.** 75 - 108
Report of the Corporate Director.
- 8 **Regulation of Investigatory Powers Act 2000 (RIPA) Annual Audit and Policy Update** 109 - 130
Report of the Council Solicitor and Monitoring Officer.
- 9 **Review of complaints received by the Council and Annual Review Letter – Local Government Ombudsman 2014/15** 131 - 138
Report of the Council Solicitor and Monitoring Officer and Corporate Director (Chief Financial Officer).
- 10 **Scrutiny Report. Transport Links to, and within Gedling Borough.** 139 - 156
Report of Councillor Viv McCrossen, Chair of the Overview and Scrutiny Committee.
- 11 **Forward Plan** 157 - 160

Report of the Service Manager Elections and Members' Services.

- 12 **Progress Reports from Portfolio Holders.**
- 13 **Member's Questions to Portfolio Holders.**
- 14 **Any other items the Chair considers urgent.**

MINUTES CABINET

Thursday 25 June 2015

Councillor Michael Payne (Chair)

Councillor Peter Barnes
Councillor David Ellis
Councillor Kathryn Fox

Councillor Jenny Hollingsworth
Councillor Henry Wheeler

Observers: Councillor Alan Bexon

Absent: Councillor John Clarke and Councillor Chris Barnfather

Officers in Attendance: H Barrington, S Bray, M Kimberley, D Wakelin, P Baguley, A Gibson, S Palmer and A Dubberley

1 APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillor Clarke and Councillor Barnfather (observer) with Councillor Bexon attending in his place.

2 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 23 APRIL 2015.

RESOLVED:

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

3 DECLARATION OF INTERESTS.

None

4 ADOPTION OF THE GEDLING BOROUGH COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE

The Service Manager Planning introduced a report proposing that Cabinet approves the Gedling Borough Council Community Infrastructure Levy Charging schedule for adoption by Council.

RESOLVED:

- 1) To agree that the Gedling Community Infrastructure Levy

Charging Schedule, as attached as Appendix B to the report, is submitted to Full Council for approval and that it should come into effect on 16 October 2015;

- 2) To recommend to that Council delegates authority to the Corporate Director and the Chairman of Planning Committee to make any minor changes (e.g. typing errors, formatting and images) necessary prior to publication (such changes will not alter the content of Appendix B): and
- 3) That subject to Council approval of the Community Infrastructure Levy Charging Schedule, agree that the Exceptional Circumstances Relief for CIL, as attached at Appendix C to the report, shall be offered and that the Corporate Director, in consultation with the relevant Portfolio Holder, be authorised to determine any applications for such relief

5 WARM HOMES ON PRESCRIPTION PILOT - REVISED PRIVATE SECTOR HOUSING GRANTS AND ASSISTANCE POLICY 2015

The Food Health and Housing Manager presented a report, which had been previously circulated, giving details of warm homes on prescription scheme that the Council was in the process of piloting.

RESOLVED to approve:

- 1) The changes described in the Private Sector Housing Grants and Assistance Policy 2015, attached as appendix A to the report, and adopt this as the new policy.
- 2) The virement of £50,000 from the Disabled Facilities Grant capital budget into the Housing Assistance capital budget.
- 3) A financial contribution of £29,100 from Fuel Poverty grant income to the contribution of £29,100 to Newark and Sherwood District Council to employ a Project Manager to co-ordinate the Nottinghamshire wide 'Warm Homes on Prescription scheme'.

6 COUNCIL PLAN AND BUDGET OUTTURN AND BUDGET CARRY FORWARDS 2014/15

The Chief Financial Officer presented a report of the Senior Leadership Team, which had been circulated prior to the meeting presenting the Council Plan and Budget Outturn and Budget Carry Forwards for 2014/15.

RESOLVED to:

- 1) Note the Council Plan Performance and Budget Outturn figures for 2014/15;

- 2) Note the revenue carry forwards approved by the Chief Financial Officer of £97,800 included in Appendix 2 to the report, amounts not in excess of £10,000 and committed schemes above £10,000;
- 3) Note the capital carry forwards approved by the Chief Financial Officer of £589,100 included in Appendix 2 to the report, being amounts not in excess of £50,000 and committed schemes above £50,000;
- 4) Refer to Council for approval:
 - a) The overall method of financing of the 2014/15 capital expenditure as set out in Appendix 7 to the report;
 - b) The capital determinations in Section 3.4 of the report.

7 ANNUAL TREASURY ACTIVITY REPORT 2014/15

The Chief Financial Officer presented a report, which had been circulated prior to the meeting, informing members of the outturn in respect of the 2014/15 Prudential Code Indicators, and advising of the outturn on treasury activity, both as required by the Treasury Management Strategy.

RESOLVED:

To note the Annual Treasury Activity Report 2014/15, together with the appendices, and refer it to Council for approval.

8 PROGRESS REPORTS FROM PORTFOLIO HOLDERS.

Councillor Kathryn Fox (Community Development)

- Both the Gedling Book Festival and the Arnold Carnival were recently held and well attended.
- Play days at Papplewick and Calverton would be taking place in July.
- The induction programme following the Borough elections was now complete and well received by the members that were able to attend.
- The Early years film project would premier on 16 July at Carlton Pentecostal Church.

Councillor Jenny Hollingsworth (Growth and Regeneration)

- Work to build affordable housing on the site of the former grove pub and on land at Dunstan Street was progressing well.
- Work in economic development to engage with large businesses as an attempt to promote growth was underway.
- Work on plans to revitalise Arnold and Carlton town centres was, following the election period, beginning to take place.
- An employability audit being used in local schools was proving to be successful.

Councillor David Ellis (Public Protection)

- Statistics on crime currently painted a mixed picture due to changes in how certain crimes are recorded.
- There had been recent media coverage of a taxi driver who had overcharged a customer resulting in a complaint. The driver's license had expired and it was stressed that behaviour such as this would not be tolerated.
- A closure order using new anti-social behaviour powers was recently carried out at an address in Carlton Hill due to persistent disturbance towards neighbours.

Councillor Henry Wheeler (Housing, Health and Well-being)

- Unfortunately Arnold Swimming Pool was currently closed due to health and safety concerns with lighting and it was hoped to re-open within a couple of days.
- The floor at Calverton Leisure Centre was currently being upgraded.
- Final touches to the free swimming sessions timetable were being made.
- The implementation of the universal credit system was looming and a briefing for elected members would be scheduled in the coming months.

Councillor Peter Barnes (Environment)

- Sadly there had been an instance of tree vandalism in the country park which was reported to the police.

- Extra parking capacity and temporary toilets were being installed in time for the country park's peak summer period.
- A plan to install Christmas lights across the area had been recently agreed.

Councillor Payne (Resources and Reputation)

- The Local Government Boundary Commission had recently published its draft recommendations for the County Council and it was hoped that a council response could be made to the consultation in light of some of the proposed changes.
- The Council had recently acquired the freehold for the country park land which was a good financial deal.

9 MEMBER'S QUESTIONS TO PORTFOLIO HOLDERS.

In a response to a question from Councillor Bexon, Councillor Hollingsworth advised that it was hoped that improvements could be made to Arnold market as part of the work to revitalise Arnold town Centre.

10 ANY OTHER ITEMS THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 1.50 pm

Signed by Chair:
Date:

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Report to Cabinet

Subject: Quarterly Budget Monitoring, Performance Digest & Virement Report

Date: 30 July 2015

Author: Senior Leadership Team

Wards Affected

Borough-wide

Purpose

- To update Cabinet on the likely outturn of the Revenue and Capital Budgets for the 2015/2016 financial year. The budgets include all carried forward amounts from the 2014/2015 financial year.
- To seek Cabinet approval for budget changes outlined in this report.

Key Decision

This is a Key Decision

Background

- 1.1 The Council has made a commitment to closely align budget and performance management. This is in line with accepted good practice.
- 1.2 To deliver this commitment, systems to monitor performance against revenue and capital budgets, improvement activity and performance indicators have been brought together and are now embedded in the way the Council works.
- 1.3 In addition, performance reports now focus more directly on the Council's priorities and offer an "early warning" system of instance where targets may not be secured.

Proposal

2. Quarterly Progress Report

2.1 Performance Information

Unfortunately due to the tight timescales between the end of quarter 1 and despatch of the agenda for this Cabinet meeting, the quarter 1 performance information cannot be included in this report. However the quarter 1 progress will be reported to Cabinet at the next scheduled meeting on 24 September 2015.

2.2 Financial Information

2.2.1 Appendices 1 and 2 set out details of the current financial position on the Council's General Fund Revenue Budget and the Capital Programme 2015/16.

2.2.2 General Fund Revenue Budget

Appendix 1 outlines how the General Fund Revenue budget is divided between the Portfolio areas of the Council and includes a detailed variance analysis identifying the current proposed changes for the year against the approved budget for each Portfolio area. Cabinet is recommended to approve these changes.

Included in Appendix 3 is a list of all the virements carried out in Quarter 1 following approval from Portfolio holders.

Included in Appendix 4 is a list of all transfers to/from Earmarked Reserves and Revenue Budget Funds following approval from Chief Financial Officer and Corporate Director.

The following table summarises the overall financial position of the General Fund Revenue Budget and the expected total spend for the year. This information has been compiled using the best information made available to Financial Services by the relevant spending officers as at 30 June 2015. The overall resource implication for the Council's General Fund is a predicted under-spend of £4,400.

General Fund Revenue Budget 2015/2016 – Change Analysis

	£
The original 2015/16 budget approved by Council on 3 March 2015	12,877,800
Revenue Carry Forwards from 2014/15 approved under delegation arrangements by the Chief Financial Officer	97,800
The current total approved budget for 2015/2016 and Cabinet's Maximum Budget is:	12,975,600
Up to the end of June 2015 expenditure less income totalled	2,829,902

In the remaining 9 months of year we expect net expenditure less income to be	10,141,298
Total net revenue spend for the year is currently expected to be	12,971,200
Projected Revenue Underspend 2015/16	(4,400)

2.2.3 Capital Programme

Appendix 2 details the current projected position on the Capital Programme and its' financing for 2015/16, analysed by Portfolio, and this is summarised in the table below. Cabinet is recommended to approve these changes.

Capital Budget 2015/2016 - Change Analysis

	£
Original 2015/16 budget approved by Council on 3 March 2015	3,227,400
Capital Carry Forwards from 2014/15 approved under delegation arrangements by the Chief Finance Officer	589,100
Additional Budget for Repair and Renewal Flood Grant Scheme funded by DCLG Grant (Portfolio Holder approval 19/05/15)	50,000
The current total approved budget for 2015/16	3,866,500
<u>Proposed Quarter 1 Amendments to the 2015/16 Programme:</u>	
<u>(a) Schemes identified for deferral to 2016/17</u>	
Swingo Sweeper replacement (extending useful life)	(70,000)
<u>(b) Additional Scheme for Approval</u>	
Bestwood Parish Council Skate Park funded by S106	55,000
Total Proposed Amendments To Capital Programme	(15,000)
Proposed Revised Capital Programme 2015/16	3,851,500
Actual Expenditure to Quarter 1 2015/16	504,761
Estimated Expenditure Quarter 2-4 2015/16	3,346,739
Projected Outturn 2015/16	3,851,500

There is currently sufficient funding available in 2015/2016 to finance the Capital Programme as outlined above.

Alternative Options

- 3 Option – Not to amend the original Council approved budgets during the year to reflect the latest projected outturn position.

Advantages:

- The final outturn position of the Council can be easily compared to its original intentions when the budget was set and areas of budget risk identified.

Disadvantages:

- Budgets not aligned to current budget pressures resulting in increased likelihood of budget overspend and emerging Council priorities not being addressed.
- Restrict the effectiveness of medium term planning process and preparation of the forward budget if pressures and areas of efficiency are not readily identifiable during budget preparation.
- Budget not reflective of latest performance information.

Reason for rejection – Not likely to result in the best outcomes in financial management or support delivery of priorities.

Financial Implications

- 4 The nature of the report is such that it has significant resource implications across the Council. The report itself demonstrates how resources are being managed.

Appendices

- 5 Appendix 1 – General Fund Revenue Budget 2015/16 – Budgetary Control Report
Appendix 2 - Capital Programme 2015/16 – Budgetary Control Report
Appendix 3 – Virements approved by Portfolio Holders
Appendix 4 – Transfers to/from Earmarked Reserves and Revenue Budget Funds.

Background Papers

- 6 Detailed Quarterly Budgetary Control Exception Reports

Recommendation

Members are **recommended**:

- a) To approve the General Fund Revenue Budget virements included within Appendix 1;
- b) To approve the changes to the Capital Programme included in paragraph 2.2.3;
- c) To note the virements and transfers to/from reserves and funds during the last quarter as detailed in appendices 3 and 4.

Reasons for Recommendations

- 7 To align the budgets to the current pressures and priorities and ensure the delivery of Council objectives is supported.

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Grand Summary**Revenue Quarterly Budgetary Control Report Period 201503**

	Current Approved Budget	Profiled Budget	Actual to date	Variance	%	Projected Outturn	Projected Annual Variance
	£	£	£	£		£	£
Community Development	1,467,200	366,933	245,386	-121,547	-33	1,467,200	0
Housing & Health	2,492,400	249,708	130,828	-118,880	-48	2,485,800	-6,600
Public Protection	1,512,700	171,800	120,302	-51,498	-30	1,512,700	0
Environment	4,531,900	846,846	327,735	-519,111	-61	4,507,400	-24,500
Growth & Regeneration	1,227,600	291,475	-130,666	-422,141	-145	1,237,700	10,100
Resources & Reputation	1,743,800	1,842,625	2,136,318	293,693	16	1,760,400	16,600
Total General Fund	12,975,600	3,769,387	2,829,902	-939,485	-25	12,971,200	-4,400
Cabinets General Fund Maximum Budget	12,975,600					12,971,200	-4,400

COMMUNITY DEVELOPMENT PORTFOLIO
BUDGETARY CONTROL REPORT - JUNE 2015
REVENUE ITEMS TO BE REPORTED

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
<u>All other budget heads</u> Including items previously reported	1,467.2	1,467.2			
PORTFOLIO TOTAL	1,467.2	1,467.2	-	-	Net Portfolio Total NIL Favourable/Adverse

HOUSING & HEALTH PORTFOLIO**BUDGETARY CONTROL REPORT - JUNE 2015****REVENUE ITEMS TO BE REPORTED**

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
<u>Calverton Leisure Centre</u>	£'000	£'000			
Premises Related Expenses	128.6	125.6	3.0		Saving on Fuel Oil in April due to mild weather.
Supplies and Services	67.6	102.6		35.0	Additional £35k Joint Use revenue money received from Nottinghamshire County Council for works to Sports Hall floor.
Revenue Income	(305.4)	(340.4)	35.0		
<u>Arnold Leisure Centre</u>					
Premises Related Expenses	195.8	190.8	5.0		Saving on gas due to reduced consumption.
<u>Housing Benefit Administration</u>					
Supplies and Services	54.6	74.1		19.5	Additional software costs.
Revenue Income	(559.0)	(577.1)	18.1		Additional Central Government grants.
<u>All other budget heads</u>					
Including items previously reported	2,910.2	2,910.2			
PORTFOLIO TOTAL	2,492.4	2,485.8	61.1	54.5	Net Portfolio Total

					£6.6K Favourable
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PUBLIC PROTECTION PORTFOLIO
BUDGETARY CONTROL REPORT - JUNE 2015
REVENUE ITEMS TO BE REPORTED

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
Comm Protection & Dog Control	£'000	£'000			Contribution from Police and Crime Commissioner/Safer Neighbourhood Board for domestic violence projects.
Supplies and Services	148.6	178.6		35.0	
Revenue Income	(34.8)	(64.8)	35.0		
All other budget heads Including items previously reported	1,398.9	1,398.9			
PORTFOLIO TOTAL	1,512.7	1,512.7	35.0	35.0	Net Portfolio Total NIL Favourable/Adverse

ENVIRONMENT PORTFOLIO

BUDGETARY CONTROL REPORT - JUNE 2015

REVENUE ITEMS TO BE REPORTED

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable	Adverse	
	£'000	£'000	£'000	£'000	
<u>Waste Management</u>					
Third Party Payments	4.5	0.0	4.5		Plastic banks recycling, previously carried out by contractors, now to be carried out internally.
<u>Parks</u>					
Revenue Income	(331.5)	(351.5)	20.0		Additional income from ice cream concessions and solar farm rental at Gedling Country Park.
<u>All other budget heads</u> (including items previously reported)	4,858.9	4,858.9			
PORTFOLIO TOTAL	4,531.9	4,507.4	24.5	-	Net Portfolio Total £24.5K Favourable

GROWTH & REGENERATION PORTFOLIO
BUDGETARY CONTROL REPORT - JUNE 2015
REVENUE ITEMS TO BE REPORTED

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
Development Service Support	£'000	£'000			Delayed implementation of pre-application charging, resulting in a salary saving and associated loss of income. The budget anticipates a 1 October 2015 start.
Employee Expenses	68.8	67.1	1.7		
Development Management					
Employee Expenses	351.3	345.2	6.1		
Revenue Income	(371.9)	(354.0)		17.9	
All other budget heads (including items previously reported)	1,179.4	1,179.4			
PORTFOLIO TOTAL	1,227.6	1,237.7	7.8	17.9	Net Portfolio Total £10.1K Adverse

RESOURCES & REPUTATION PORTFOLIO**BUDGETARY CONTROL REPORT - JUNE 2015****REVENUE ITEMS TO BE REPORTED**

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
<u>Corporate Management</u>	£'000	£'000			
Supplies and Services	44.2	60.2		16.0	Additional bank charges due to the increase in price of processing card payments and penalties associated with Payment Card Industry compliance.
<u>Legal Services</u>					
Employee Expenses	273.1	281.0		7.9	Honorarium payment.
<u>Registration of Electors</u>					
Supplies and Services	23.5	48.5		25.0	Government grant for Individual Electoral Registration and associated spend.
Revenue Income	(1.9)	(26.9)	25.0		
<u>Public Land & Buildings</u>					
Premises Related Expenses	9.1	11.4		2.3	Council Tax charge for empty property.

RESOURCES & REPUTATION PORTFOLIO**BUDGETARY CONTROL REPORT - JUNE 2015****REVENUE ITEMS TO BE REPORTED**

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
Revenue Income	£'000 (116.6)	£'000 (119.6)	3.0		Rent increase on the workshop at Redhill Cemetery.
Insurance Premiums					
Supplies and Services	324.9	342.0		17.1	Additional insurance premiums.
Revenues - Local Taxation					
Supplies and Services	226.0	242.0		16.0	Increased postage costs for Council Tax.
<u>Movement in Reserves</u>					
Capital Interest	1,061.7	1,022.0	39.7		MRP saving as a result of the impact of 2014-15 capital programme financing.
<u>All other budget heads</u> (including items previously reported)	(100.2)	(100.2)			
PORTFOLIO TOTAL	1,743.8	1,760.4	67.7	84.3	Net Portfolio Total

RESOURCES & REPUTATION PORTFOLIO
BUDGETARY CONTROL REPORT - JUNE 2015
REVENUE ITEMS TO BE REPORTED

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
	£'000	£'000	Favourable £'000	Adverse £'000	£16.6K Adverse

CAPITAL PROGRAMME 2015/16 - BUDGETARY CONTROL REPORT									
	Original Capital Programme	Carry Forwards	Virements/ Supplements	Revised Cap Prog inc c/f & supp	Quarter 1 Proposals to Cabinet	Revised Cap Prog inc Qtr 1 Proposals	Actual To Date	Estimate for Qtr 2-4	Latest Projected Outturn
EXPENDITURE	£000's	£000's		£000's	£000's	£000's	£000's	£000's	£000's
Community Development	0.0	18.1	0.0	18.1		18.1	0.0	18.1	18.1
Growth & Regeneration	0.0	114.0	0.0	114.0		114.0	0.0	114.0	114.0
Public Protection	762.9	0.0	-8.9	754.0		754.0	114.5	639.5	754.0
Environment	1389.4	237.8	0.0	1627.2	-15.0	1612.2	167.3	1444.9	1612.2
Health, Housing and Wellbeing	219.3	132.6	0.0	351.9		351.9	47.1	304.8	351.9
Resources & Reputation	855.8	86.6	58.9	1001.3		1001.3	175.8	825.5	1001.3
TOTAL EXPENDITURE	3227.4	589.1	50.0	3866.5	-15.0	3851.5	504.7	3346.8	3851.5
RESOURCES									
Specific Capital Grant - Disabled Facilities Grant	464.0			464.0		464.0	464.0	0.0	464.0
Borrowing		224.5		224.5	-70.0	154.5		154.5	154.5
Capital Receipts	1815.0	72.8		1887.8		1887.8	200.0	1687.8	1887.8
Revenue Contribution	500.0	45.9		545.9		545.9		545.9	545.9
Performance Reward Grant	100.0			100.0		100.0		100.0	100.0
NIEP funding Waste Mgmt System		8.1		8.1		8.1		8.1	8.1
S106 Funding - GCP	150.0	107.0		257.0		257.0		257.0	257.0
S106 - Burton Road		6.4		6.4		6.4		6.4	6.4
S106 Commuted Sum		114.0		114.0		114.0		114.0	114.0
S106 Calverton Parish Council	109.4			109.4		109.4		109.4	109.4
S106 Bestwood Parish Council					55.0	55.0		55.0	55.0
Lottery Funding		10.4		10.4		10.4		10.4	10.4
Contribution from Reserve for CCTV	50.0			50.0		50.0		50.0	50.0
DCLG Grant Flood			50.0	50.0		50.0		50.0	50.0
Rushcliffe Borough Council	39.0			39.0		39.0		39.0	39.0
TOTAL RESOURCES	3227.4	589.1	50.0	3866.5	-15.0	3851.5	664.0	3049.9	3851.5
UNDER/(OVER RESOURCED)	0.0	0.0	0.0	0.0	0.0	0.0			0.0

NOTES :-

- All budgets are grossed up with any contribution from outside bodies shown as income in the Resources section.

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Virements Approved by Portfolio Holders

Quarter Ended June 2015

Revenue		
		£
1.	Community Development: Localities	
	Funding for Early Years Film Project	8,000
	Budget transfer from Community Safety and Arts Development	(8,000)
	General Fund Total	£0

Capital		
		£
	None	
	General Fund Total	£0

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Transfers to/from Earmarked Reserves and Revenue Budget Funds

Quarter Ended June 2015

As approved by Chief Financial Officer and Corporate Director in Accordance with the delegations outlined in the Financial Regulations.

Usage of Earmarked Reserves		
		£
1.	Resources and Reputation: Customer Services	
	Final payment to CAB for expansion of service	6,200
	Contribution from Housing Benefits Reserve	(6,200)
2.	Resources and Reputation: Local Taxation	
	Reduced Localised Council Tax Support Grant	41,000
	Contribution to Earmarked Grant Reserve	(41,000)
3.	Resources and Reputation: Information Technology	
	Licences for Agresso upgrade	3,500
	Contribution from Efficiency and Innovation Reserve	(3,500)
4.	Health & Housing: Exercise Promotion	
	Extend Health and Wellbeing posts	7,700
	Contribution from Earmarked Grant Reserve	(7,700)
5.	Various: Draw down 2014-15 year end transfers to reserves	
	IT – Major switch maintenance	12,000
	IT – Infus and security	25,000
	Insurance Premiums – Consultancy risk management	6,000
	Economic Development – Apprenticeship Grant Scheme	25,200
	Economic Development – Economic Development Fund	249,200
	Planning (Development Control) – Agency staff	12,500
	Planning (Development Control) – Consultancy fees	19,000
	Community Protection – CCTV	11,000
	Transformation fund	189,300
	Contribution from IT Replacement Reserve	(37,000)
	Contribution from Insurance Reserve	(6,000)
	Contribution from Transformation Reserve	(189,300)
	Contribution from Economic Development Reserve	(274,400)
	Contribution from Planning and LDF Reserve	(31,500)
	Contribution from CCTV Reserve	(11,000)
6.	Health & Housing: Exercise Promotion	
	Contribution to Gedling Homes to support health intervention programmes	10,000
	Contribution from Earmarked Grant Reserve	(10,000)
	General Fund Total	£0

Usage of Revenue Budget Funds		
		£
1.	Environment: Street Care	
	Pay protection following restructure of service	6,800
	Environment: Technical Services	
	Restructure and redundancy payments	10,500
	Environment: Car Parks	
	Restructure and pay protection	18,900
	Resources and Reputation: Registration of Electors	
	Redundancy payments following restructure of service	11,700
	Resources and Reputation: Communications and Publicity	
	Additional costs relating to the Gedling Conversation	4,000
	Resources and Reputation: Central Provisions	
	Transfer from Transformation Fund	(51,900)
	General Fund Total	£0



Report to Cabinet

Subject: Prudential Code Indicator Monitoring 2015/16 and Quarterly Treasury Activity Report for Quarter ended 30 June 2015

Date: 30 July 2015

Author: Corporate Director (Chief Financial Officer)

Wards Affected

All

Purpose

To inform members of the performance monitoring of the 2015/16 Prudential Code Indicators, and to advise members of the quarterly treasury activity as required by the Treasury Management Strategy.

Key Decision

This is not a key decision.

Background

- 1.1 The Council is required by regulations issued under the Local Government Act 2003 to report on its Prudential Code indicators and treasury activity. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).
- 1.2 For 2015/16 the minimum reporting requirements are that the Full Council should receive the following reports:
 - An annual treasury strategy in advance of the year (the TMSS, considered by Cabinet on 19 February 2015 and subsequently approved by Full Council on 3 March 2015).
 - A mid-year treasury update report
 - An annual review following the end of the year describing the activity compared to the strategy.

In accordance with best practice, quarterly monitoring reports for treasury activity are provided to members, and that this exceeds the minimum requirements.

- 1.3 The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report provides details of the position at 30 June 2015 and highlights compliance with the Council's policies.

Proposal

2.1 Economic update

After strong UK growth of 2.7% in 2013 and 3% in 2014, Q1 of 2015 was disappointing at only 0.4% although subsequent data suggests that growth could be stronger in Q2. In its May quarterly inflation report the Bank of England reduced its GDP forecast for 2015 from 2.9% to 2.5% and from 2.9% to 2.7% in 2016. It increased its forecast for 2017 from 2.4% to 2.7%.

Uncertainty around the result of the UK general election in May has been replaced by uncertainty around the potential impact on the UK economy of the EU referendum promised by 2017. The firm commitment by the Government to eliminate the deficit within the term of this parliament will also have an impact on growth rates, however the Monetary Policy Committee (MPC) is fully alert to this and will take it into account, along with the potential effects of the Greek crisis, in making its decisions regarding the timing of bank rate increases.

The US economy has returned to strong growth and confidence has improved that the Fed rate will start to rise by the end of 2015.

In the Eurozone, the European Central Bank (ECB) began its £1.1 trillion programme of quantitative easing in March 2015, and the £60bn of monthly purchases is initially expected to run to September 2016. It already appears to have had a positive effect in helping a recovery in consumer and business confidence, and a start to a significant improvement in economic growth.

2.2 Interest rate forecasts

Capita Asset Services (CAS) undertook a review of its interest rate forecasts after the May BOE inflation report. The ECB's quantitative easing programme initially caused a widespread increase in bond prices, and a corresponding fall in yields to very low levels. Since then, fears about recession in the Eurozone, and around deflation, have abated and bond yields have risen back to more normal, although still historically low, levels.

The latest CAS forecast includes a move in the timing of the first increase in bank rate from Q1 of 2016 to Q2 of 2016, as a result of poor growth in Q1, weak wage inflation, and the recent sharp fall in inflation due to the fall in the price of oil. The UK fell marginally into deflation in April and figures near zero are expected to prevail for the next six months. The Governor of the BOE, Mark Carney, has repeatedly stated that increases in bank rate will be slow and gradual, since the MPC is concerned about the impact of increases on heavily indebted consumers, especially when average disposable income is only just starting a significant recovery.

CAS has provided the following forecast:

	Sep-15	Dec-15	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17	Jun-17	Sep-17	Dec-17	Mar-18
Bank rate	0.50%	0.50%	0.50%	0.75%	0.75%	1.00%	1.00%	1.25%	1.50%	1.50%	1.75%
5yr PWLB rate	2.30%	2.40%	2.50%	2.60%	2.80%	2.90%	3.00%	3.10%	3.20%	3.30%	3.40%
10yr PWLB rate	2.90%	3.00%	3.20%	3.30%	3.40%	3.50%	3.70%	3.80%	3.90%	4.00%	4.10%
25yr PWLB rate	3.60%	3.70%	3.80%	4.00%	4.10%	4.20%	4.30%	4.40%	4.40%	4.50%	4.60%
50yr PWLB rate	3.60%	3.70%	3.80%	4.00%	4.10%	4.20%	4.30%	4.40%	4.40%	4.50%	4.60%

2.3 Investment strategy

The Treasury Management Strategy Statement (TMSS) for 2015/16 was approved by Council on 3 March 2015.

The Council's investment priorities remain the security of capital and good liquidity. Whilst the Council will always seek to obtain the optimum return (yield) on its investments, this will at all times be commensurate with proper levels of security and liquidity. In the current economic climate and with heightened credit concerns, it is considered appropriate either to keep investments short term to cover cash flow needs, or to extend the period up to one year with selected government backed counterparties.

During the April to June 2015 period, significant use was made of a Money Market Fund achieving just over 0.40%. This fund is an AAA rated investment vehicle which allows the pooling of many billions of pounds worth of funds into a highly diversified fund. Whilst the rate of return is quite low, it is still well in excess of overnight treasury deposit rates.

The Treasury Activity Report for the quarter ended 30 June 2015 is attached at Appendix 1, in accordance with the Treasury Management Strategy. For reference, definitions of LIBOR and LIBID are given at Appendix 2.

Members will note that investment interest of £23,359 was generated during the period to 30 June 2015. This represents an equated rate of 0.75% and outperforms the benchmark 7 day LIBID rate, which averaged 0.35% for the same period. In cash terms this represents additional income to the General Fund of around £12,500 and was achieved by positive investment management. Performance in respect of the longer 3 month LIBID rate, which averaged 0.43%, still represents additional income of £10,000.

Rates in the market remain very low and as loans mature it is challenging to replace them, since security and liquidity will always be the overriding factors in the Council's treasury management. Interest rates are not expected to start rising until at least Q2 of 2016, and then only gradually, and not significantly. It is currently anticipated that the outturn for investment interest will be broadly in line with the original estimate of £92,400.

Credit ratings advice continues to be taken from CAS and as previously reported to Cabinet, the Chief Financial Officer has adopted the CAS credit rating methodology for the selection of investment counterparties. This employs a sophisticated modelling approach utilising credit ratings from all three of the main rating agencies, to give a suggested maximum duration for investments, and does not give undue preponderance to one agency's ratings.

The methodology applies an "overlay" to take account of positive and negative credit watches and/or credit outlook information, which may increase or decrease the suggested duration of investments. It then applies a second overlay based on the credit default swap spreads for institutions, the monitoring of which has been shown to give an early warning of likely changes in credit ratings. It also incorporates sovereign ratings to ensure selection of counterparties from only the most creditworthy countries.

The modelling approach combines the various factors in a weighted scoring system and results in a series of colour coded bands which indicate the creditworthiness of counterparties. The colour bandings are as follows:

- Yellow 60 months (AAA rated Government debt or its equivalent)
- Purple 24 months
- Blue 12 months (nationalised or semi nationalised UK banks)
- Orange 12 months
- Red 6 months
- Green 100 days
- No colour not to be used

All credit ratings are monitored weekly and the Council is also alerted to interim changes via its use of the CAS creditworthiness service, however

ratings under the methodology will not necessarily be the sole determinant of the quality of an institution. Other information sources used will include the financial press, share price and other such information pertaining to the banking sector in order to establish the most robust scrutiny process on the suitability of potential investment counterparties.

The ultimate decision on what is prudent and manageable for the Council will be taken by the Chief Financial Officer under the approved scheme of delegation.

2.4 New borrowing

No new long-term borrowing was undertaken during the quarter ended 30 June 2015.

The Council's Capital Financing Requirement (CFR) represents its "underlying" need to borrow to finance capital investment. Due to favourable interest rates, borrowing in advance of need is sometimes desirable, with the result that the CFR can differ to the actual borrowing planned in the year.

It is not currently anticipated that any new borrowing will be undertaken during 2015/16.

Interest rates remain low, and the PWLB certainty rate, available to all authorities providing relevant information to CLG, allows the Council to take advantage of a discount of 20 basis points. Advice will be taken from CAS with regard to the amount and timing of any additional borrowing, and should conditions become advantageous, some borrowing in advance of need will also be considered by the Chief Financial Officer.

2.5 Debt rescheduling

Debt rescheduling opportunities are limited in the current economic climate, and due to the structure of interest rates. Advice in this regard will continue to be taken from CAS. No debt rescheduling has been undertaken during the period from 1 April to 30 June 2015.

2.6 Compliance with Prudential and treasury indicators

It is a statutory duty for the Council to determine and keep under review the affordable borrowing limit. The Council's approved Prudential and Treasury Indicators (affordability limits) are included in the Treasury Management Strategy Statement (TMSS) approved by Council on 3 March 2015.

During the financial year to date the Council has at all times operated within the treasury limits and Prudential Indicators set out in the council's TMSS, and in compliance with the Council's Treasury Management Practices. The Prudential and Treasury Indicators as at 30 June 2015 are shown at Appendix 3.

These indicators are based on estimates of expected outcomes, and are key indicators of "affordability". They are monitored on a quarterly basis, and Appendix 3 compares the approved indicators with the projected outturn for 2015/16, and shows variances on some of the indicators, as described below:

a) Prudential Indicators:

i) Capital Expenditure

The latest projected outturn shows that capital expenditure is expected to be £3,796,500. This differs to the original estimate of £3,227,400 due to the inclusion of approved carry-forward requests from 2014/15 and to approved variations to the capital programme during 2015/16.

ii) Capital Financing Requirement (CFR)

The projected closing CFR for 2015/16 is £11,481,800. This is lower than the approved indicator of £11,894,200, mainly due to slippage in the capital programme, and to savings on the 2014/15 capital programme that reduced the borrowing requirement.

iii) Ratio of Financing Costs to Net Revenue Stream

The projected outturn of 10.05% shows a reduction from the approved indicator of 10.39%. This is due to a reduction in MRP as a result of slippage and savings on the capital programme in 2014/15.

iv) Maximum gross debt

The Council must ensure that its gross debt does not, except in the short term, exceed the opening capital financing requirement, plus estimates of any additional CFR for 2015/16 and the following two financial years. This allows flexibility for early borrowing for future years, but ensures that borrowing is not undertaken for revenue purposes. Gross debt at 30 June 2015 was £9.812m which was well within the approved indicator.

Treasury Management Indicators:

These indicators are based on limits, beyond which activities should not pass without management action. They include two key indicators of

affordability and four key indicators of prudence.

Affordability

- i) Operational boundary for external debt.
- ii) Authorised limit for external debt.

Prudence

- iii) Upper limit for fixed interest exposure – represented by the maximum permitted net outstanding principal sum borrowed at fixed rates. Please note that a negative indicator represents a position of net investment.
- iv) Upper limit for variable interest rate exposure – represented by the maximum permitted net outstanding principal sum borrowed at variable rates. Please note that a negative indicator represents a position of net investment.
- v) Maximum new principal sums to be invested during 2015/16 for periods in excess of 364 days - such investments are classified as a “non-specified”. This indicator is subject to the overall limit for non-specified investments set in the TMSS.
- vi) Upper limits for the maturity structure of borrowing - set to reduce the Council’s exposure to large fixed rate sums falling due for refinancing.

Appendix 3 shows the actual position as at 30 June 2015, and demonstrates that all activities are contained within the currently approved limits.

Alternative Options

There are no alternative options, this report being a requirement of the Council’s Treasury Management Strategy Statement (TMSS).

Financial Implications

No specific financial implications are attributable to this report, an adjustment to the budget for MRP being dealt with in the revenue budget monitoring report elsewhere on this agenda.

Appendices

- 1. Treasury Activity Report 2015/16 for quarter ended 30 June 2015.
- 2. Definitions of LIBOR and LIBID
- 3. Prudential and Treasury Indicators for 2015/16 as at 30 June 2015.

Background Papers

None identified.

Recommendation

That:

Members note the report, together with the Treasury Activity Report for Quarter 1 at Appendix 1, and the Prudential and Treasury Indicator Monitoring for Quarter 1 at Appendix 3.

Reasons for Recommendations

To comply with the requirements of the Council's Treasury Management Strategy Statement.

For more information, please contact:

Alison Ball, Financial Services Manager, on 0115 901 3980

TREASURY ACTIVITY REPORT 2015/16**Quarter ended 30 June 2015**

	Position @ 1 April 2015	Loans Made During Q1	Loans Repaid During Q1	Position @ 30 June 2015
	£	£	£	£
Long Term Borrowing				
PWLB	9,811,577	0	0	9,811,577
Total Long Term Borrowing	9,811,577	0	0	9,811,577
Temporary Borrowing				
Local Authorities	0	0	0	0
Public Corporations	0	0	0	0
Central Government	0	0	0	0
Banks & Other Institutions	0	0	0	0
Total Temporary Borrowing	0	0	0	0
TOTAL BORROWING	9,811,577	0	0	9,811,577
Temporary Investment				
Bank of Scotland	(6,500,000)	0	0	(6,500,000)
Barclays	0	(1,000,000)	0	(1,000,000)
HSBC Treasury	0	(15,276,000)	15,276,000	0
Ignis Money Market Fund	(1,350,000)	(21,020,000)	17,170,000	(5,200,000)
Royal Bank of Scotland	0	0	0	0
Santander	0	0	0	0
Total Banks	(7,850,000)	(37,296,000)	32,446,000	(12,700,000)
Building Societies	(1,000,000)	(2,000,000)	0	(3,000,000)
Debt Management Office	0	0	0	0
Local Authorities & Other	0	0	0	0
TOTAL INVESTMENT (See below)	(8,850,000)	(39,296,000)	32,446,000	(15,700,000)
NET BORROWING / (INVESTMENT)	961,577	(39,296,000)	32,446,000	(5,888,423)

Temporary Borrowing & Investment Statistics at 30 June 2015**Investment:**

Fixed Rate Investment	(7,500,000)	(18,276,000)	15,276,000	(10,500,000)
Variable Rate Investment	(1,350,000)	(21,020,000)	17,170,000	(5,200,000)
TOTAL INVESTMENT	(8,850,000)	(39,296,000)	32,446,000	(15,700,000)

Proportion of Fixed Rate Investment	66.88%
Proportion of Variable Rate Investment	33.12%
Temporary Investment Interest Receivable	£ 23,359
Equated Temporary Investment	£ 3,112,323
Weighted Average Interest Rate Received (Interest Receivable / Equated Investment)	0.75%
7 Day LIBID (Benchmark)	0.35%
3 Month LIBID	0.43%

Borrowing:

Temporary Borrowing Interest Payable	£ 35
Equated Temporary Borrowing	£ 10,959
Weighted Average Interest Rate Paid (Interest Payable / Equated Borrowing)	0.32%
7 Day LIBOR (Benchmark)	0.48%

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LIBOR - the London Interbank Offered Rate

LIBOR is the interest rate at which the London banks are willing to offer funds in the inter-bank market. It is the average of rates which five major London banks are willing to lend £10 million for a period of three or six months, and is the benchmark rate for setting interest rates for adjustable-rate loans and financial instruments.

ie. the London banks are LENDING to each other, which affects the rate at which the banks will lend to other parties eg. local authorities, ie. Gedling are BORROWING money

LIBID - the Interbank BID (LIBID) rate

LIBID is the interest rate at which London banks are willing to borrow from one another in the inter-bank market. It is the average of rates which five major London banks willing to bid for a £10 million deposit for a period of three or six months.

ie. the London banks are BORROWING from each other, which affects the rates at which they will borrow from other parties eg. local authorities, ie. Gedling are LENDING money.

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Prudential Indicators for 2015/16
1 April to 30 June 2015

Appendix 3

1. Prudential Indicators

Affordability:

- a) Capital Expenditure
- b) Capital Financing Requirement
- c) Ratio of Financing Costs to Net Revenue Stream
- d) Incremental Impact of new 2015/16 Capital Investment Decisions:

- e) Maximum Gross Debt

2. Treasury Management Indicators

- a) Operational Boundary for External Debt:

- Borrowing
- Other Long Term Liabilities
- Total Operational Boundary

- b) Authorised Limit for External Debt:

- Borrowing
- Other Long Term Liabilities
- Total Authorised Limit

- c) Upper limit for fixed interest rate exposure:
(Maximum outstanding net BORROWING)

- Additional Local Indicator - Investment Only
- Additional Local Indicator - Borrowing Only

- d) Upper limit for variable interest rate exposure:
(Maximum outstanding net BORROWING)

- Additional Local Indicator - Investment Only
- Additional Local Indicator - Borrowing Only

- e) Upper & Lower limits for the maturity structure
of outstanding Borrowing during 2015/16:

- Under 1 Year
- 1 Year to 2 Years
- 2 Years to 5 Years
- 5 Years to 10 Years
- Over 10 Years

- f) Investment Treasury Indicator and limit:

Max. NEW principal sums invested in-year for periods OVER 364 days (ie. non-specified), subject to maximum non specified per counterparty of £3m AND to the prevailing overall counterparty limit AND to the the TOTAL non specified limit of £5m.

	2015/16 Original Estimate	2015/16 Position at 30-Jun-15
	(Council 3/3/15)	
a) Capital Expenditure	£ 3,227,400	£ 3,796,500
b) Capital Financing Requirement	£ 11,894,200	£ 11,481,787
c) Ratio of Financing Costs to Net Revenue Stream	10.39%	10.05%
d) Incremental Impact of new 2015/16 Capital Investment Decisions:	£16.43	Not Applicable
e) Maximum Gross Debt	£ 12,457,100	£ 9,811,577
a) Operational Boundary for External Debt:		
Borrowing	£ 13,500,000	£ 9,811,577
Other Long Term Liabilities	£ 1,500,000	£ -
Total Operational Boundary	£ 15,000,000	£ 9,811,577
b) Authorised Limit for External Debt:		
Borrowing	£ 14,500,000	£ 9,811,577
Other Long Term Liabilities	£ 1,500,000	£ -
Total Authorised Limit	£ 16,000,000	£ 9,811,577
c) Upper limit for fixed interest rate exposure: (Maximum outstanding net BORROWING)	£ 12,500,000	-£ 688,423
Additional Local Indicator - Investment Only	100.00%	66.88%
Additional Local Indicator - Borrowing Only	100.00%	100.00%
d) Upper limit for variable interest rate exposure: (Maximum outstanding net BORROWING)	£ 2,000,000	-£ 5,200,000
Additional Local Indicator - Investment Only	100.00%	33.12%
Additional Local Indicator - Borrowing Only	50.00%	0.00%
e) Upper & Lower limits for the maturity structure of outstanding Borrowing during 2015/16:		
Under 1 Year	U 40%, L 0%	20%
1 Year to 2 Years	U 40%, L 0%	10%
2 Years to 5 Years	U 50%, L 0%	0%
5 Years to 10 Years	U 50%, L 0%	0%
Over 10 Years	U 100%, L 0%	70%
f) Investment Treasury Indicator and limit: Max. NEW principal sums invested in-year for periods OVER 364 days (ie. non-specified), subject to maximum non specified per counterparty of £3m AND to the prevailing overall counterparty limit AND to the the TOTAL non specified limit of £5m.	£ 3,000,000	£ -

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Report to Cabinet

Subject: Draft Community Asset Transfer Policy for Consultation

Date: 30 July 2015

Author: Service Manager – Community Relations

Wards Affected

All

Purpose

To agree a draft Community Asset Transfer Policy for consultation.

Key Decision

This is a key decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising two or more wards of the borough.

Background

Gedling Borough Council owned buildings, land and premises have been occupied by various local groups, organisations and sports clubs for many years. Typically this has been documented by licensing playing fields and pavilions to local community sports clubs and leasing community centres and other space to community organisations and associations. Previously there has been no clear policy for the Council to follow when undertaking these transactions, so licences and leases have often been negotiated and agreed in a reactive and ad-hoc manner.

In March 2014, the Council made a budget decision to explore the community asset transfer of its community centre portfolio as a means to achieve necessary budget efficiencies. It is proposed that the first step for embarking on a future asset transfer programme should be the development of a community asset transfer policy for the Council. Such a document sets out a framework for the Council to follow when it considers the transfer of its buildings or land to different forms of community

ownership.

The Council is also reviewing its Playing Pitch Strategy. This work will identify local need in terms of facility provision for the most popular community sports in Gedling and an up to date Strategy will mean the Council and its community partners will become eligible for Sport England and Football Foundation funding to enhance the Council's playing pitch assets.

The Parks and Street Care Service Area will be reviewing its existing licence arrangements with local sports clubs once a new Playing Pitch Strategy is agreed. An asset transfer policy will also provide guidance through this process.

Proposal

Draft Asset Transfer Policy

It is proposed that the Council adopts a community asset transfer policy to ensure as an organisation it can work in a consistent manner when embarking on community asset transfer. The purpose of the policy is to enable the Council to assess applications for community asset transfer against clear criteria that ensures any transfer meets Council objectives and is in the best interests of the community.

Appendix 1 sets out a draft Community Asset Policy for Gedling Borough Council. This Policy defines:

- what community asset transfer is
- national and local context that guides why we might pursue asset transfer
- benefits and challenges of asset transfer
- Gedling's principles of asset transfer to be adopted
- the process we will undertake when pursuing asset transfer.

Key elements of this policy are the need to define criteria to assess both the viability of an asset for transfer to a community organisation, but also the eligibility of such an organisation to take on the running of a community asset. It also defines the need for appropriate legal agreements between the Council and any community organisation taking on an asset.

Asset Management Group

It is recommended that the Council's Asset Management Group develops and oversees any options appraisal of assets when considering suitability for transfer.

Equality Impact Assessment

An initial equality impact assessment of the introduction of the policy has been carried out and is attached as Appendix 2. The Council will conduct an Equality Impact Assessment of any proposed transfer of a facility.

Final Decisions on Asset Transfer

Cabinet approval will be obtained in relation to asset transfer that involves a long lease or freehold given its significance and public interest. Delegated authority is in place for officers to make decisions regarding the granting of licences and some leases.

Consultation

Once the draft policy is agreed it is proposed to undertake a community consultation on the Policy for a six week period. This consultation will take account of relevant statutory guidance in line with the best value duty. The draft policy will be made available to all stakeholders and the wider community on the Council's website. There will also be direct consultation with specific community stakeholders, such as community centres user groups and sports clubs who licence pavilions and playing fields. Feedback from this consultation will be analysed and the findings used to shape the final Policy. The final Policy will be presented to Cabinet for adoption.

Actively Approaching Community Groups

In certain instances, it may be the case that the Council actively approaches local community organisations to take on our assets. For example regarding the Council's community centre buildings where there are currently organisations operating from these buildings who have already expressed an interest in possible asset transfer, or who already have some form of licence or lease agreement with the Council.

Leisure Centre Strategy

Although the draft Community Asset Transfer Policy refers to the Council's land and buildings, at this stage the future management of the Council's own leisure centres will be directed by the emerging Leisure Centre Strategy.

Alternative Options

The alternative is not to adopt a policy that guides how the Council undertakes its future community asset transfer. There are a number of risks associated with this:

- a thorough assessment of whether Council assets are suitable for transfer is not undertaken and potential liabilities are offered to the community
- the capacity of a community organisation is not thoroughly considered when offering an asset, posing the risk of a transfer venture failing

- the potential financial, legal and on-going support implications are not understood from the outset when pursuing any asset transfer process.

Financial Implications

Budget Council in March 2014 proposed the transfer of community centres to community organisations to achieve savings £134,100 in the operational community centre revenue budgets.

Since that decision officers and Members have discussed that the first step should be the adoption of a community asset transfer policy that defines how we proceed with such a process. As a result the proposed budget savings have been profiled in line with expected asset transfer timescales for community centres delivering £13,700 in 2016/17 and £120,400 in 2017/18.

At the heart of the proposed policy is the need to assess the viability of both an asset and community capacity before we proceed with asset transfer. Such an assessment is likely to highlight factors that will potentially have financial implications on the Council. For example, the need to undertake a condition survey for a community building. Likewise, financial resource may be required to ensure a community organisation has a robust business plan to deliver asset transfer. This could be in the form of initial legal costs, business plan development, advice or a grant to support the first few years of management.

In addition, it is likely that the Council will need to draw upon independent legal advice if there are areas of legal consideration that fall outside the expertise of the Council and where the Council does not have the current capacity to provide full legal support.

Change management costs, such as those outlined above, can be accommodated within the Council's Transformation Fund budget which was approved for this purpose.

Community Ownership and Management of Assets Programme

The Council has been successful with an application to the national Community Ownership and Management of Assets programme run by Locality. During 2015/16, this will provide the Council with access to:

- up to 10 days of dedicated relationship management support from an experienced broker from Locality to help develop multiple community asset ownership and management projects and/or a complex/ground-breaking single asset transfer project.
- up to 6 additional days of specialist/technical assistance to undertake business planning for specific transfer propositions.
- pre-feasibility grants of up to £10,000 for application by organisations within our area. The grants will be aimed at developing an organisation's capability to

take over asset ownership. However, for this element initial timescales for applications are tight and specified as the end of July 2015.

The support from Locality will result in an action plan defining the potential for pursuing community asset transfer of the Council's community centres. The minimum requirement of the programme by 31 March 2016 is for two assets to be identified for potential transfer within this plan. The programme provides an opportunity to draw upon external expertise free of charge when finalising our community asset transfer policy.

Appendices

Appendix 1: Draft Community Asset Transfer Policy for Consultation.

Appendix 2: Equality Impact Assessment.

Background Papers

Budget Council, March 2014

Recommendation(s)

- Cabinet agrees the Draft Community Asset Transfer for Consultation
- Cabinet agrees that a consultation is undertaken for six weeks to seek the views of stakeholders and the local community on the proposed policy.

Reasons for Recommendations

- To establish clear criteria for community asset transfer that ensures any future transfer meets Council objectives and is in the best interests of the community.
- To seek a view through consultation to inform the final policy.

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Draft Community Asset Transfer Policy

For Consultation

Gedling Borough Council

Date: 30 July 2015

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Introduction

Gedling Borough Council owned buildings, land and premises have been occupied by various local groups, organisations and sports clubs for many years. This Community Asset Transfer Policy sets out a framework for the Council to follow when it considers the transfer of its buildings or land to different forms of community ownership. It will ensure the Council can work in a consistent manner when embarking on community asset transfer. The purpose of this Policy is to enable the Council to assess applications for community asset transfer against clear criteria that ensures any transfer meets Council objectives and is in the best interests of the community.

What is Community Asset Transfer?

This is where the Council licences, leases or sells its property to a Voluntary and Community Sector (VCS) group or other statutory organisation. It applies to buildings, land and green space where the primary purpose is to enable community activities to take place.

What is an Asset for the purposes of this Policy?

An “asset” for the purposes of this Policy is a “building or land that is managed, occupied or used primarily by the voluntary and community sector and where community-led activities for community benefit are the primary use.”

National and Local Context

The Quirk Review in 2007 ‘Making Assets Work – Community Management and Ownership of Public Assets’, recommended that community asset transfer can work if both its risks and benefits are made clear. It also highlighted the transfer process itself can offer greater access to funding and greater use of community facilities.

The Localism Act in 2011 directed a shift in power from government to communities, individuals and Councils. The Act’s aim of keeping community assets in public use provides an opportunity for local groups, organisations or parishes to nominate ‘assets of community value’ to be included on a list managed by the local authority. The objective being communities are greater informed of the opportunities for managing or owning public assets and are given the appropriate time to prepare any bids for ownership.

There is a growing trend that community asset transfer is now happening in response to the requirement of local government to reduce its budgets. The pace of reducing budgets can place additional challenge for managing the transfer of assets to voluntary organisations.

Gedling Borough Council has a record of transferring the management of certain facilities over to the community. This has included licensing playing fields and pavilions to local community sports clubs and leasing community centres and other space to community organisations and associations. Previously there has been no clear policy for the Council to follow when undertaking this transfer, so licences and leases have often been negotiated and agreed in a reactive and ad-hoc manner.

Aim of this Policy

- To identify the process and tools that will enable the successful delivery of a future asset transfer programme.
- To recognise the capacity needs of local groups wishing to take on local authority assets.
- To ensure a thorough risk assessment of asset transfer is undertaken.
- To define the legal form a transfer agreement would take.

Benefits and Challenges of Asset Transfer

The potential benefits that community asset transfer can bring:

- facilities under financial pressure remain open
- costs are reduced and volunteer run facilities are eligible to more funding opportunities
- community run facilities can be more responsive to local need. Community organisations are in a better position to plan for their future if they directly manage an asset
- opportunity for greater creativity and innovation if the running of community facilities are outside Council management or ownership
- development of individual volunteers and the rewards that volunteering brings to the community
- continued community empowerment that enables a secure future for local organisations through the management of local assets
- strong community organisations can work in partnership with the Council to achieve its Council Plan objectives
- budget efficiencies for the Council
- positive relationship between the Council and local community partners
- assets can play a greater role in bringing communities together for social, economic and wellbeing purposes. They can become a point for neighbourhood service provision.

A recent report on the transfer of leisure facilities has also identified the potential challenges posed by community asset transfer:¹

¹ “The transfer of public leisure facilities to volunteer delivery.” Research report, September 2014, Geoff Nichols, Sheffield University Management School, Deborah Forbes, Newcastle University Business School.

- loss of control by the local authority over community run facilities could mean reduced ability to strategically plan the provision of community facilities in the Borough
- sustaining the long-term enthusiasm for a group of volunteers to run facilities
- the ability of volunteers to succession plan in the management of community facilities
- developing trust between the community organisations and the local authority
- sustaining the long-term financial viability of facilities run by volunteers
- the reality of community capacity – this may be higher in more advantaged areas. More disadvantaged areas will require capacity community building support
- the capacity building and development of volunteers and community organisations takes time. Will the expectation of budget reductions over take this? Both in terms of reducing the costs of facilities and reducing the community development support to volunteers and groups
- reduced standards of provision and loss of skilled facility managers and workers.

Gedling's Nine Principles of Community Asset Transfer

1. Meeting Community Need

The transfer of an asset must be in the best interests of the community and contribute to the aims and priorities of the Council. This includes ensuring an asset remains accessible to the community, in particular for those with the protected characteristics defined by the Equality Act.

2. Transparency

The Council will provide a clear point of contact, have defined criteria for assessing eligibility of a community organisation and the viability of an asset and each stage of the transfer will be clearly defined and agreed by both parties from the outset.

3. Community Engagement and Empowerment

The Council sees asset transfer as a means to further empower community organisations and to support them in shaping how local need can best be met. It is not about transferring risk and liability over to the community. For any asset transfer to happen the community must be supported to ensure they are in the best position to take on the long-term succession management of that community asset. The Council will ensure any community organisations' meet our viability criteria for taking on an asset.

4. Role of Community Assets

An assessment of the potential for Council assets being eligible for transfer will be made. An options appraisal will include whether an asset is fit-for-purpose for community ownership or management and its proposed future use is of benefit to the wider community. The Council's Asset Management Group will oversee this options appraisal.

5. Robust Business Planning

Any transfer must be financially viability for both the community organisation and the Council. The asset must be fit-for-purpose so the financial implications of this will be considered. The Council will work with community organisations to establish a strong long-term business plan for the future.

6. Preferred Model of Transfer

There is more than one model of community asset transfer that could be adopted in each case. The Council is committed to pursuing the best one in each case that is in the interests of the Council, community organisation and the wider community.

7. Council Support Post Transfer

A transfer agreement will set the relevant benefits of transfer and how these will be monitored and measured over time. The Council will have a clear point of contact to manage the relationship with the community organisation that has taken on the asset.

8. Property Development and Protecting Community Assets

The Council will seek to safeguard that assets continue to be of benefit to the community and this will be detailed in any agreement of transfer. Such agreements will need to define circumstances when an asset is no longer viable as a community facility. Any future income from the sale of a property needs to be distributed in the best interests of the local community.

9. Timescales

There is not one set timescale for progressing community asset transfer. This will be established on a case-by-case basis. Agreement to transfer an asset will only take place when the Council is satisfied that this is a sustainable option.

Gedling's Asset Transfer Process

When embarking on asset transfer the Council will follow a clear process that ensures any decision taken is in the best interests of the Council and community need.

Mapping the Viability of Assets for Transfer

The Council will use a matrix for assessing the viability of assets for transfer to community organisations. This matrix will assess criteria such as health and safety, financial liabilities, existing covenants and asset condition. These assets may include buildings, land, open space or other structures that are in the freehold ownership of the Council.

This options appraisal matrix will be developed and overseen by the Council's Asset Management Group that will determine whether asset transfer is a viable option.

Community Consultation Regarding Potential Asset Transfer

If the Council decides it wishes to pursue community asset transfer as an option for any of its assets it will commence consultation that will:

- be undertaken once an asset or group of assets have been identified as being eligible for community transfer
- provide clarity as to why the Council is considering community transfer as an option for these assets
- provide sufficient time for the community to respond to the proposals
- be used when making final decisions on transfer.



Eligibility Criteria for Community Organisations

The Council will develop a clear framework for assessing whether a community organisation is appropriate and ready to take on one of its assets. The Council will make the final decision as to whether an organisation/s meets its criteria. This framework will assess an organisation in the following ways:

- does the community organisation's governance allows it to be influenced by the local community?
- is it a voluntary and community sector or statutory body?
- what is the status of the organisation, is it constituted, a registered charity, community interest company, charitable trust or a not for profit company?
- what is the organisation's track record in meeting community need?
- does the organisation have the capability to manage an asset, such as health and safety planning, experience in facility management, a robust plan to develop this expertise and a clear management structure?
- is the organisation's financial status robust enough?
- does the organisation have a robust business and development plan, including capacity building needs?
- has the organisation prepared a robust business case for asset transfer?
- does the organisation adheres to equality and diversity principles?
- does the organisation have clear aims and objectives?

The above is about ensuring the community organisation has a robust business plan to enable it to embark on asset transfer and is able to provide continued community use of the asset. Appendix A gives an overview of the key considerations such a business plan will need to have, while Appendix B provides a risk assessment framework to guide the Council.

The Council will also consider:

- what are the risks associated with transfer for both the Council and the organisation?
- what are the financial implications for the Council?
- does the transfer contribute to the Council's aims and objectives and wider community benefit?

Support for Community Organisations

If an asset is deemed eligible for potential transfer, a support plan may be offered to an interested community organisation by either the Council directly or another organisation with the skills and expertise to offer capacity building, business planning advice and potential feasibility planning. Such an organisation could be a current partner organisation of the Council working locally or a body contracted to offer such support.

The type of support offered to any community organisation or group of volunteers willing to take on a Council's asset may include:

- assessing the viability of a group taking on a facility

- practical advice and support in business planning and assessing future external funding
- advice in appropriate legal status of a community organisation
- support and guidance in the development of a community organisation
- skills development of groups in business planning, facility management and volunteer succession planning
- financial support for legal advice, stock condition surveys, pre and post transfer capital programme.
- advice regarding the liabilities any trustees could face.

Appendix C offers links to useful guidance to assist in the support of community organisations wishing to explore asset transfer.

Transfer Options; the Gedling Approach

For whatever form of transfer that is pursued a legal agreement will be drawn up between the Council and the community organisation that receives the asset. Such an agreement will determine the legal and financial liabilities as a consequence of asset transfer. In all cases appropriate legal mechanisms will be established to protect the Council's financial position.

If asset transfer is considered feasible the most likely forms of legal agreement are a licence, a lease or a freehold.

Legal Agreement	Definition
Licence	Where a community organisation is given permission to use an asset but on a shared basis with other community users for the duration of the agreement.
Lease	Where a community organisation is given permission to use an asset on an exclusive basis for its activities for the duration of the agreement.
Freehold	Where the complete ownership of the asset is passed on to the community organisation.

Licences

The duration of a licence agreement can be as short or as long as required and will be at the discretion of the Council.

Where there is a licence agreement in place it may be that the Council retains some control over the management of the asset given the shared community use. The type of licence agreement covered by this policy is where an asset is going to be used by a community organisation for a specific purpose. The most common example of this, is where a local sports clubs will use a pitch and pavilion on a recreation ground for a period of many years. This policy does not cover a very short term licence where an organisation seeks to use a piece of land for a one-off event.

Leases

A lease could be as short as 5 years or as long as 99 years. However, it should be noted that external funders often look favourably upon a longer-term tenure when offering capital funding to community organisations. A lease agreement would pass responsibility for building or grounds maintenance, running costs, opening and closing and general management of the site to the community organisation. With a long lease, a community organisation has a sufficient interest to seek external funding and will take full responsibility for the building or land. However, at the end of the term the building or land would return to the Council. Alternatively, it can be re-negotiated with the existing organisation or any other community group providing the Council's eligibility criteria are met.

Freehold

When entering into a freehold arrangement the Council may wish to consider certain covenants to protect the community asset. This is not only to safeguard the legal and financial interest of the Council, but also to prevent local organisations from being deterred from taking on responsibility given the potential risk it involves. Covenants can also ensure an asset continues to be used for the benefit of the wider community. Options could be:

- its use remains for local people and meets community need
- protection for existing groups to continue to use the asset
- future failure of the community organisation means the asset reverts back to the ownership and control of the Council rather than being sold for development
- in a situation where it is agreed the asset can be sold, the receipts will be allocated for community rather than individual benefit, i.e. paid to the Council or other public body associated with the asset
- in the event of any commercial benefit of a sizeable amount received through use of the asset, an obligation to share part with the Council
- the asset is maintained to a reasonable standard.

Sale Price and Rental Value

The Council will consider current market value of an asset when considering rental or sale price. By virtue of Section 123, Local Government Act 1972, the Council has the power to dispose of land held by it in any manner it wishes but, except with the consent of the Secretary of State, it may not do for a consideration less than the best that can reasonably be obtained (unless the disposal consists of a grant of a term not exceeding seven years).

The Council can, in reliance on the General Disposal Consent (England) 2003, dispose of land at less than best consideration that can be reasonably be obtained in the following circumstances:

a) where the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following

objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;

- i) the promotion or improvement of economic well-being;
- ii) the promotion or improvement of social well-being;
- iii) the promotion or improvement of environmental well-being; and

b) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 .

Any decision would need to balance the Council's own financial need against the wider community wellbeing that asset transfer at an undervalue may bring.

State Aid

All Disposals also need to comply with the European Commission's State Aid Rules. When disposing of land at less than best consideration, the Council is providing a subsidy to the owner, developer and/or the occupier of the land and property, depending on the nature of the development. Where this occurs the Council must ensure that the nature and amount of subsidy complies with the State Aid Rules particularly if there is no element of competition in the sales process. Failure to comply with the rules means that the aid is unlawful, and may result in the benefit being recovered with interest from the recipient.

Alternatives to Asset Transfer

In the event of an asset no longer being required by the Council, no longer being suitable for on-going community use or not having a community organisation willing or eligible to take it on, the Council would consider the sale of the asset in accordance with the Standing Orders for Dealings with Land.

Equality Impact Assessment

The Council will conduct an Equality Impact Assessment of any proposed transfer of a facility.

Final Decision

Cabinet approval will be obtained in relation to asset transfer that involves a long lease or freehold given its significance and public interest. Delegated authority is in place for officers to make decisions regarding the granting of licences and some leases.

Post Transfer Relationship

The Council will still need to have an on-going relationship with community organisations once asset transfer is complete. This will be as much about relationship management as it will to monitor all requirements set out in a licence, lease or freehold agreement are being fulfilled. In the event of an asset transfer venture failing the Council must be prepared to resource any resulting work. This could include bringing it back into Council control, assessing maintenance liabilities,

making necessary repairs, re-housing organisations at alternative sites, managing public relations in such circumstances and identifying and pursuing alternative transfer options.

Appendix A: Business Plan Expectations

Organisations such as Community Matters (www.communitymatters.org.uk) have considerable expertise in advising community organisations how to draw up a robust business plan. Their business plan template for voluntary, community and social enterprise organisations reflects the following:

- clear purpose and goals of the organisation
- motivation for wanting asset transfer
- legal structure of the organisation, such as the constitution
- turnover or profitability of the organisation
- existing or proposed assets of the organisation
- profit and loss account and balance sheets
- funding available now or in the future
- the service the organisation will be providing
- why the community or customers would want to use the service
- the identified need for the service
- what will the service involve and how will it benefit the community
- who will use the service and the market research which identifies this
- assessment of any competitors
- any barriers for delivering the service
- marketing objectives and goals
- skills and capacity of the organisation to deliver the service
- how the service will be provided
- description of premises, including planning requirements and permissions, health and safety expectations and license requirements.
- building work required including quotes
- financial forecast to assess organisational viability
- risk management plan and actions to reduce these
- money required and where this comes from

Appendix B: Risk Management – Viability of Transfer

In order to assess the viability of any transfer of a community asset, the Council will conduct a risk assessment. This will be done in partnership with the community organisation that proposes to take on management or ownership of an asset.

Community organisation has capacity to manage the asset?
If no, transfer will not be successful and will have a negative impact for the wider community.
Action: Development plan for the community organisation that addresses the gaps in capacity before asset transfer is implemented.
Community organisation has sufficient finances to buy or refurbish the asset?
If no, the asset may not be fit-for-purpose, may not be able to operate at full potential.
Action: Support and advice regarding external funding opportunities and Council consideration of its capital fund to enable asset to become fit-for-purpose.
Are their limitations regarding State Aid or other public body restrictions?
If yes, external funding potential may be limited.
Action: Expert legal advice is sought for both parties so the limitations or exemptions are clear.
Community organisation has a robust management plan in place?
If no, risk of financial liability and insufficient capacity to manage the asset effectively, making transfer not viable.
Action: Support and advice for the development of a robust business plan before transfer is agreed.
Asset to be used to the benefit of the community?
If no, negative reaction or resentment from the wider community and a possible breakdown in community relations.
Action: Legal transfer agreement to stipulate requirement that the organisation's governing documents give a strong ambition for addressing wider needs of the community.
Community organisation has the financial capacity to upgrade and maintain the asset in the long-term?
If no, in the long-term the asset may depreciate in value and no longer be fit-for-purpose.
Action: Support and advice for the development of a robust business plan before transfer is agreed. Consideration of financial contribution to support the on-going maintenance of the asset.
Community organisation relies on volunteers as opposed to paid staff?
If yes, risk of increased burden on a few volunteers and a lack of new volunteers to take on future management.
Action: A partnership network to support volunteers, encourage succession planning, enterprise and commercial opportunities.
Ownership of assets across the Council area increasingly fragmented?

If yes, the Council will have less scope to deliver local services and invest in the renewal of local assets.

Action:

Partnership working encouraged to enable greater investment in local facilities. Transfer agreements to set out the expectations of the Council with regard to the strategic management of assets.

Are all roles, responsibilities and liabilities clear from the outset?

If no, this could cause a breakdown in partnership working with the Council and mean unexpected liabilities to either party.

Action:

Transfer agreements to include all legal, financial and statutory liabilities.

Is there conflict from community organisations competing for transfer of an asset?

If yes, this could mean a breakdown in community relations and cause resentment in the community.

Action:

A clear criteria for being eligible for taking on an asset that advocates strong, well governed, financially viable organisations whose ambitions will ultimately benefit the wider community.

Appendix C: Guidance for Community Organisations

Useful resources for community organisations include:

<http://www.ethicalproperty.org.uk/>

<http://mycommunityrights.org.uk/community-asset-transfer/>

www.atu.org.uk

www.communitymatters.org.uk/content/363/Community-Asset-Transfer

Sport England Community Sport Asset Transfer Toolkit - for community groups and local authorities. <http://assettoolkit.sportengland.org/>

Bury St Edmunds Rugby Club -

<http://assettoolkit.sportengland.org/BuryStEdmundsRugbyFootballClub.html>



EQUALITY IMPACT NEEDS ASSESSMENT

Policy/Service/Procedure to be assessed	Draft Community Asset Transfer Policy		
Assessment completed by:	Lance Juby		
Aims/objectives of the Policy/Service/Procedure			
<ul style="list-style-type: none"> • To identify the process and tools that will enable the successful delivery of a future asset transfer programme. • To recognise the capacity needs of local groups wishing to take on local authority assets. • To ensure a thorough risk assessment of asset transfer is undertaken. • To define the legal form a transfer agreement would take. 			
Key Performance Indicator	Current Performance	Target	
n/a			
Who are the customers and stakeholders of this service?			
<p>Communities across the whole of the Borough who may wish to access community facilities in the Borough in the future. Current users of the Council's community buildings, playing fields, pavilions and land.</p>			
Detail below what information you already have about the impact this policy/service/procedure has on the following groups including results from consultation, complaints, census:			
Black and minority ethnic people	Increased proportion of 'Black and Minority Ethnic' group in Gedling (including those people defined as 'White Other') <ul style="list-style-type: none"> ○ 2001 - 5.2% ○ 2011 - 8.9% 		

	<p>Most ethnically diverse ward – Carlton with 16% of its population from various ethnic groups – it is the fourteenth most ethnically diverse ward in all Nottinghamshire. Asian British; Pakistani make up the largest proportion at 4.6% (116 individuals).</p> <p>Carlton Hill has the highest number of Black/African/Caribbean/Black British residents in the County (outside Nottingham City) and is the fifteenth most ethnically diverse ward in Nottinghamshire</p> <p>The Council's community facilities are available to hire for all BME groups. The Gedling African Caribbean Elders are a regular booking at the Brickyard Community Centre in Carlton Hill.</p>
Men/women and trans	<p>Bookings and activities relating to specific genders current exist for community centres and playing pitches, e.g. female and male football teams, WI at Pond Hills Lane Community Centre.</p> <p>We are not aware of any use of our facilities for individuals who are transgender or groups that represent this community. However the facilities are currently available for this community to hire.</p>
Pregnant Women	<p>Zumbini sessions run at the Brickyard and Pond Hills Lane Community Centre. SureStart services operate from the Brickyard Community Centre and Killisick Community Centre.</p>
Disabled people	<p>Long term limiting illnesses where day to day activities are slightly limited higher in 2011 than 2001</p> <p>Borough level at 19.3% is significantly worse than England level of 17.6%</p> <ul style="list-style-type: none"> • Limited a lot Highest ward Bestwood Village 14.9% Borough level 8.8% • Limited a little Highest ward Killisick 12% Borough level 10.5% <p>Health</p> <ul style="list-style-type: none"> • Very bad health Highest ward Killisick 1.5% Borough level 1.2% • Bad health Highest ward Killisick 5.9% Borough level 4.1% <p>Any maintenance of buildings is compliant with the needs of the Disability Discrimination Act.</p> <p>Debs4Coffee group for children with disabilities, Age UK, Juggle Diabetes and U3A Sign Language hire Pond Hills Lane Community Centre.</p> <p>Everyone Health Obesity and Weight Management Sessions operate at Killisick and Pond Hills Lane Community Centre.</p>

Gay/Lesbian/bisexual People	We are not aware of any specific groups at currently using our community facilities. However the facilities are currently available for this community to hire.
People from different faiths	<p>Gedling's breakdown of religions in 2011 – 57.1% Christian, 32.7% No religion, 1.4% Muslim.</p> <p>Many Christian groups use the community centres for regular sessions. The community centres are also used for wedding celebrations for different religions. Zion Intermissionary Church operates sessions at Pond Hills Lane Community Centre.</p>
People of different ages	<p>Gedling has an increasingly ageing population, fewer 5-44 year olds</p> <p>Decreasing 5-44 year olds 20% fewer than 2001 in 2011 Increasing over 60 population 25.26% of total population (28,700 people) 18.51% people aged 65 and over 5.2% people aged over 80 (5,700 people)</p> <p>Community buildings and bowling green's cater for a broad range of older persons groups - Autumn Club at Killisick and Age UK, Gedling Senior Citizens, Mature Movers, U3a groups, Tea and Social Dances, Swing into shape, Indoor Bowls at Arnold Hill Community, bowls club on bowling greens and Pond Hills Lane Arts Centre.</p> <p>Many children and young people groups – dance groups, pre-schools, childminders, SureStart, Rattle and Rhyme, Play Forum, Brickyard Youth Club, sports clubs at recreation grounds and Pond Hills Lane Arts Centre. The Council currently operates a Safeguarding Policy for all under 18s bookings who meet once a week or 4/5 times a month at Community Centres.</p>

How will this policy/service/procedure impact on the following groups:		
	Positive impact	Negative impact
Different racial groups	Continued accessibility of community facilities post asset transfer	Community organisations fail to comply with equality and diversity expectations when running a community facility resulting in community facilities not being available to this group.
Men/women and trans	Continued accessibility of community facilities post asset transfer	Community organisations fail to comply with equality and diversity expectations when running a community facility resulting in community facilities not being available to this group.
Pregnant Women	Continued accessibility of community facilities post asset transfer	Community organisations fail to comply with equality and diversity expectations when running a community facility resulting in community facilities not being available to this group.
Disabled people	Continued accessibility of community facilities post asset transfer	Community organisations do not comply with the requirements of DDA. Community organisations fail to comply with equality and diversity expectations when running a community facility resulting in community facilities not being available to this group.
Gay/Lesbian/bi-sexual people	Continued accessibility of community facilities post asset transfer	Community organisations fail to comply with equality and diversity expectations when running a community facility resulting in community facilities not being available to this group.
People from different faiths	Continued accessibility of community facilities post asset transfer	Community organisations fail to comply with equality and diversity expectations when running a community facility resulting in community facilities not being available to this group.
People of different ages	Continued accessibility of community facilities post asset transfer	Community organisations fail to comply with equality and diversity expectations when running a community facility resulting in community facilities not being available to this group.

What changes could be made to the policy/service/procedure to address any negative impacts?

The draft policy includes the following principle:

1. Meeting Community Need

The transfer of an asset must be in the best interests of the community and contribute to the aims and priorities of the Council. This includes ensuring an asset remains accessible to the community, in particular for those with the protected characteristics defined by the Equality Act.

What monitoring will be carried out to ensure this policy/service/procedure meets diverse needs

- The eligibility criteria for community organisations taking on Council assets, includes an assessment whether the organisation adheres to equality and diversity principles.
- The Council will conduct an Equality Impact Assessment of any proposed transfer of a facility.

What actions will be included in your service plan arising from this assessment?

Action	Outcome	Date?	Who?
An equality impact assessment conducted for any proposed transfer of a facility	Manage the potential on any adverse impact on any protected characteristic.	As and when required	tbc
Community Transfer Policy has commitment to ensuring those with protected characteristics have continued accessibility to community facilities.	Community Asset Transfer process assesses equality and diversity need of the local community.	1st July 2015	Lance Juby

Are you satisfied that all aspects of this policy/service/procedure have been thoroughly assessed for all the strands of diversity and that no further investigation is required? **Y**
If no then a fuller impact assessment is required.

Signed: Lance Juby, Service Manager – Community Relations, 1st July 2015

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Report to Cabinet

Subject: Consultation response to the Nottinghamshire County Council (NCC) Waste Reduction, Reuse, Recycling and Composting Plan 2015-16.

Date: 30th July 2015

Author: Corporate Director – D. Wakelin

Wards Affected:

Borough Wide

Purpose

- 1. To bring to the attention of Cabinet the NCC consultation document that outlines their draft plan and proposals for waste reduction and the maximisation of composting and recycling rates across the County throughout 2015/16 (Appendix 1).**
- 2. To seek comments from Cabinet on the Gedling Borough Council draft response (Appendix 2) to the above document to enable a comprehensive submission to be made to NCC by the Corporate Director before the 3rd September 2015 when their finalised plan is presented at the meeting of the Environment and Sustainability Committee.**

Key Decision

This is not a Key Decision

Background

- 1.1** Within Nottinghamshire County there are two tier arrangements for the collection and disposal of municipal waste, with the County Council undertaking those statutory duties around waste disposal and the seven Borough and Districts undertaking statutory duties around waste collection.
- 1.2** NCC have a PFI waste disposal contract with Veolia (current until 2020) and within this arrangement they take contractual responsibility for the disposal of all collected waste and operate a number of 'recycling centres' across the County. The PFI contract target for 2020 is to achieve a recycling rate of 52% alongside reducing overall tonnages. This target itself aligns with the EU waste

directive target of 50% by 2020.

- 1.3 NCC is required, on an annual basis, to submit to DeFRA their plan to increase levels of recycling across the County in partnership with the Borough and District Councils. In preparing this plan views are gathered from individual Local Authorities and from the Joint Waste Management Committee (JWMC) which comprises of Members and Officers from across the County. This meeting is currently chaired by Cllr Peter Barnes.

The Committee met on 8th July 2015 to consider the County Council's 2015/16 draft planning document (**Appendix 1**).

- 1.4 The overall recycling rate for Nottinghamshire for the 2014/15 period was 43.26% with the Borough and District Council range varying from 21% to 51%.

Gedling Borough Council's recycling performance over recent years has ranged from 36% or 38%, so significantly short of the 2020 target of 45% suggested by NCC in order that the County can achieve its overall performance target.

- 1.5 NCC will present their draft planning document to Members of the Environment and Sustainability Committee on 3rd September 2015, then, following consultation and feedback from the Borough and District Councils, their completed document will be sent to DeFRA.

Proposal

- 2.1 **Appendix 2** is a draft version of the response that Gedling Borough Council intends to submit to NCC following discussion at the JWMC meeting held on the 8th July 2015.
- 2.2 The views, opinions and further additions to this response are sought from Cabinet to enable a completed document to be drafted for submission to NCC in early August 2015.

Alternative Options

- 3.1 The Council is not legally obliged to provide comment to the planning document (**Appendix 1**) and could choose not to do so.

Financial Implications

- 4.1 Some of the NCC proposals, as outlined in the Council's consultation response, (**Appendix 2**) could have an adverse impact on our waste collection services leading to direct financial implications e.g. the potential for increased fly tipping occurrences that will need collecting by our staff.

Wherever possible these indirect costs will be monitored for future discussions with NCC if the proposals are ultimately pursued.

4.2 Reference is also made (within **Appendix 1** – para 5.8 page 10) to Gedling Borough Council undertaking additional household waste collections over the 2015/16 Christmas/New Year period. As a manifesto commitment this work is being built into the department's Service Plan and it is anticipated, at this stage, that any costs arising from this additional service should be met from within the existing budget allocation.

5.1 **Appendix 1.**

Waste reduction, Reuse, Recycling and Composting Plan 2015/16.

Appendix 2.

The Gedling Borough Council draft response to the above document.

Background Papers

None identified.

Recommendations

That Cabinet:

1. **Note the draft NCC Waste reduction, Reuse, Recycling and Composting Plan 2015/16 (Appendix 1)**
2. **Following discussion and feedback, authorise the Corporate Director to submit the Council's formal response.**

Reasons for Recommendations

It is important, for the reasons highlighted that Gedling Borough Council's views are taken into consideration by Nottinghamshire County Council before the final submission is made to DeFRA.

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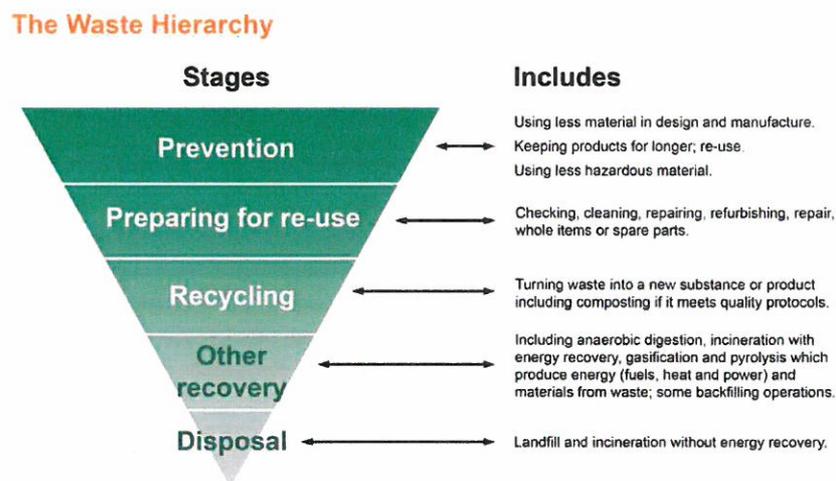
**NOTTINGHAMSHIRE COUNTY COUNCIL
WASTE REDUCTION, RE-USE, RECYCLING
AND COMPOSTING PLAN
2015/16**

DRAFT

1. Introduction

- 1.1. The 2015/16 Nottinghamshire County Council Waste Reduction, Re-use, Recycling and Composting Plan sets out the Council's approach to increasing recycling rates towards the PFI contract target of 52% by 2020 alongside reducing overall tonnage. This target aligns with the EU Waste Framework Directive target of 50% by 2020.
- 1.2. Household Waste collected at the kerbside is the responsibility of the district and borough councils (Ashfield DC, Bassetlaw DC, Broxtowe BC, Gedling BC, Mansfield DC, Newark and Sherwood DC and Rushcliffe BC) who are Waste Collection Authorities (WCA). Nottinghamshire County Council is a Waste Disposal Authority (WDA) and as such pays for the disposal of all Household Waste collected by the WCA and waste deposited at the County's Recycling Centres.
- 1.3. The recycling rate for Nottinghamshire in 2014/15 period stood at 43.26% with individual district rates ranging between 21% and 51%.
- 1.4. The Waste Reduction, Re-use, Recycling and Composting Plan for 2015/16 will have actions grouped in accordance with the Waste Hierarchy as shown below.

Figure 1 – Waste Hierarchy



- 1.5. Whilst this plan is primarily concerned with recycling and composting it is important to consider all stages of the waste hierarchy in order to look at how the recycling and composting elements fit within the whole of waste management. Each stage will be looked at in detail and will highlight what plans Nottinghamshire County Council have for each element.
- 1.6. The table below shows the overall tonnages for 2014/15. It should be noted that reported recycling and composting figures exclude trade waste collected by the district councils and inert materials collected at the recycling centres.

Figure 2 – 2014/15 Household Waste Tonnes

Recycling/Disposal Method		2014/15 Tonnage
Dry Recycling	Materials Recovery Facility (WCA)	52,257.48
	Bring Banks (WCA)	12,720.36
	Recycling Centres (RC)	25,168.40
	Other (including fridges, florescent tubes) (RC)	1,763.35
	Street Sweepings (WCA)	8,093.00
	TOTAL RECYCLING	100,002.59
Composting	Kerbside Collections (WCA)	33,244.48
	Recycling Centres (RC)	25,665.88
	TOTAL COMPOSTING	58,910.36
Energy Recovery	Eastcroft (WCA)	66,593.51
	Refuse Derived Fuel(WCA)	47,347.60
	Other (clinical) (WCA)	42.74
	TOTAL ENERGY RECOVERY	113,983.85
Landfill	Waste Collection Authority (WCA)	91,006.14
	Recycling Centres (RC)	13,888.63
	Other (clinical) (WCA)	68.14
	TOTAL LANDFILL	104,894.77
TOTAL TONNAGE FOR 2014/15 (EXCLUDING TRADE & INERT WASTE MATERIALS)		366,383.95

- 1.7. The majority of this waste is managed through a long-term PFI contract with Veolia as amended by Veolia's Revised Project Plan (RPP) on 24th February 2015.

2. Current Status of Recycling in Nottinghamshire

- 2.1. All 7 WCA currently collect mixed dry recycling including paper, card, tins, cans and plastic bottles. These materials are taken directly to the PFI Contract Materials Recovery Facility (MRF) at Mansfield where they are sorted and separated through a variety of methods and baled in order to be sent for recycling.
- 2.2. Within the PFI contract there are a number of targets and Key Performance Indicators (KPI's) which includes a progressive increase in recycling and composting rates across the life of the contract. An ambitious target of achieving 52% of Household Waste being recycled by 2020 was set to align with the European Commission's Waste Framework Directive target of 50% by 2020.
- 2.3. In 2014/15 the County Council's recycling rate was 43.26% which falls below the level required to meet the 52% by 2020 target in the PFI contract. It is therefore imperative that a well formulated recycling and composting plan is developed to help achieve this ambitious target.
- 2.4. Recycling rates in Nottinghamshire have plateaued over recent years, as they have nationally during the recession, further emphasising the need for a well formulated strategy. The table below shows the overall recycling rate of household waste in Nottinghamshire over recent years.

Figure 3 – Household Waste Recycling Rate

	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Target	32%	42%	43%	44%	47%	47%
Achieved	41.6%	42.6%	43.4%	42.8%	42.7%	43.2%

- 2.5. Each WCA has its own distinct demographic make-up and challenges with regards to achieving increased recycling rates. Figure 4 shows the levels of recycling within the seven WCA over the last four years which have remained static and in several cases have in fact fallen;

Figure 4 – Recycling Rates by WCA

	Ashfield DC	Bassetlaw DC	Broxtowe BC	Gedling BC	Mansfield DC	Newark & Sherwood DC	Rushcliffe BC
2010/11	34%	23%	43%	37%	41%	26%	54%
2011/12	34%	23%	42%	37%	39%	26%	51%
2012/13	34%	22%	41%	36%	36%	24%	51%
2013/14	33%	21%	40%	37%	38%	26%	51%

- 2.6. Alongside the collection of recyclable materials as highlighted above, several WCA offer additional services, these are summarised in the table below;

Figure 5 – Additional Waste Collections by WCA

	Dry Recycling Collections	Garden Waste Collections	Separate Glass Collections	Textile Collections
Ashfield DC	Collected	Collected	Collected	Not Currently Collected
Bassetlaw DC	Collected	Not Currently Collected	Not Currently Collected	Not Currently Collected
Broxtowe BC	Collected	Collected	Collected	Collected
Gedling BC	Collected	Collected	Collected	Not Currently Collected
Mansfield DC	Collected	Collected	Not Currently Collected	Not Currently Collected
Newark & Sherwood DC	Collected	Collected	Not Currently Collected	Not Currently Collected
Rushcliffe BC	Collected	Collected	Not Currently Collected	Not Currently Collected

Collected	Collected
Not Currently Collected	Not Currently Collected

Note: Several areas of Newark & Sherwood have garden waste collections undertaken by neighbouring district/borough councils.

- 2.7. Within the County there are 12 recycling centres that accept household waste from Nottinghamshire residents. In 2013/14 approximately 84,000 tonnes of waste was collected at the recycling centres and 80% of this waste was recycled. Despite a plateauing of the amount of Household Waste being recycled overall within the County, the recycling centres performance has seen steady progress and is significantly exceeding the contract target of recycling 59%. The table below shows recycling progress in recent years.

Figure 6 – Recycling Rate at Nottinghamshire Recycling Centres

	Percentage Sent for Recycling
2010/11	72%
2011/12	75%
2012/13	80%
2013/14	80%

- 2.8. The recycling centres accept a variety of materials for recycling as follows;

- Glass
- Paper & Cardboard
- Plastic Bottles
- Textiles
- Metals
- Electrical Goods
- Engine Oil
- Car Batteries
- Garden Waste
- Plasterboard (excluding Mansfield)

2.9. In addition to the above materials 4 of the sites (Beeston, Calverton, Newark and Warsop) accept paint which, where it is suitable for re-use, is made available free of charge to members of the public at specially organised paint nights, or by appointment to charities, community groups and other organisations throughout the year.

2.10. As part of the PFI Contract a public satisfaction survey is undertaken at each of the recycling centres annually to monitor service provision. Face to face interviews are conducted with a wide variety of questions being asked about the user's satisfaction of various aspects of the sites including which services they offer, the staff, the general up keep of the site and the sites layout. The table below shows the overall satisfaction rates at the recycling centres since 2007. As can be seen satisfaction rates remain consistently high with members of the public.

Figure 7 – Recycling Centres Satisfaction Rates

Year	Overall Satisfaction Rate
2007	97%
2008	97%
2009	97%
2010	98%
2011	96%
2012	98%
2013	98%
2014	98%
2015	98%

3. Prevention (and Reuse)

- 3.1. These measures are taken before substance, material or product becomes waste ensuring there is less waste in the first instance.

Home Composting

- 3.2. Home Composting has been encouraged via the sale of composting bins at reduced prices since 2003, with over 20,000 home composting bins having been sold to Nottinghamshire residents helping to divert the costs of dealing with compostable waste and away from the WCA and WDA. In recent years the County has been part of a National Framework Agreement with Straight Ltd allowing for the 2015/16 costs to be reduced as follows;

- 330 litre black composter is now £19.98 (£22.98 in 2014)
- 220 litre black composter is now £17.98 (£19.98 in 2014)
- These composters are also buy one, get one half price

- 3.3. In order to further encourage home composting it will continue to be promoted through parish council newsletters and taking opportunities to promote through the district councils. The home composting offer along with associated advice will also be offered at events throughout the county including the County Show on the 9th and 10th May in Newark which is attended by around 50,000 people.

- 3.4. Estimated impact of interventions on recycling rate for 2015/16 – **Increase by <0.1%**

Recycling Centres

- 3.5. Veolia operate 12 recycling centres as part of the Nottinghamshire PFI contract, which play a pivotal role in not just recycling, but in preventing waste in the first place.
- 3.6. A significant amount of waste is brought to the County's recycling centres from people living outside of the county. Several of the recycling centres are located close to the borders of other local authorities and people use them in preference to their own. From autumn 2015 a residents waste permit scheme will be introduced to help ensure that only Nottinghamshire residents are using the recycling centre services with non-Nottinghamshire residents being turned away and informed of the closest recycling centre in their local authority area. By ensuring only waste generated by Nottinghamshire residents is deposited at recycling centres this will not only reduce the amount of waste, but will make the recycling centres more accessible for Nottinghamshire residents, particularly at busy times. Despite it having a no overall impact upon the recycling rate, due to reducing all types of waste at recycling centres, it is estimated that the introduction of a residents permit scheme will achieve a significant reduction in overall tonnage and save the authority around £200k a year on disposal costs.

- 3.7. In autumn 2015, Nottinghamshire County Council will introduce a charging structure for inert materials (i.e. soil and rubble) brought to its recycling centres. Currently this is accepted free of charge at recycling centres despite there being no legal obligation to do so. Approval has been given to introduce a pre-booked, charged service for waste being delivered to recycling centres in vehicles that currently require a van, trailer or pick up permit. Modifying the existing service in this way should help to reduce potential trade waste and will cover the cost of disposing of this waste. In 2014/15 around 18,000t of inert and 1,500t of gypsum were deposited at the recycling centres. It is estimated, conservatively, that the introduction of a charging scheme for these inert materials would reduce tonnages by 10%. It should be noted that inert materials are not included in the overall tonnage as these are not defined as household waste and are therefore not included in the overall recycling rate. It is however expected to offset around £150k per annum in waste disposal costs.
- 3.8. Estimated impact of interventions on recycling rate for 2015/16;
- Introduction of a residents waste permit scheme – **Negligible but with a significant financial saving on disposal costs.**
 - Charging for inert materials – **Negligible but with a significant reduction in inert materials and a financial saving on disposal costs.**

Love Food Hate Waste (LFHW)

- 3.9. Encouraging people to reduce the amount of food waste that they throw away will be done through promotion of the LFHW at county events in partnership with Veolia including sponsoring stands at the Nottinghamshire show and the Robin Hood Festival as well as having promotional materials such as LFHW recipe cards at district events. The LFHW sustainable cookery book has also been updated and will continue to be promoted and distributed, and alongside this, signposting to the LFHW website from the Council waste and recycling webpages will continue.
- 3.10. Nottinghamshire County Council and Veolia will also look to tie in any activities to the national Halloween Pumpkin Festival in October 2015. As part of this national campaign there is access to a wide range of resources as well as the benefits of being part of a wider scheme for publicity.
- 3.11. A number of other small scale projects and campaigns will be undertaken in relation to LFHW to achieve behavioural change such as a 'Cookery Club' trial. This will involve procuring an outside provider to engage with families who have children at local schools who will be given tips on how to reduce food waste through utilising new recipes and changing habits.
- 3.12. Estimated impact of interventions on recycling rate for 2015/16 – **Increase by 0.5%**

Real Nappies Campaign

3.13. It is estimated that a child only requires 50 real nappies compared to thousands of disposable versions for each child's life. Therefore, Nottinghamshire County Council will continue to promote the benefits of real nappies through the website as well as taking advantage of other communications channels including the promotion of Real Nappy Week through 'Email Me' (see below).

3.14. Estimated impact of interventions on recycling rate for 2015/16 – **Negligible**

Mailing Preference Service

3.15. The County Council website will continue to promote and signpost the Mailing Preference Service in a bid to reduce the amount of junk mail delivered to Nottinghamshire residents. The service is free and allows people to have their names and addresses removed from mailing services used by the direct mail industry.

3.16. Estimated impact of interventions on recycling rate for 2015/16 – **Negligible**

Reducing Residual Waste Arisings

3.17. Nottinghamshire County Council will continue looking for opportunities to reduce waste arisings. Within the Council's Environmental Management System there are a range of targets including the overall residual tonnage of waste arisings. This is reviewed quarterly and focus is predominantly on residual waste which aligns well with this strategy which aims to increase the recycling rate to 52% by 2020. Investigative work will be undertaken during 2015/16 to look into further options around reducing overall residual tonnage.

3.18. Estimated impact of interventions on recycling rate for 2015/16 – **N/A – Investigative work only in 2015/16.**

'Email Me'

3.19. The Council runs a tailored email service allowing Nottinghamshire residents to select which areas of interest they would like monthly updates about. The waste and recycling email bulletin contains a range of information about upcoming events, information and tips in relation to waste and recycling. During 2015/16 'Email Me' will continue to be promoted through a variety of ways including signs at recycling centres, bus shelter adverts and lamp post banners. Since it started in April 2014 there have been monthly updates and it has seen a steady increase in subscribers which stands at 5,229 as of April 2015.

3.20. Estimated impact of interventions on recycling rate for 2015/16 – **Increase by <0.1%**

4. Preparing for Reuse

- 4.1. These measures involve checking, cleaning or repairing components or products that have become waste so that they can be used without any other type of processing. Products and/or components salvaged in this way are thus removed from entering landfill or being disposed of in other ways.

Paint Reuse Schemes at Recycling Centres

- 4.2. There are 4 recycling centres in Nottinghamshire (Beeston, Calverton, Newark and Warsop) that offer a Community RePaint, paint reuse scheme whereby Nottinghamshire residents can deposit unused paint. The paint is then assessed for usability and sorted by type and colour with that being unsuitable for reuse being disposed of in the appropriate manner. The reusable paint is then made available to members of the public at specific public open days and to community groups and charities by appointment, free of charge.
- 4.3. In 2015 the Council is extending the hours of the public open days with a view to allowing more individuals to access the service. In conjunction there will be a new promotional leaflet that will be used at events and through partnership links. Both the public open days and the availability of the service to community groups and charities will continue to be promoted through the County Council's 'Email Me' service.
- 4.4. Follow up by Communications Officers will be done with community groups who have accessed the service to highlight how the free paint has made a difference and allow for case studies to be developed.
- 4.5. Estimated impact of interventions on recycling rate for 2015/16 – **Increase by <0.1%**

Furniture Reuse Scheme

- 4.6. The Furniture Reuse Network indicates that each year around 10 million items of furniture are thrown away and that 3 million of these could easily be reused. There are a number of furniture reuse schemes within the county and these will be promoted via the Council website as well as signposting to any relevant district council sites.
- 4.7. Estimated impact of interventions on recycling rate for 2015/16 – **Negligible**

5. Recycling

- 5.1. This represents any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. Recycling and composting activities will compile the majority of this action plan in order to move towards the 52% target by 2020.

Materials Recovery Facility (MRF)

- 5.2. Dry recyclables collected by the WCA have been delivered to the PFI Contract MRF since 2009. The recyclables are sorted to ensure good quality materials are produced in order to be sent on for recycling.
- 5.3. In order to ensure the correct materials are finding their way into the dry recycling bins rather than entering the residual waste stream, Nottinghamshire County Council will undertake a push on the 'Are you Bin Smart' campaign in autumn 2015 in order to reduce contamination and increase capture rates of materials that could be recycled but otherwise end up in the residual waste stream. The 'Are you Bin Smart' campaign was first launched in 2008 so this work builds upon an already well-established campaign.
- 5.4. To Raise awareness of the processes at the MRF, a new updated leaflet has been produced explaining how the MRF operates and what materials can be sorted there. The leaflet also explains what is meant by contamination, advertises tours of the facility and gives useful contacts such as district councils. This will be distributed to residents and used at events.
- 5.5. Sampling will be conducted of recyclable materials entering the MRF to allow compositional analysis to be undertaken. This will determine the breakdown of categories such as plastics and allow for more targeted engagement in relation to specific items. Compositional analysis will also be undertaken on materials in the residual waste stream through Worksop and Newark Waste Transfer Stations to highlight any recyclable materials, this will again allow for targeted campaigns in order to increase levels of recycling.
- 5.6. Consideration will also be given as to whether the MRF input specification could be extended to capture other plastic items that are not currently accepted. This will be done by investigating third party waste that also goes into the MRF (the Derbyshire districts of Amber Valley, Chesterfield and High Peak). Research will also be undertaken to see whether having a wider specification would also attract additional targeted materials.
- 5.7. A new post has been created by Veolia to assist the Communications Officer, who will operate out of the MRF. This role will carry out MRF tours and communication activities meaning a higher number of people can be engaged.
- 5.8. An additional residual waste collection over the post-Christmas period is being proposed by the Labour majority group at Gedling Borough Council. This would help to reduce

contamination of the dry recycling collections which tend to be at their worst during this time period. This will however only have a minimal impact on the overall waste tonnages.

5.9. Estimated impact of interventions on recycling rate for 2015/16 – **Increase by 1%**

Schools Waste Action Club (SWAC)

5.10. The SWAC education programme will continue to run in 2015 with a variety of activities and themes. Free educational visits to the MRF will be undertaken in partnership with Veolia.

5.11. Konflux Theatre Company has been funded by Veolia to provide an education through drama workshop on recycling during the week commencing 22nd June. The workshops will deliver the recycling message to approximately 1300 pupils.

5.12. Waste Management are looking to secure repurposed iPads for use as part of the MRF education visits.

5.13. The Education Room at the MRF will be undergoing a refurbishment during 2015/16 which will incorporate more interactive learning resources to help facilitate better engagement during MRF visits.

5.14. SWAC will continue to target schools that have had little or no involvement in the SWAC programme in order to grow the number of schools and pupils that have been engaged with. To date, approximately 258 (75%) of primary, secondary and special schools have participated in the programme.

5.15. Estimated impact of interventions on recycling rate for 2015/16 – **Negligible but long term benefits will accrue.**

Kerbside Composting

5.16. Further work will be undertaken by WCA to expand existing garden waste collections to more residents through continued promotion. Newark and Sherwood District Council, in partnership with Rushcliffe Borough Council are expanding their garden waste collections to include the Farndon and Fernwood areas in 2015/16.

5.17. There is also the potential introduction of a garden waste collection in Bassetlaw, options around this will be looked at and the County Council will look to continue to offer incentive payments in order to encourage the setup of such a scheme. Based on the 2014/15 budget proposal this would equate to an equal saving for both district and county councils from the green waste diverted from residual waste bins.

5.18. Estimated impact of interventions on recycling rate for 2015/16 – **Increase by 1% but with ongoing increases predicted.**

Kerbside Glass Collections

- 5.19. There are districts that currently don't undertake kerbside glass collections (Bassetlaw, Mansfield, Newark and Sherwood and Rushcliffe). Recent compositional analysis of residual waste entering the Eastcroft EfW facility indicated that recyclable glass made up 3.81% of the loads from Rushcliffe. Feasibility studies will be undertaken to investigate whether any cross border working could be undertaken through widening of existing collection areas or through vehicle sharing agreements.
- 5.20. A feasibility study is being undertaken by Ashfield District Council for using wheeled bins to collect glass rather than the existing boxes that are currently used. This may potentially lead to more people utilising the service, particularly where they might find it difficult to move/carry the glass box when full.
- 5.21. Estimated impact of interventions on recycling rate for 2015/16 – **N/A Feasibility study only in 2015/16**

District Specific Schemes

- 5.22. A number of other kerbside collections are being considered including Broxtowe's textile collection which was introduced as a trial in November 2014. This will be promoted further in 2015 and its success analysed.
- 5.23. Kerbside battery collections are currently undertaken by Rushcliffe and Gedling Borough Councils and Gedling are also trialling a kerbside collection of small WEEE items.
- 5.24. The expansion of materials being collected at bring sites is also being considered by several district councils including batteries and WEEE recycling banks. Gedling Borough Council is considering having collection points for fluorescent tubes in council buildings and offices as part of Veolia's compliance scheme.
- 5.25. Ashfield District Council have recently launched their 'Binfo app' which is a phone application that reminds residents of collection days as well as which materials can be placed in their recycling bin.
- 5.26. Estimated impact of interventions on recycling rate for 2015/16 – **Increase by 0.1%**

Recycling Centres

- 5.27. Continued consideration will be placed into exploring the separation of additional materials at recycling centres. Carpet collections are currently being trialled at 4 recycling centres with mattress separation also being considered.

5.28. Initial consideration will also be given to the possibility of creating fewer but larger recycling centres with a view to accepting a wider range of materials.

5.29. Estimated impact of interventions on recycling rate for 2015/16 – **Negligible**

Food Waste

5.30. There are currently no viable facilities with capacity for recycling food waste from Nottinghamshire residents. Options around this will however continue to be looked at if something becomes feasible.

5.31. Estimated impact of interventions on recycling rate for 2015/16 – **N/A**

6. Other Recovery

- 6.1. Whilst the main focus of this strategy document is to increase the recycling rate, it is still important to consider how waste that isn't being reused or recycled can still be moved up the waste hierarchy.

Energy Recovery

- 6.2. New waste transfer stations (WTS) in Newark and Worksop are due to be operational from 1st June 2015. These will be used to transfer residual waste from Bassetlaw and Newark and Sherwood District Councils to the Sheffield Energy Recovery Facility (ERF). This ensures that around 50,000 tonnes in 2015/16 and 60,000 tonnes thereafter (full year) of waste per annum is diverted from landfill.
- 6.3. The Eastcroft Energy from Waste (EfW) facility in Nottingham will, subject to availability, in 2015/16 be able to accept 68,000 tonnes of residual waste from Broxtowe, Gedling and Rushcliffe Borough Councils.
- 6.4. Both the Eastcroft and Sheffield EfW facilities provide heat as part of district heating schemes directly to homes within their vicinities.

Refuse Derived Fuel (RDF)

- 6.5. The FCC Alfreton WTS will be used for Mansfield and Ashfield District Councils residual waste until 31st March 2017. FCC produce RDF through a shredding and sorting process.
- 6.6. Whilst having Mansfield and Ashfield's waste delivered to Alfreton WTS has provided a short-term solution that is more favourable than sending their residual waste to landfill, the Council continues to discuss options with Veolia around longer term options.

Bulky Waste

- 6.7. A trial is being undertaken at the Veolia Derby WTS for the recovery of bulky waste collections delivered via Freeth Street WTS for Broxtowe, Gedling and Rushcliffe Borough Councils. These bulky items would be stripped down and salvageable parts removed, therefore avoiding landfill.

7. Disposal

- 7.1. Whilst every effort is being made to ensure as much waste as possible is reused, recycled and recovered it is currently inevitable that a certain proportion will still be disposed of without any recovery. From the 1st June 2015 Staples landfill will be the only landfill site in Nottinghamshire being used for residual waste by the County Council. This will be predominantly used for residual waste from the County's recycling centres and during periods of unavailability at Eastcroft EfW. Veolia will also use their own out of county landfill sites for residual waste from the Recycling Centres.

8. Delivery

- 8.1. Appropriate budget allocation for new schemes or significant promotion and communication of existing ones will be essential in order to achieve an increase in recycling and composting performance. Consideration will need to be given to invest to save projects such as new garden waste or glass collection services.
- 8.2. The County Council will need to work collaboratively with the district councils to secure improved performance. The County Council meets regularly with the district councils through the Joint Waste Management Committee (JWMC) and Joint Officer Board (JOB) meetings will continue in order to ensure engagement with district councils. In addition to this, the Recycling Officers group meetings have recently been reconvened to ensure better sharing of ideas and resources at an officer level and the delivery of communications campaigns.
- 8.3. Closer working with the districts and agreements around benefit sharing will be an important consideration. Currently Bassetlaw District Council does not undertake a garden waste collection, whilst only parts of Newark and Sherwood are served by such a service through an agreement with Rushcliffe Borough and Mansfield District Councils. In order to kick-start any garden waste collection scheme a significant amount of capital investment would be required but this can potentially be offset through disposal savings as garden waste is moved away from the residual waste stream and composted instead. Discussions would take place with WCA's to ensure that any revenue sharing is beneficial to both parties.

9. Impact on Performance

9.1. The table below summarises the performance target for 2015/16. The impact of interventions is based on the expected diversion of tonnage from residual waste to recycling and composting. A diversion of 3,664 tonnes of residual waste represents a 1% increase in the overall recycling rate.

Figure 8 – 2015/16 Plan Summary

Year	Performance Target	Service Improvement Actions	Performance Improvement Target
2014/15 (Current)	43%	Baseline	
2015/16	45.5%	<p><u>Prevention</u></p> <ul style="list-style-type: none"> • Home Composting • Recycling Centres • Love Food Hate Waste • Real Nappy Campaign • Mailing Preference Service • Reducing Residual Waste Arisings • 'Email Me' <p><u>Preparing for Reuse</u></p> <ul style="list-style-type: none"> • Paint Reuse Scheme • Furniture Reuse Schemes <p><u>Recycling</u></p> <ul style="list-style-type: none"> • MRF Activities • SWAC • Kerbside Composting • Kerbside Glass Collections • District Schemes • Recycling Centre Schemes • Food Waste 	<p>+<0.1% <i>Negligible</i></p> <p>+0.5% <i>Negligible</i></p> <p><i>Negligible</i></p> <p><i>N/A</i></p> <p>+<0.1%</p> <p>+<0.1% <i>Negligible</i></p> <p>+1% <i>Negligible</i></p> <p>+1% <i>Negligible</i></p> <p>+0.1% <i>Negligible</i></p> <p><i>N/A</i></p>

9.2. The following table sets out targets for future years in order to achieve the recycling and composting target of 52% by 2020.

Figure 9 – Annual Targets, 2015 - 2020

Year	Annual Performance Target
2015/16	45.5%
2016/17	47.0%
2017/18	48.5%
2018/19	50.0%
2019/20	52.0%

9.3. In order to achieve a recycling rate of 52% by 2020 it is important to look at how each WCA could contribute to the overall target. The table below (Figure 10) includes suggested performance levels for each district and what major interventions will be looked at in order to achieve this. There is limited scope to improve the performance of the Recycling Centres, which are already exceeding the PFI Contract target; however Veolia continue to look for new opportunities.

Figure 10 – District Council & Recycling Centres 2020 Recycling and Associated Tonnage Targets

District	2014/15 Tonnage	2014/15 Recycling Tonnage	2014/15 Residual Tonnage	2014/15 Recycling Rate	2020 Suggested Performance Level	Recycling Tonnage Required	Recycling Rate Shortfall	Shortfall Tonnage	Interventions for Improved Performance
Ashfield	45,620.43	15,685.73	29,934.70	34.38%	45%	20,529.19	10.62%	-4,843.46	Significant increase in kerbside glass and green waste collections. Improved MRF capture rates.
Bassetlaw	41,852.48	8,712.71	33,139.77	20.82%	40%	16,740.99	19.18%	-8,028.28	New kerbside green and glass collections. Improved MRF capture rates.
Broxtowe	39,334.58	15,747.46	23,587.12	40.03%	45%	17,700.56	4.97%	-1,953.10	Minor increase in kerbside green and glass collections. Improved MRF capture rates.
Georing	43,397.73	16,030.45	27,367.28	36.94%	45%	19,528.98	8.06%	-3,498.53	Minor increase in kerbside green and glass collections. Improved MRF capture rates.
Mossfield	42,790.87	15,239.64	27,551.23	35.61%	45%	19,255.89	10.87%	-4,016.25	Minor increase in kerbside green and glass collections. Improved MRF capture rates.
Newark and Sherwood	43,115.14	12,154.27	30,960.87	28.19%	40%	17,246.06	11.81%	-5,091.79	Significant increase in kerbside glass and green waste collections. Improved MRF capture rates.
Rushcliffe	43,799.12	22,344.52	21,454.60	51.02%	55%	24,089.52	3.98%	-1,745.00	New kerbside glass collection. Improved MRF capture rates.
All Recycling Centres	66,486.26	52,597.63	13,888.63	79.11%	80%	53,189.01	0.89%	-591.38	Permit scheme to allow more time for staff to sort recyclables.
TOTAL	366,396.61	158,512.41	207,884.20	43.26%	52%	193,162.9 3	8.74%	-29,767.79	

*Note – the figures for 2014/15 have yet to be finalised and are therefore subject to change

- 9.4. The table highlights the need for some significant increases in recycling and composting in several of the districts. There is however room to achieve this through the introduction of new and improved glass and garden waste schemes alongside a plethora of other interventions set out within this and future annual plans.
- 9.5. The 2014 compositional analysis undertaken on waste entering the Eastcroft EfW facility can help give an indication as to the potential of different interventions and new schemes. The analysis was undertaken on loads entering Eastcroft EfW from Broxtowe, Gedling and Rushcliffe Borough Councils, so assumptions have to be made for the remaining 4 districts. However, based on existing residual tonnage there is the potential to move the following amounts of dry recyclables from the residual waste into the recycling stream with the correct interventions;

Figure 11 – Potential Residual to Dry Recyclable Diversion

District	Current Residual Tonnage	Percentage of Dry Recyclables Found in Compositional Analysis*	Potential Dry Recyclables to be Diverted from Residual Waste
Ashfield	29,935	7.94%	2,377
Bassetlaw	33,140	7.94%	2,631
Broxtowe	23,587	9.23%	2,177
Gedling	27,367	8.36%	2,288
Mansfield	27,551	7.94%	2,188
Newark and Sherwood	30,961	7.94%	2,458
Rushcliffe	21,455	6.24%	1,339

**Where an authority has no compositional analysis undertaken (Ashfield, Bassetlaw, Mansfield and Newark & Sherwood) an average figure from the analysed districts has been used*

- 9.6. Although assumptions have been made for the 4 districts that did not form part of this analysis it still highlights that there are significant amounts of dry recyclables within the residual waste stream. This further highlights the importance of campaigns such as 'Are You Bin Smart' that focus on engaging with the public to increase knowledge and change behaviour.
- 9.7. Residual waste analysis of waste from Bassetlaw and Newark and Sherwood (the lowest performing districts) will be carried out by Veolia in 2015/16 through the two new WTS at Worksop and Newark.
- 9.8. The districts/boroughs of Bassetlaw, Mansfield, Newark & Sherwood and Rushcliffe do not currently have separate kerbside glass collections. By again using the compositional analysis we can see the potential impact of introducing a kerbside glass collection service in these districts.

Figure 12 – Potential Residual to Glass Recycling Diversion

District	Current Residual Tonnage	Potential Glass to be Diverted from Residual Waste*
Bassetlaw	33,139.77	1,263
Mansfield	27,551.23	1,050
Newark and Sherwood	30,960.87	1,180
Rushcliffe	21,454.60	817

**This is based on the Rushcliffe compositional analysis that indicated 3.81% of residual waste was made up of collectable glass.*

9.9. The above figures are optimistic because they assume 100% capture and do not factor in that Bassetlaw and parts of Newark and Sherwood do not have green waste collections, which would reduce the overall residual tonnage prior to applying this glass reduction calculation.

9.10. The well-established garden waste collection schemes of Ashfield, Broxtowe, Gedling, Mansfield and Rushcliffe collect between 4,000 and over 11,000 tonnes of garden waste per annum. Whilst it is unrealistic to think that Bassetlaw and Newark and Sherwood would collect the levels that Rushcliffe achieve they could be realistically be expected to collect 4,000 tonnes plus through an affordable (for residents) collection scheme which would represent a significant chunk towards their individual district targets. There is potential to increase the usage of the other garden waste scheme, particularly Gedling's, which currently levies the highest subscription charge.

10. Challenges and Pressures

10.1. The challenge of achieving the ambitious recycling target of 52% by 2020 comes against a backdrop of various pressures and challenges on both a local and national level.

10.2. There are currently no statutory targets set by the central UK government for recycling rates and whilst there is the overarching EU Waste Framework Directive target, this lack of direct targets could be contributing to the slowing down or plateauing of recycling rates. It is therefore imperative that a suitable strategy and approach is determined in order to best encourage both individuals and district and borough councils as a whole to work towards encouraging an increase in recycling. At this stage central government is considering how to address this challenge. The County Council has expressed a preference to statutory targets for all local authorities and not just WDA because in a two-tier area such as Nottinghamshire, engagement with WCA is critical to success.

10.3. The economic downturn in recent years has meant that there has been a lack of financial help in order to help achieve an increase in recycling. This has meant that it has been difficult to implement schemes that require significant infrastructure or revenue streams. Whilst the economic picture has improved in the last couple of years it is unlikely that major new funding streams will be made available. Once again this means that innovative approaches need to be implemented alongside positive partnership working within the WCA.

10.4. National and local political changes have the potential to impact on the success of any reduce, re-use, recycle and composting plan through the setting or removal of statutory targets or increases and decreases in national and local budgets. National changes could also lead to landfill bans on certain waste types and/or an increase in Landfill Tax.

10.5. Population increases and movements will also impact on the success of this plan. Sizeable population increases will likely lead to an increase in overall tonnage and significant population movement into an area could lead to a fall in recycling rates as new residents in the area may not be familiar with the recycling services on offer.

11. Summary of Key Actions and Priority Areas

- 11.1. Recycling and composting performance at the WCA level needs to be equalised across the County in order to improve the overall performance at the County level. Currently Bassetlaw and Newark and Sherwood District Councils are lagging behind the others and offer the biggest potential for increases in recycling and composting.
- 11.2. The introduction of a garden waste collection in Bassetlaw and the expansion of these collections in the Newark and Sherwood District would likely have the biggest impact and looking at how these could be implemented/expanded will form one of the key priorities for 2015/16.
- 11.3. Currently only 3 of the 7 districts (Ashfield, Broxtowe and Gedling) undertake kerbside glass collections. The implementation of schemes at the remaining districts again offers significant potential to move waste out of the residual stream and into recycling (although some glass will already be captured through the recycling banks).
- 11.4. Expanding the specification of materials accepted at the MRF would have a significant impact on the overall recycling rate. Not only would this widen the scope of what materials can be placed in dry recycling bins but it will also help to remove some confusion around existing items and whether they can or cannot be placed in the kerbside recycling collections.

12. Review Process

12.1. Each year the actions set for the previous year will be reviewed, success will be judged as follows;

- Increase in recycling rate
- Decrease in waste arisings
- Decrease in tonnages being sent to landfill

12.2. The following table summarises the actions for 2015/16;

Waste Hierarchy Element	Action	Impact
Reduce	Reduced Price Home Composting Bins	
	Residents Permit Scheme at Recycling Centres	
	Charging for Inert Materials at Recycling Centres	
	LFHW Campaigns	
	Real Nappy Promotion	
	Mailing Preference Promotion	
	Investigative Work Around Reducing Waste Arisings	
	Promotion of 'Email Me'	
Preparing for Re-use	Paint Re-use Scheme	
	Furniture Re-use Scheme Promotion	
Recycle	'Are You Bin Smart' Campaign	
	MRF Promotional Materials	
	Compositional Analysis of Dry Recyclables and Residual Waste	
	MRF Materials Specification	
	Additional Residual Waste Collection in Gedling	
	Expansion of SWAC Programme and MRF Education Visits	
	Konflux Theatre Company School Engagement	
	New and Expanded Kerbside Garden Waste Collections	
	New Kerbside Glass Collections	
	District Specific Schemes	
	Carpet and Mattress Trials at Recycling Centres	
Feasibility of Food Waste Schemes		
Recovery	New Waste Transfer Stations	
	Expanded Capacity at Eascroft EfW Facility	
	Bulky Waste Collections	

Consultation Response - Gedling Borough Council

Nottinghamshire County Council Waste Reduction, Re-use, Recycling and Composting Plan 2015/16

Feedback on the draft plan

Gedling Borough Council welcomes the opportunity to feedback on the draft plan and remains committed to waste reduction across the Borough and to increasing recycling and composting.

The draft plan contains suggestions and ideas that the Nottinghamshire Waste Partnership has already been working on and been promoting through its various media outlets to residents and businesses. It remains important we feel that the communication teams at each Local Authority share the information from the County Council to its residents and local businesses.

The Council's Waste Services team will continue to promote the waste hierarchy: waste prevention, re-use and recycling and work to further increase local participation in its schemes, whilst trying to improve the quality of waste sent to the Materials Recycling Facility (MRF) for processing.

The following are comments on the particular sections of the plan:

2.6 – **Textiles** - Gedling Borough Council do not currently collect textiles. They have been collected in the past before the current alternate weekly scheme. To introduce a new scheme at this point would be too costly to provide. There are now many alternative outlets available to dispose of unwanted textile products, such as charity shops, rag buying shops, textiles banks and by using the numerous "charity" collection bags that are delivered to households on a regular basis. The Council would support more publicity across the County to encourage further increase in the recycling of textiles to avoid this product being disposed of through the residual waste stream.

3.6 – **Residents' Waste Permit Scheme** - Whilst the Council understands the rationale for this scheme we consider that this may have an adverse impact on our budgets because of the potential increases in fly tipping collection costs. The Council will closely monitor fly tipping incidents to assess the impact of this proposal if introduced.

3.7 – **Inert Materials at Recycling Centres** – We believe, based on current experiences that builders/tradesmen are responsible for the considerable increases we are experiencing in fly tipped rubble and other building materials across the Borough. It would be beneficial if smaller amounts (of less than one tonne) of inert waste were taken from traders and charged for at a reduced price (rather than paying a minimum tipping charge for a tonne) this would encourage them to take their waste to the recycling centre rather than disposing of it by other means. The charge for vans, trailers etc. may also increase householders fly tipping in the nearby rural vicinity and create additional costs for the Council (note: the Calverton area had over 200 incidents of fly tipping in 2014/15). The amount of inert waste fly tipped has increased over the year with 81 instances recorded within the Gedling Borough

Council area (a significant increase from the previous year). The proposed charge may also increase the amount of inert waste put in residual waste bins. The Council will continue to closely monitor fly tipping incidents to assess the impact of this proposal when introduced.

4.6 – Re-use - The Furniture Re-use Network website currently has only a few suggestions on it and none in the Gedling Borough Council area, although there are several local outlets which Gedling Borough Council signpost residents to. We would suggest that it may be useful to try to improve the number of outlets on this website that will take furniture for reuse rather than it being sent to landfill/incineration.

5.24 – Florescent Tubes – It is not feasible to collect florescent tubes in Gedling Council owned buildings due to the limited space available and the containers Veolia have made available are too large.

5.27 – Mattress Separation and Carpet Recycling – These are excellent initiatives that would be useful for bulky waste collected items too as mattresses make up a high percentage of our local collections. Gedling Borough Council welcomes any new schemes to increase the recycling or reuse of valuable resources.

5.30 – Food Waste – This makes up about a third of residual waste and whilst there is no strategic intent at present to develop food waste collections we consider it an option that should remain to be considered should a future business case support its introduction.

5.6 – Increase of Comingled Materials – We agree that the input specification to the MRF needs to be reviewed and broadened to take more recyclable materials, allowing our residents to recycle more of their household waste, this should at least include cartons (Tetrapak® types), foil, and other plastics.

5.16/5.17 - Increasing Kerbside Composting – The average increase for every 700 new customers is 0.84% increase in the composting rate. There are currently 51,700 households within the Borough and this is anticipated to grow considerably over the next 3 years. The Council's current scheme (which covers approximately 11,820 households) is now nearing capacity and considerable investment would be needed to introduce additional rounds within the Borough. Whilst a further option would be to reduce the charge to customers this is not financially viable for us without an ongoing grant payment from the County that would cover the costs of a reduced charged for service. We would be interested in exploring opportunities to work with other councils on the further development of this service. The compositional analysis and the weight of the residual bins in the summer does illustrate there is still significant amounts of garden waste that could be composted.

This Council would be willing to have further discussions with NCC to explore options to jointly invest in order to expand this service where this could be done with no detrimental impact on this Council's revenue costs.

5.19 - Kerbside Glass Collections – The Council agrees that this waste stream remains a priority for recycling activity and we are committed to doing what is financially possible to improve our performance in this area. We would welcome further discussion on the potential to work on new ideas for glass collection along

with the County and other District and Borough colleagues. We are interested in the feasibility of the option being considered in Ashfield concerning eight weekly collection cycles and the use of wheelie bins as opposed to 'collection boxes'.

The potential loss of income through recycling credits when glass becomes classified as contract waste in 2019, may force Gedling and other Councils to investigate the 'bring site' collection option that is currently working well across Rushcliffe. There can however be no guarantees that 'bring sites' will be effective in Gedling and changes could lead to more glass entering the residual waste stream as opposed to it being usefully recycled. The Council sees this as a significant risk to performance and would welcome the opportunity to discuss new ways of working in partnership with Nottinghamshire Councils to address this potential challenge.

6.7 – Bulky Waste Stripping – The Council supports this scheme and would favour its extension if the trial is successful. WasteDataFlow, the DEFRA data return that captures the detail of the recycled components would need to be amended to enable the Boroughs and Districts to capture this activity if the scheme was formally adopted in due course.

Figure 10, Recycling and Associated Tonnage Targets – We share the view that has been expressed by other local councils that using the words District/Borough Targets is not at all helpful in the context of this draft plan but expressing the desire to improve as a 'potential performance level' is acceptable, and more accurately describes a level of performance that the Council could strive for, if supported by NCC, and by working in partnership with Borough/District Councils.

We would therefore wish the reference to a Gedling District Target to be removed.

9.3 – Recycling Rate – Within Gedling the current recycling rate has remained stable and it is unlikely it will improve significantly. The dry recycling rate has decreased slightly as the composting rate has increased. The 45% recycling rate suggested in figure 10 (page 19) is ambitious in the current economic climate. A cost benefit analysis will be undertaken to assess the viability of increasing resources for the garden waste service and the Council will explore further opportunities with other local Borough/District Councils.

9.5 – The Compositional Analysis – This information is welcomed by the Council, and usefully included data for Gedling showing that approximately 15% of the residual household waste was in fact 'garden waste' which could have been diverted. It would be useful if the analysis is undertaken at different times of the year to illustrate seasonal variation.

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Report to Cabinet

Subject: Regulation of Investigatory Powers Act 2000 (RIPA) Annual Audit and Policy Update

Date: 30 July 2015

Author: Council Solicitor and Monitoring Officer

Wards Affected

Not applicable

Purpose of the Report

To obtain approval for amendments to the Council's RIPA Policy following the introduction of new Home Office Codes of Practice in December 2014.

To inform Members of the findings of the annual internal audit of RIPA authorisations from April 2014 – March 2015, in accordance with the policy.

Key Decision

This is not a Key Decision.

Background

- 1.1 Under the Regulation of Investigatory Powers Act 2000 (RIPA) local authorities have the power to authorise directed surveillance (usually covert cameras or covert observations by officers) and the use of Covert Human Intelligence Sources (CHIS) (essentially undercover officers conducting surveillance) if the authorisation is necessary for the prevention and detection of crime or preventing disorder and if the surveillance is proportionate to the aims it seeks to achieve. In respect of directed surveillance, save for a small number of licensing offences, any crime or disorder being prevented or detected by RIPA must be a criminal offence which attracts a minimum of 6 months in custody, the so-called "serious crime" threshold. The authorisations under RIPA can only be given by Corporate Directors or the Chief Executive and the entire process is overseen by the Council Solicitor and Monitoring Officer as the Senior

Responsible Officer for RIPA (SRO) with assistance from the RIPA Co-ordinating Officer. Since 1st November 2012, any RIPA authorisations or renewals must also have judicial approval from a Justice of the Peace. This is done at the Nottingham Magistrates' Court.

- 1.2 The Council's RIPA process is subject to intense scrutiny and every three years the Council is inspected by the Office of the Surveillance Commissioner. The Council was last inspected on 6th September 2012. The Inspector produced a very favourable report and commended the Council on its "sound RIPA structure, good policies and procedures and high standard of authorisation paperwork." The outcome of this inspection was reported to Cabinet in November 2012.
- 1.3 The current RIPA Policy and Procedure document was approved by Cabinet, on 8th November 2012. The Policy states;

Elected members of the Council will review the authority's use of the 2000 Act and the Authority's Policy and Guidance documents at least once a year. They will also consider internal reports on the use of the 2000 Act on at least a quarterly basis to ensure that it is being used consistently with the local authority's policy and that the policy is fit for purpose. The members will not however be involved in making decisions on specific authorisations.

In line with this clause, annual reports on RIPA are produced to Cabinet and quarterly reports should also be made to the Portfolio Holder for Public Protection. From April 2014 – March 2015 there was no RIPA activity in the first two quarters of the year so no report to the Portfolio Holder was necessary. A report was given to the Portfolio Holder in January 2015 with an update of RIPA usage in the third quarter of the year; the details of RIPA usage for the final quarter of the year are contained within this report.

- 1.4 The RIPA process is audited internally every year by the SRO. A full internal audit of the Council's use of RIPA between April 2014 and March 2015 has been undertaken and the findings are summarised below.
- 1.5 In addition to the requirement that Members be updated annually as to RIPA usage the Policy also requires officers involved in the RIPA process to receive refresher training once a year in respect of RIPA. On 18th March 2015, Gedling Borough Council hosted a county wide RIPA training day for officers of the Council and other Local Authorities across Nottinghamshire and Derbyshire. The training was presented by Naomi Matthews, Criminal Specialist in Legal for Nottingham City Council who is also the RIPA Co-ordinating Officer for Nottingham City Council. The training was well attended by both investigating and authorising officers.

- 1.6 In December 2014, the Home Office issued new Codes of Practice in relation to RIPA. As a result of the new Codes, the RIPA Co-ordinating Officer carried out a review of the Council's RIPA Policy and Procedure document. In addition to appending the new Codes of Practice to the Policy, the Policy has been amended to reflect the increased use of social media sites as an investigatory tool. The Office of the Surveillance Commissioner has indicated to authorities that this is an area which has developed significantly since the introduction of RIPA in 2000. It is important that organisations using sites such as Facebook to conduct investigations understand the potential interference with an individual's human rights when accessing private information or forming covert relationships with suspects through Facebook. Whilst not every review of a Facebook account, where there are no privacy settings in place will require and authorisation under RIPA, repeated viewing of such accounts may still require an authorisation if it amounts to directed surveillance. If officers are forming covert relationships with individuals on Facebook by, for example, making "friend requests" under a false identity, this could be a CHIS situation and again, the appropriate authorisation under RIPA should be sought. In the amended Policy officers are advised to contact Legal Services when using social media sites as part of an investigation.
- 1.7 Additional changes have been made to the Policy document clarifying the roles of the Senior Responsible Officer and RIPA Co-ordinating Officer, and the explanation in relation to the use of CHIS has been expanded.
- 1.8 The Policy document was originally drafted in consultation with other local authorities through the RIPA District Working Group. However, over the years individual authorities have amended their Policy document following different recommendations from different Inspectors. During this review, the RIPA Co-ordinating Officer has liaised with other authorities in the working group to try and ensure some consistency remains through the Policy across authorities.

Proposal

- 2.1 It is proposed that Members approve the updated RIPA Policy at Appendix A to ensure the Council's RIPA Policy remains up to date and fit for purpose.
- 2.2 It is also proposed that Members consider the findings outlined below following the internal audit of the RIPA process for the year 2014-2015:
- 2.3 There have been 4 authorisations granted for Directed Surveillance under RIPA between April 2014 and March 2015. All four of these authorisations were approved by a Justice of the Peace on 2nd October 2014. There were

no authorisations of Covert Human Intelligence Sources (CHIS) between April 2014 and March 2015. All authorisations for directed surveillance under RIPA last for a period of 3 months from the date of approval by the Magistrates. Authorisations should be reviewed on at least a monthly basis and should be cancelled as soon as it is apparent that surveillance is no longer necessary or proportionate.

- 2.4 All of the applications for authorisation were from Revenues Services and involved officers carrying out covert observations for investigations into Benefit Fraud Offences, namely allegations of individuals failing to declare a partner at the claim address. The authorisations were all originally authorised by Mark Kimberley prior to the Justice of the Peace approval. Offences in respect of Benefit Fraud prosecuted under s.111A of the Social Security Administration Act 1992 can attract a custodial sentence in excess of 6 months and thereby pass the serious crime threshold for directed surveillance to be carried out under RIPA.
- 2.5 Two of the authorisations were reviewed after one month and surveillance was authorised to continue by Dave Wakelin, they were subsequently cancelled within the three month authorisation period by Mark Kimberley. Two authorisations were cancelled by Dave Wakelin, before review, after one month, as surveillance was no longer necessary or proportionate.
- 2.6 There have been no authorisations coming forward from Public Protection in respect of anti-social behaviour since the legislative changes on 1st November 2012. The “serious crime threshold” has restricted the Council’s ability to utilise RIPA in cases involving anti-social behaviour and historically this type of application has formed the bulk of the authorisations given.
- 2.7 In terms of the authorisation paperwork, the standard remains high, there has been an improvement since last year in that authorising officers are always inserting review dates on authorisation forms and carrying out reviews regularly when required. The detail in the authorisations in respect of necessity and proportionality and covert techniques is commendable. Similarly at review, the justification for continued surveillance was detailed and evidentially sound.
- 2.8 There were some minor errors on the authorisation forms in relation to expiry dates. This is largely due to the fact that historically the authorising officer would give the expiry date, but now, the authorisation does not start until approved by the Justice of the Peace, so the authorising officer will not necessarily know at the point of signing the authorisation when the authorisation will start and expire.

- 2.9 The cancellations of the authorisations were detailed but more detail could have been included in relation to what product was actually obtained from the surveillance and how the product would be kept secure and utilised. This point was covered in the training officers received in March 2015.
- 2.10 At the time of writing the report and since the end of March 2015 there have been three further authorisations for directed surveillance. Again the investigations were in respect of benefit fraud offences. All three have now been cancelled; the details of those authorisations will be covered in next year's audit.

Alternative Options

- 3.1 The alternative option is that Members do not receive and consider feedback in respect of the RIPA Policies and Procedures. This would go against the Council's RIPA Policy which requires annual review of the Council's Policy and procedure by Members. This process of annual review by Members came into being as a result of recommendations in the Home Office Codes of Practice for RIPA which suggested greater input from Members in terms of the RIPA process and procedures (not the authorisation of surveillance) and more of a consultative approach with Members.
- 3.2 Members could choose not to approve the amendments to the RIPA Policy. The Policy would remain in its current format and would not reflect changes to the Home Office Codes of Practice or the increased use of social media in investigations. The Policy would be outdated and not necessarily fit for purpose given the changing nature of investigations since RIPA came into force in 2000.

Financial Implications

None arising from this report. Applications to the Magistrates' Court for RIPA authorisation do not attract a fee, the only cost considerations are officer time but this is minimal as there are not a significant number of authorisations.

Appendices

Appendix A – Regulation of Investigatory Powers Act 2000 (RIPA) Policy.

Background Papers

None identified.

Recommendations

THAT:

- (a) Members note the outcome of the 2014-2015 Annual RIPA internal audit; and
- (b) Members approve the amended RIPA Policy at Appendix A.

Reasons for Recommendations

- (a) To ensure the Executive is updated in respect of the Council's use of RIPA in line with the Council's current RIPA Policy document.
- (b) To ensure that the Council's Policy in relation to RIPA remains up to date and fit for purpose.

GEDLING BOROUGH COUNCIL

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

POLICY

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Appendices

Appendix A– Directed Surveillance and CHIS Forms

Appendix B- Covert Surveillance and Property Interference and Covert Human Intelligence Sources –Codes of Practice
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384975/Covert_Surveillance_Property_Interference_web_2_.pdf
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384976/Covert_Human_Intelligence_web.pdf

Appendix C – Home Office Guidance to Local Authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for directed surveillance
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118173/local-authority-england-wales.pdf

Appendix D – Home Office Guidance for Magistrates’ Courts in England and Wales for a Local Authority application seeking an order approving the grant or renewal of a RIPA authorisation or notice
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118174/magistrates-courts-eng-wales.pdf

GEDLING BOROUGH COUNCIL

POLICY ON REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

Introduction

Gedling Borough Council (“the Council”) only carries out covert surveillance where such action is justified and endeavours to keep such surveillance to a minimum. It recognises its obligation to comply with RIPA when such an investigation is for the purpose of preventing or detecting crime or preventing disorder, and has produced this guidance document to assist officers.

Applications for authority

An officer of at least the level of Corporate Director will consider all applications for authorisation in accordance with RIPA. Any incomplete or inadequate application forms will be returned to the applicant for amendment. The Authorising Officer shall in particular ensure that: -

- **there is a satisfactory reason for carrying out the surveillance**
- **any directed surveillance passes the “serious crime” threshold**
- **the covert nature of the investigation is necessary**
- **proper consideration has been given to collateral intrusion**
- **the proposed length and extent of the surveillance is proportionate to the information being sought.**
- **Chief Executive’s authorisation is sought where confidential legal/medical/clerical/parliamentary/journalistic/ spiritual welfare issues are involved**
- **The authorisations are reviewed and cancelled.**
- **Records of all authorisations are sent to Legal Services for entry on the Central Register.**

Once authorisation has been obtained from the Authorising Officer the Investigating Officer will attend the Magistrates’ Court in order to obtain Judicial approval for the authorisation.

Training

Each Authorising Officer shall be responsible for ensuring that relevant members of staff are aware of the Act's requirements.

The Council Solicitor and Monitoring Officer shall ensure that refresher training is offered once a year to all directorates of the Council and also give advice and training on request.

Central register and records.

Legal Services shall retain the Central Register of all authorisations issued by the Council. Legal Services will also monitor the content of the application forms and authorisations to ensure that they comply with the Act.

Senior Responsible Officer ("SRO")

The Senior Responsible Officer, a role required by the Office of the Surveillance Commissioner (the "OSC") with oversight of the Council's use of RIPA powers is the Council Solicitor and Monitoring Officer.

RIPA Co-ordinating Officer

The RIPA Co-ordinating Officer role, with the responsibility for the day to day RIPA management and administrative processes observed in obtaining an authorisation and advice thereon is performed by the Senior Solicitor in Legal Services.

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

GUIDANCE ON PART II

DIRECTED SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCE

1. Purpose

The purpose of this guidance is to explain

the scope of RIPA –Part II
the circumstances where it applies, and
the authorisation procedures to be followed.

2. Introduction

- 2.1 This Act, which came into force in 2000, is intended to regulate the use of investigatory powers exercised by various bodies including local authorities, and ensure that they are used in accordance with human rights. This is achieved by requiring certain investigations to be authorised by an appropriate officer and approved by the judiciary before they are carried out.
- 2.2 The investigatory powers, which are relevant to a local authority, are directed covert surveillance in respect of specific operations, involving criminal offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least 6 month' imprisonment or are related to the underage sale of alcohol and tobacco, and the use of covert human intelligence sources ("CHIS"). The Act makes it clear for which purposes they may be used, to what extent, and who may authorise their use. There are also Codes of Practice in relation to the use of these powers and these are attached at **Appendix B**.
- 2.3 Consideration must be given, prior to authorisation as to whether or not the acquisition of private information or the covert manipulation of a relationship is necessary and proportionate, i.e. whether a potential breach of a human right is justified in the interests of the community as a whole, or whether the information could be gleaned in other ways.

3. Scrutiny and Tribunal

3.1 External

- 3.1.1 As of 1st November 2012 the Council has to obtain an order from a Justice of the Peace approving the grant or renewal of any authorisation for the use of directed surveillance or CHIS before the authorisation can take effect and the activity carried out. The Council can only appeal a decision of the Justice of the Peace on a point of law by Judicial review.
- 3.1.2 The Office of Surveillance Commissioners (OSC) was set up to monitor compliance with RIPA. The OSC has "a duty to keep under review the

exercise and performance by the relevant persons of the powers and duties under Part II of RIPA”, and the Surveillance Commissioner will from time to time inspect the Council’s records and procedures for this purpose.

3.1.3 In order to ensure that investigating authorities are using the powers properly, the Act also establishes a Tribunal to hear complaints from persons aggrieved by conduct, e.g. directed surveillance. Applications will be heard on a judicial review basis. Such claims must be brought no later than one year after the taking place of the conduct to which it relates, unless it is just and equitable to extend this period.

3.1.4 The Tribunal can order:

- Quashing or cancellation of any warrant or authorisation
- Destruction of any records or information obtained by using a warrant or Authorisation
- Destruction of records or information held by a public authority in relation to any person.

3.1.5 The Council has a duty to disclose to the tribunal all documents they require if any Council officer has:

- Granted any authorisation under RIPA
- Engaged in any conduct as a result of such authorisation

3.2 Internal scrutiny

3.2.1 The Council will ensure that the SRO is responsible for;

- The integrity of the process in place within the Council to authorise directed surveillance and CHIS
- Compliance with PART II of the 2000 Act and with the accompanying Codes of Practice
- Engagement with the Commissioners and inspectors when they conduct their inspections and
- Where necessary overseeing the implementation of any post-inspection action plans recommended or approved by a Commissioner

3.2.2 The elected members of the Council will review the Council’s use of the 2000 Act and the Council’s policy and guidance documents at least once a year. They will also consider internal reports on the use of the 2000 Act (if it has been used) on at least a quarterly basis, to ensure that it is being used consistently with the Council’s policy and that the policy is fit for purpose. The members will not however be involved in making decisions on specific authorisations.

3.3 Unauthorised Activities

- 3.3.1 If any Officer is concerned that surveillance/CHIS activity is taking place and there is no authorisation under RIPA in place, he/she should be contacted Legal Services to seek advice.
- 3.3.2 If any activity is deemed to be unauthorised, it will be reported to the OSC.

4. Benefits of RIPA authorisations

- 4.1 The Act states that if authorisation confers entitlement to engage in a certain conduct and the conduct is in accordance with the authorisation, then it will be lawful for all purposes. Consequently, RIPA provides a statutory framework under which covert surveillance or CHIS can be authorised and conducted compatibly with Article 8 of the Human Rights Act 1998 – a person's right to respect for their private and family life, home and correspondence.
- 4.2 Material obtained through properly authorised covert activity is admissible evidence in criminal proceedings.

5. Definitions

- 5.1 'Covert' is defined as surveillance carried out in such a manner that is calculated to ensure that the person subject to it is unaware that it is or may be taking place. (s.26 (9)(a))
- 5.2 'Covert human intelligence source' (CHIS) is defined as a person who establishes or maintains a personal or other relationship with a person for the covert process of obtaining/providing access to/disclosing, information obtained through that relationship or as a consequence of the relationship(s.26 (8))
- 5.3 'Directed surveillance' is defined as covert but not intrusive surveillance and undertaken:
- for a specific investigation or operations,
 - in such a way that is likely to result in the obtaining of private information about any person,
 - other than by way of an immediate response.(s.26 (2))
- 5.4 'Private information' includes any information relating to a person's private or family life (s.26(10)). Private information should be taken generally to include information on any aspect of a person's private or personal relationship with others including family and professional or business relationships.
- 5.5 'Intrusive' surveillance is covert surveillance that is carried out in relation to anything taking place on any residential premises or in any private vehicle and involves the presence of an individual on the premises or in the vehicle or using a surveillance device. **Gedling Borough Council may not authorise such surveillance.**

5.6 'Authorising Officer' in the case of the Council, is the Chief Executive and Corporate Directors. If the operation concerns more than one Department in the Council it can only be authorised by the Chief Executive

6. When does RIPA apply?

6.1 Where the directed covert surveillance of an individual or group of individuals, or the use of a CHIS is **necessary** for the purpose of preventing or detecting crime or of preventing disorder.

6.2 The Council can only authorise **Directed Surveillance** to prevent and detect conduct which constitutes one or more criminal offences. The criminal offences must be punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months imprisonment or be an offence under:

- a) S.146 of the Licensing Act 2003 (sale of alcohol to children)
- b) S.147 of the Licensing Act 2003 (allowing the sale of alcohol to children)
- c) S.147A of the Licensing Act 2003 (persistently selling alcohol to children)
- d) S.7 of the Children and Young Persons Act 1933 (sale of tobacco, etc, to persons under eighteen)

6.3 CCTV

The normal use of CCTV is not usually covert because members of the public are informed by signs that such equipment is in operation. However, authorisation should be sought where it is intended to use CCTV covertly and in a pre-planned manner as part of a specific investigation or operation to target a specific individual or group of individuals. Equally a request, say by the police, to track particular individuals via CCTV recordings may require authorisation (from the police).

6.3 Online Covert Activity

The use of the internet and social media sites may be required to gather information prior to and during an operation/investigation which may amount to directed surveillance. Where the definition of directed surveillance is met, (see para 5.3) an authorisation for directed surveillance under RIPA should be obtained. Officers viewing sites where individuals have not applied privacy settings should be wary, a one off viewing may be acceptable but when repeatedly viewing those sites, an authorisation for directed surveillance may still be required.

An authorisation for the use and conduct of a CHIS may be necessary if a covert relationship is established and maintained by an officer of the Council or person acting on his behalf through social media sites.

Officers using social media sites as part of an investigation should seek advice from Legal Services as to when an authorisation for directed

surveillance or CHIS would be required. Where the serious crime threshold is not met in relation to an investigation, surveillance of social media sites could amount to a breach of an individual's Article 8 rights for which there is no protection offered by RIPA.

7. Covert Human Intelligence Source

7.1 The RIPA definition (section 26) is anyone who:

- a) establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraphs b) or c)
- b) covertly uses such a relationship to obtain information or provide access to any information to another person; or
- c) covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship

Any reference to the conduct of a CHIS includes the conduct of a source which falls within a) to c) or is incidental to it.

References to the use of a CHIS are references to inducing, asking or assisting a person to engage in such conduct.

7.2 Section 26(9) of RIPA goes onto define:-

- b) a purpose is covert, in relation to the establishment or maintenance of a personal or other relationship, if, and only if, the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of that purpose; and
- c) a relationship is used covertly, and information obtained as mentioned in ss (8) (c) above and is disclosed covertly, if, and only if it is used or as the case may be, disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.

7.3 With any authorised use of a CHIS, the Council must ensure that arrangements are in place for the proper oversight and management of the CHIS, this includes appointing individual officers as handlers and controllers in relation to the CHIS (s.29(5)(a) and (b)).

7.4 There is a risk that an informant who is providing information to the Council voluntarily may in reality be a CHIS even if not tasked to obtain information covertly. It is the activity of the CHIS in exploiting a relationship for a covert purpose which is ultimately authorised in the 2000 Act, not whether or not the CHIS is asked to do so by the Council. When an informant gives repeat information about a suspect or about a family and it becomes apparent that the informant may be obtaining the information in the course of a neighbourhood or family relationship, it may mean that the informant is in fact

a CHIS. Legal advice should always be sought in such instances before acting on any information from such an informant.

7.4 Juvenile Sources

7.4.1 Special safeguards apply to the use or conduct of juvenile sources; that is sources under the age of 18 years. On no occasion should the use or conduct of a source under the age of 16 years be authorised to give information against his parents or any person who has parental responsibility for him. The duration of a juvenile CHIS is **one** month. The Regulation of Investigatory Powers (Juveniles) Order 2000 SI No. 2793 contains special provisions which must be adhered to in respect of juvenile sources. Any authorisation of a juvenile CHIS must be by the Chief Executive.

7.5 Vulnerable Individuals

7.5.1 A vulnerable individual is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself, or unable to protect himself against significant harm or exploitation. Any individual of this description should only be authorised to act as a source in the most exceptional circumstances. Any authorisation of a vulnerable individual as a CHIS must be by the Chief Executive.

8. Authorisations

8.1 Applications for directed surveillance

8.1.1 All application forms must be fully completed with the required details to enable the authorising officer to make an informed decision. Application forms are available on the Home Office website, officers should ensure they are using the most up to date forms for RIPA authorisations.

No authorisation shall be granted unless the authorising officer is satisfied that the investigation is:

-**necessary** for either the purpose of preventing or detecting crime or of preventing disorder,

-Involves a criminal offence punishable whether summarily or on indictment by a maximum sentence of at least six months imprisonment or related to the underage sale of alcohol or tobacco (see para 6.2 for offences)

-**proportionate** This has 3 elements, namely, (1)that the method of surveillance proposed is not excessive to the seriousness of the matter under investigation, (2)the method used must be the least invasive of

the target's privacy, (3) the privacy of innocent members of the public must be respected and collateral intrusion minimised (see 8.1.2).

-and that no other form of investigation would be appropriate.

The grant of authorisation should indicate that consideration has been given to the above points.

Advice should be sought from the Legal Services on any issues of concern.

8.1.2 The Authorising Officer must take into account the risk of **'collateral intrusion'** i.e. intrusion on, or interference with, the privacy of persons other than the subject of the investigation. The application must include an assessment of any risk of collateral intrusion for this purpose.

Steps must be taken to avoid unnecessary collateral intrusion and minimise any necessary intrusion.

Those carrying out the investigation must inform the Authorising Officer of any unexpected interference with the privacy of individuals who are not covered by the authorisation, as soon as it becomes apparent. Where such collateral intrusion is unavoidable, the activities may still be authorised, provided this intrusion is considered proportionate to what is sought to be achieved.

The Authorising Officer should also fully understand the capabilities and sensitivity levels of any equipment being used to carry out directed surveillance so as to properly assess the risk of collateral intrusion in surveillance techniques.

8.1.3 **Special consideration in respect of confidential information**

Particular attention is drawn to areas where the subject of surveillance may reasonably expect a high degree of privacy eg where confidential information is involved.

Confidential information consists of matters subject to legal privilege, communication between a Member of Parliament and another person on constituency matters, confidential personal information or confidential journalistic material. (ss 98-100 Police Act 1997).

Legal privilege

Generally, this applies to communications between an individual and his/her legal adviser in connection with the giving of legal advice in connection with or in contemplation of legal proceedings. Such information is unlikely ever to be admissible as evidence in criminal proceedings.

If in doubt, the advice of Legal Services should be sought in respect of any issues in this area.

Confidential personal information

This is oral or written information held in (express or implied) confidence, relating to the physical or mental health or spiritual counselling concerning an individual (alive or dead) who can be identified from it. Specific examples provided in the codes of practice are consultations between a health professional and a patient, discussions between a minister of religion and an individual relating to the latter's **spiritual welfare** or matters of **medical or journalistic confidentiality**

Confidential journalistic material

This is material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence.

It should be noted that matters considered to be confidential under RIPA may not necessarily be properly regarded as confidential under section 41 Freedom of Information Act 2000.

Where such information is likely to be acquired, the surveillance may only be authorised by the Chief Executive, or, in his absence, a Chief Officer and should only be authorised where there are exceptional and compelling circumstances that make the authorisation necessary.

8.1.4 Authorisations must be in writing and have a "wet" signature .

8.1.5 **Notifications to Inspector/Commissioner**

The following situations must be brought to the inspector/commissioner's attention at the next inspection:

- Where an officer has had to authorise surveillance in respect of an investigation in which he/she is directly involved.
- Where a lawyer is the subject of an investigation or operation;
- Where confidential personal information or confidential journalistic information has been acquired and retained.

8.1.6 **Applications for CHIS**

The process for CHIS applications is the same as for directed surveillance except that the serious crime threshold of investigating

criminal offences with a sentence of at least 6 months in imprisonment does not apply. The authorisation must be in writing, must specify the activities and identity (by pseudonym only) of the CHIS and that the authorised conduct is carried out for the purposes of, or in connection with, the investigation or operation so specified.

Again the Authorising Officer must be satisfied that the authorised use and conduct of the CHIS is proportionate to what is sought to be achieved by that conduct and the CHIS must be necessary for the prevention or detection of crime or the prevention of disorder.

All application forms must be fully completed with the required details to enable the Authorising Officer to make an informed decision. A risk assessment and record must be prepared for each CHIS.

8.1.7 **Judicial Approval of authorisations (see guidance at Appendix C and D)**

Once the Authorising Officer has authorised the Directed Surveillance or CHIS, the Investigating Officer who completed the application form should contact the Magistrates Court to arrange a hearing for the authorisation to be approved by a Justice of the Peace.

The Investigating Officer will provide the Justice of the Peace with a copy of the original authorisation and the supporting documents setting out the case. This forms the basis of the application to the Justice of the Peace and should contain all information that is relied upon.

In addition the Investigator will provide the Justice of the Peace with a partially completed judicial application/order form.

The hearing will be in private and the officer will be sworn in and present evidence as required by the Justice of the Peace. Any such evidence should be limited to the information in the authorisation.

The Justice of the Peace will consider whether he/she is satisfied that at the time the authorisation was given there were reasonable grounds for believing that the authorisation or notice was necessary and proportionate and whether that continues to be the case. They will also consider whether the authorisation was given by the appropriate designated person at the correct level within the Council and whether (in the case of directed surveillance) the crime threshold has been met.

The Justice of the Peace can :

- a) **Approve the grant of the authorisation** ,which means the authorisation will then take effect.
- b) **Refuse to approve the grant of the authorisation**, which means the authorisation will not take effect but the Council could

look at the reasons for refusal, make any amendments and reapply for judicial approval.

- c) **Refuse to approve the grant of the authorisation** and quash the original authorisation. The court cannot exercise its power to quash the authorisation unless the applicant has at least 2 business days from the date of the refusal in which to make representations.

8.1.8 Working in partnership with the Police

Authorisation can be granted in situations where the police rather than Gedling Borough Council require the surveillance to take action, as long as the behaviour complained of, meets all criteria to grant and in addition is also of concern to the Council. Authorisation cannot be granted for surveillance requested by the police for a purely police issue.

The Police, as an emergency service may authorise RIPA without Magistrates Approval, if an urgent situation arises and RIPA authorisation would be required urgently the Council should contact the Police.

9. Unique Operation Reference Number

Each Application for Directed Surveillance and CHIS, must have a Unique Operation Reference Number. This URN will begin with either ENV (if it is granted in the Environment and Planning Department) or FIN (if it is granted in the Finance Department), followed by a sequential number, followed by 20?? being the year in which the Authority was applied for, e.g. ENV/27/2005

10. Duration and Cancellation

- An authorisation for **directed surveillance** shall cease to have effect (if not renewed or cancelled) 3 months from the date the Justice of the Peace approves the grant
- If renewed the authorisation shall cease to have effect 3 months from the expiry date of the original authorisation.
- An authorisation for **CHIS** shall cease to have effect (unless renewed or unless juvenile) 12 months from the date the Justice of the Peace approves the grant or renewal.

This does not mean that the authorisation should continue for the whole period so that it lapses at the end of this time. The authorisation must be cancelled as soon as that officer decides that the surveillance should be discontinued.

On cancellation the cancellation form should detail what product has been obtained as a result of the surveillance activity. The forms should include the dates and times of the activity, the nature of the product obtained and its format, any associated log or reference numbers, details of where the product is to be held and the name of the officer responsible for its future management.

Documentation of any instruction to cease surveillance should be retained and kept with the cancellation form.

11. Reviews

The Authorising Officer should review all authorisations at intervals determined by him/herself. This should be as often as necessary and practicable-usually monthly. **The reviews should be recorded.**

If the directed surveillance authorisation provides for the surveillance of unidentified individuals whose identity is later established, the terms of the authorisation should be refined at review to include the identity of these individuals. It would be appropriate to call a review specifically for this purpose.

Particular attention should be paid to the possibility of obtaining confidential information and an assessment as to the information gleaned should take place at every review.

12. Renewals

Any Authorising Officer may renew an existing authorisation on the same terms as the original at any time before the original ceases to have effect. The renewal must then be approved by the Justice of the Peace in the same way the original authorisation was approved. The process outlined in paragraph 8.1.7 should be followed for reviews.

A CHIS authorisation must be thoroughly reviewed before it is renewed.

13. Central Register of authorisations

13.1 All authorities must maintain the following documents:

- Copy of the application and a copy of the authorisation form and the approval order from the Magistrates together with any supplementary documentation
- A record of the period over which the surveillance has taken place;
- The frequency of reviews prescribed by the Authorising Officer;
- A record of the result of each review of the authorisation;

- A copy of any renewal of an authorisation and Order made by the Magistrates Court and supporting documentation submitted when the renewal was requested;
 - The date and time when any instruction to cease surveillance as given
 - The date and time when any other instruction was given by the Authorising Officer
- 13.2. To comply with 13.1 Legal Services hold the central register of all authorisations issued by officers of Gedling Borough Council. The original authorisation, reviews, renewal and cancellation issued should be passed immediately to Legal Services. A copy should be kept by the applicant Department and the Authorising Officer. Any original authorisations and renewals taken to the Magistrates Court should be retained by the Council, the court must only keep copies of the authorisations or renewals.
- 13.3 The Council must also maintain a centrally retrievable record of the following information:
- type of authorisation
 - date the authorisation was given
 - details of attendance at the Magistrates' Court, the date of the attendance, the determining Justice of the Peace, the decision of the court and the time and date of the decision
 - name and rank/grade of the Authorising Officer
 - unique reference number of the investigation/operation
 - title (including brief description and names of the subjects) of the investigation/operation;
 - whether urgency provisions were used, & if so why
 - details of reviews
 - dates of any renewals including the name and rank of the Authorising Officer
 - whether the investigation/operation is likely to result in obtaining confidential information
 - whether the authorisation was granted by an individual directly involved in the investigation
 - date of cancellation

These records will be retained for at least 3 years and will be available for inspection by the Office of Surveillance Commissioners.

14. Retention of records

The Council must ensure that arrangements are in place for the secure handling, storage and destruction of material obtained through the use of directed surveillance or CHIS. The Authorising Officers through their relevant Data Controller must ensure compliance with the appropriate data protection

requirements under the Data Protection Act 1998 and any relevant codes of practice relating to the handling and storage of material.

The Central Register of Authorisations will be kept securely in a locked cabinet in the Legal Services department.

15. Complaints procedure

- 15.1.1 The Council will maintain the standards set out in this guidance and the Codes of Practice (**See Appendix B**). The Chief Surveillance Commissioner has responsibility for monitoring and reviewing the way the Council exercises the powers and duties conferred by RIPA.
- 15.1.2 Contravention of RIPA may be reported to the Investigatory Powers Tribunal. Before making such a reference, a complaint concerning a breach of this guidance should be made using the Council's own internal complaints procedure. To request a complaints form, please contact the One Stop Shop, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham or telephone 0115 9013793.



Report to Cabinet

Subject: Review of complaints received by the Council and Annual Review Letter – Local Government Ombudsman 2014/15

Date: 30 July 2015

Author: Council Solicitor and Monitoring Officer & Corporate Director (Chief Financial Officer)

Wards Affected

Not applicable.

Purpose

To inform Members of the receipt of the Annual Review letter from the Office of the Local Government Ombudsman and the complaints dealt with by the Council through the internal Complaints Procedure during the year 2014-15.

Key Decision

This is not a Key Decision

Background

1.1 Members will be aware of the Council's arrangements for dealing with formal complaints full details of which are available on the website. The departmental analysis of complaints by Service Manager appears below. Members are to note that some of the columns will not add up because some complaints have not been dealt with entirely within the year and therefore fall outside the monitoring period.

1.2 Between 1 April 2014 and 31 March 2015, the Council received 323 complaints which are broken down into individual service areas as follows:

Service	Number of complaints received	Upheld/partially upheld at Stage 1	Not Upheld at Stage 1
Communications	1	1	0
Customer Services and IT	47	28	18
Housing	11	0	10

Service	Number of complaints received	Upheld/partially upheld at Stage 1	Not Upheld at Stage 1
Legal Services	1	1	0
Leisure and Culture	83	36	33
Parks and Street Care	3	2	0
Planning & Economic	25	9	10
Public Protection	20	5	7
Revenue Services	115	54	49
Waste Services	17	11	6
Totals	323	147	133

- 1.3 Where a complaint is not upheld in full or in part, the complainant may ask for it to be considered further under Stage 2 of the complaints procedure. 27 complaints were considered under Stage 2 between 1 April 2014 and 31 March 2015 as follows:

Service	Number of complaints considered at Stage 2	Upheld/partially upheld at Stage 2	Not Upheld at Stage 2
Communications	0	0	0
Customer Services and IT	1	1	0
Housing	0	0	0
Legal Services	0	0	0
Leisure and Culture	7	2	2
Parks and Street Care	1	1	0
Planning & Economic	3	1	2
Public Protection	4	0	4
Revenue Services	11	5	4
Waste Services	0	0	0
Totals	27	10	12

- 1.4 If the complainant is not happy with the response at Stage 2 he or she is entitled to refer the complaint to the Local Government Ombudsman. Between 1 April 2014 and 31 March 2015, 14 complaints were received by the Council via the Ombudsman, which is a small increase on the 13 complaints received the previous year. A summary of the decisions of the LGO appears in the table below.

Service	Decision of LGO
Revenues Services	Not to initiate an investigation
Planning Services	Not upheld: no maladministration.
Planning Services	Not upheld: no further action.
Public Protection	Closed after initial enquiries - no further action
Public Protection	Closed after initial enquiries - no further action

Planning Services	Closed after initial enquiries - no further action
Planning Services	Closed after initial enquiries - no further action
Public Protection	Not upheld: no maladministration
Legal Services	Closed after initial enquiries - out of jurisdiction.
Planning Services	Not upheld: No further action
Revenues Services	Complaint upheld: maladministration and injustice. Council agreed to pay £100 in recognition of fault.
Revenues Services	Closed after initial enquiries - no further action.
Public Protection	Not upheld: no maladministration
Revenues Services	Not upheld: no maladministration

- 1.5 Members will note that the Ombudsman's decision on one of the complaints received this year was maladministration and injustice. This related to the way the Council handled Council Tax demand for a rented property. A report detailing the complaint and the outcome was presented to Cabinet on 25 March 2015 and circulated to all members of the Council.
- 1.6 The Annual Review letter for the year ended 31 March 2014 is attached at Appendix 1. The statistics include all the complaints and enquiries received by the Ombudsman in 2014/15. Members are to note that the number of complaints and enquiries received do not match the Council's figures as a number of cases will have been received and decided in different business years. In addition, those categorised as 'incomplete/invalid' and 'referred back for local resolution' by the Ombudsman include those who are signposted back to the Council and therefore are not treated as an Ombudsman complaint.
- 1.7 Since April 2013, the Ombudsman has been publishing all decisions on complaints they receive. Decision statements are published on the Ombudsman website at www.lgo.org.uk no earlier than three months after the date of the final decision. The information published does not name the complainant or any individual involved with the complaint. The Ombudsman also retains discretion not to publish a decision, for example where it would not be in the interests of the person complaining to publish or where there's a reason in law not to.
- 1.8 In addition, the Ombudsman has published its Review of Local Government Complaints for 2014/15. The report provides complaint statistics for each English local authority, all in one place. A copy of the review is available on the Ombudsman website.

Proposal

- 2 It is proposed that Cabinet note the report.

Alternative Options

- 3 There are no Alternative Options.

Financial Implications

- 4 None arising from this report.

Appendices

- 5 Appendix 1 – Local Government Ombudsman Annual Review Letter.

Background Papers

- 6 None identified.

Recommendation

THAT Cabinet notes the contents of the report.

Reasons for Recommendations

- 7 To alert the Executive to the contents of the Local Government Ombudsman Annual Review Letter and raise awareness of the complaints received by the Council during 2014-15.

18 June 2015

By email

Mr John Robinson
Chief Executive
Gedling Borough Council

Dear Mr Robinson

Annual Review Letter 2015

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2015. This year's statistics can be found in the table attached.

The data we have provided shows the complaints and enquiries we have recorded, along with the decisions we have made. We know that these numbers will not necessarily match the complaints data that your authority holds. For example, our numbers include people who we signpost back to the council but who may never contact you. I hope that this information, set alongside the data sets you hold about local complaints, will help you to assess your authority's performance.

We recognise that the total number of complaints will not, by itself, give a clear picture of how well those complaints are being responded to. Over the coming year we will be gathering more comprehensive information about the way complaints are being remedied so that in the future our annual letter focuses less on the total numbers and more on the outcomes of those complaints.

Supporting local scrutiny

One of the purposes of the annual letter to councils is to help ensure that learning from complaints informs scrutiny at the local level. Supporting local scrutiny is one of our key business plan objectives for this year and we will continue to work with elected members in all councils to help them understand how they can contribute to the complaints process.

We have recently worked in partnership with the Local Government Association to produce a workbook for councillors which explains how they can support local people with their complaints and identifies opportunities for using complaints data as part of their scrutiny tool kit. This can be found [here](#) and I would be grateful if you could encourage your elected members to make use of this helpful resource.

Last year we established a new Councillors Forum. This group, which meets three times a year, brings together councillors from across the political spectrum and from all types of local authorities. The aims of the Forum are to help us to better understand the needs of councillors when scrutinising local services and for members to act as champions for learning from complaints in their scrutiny roles. I value this direct engagement with elected members and believe it will further ensure LGO investigations have wider public value.

Encouraging effective local complaints handling

In November 2014, in partnership with the Parliamentary and Health Service Ombudsman and Healthwatch England, we published *'My Expectations'* a service standards framework document describing what good outcomes for people look like if complaints are handled well. Following extensive research with users of services, front line complaints handlers and other stakeholders, we have been able to articulate more clearly what people need and want when they raise a complaint.

This framework has been adopted by the Care Quality Commission and will be used as part of their inspection regime for both health and social care. Whilst they were written with those two sectors in mind, the principles of *'My Expectations'* are of relevance to all aspects of local authority complaints. We have shared them with link officers at a series of seminars earlier this year and would encourage chief executives and councillors to review their authority's approach to complaints against this user-led vision. A copy of the report can be found [here](#).

Future developments at LGO

My recent annual letters have highlighted the significant levels of change we have experienced at LGO over the last few years. Following the recent general election I expect further change.

Most significantly, the government published a review of public sector ombudsmen in March of this year. A copy of that report can be found [here](#). That review, along with a related consultation document, has proposed that a single ombudsman scheme should be created for all public services in England mirroring the position in the other nations of the United Kingdom. We are supportive of this proposal on the basis that it would provide the public with clearer routes to redress in an increasingly complex public service landscape. We will advise that such a scheme should recognise the unique roles and accountabilities of local authorities and should maintain the expertise and understanding of local government that exists at LGO. We will continue to work with government as they bring forward further proposals and would encourage local government to take a keen and active interest in this important area of reform in support of strong local accountability.

The Government has also recently consulted on a proposal to extend the jurisdiction of the LGO to some town and parish councils. We currently await the outcome of the consultation but we are pleased that the Government has recognised that there are some aspects of local service delivery that do not currently offer the public access to an independent ombudsman. We hope that these proposals will be the start of a wider debate about how we can all work together to ensure clear access to redress in an increasingly varied and complex system of local service delivery.

Yours sincerely



Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England

Local authority report – Gedling Borough Council

For the period ending – 31/03/2015

For further information on interpretation of statistics click on this link to go to <http://www.lgo.org.uk/publications/annual-report/note-interpretation-statistics/>

Complaints and enquiries received

Local Authority	Adult Care Services	Benefits and tax	Corporate and other services	Education and children's services	Environmental services and public protection	Highways and transport	Housing	Planning and development	Total
Gedling BC	1	7	0	0	8	1	1	4	22

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Decisions made

Local Authority	Detailed investigations carried out		Advice given	Closed after initial enquiries	Incomplete/Invalid	Referred back for local resolution	Total
	Upheld	Not Upheld					
Gedling BC	2	6	0	7	1	6	22

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Report to Cabinet

Subject: Scrutiny Report:

Transport Links to, and within Gedling Borough

Date: 21 July 2015

Author: Councillor Viv McCrossen, Chair of the Overview Scrutiny Committee

Ward affected

Borough-wide

1. Purpose of the Report

To inform Cabinet members and relevant Portfolio Holders of the findings and recommendations of the Transport Links to, and within Gedling Borough Scrutiny Review.

Key decision

This is not a key Decision

2. Background

Members are reminded that part of the remit of Scrutiny is to deal with wider service or policy issues through the establishment of working groups, which take an in depth view of Council policies and plans as directed by the Overview Scrutiny Committee, and make recommendations to Cabinet accordingly. In accordance with the Scrutiny Improvement Plan 2010, a review is commissioned when:

- There is added value that this work will bring to the core priorities of the Council
- It is likely to make a difference if a working group undertake this work
- It is likely to lead to improved performance
- It is likely that the working group's recommendations will improve the lives of the residents of Gedling Borough
- It will increase Member awareness of important issues

3. Proposals

Members are asked to consider the report and recommendations of the above reviews, which have previously been approved by the Overview Scrutiny Committee for referral to Cabinet.

4. Alternative Options

Scrutiny procedures require the Executive to respond to the Scrutiny Committee in light of the recommendations made.

5. Recommendations

That Cabinet review the recommendations made and the appropriate Portfolio Holder responds to the October Overview and Scrutiny Committee.

6. Appendices

Appendix 1: Transport Links to, and within Gedling Borough

7. Background papers

None identified.

Subject: Transport links to, and within Gedling Borough

Date: 20 July 2015

Author: Councillor L Pearson

Working Group Members: Councillors Pearson (Chair) Feeney, Paling, Truscott, D Ellis, P Andrews, G Clarke.

Members from the Gedling Youth Council: George Sullivan, Ashlea Pringle and Harry Gabb.

1. Purpose of the Report

To present the final report and recommendations of the Transport links to, and within Gedling Borough Scrutiny working group.

2. Background

The Overview and Scrutiny Committee established a scrutiny review to examine a range of issues related to transport networks both to, and within, the borough. This review was one of three strategically linked in-depth reviews proposed in the 2013/4 Scrutiny work programme. The overarching aim was to examine progress of the Council's ambitions as a community leader; driving ongoing partnership approaches in securing social and economic sustainability within Gedling Borough.

Appendix 1

This review sought to explore the potential of major strategic transport initiatives now underway, as well as examining how well Gedling residents are served with current transport arrangements within the Borough. It included:

- considering current and future transport initiatives and services to, and within the borough to identify gaps in provision
- finding out how local people can influence local transport and services
- considering how travel and transport information might be better promoted
- establishing the availability of services for young people, the elderly and disabled

The review included an examination of the effectiveness of radial/cross-borough and inter district transport and concerns around equality of access to public transport. It considered issues linked to access to employment, training, leisure, health and retail facilities, seeking to make recommendations that will improve the impact of transport on the local economy.

Rail services are currently available in Gedling and provide valuable transport provision for Gedling residents who reside near railways stations. Newstead is well served by the Robin Hood Line, and Carlton and Netherfield by the Nottingham Newark line. However, as the majority of public transport journeys undertaken in the borough are by bus this has been the main focus of the review.

The review received briefings from the corporate director with the strategic lead for transport initiatives, members of the Gedling Youth Council Transport sub-group: Transport for young people, Colin West, TravelRight Coordinator, Mark Hudson, Group Manager, Nottinghamshire County Council Transport and Travel Services.

3. Information

- **Gedling Borough's Transport Initiatives**

Members were informed by Stephen Bray, corporate director with the strategic lead for transport initiatives that transport in Gedling works as part of a conurbation with

most areas in the borough accessible by travelling into Nottingham city centre and out again, however cross borough transport links are poor. Nottinghamshire bus services are one of the best in the country due to the nature of the two main bus operators, Nottingham City Transport and Trent Barton.

Members learnt that transport initiatives undertaken by Gedling Borough aim to:

- improve connectivity, jobs and inward investment linked to the wider objectives of economic development
- progress links to sustainability.

The Council is presently trying to define its long term ambitions, complimentary to the planning process, looking 10 to 15 years into the future in addition to pursuing conurbation wide aspirations.

The need for transport infrastructure influences the planning process and there are two strands of work underway to support this:

I. Transport Vision

The vision aims to boost the local economy by creating better connections between homes, jobs and education both within Gedling and the surrounding conurbation.

This includes:

- progress towards the Gedling Access Road (GAR) which will link Mapperley Plains Road B684 and the A612 Burton Road, this major project begins on site in March 2015 with completion in 2019. The road is linked to the redevelopment of the Gedling Colliery site including the building of 900 houses which will significantly boost new housing in the borough. Wider benefits are improvements to traffic movements between the two main routes in and out of Nottingham in addition to improving the general environment of Gedling Village
- the the possible construction of a fourth Trent crossing at Colwick This has been a long held aspiration which would open up access to jobs and services, cutting out a long journey and opening up access to the east of

Gedling borough which at the moment is limited by the river. The Local Enterprise Partnership, as the vehicle for allocating funding for transport initiatives, has been involved in the planning process along with Newark and Sherwood District, Nottingham City and Nottinghamshire County Councils. Funding is currently being sought for a further feasibility study. This is very much a long term plan but the possibility of it happening is increasing

- assessing the impact of HS2 and the potential of a connecting train to Toton, which could be part of the Birmingham, Netherfield/Colwick rail line
- advancing and encouraging potential train/tram links to the borough. There are a number of possible routes but all proposals are 10 years plus from inception to implementation
- promoting Southside (City Council Plan) development and improvements to park and ride facilities.

Gedling Borough has a representative on the local transport partnership which feeds into the Local Enterprise Partnership. This body is very influential in relation to the direction of Department of Transport funding. There are just two district council representatives on the partnership, Gedling and Derby. This representation enabled the authority to secure funding to progress the Gedling Access Road.

II. Local Sustainable Transport Plan

Gedling Borough supports 'TravelRight' and 'Ridewise' which is a national initiative aimed at promoting sustainable travel habits. Members received a briefing from Colin West, TravelRight Coordinator and were informed that Local Sustainable Transport Scheme is a free initiative which supports communities in Gedling Borough. It has been running for twelve months and aims is to influence the travel habits of the adult population providing tailored guidance to residents and businesses to make travel around Nottingham cheaper, easier and quicker. It offers a range of events and support services encouraging more walking, cycling and use of public transport in the borough. The project assists young people and job seekers to access work, learning and training and engages with local schools and businesses to promote sustainable transport. There are number travel hubs throughout the county working to influence transport issues and inform the public about travel support for job seekers and new starters. The scheme is currently funded to March 2015. Whilst

ongoing funding is possible, there is a risk that the scheme could lose the accelerated momentum that happens in the second year. Available funding streams include the European Social Fund, health and CO2 reduction strands. A pending 'Reaching Communities' bid may address this.

Specific areas of work include:

- exploring a possible extension of the Jobseeker City card which gives access to half price kangaroo travel in Gedling Borough
- a survey in respect of the impact of the Gedling Country Park
- street surveys to monitor travel habits
- provision of different levels of cycle training
- the Big Wheel initiative which helps businesses to produce workplace travel plans to encourage staff to use public transport.
- looking at ways of unlocking the transport system in order to enable maximum use by the public, for example displaying maps on bus stops and time table information availability via mobile phone apps.

- **Services for Young People**

Members of the Gedling Youth Council Transport Sub-Group: Transport for young people presented their views on local public transport. They indicated that generally young people were happy with the frequency and information available regarding bus services in Gedling. They did however feel that:

- travel costs are high resulting in some young people not travelling as often as they would like. The season ticket service is useful, but the upfront costs are unreachable for some young people
- the real time displays on bus stops are very helpful but not always accurate
- there are some issues with transport services in rural areas, between villages and across districts
- more could be done to make young people aware of different travel initiatives, i.e. Kangaroo tickets
- the possibility of creating dual Kangaroo zones, travel within the city one price, and wider travel within the county set at a slightly higher price should be explored. It was acknowledged that it would be difficult getting all the various operators to agree

- use of the branding and advertising opportunities of public transport could be increased
- schemes to change travel habits should be pitched to young people, as they are able to take on change more readily.

- **County Council Responsibilities**

Mark Hudson, Group Manager, NCC Transport and Travel outlined the County Council responsibilities; these include financially supporting some local bus services, administering the concessionary travel, special educational needs, home to school and adult social care transport schemes, some legal duties relating to bus services across the county and the County Council vehicle fleet.

Bus services in England and Wales were deregulated in 1986 which allowed commercial providers to provide services. The majority of bus services in Greater Nottingham are operated on a commercial basis, however the County Council will provide subsidised bus journeys where they are deemed to be socially necessary and where bus operators are unable to provide the services commercially. To provide this the County Council currently has a budget of 4.2 million a 60% drop since 1985. Budget reductions have resulted in some services being deleted.

Decisions to provide subsidised services are taken on a case by case basis and assessed on need and value for money. When funding is not available a formula is used to work out spend taking into account primarily work, education and training needs before consideration is given to gaps in provision for leisure and shopping transportation and Sunday services. In areas where more than one service exists the routes tend to be designed to complement each other. There are particular issues with rural services and the County Council is working to provide services on routes and at times people need and when they would use them.

The County Council is always open to suggestions from local people on possible service improvements. These might not always be able to be accommodated due to a range of reasons including the need for commercial operators to make a profit, lack of subsidy or low passenger numbers making routes not viable. £300,000 is spent annually supporting services in Gedling. The goal of the County Council is to provide services which will enable people to connect with commercial transport services into

the city. Cross borough routes are not so numerous due to lack of passenger numbers making them unviable. Nottsbus Connect is a network of connecting local bus services, helping to improve public transport links across the county. It provides feeder routes from local villages onto the main transport network. This has been particularly useful in rural areas and a successful project has been up and running in the Bassetlaw area since autumn 2014.

Commercial operators have to give 56 days notice to amend or cut services although in practice they usually give more, allowing the County Council time to plan a replacement. This will shortly increase to 90 days. If a route fails this will initially be offered to other commercial operators who may be willing to tender for the route or reroute an existing service to cover the gap. The County Council will sometimes contract a service for 6 months on a 'use it or lose it' basis. Problems exist with the provision of rural bus services and establishing services that people want, particularly in the evening and at weekends.

The County Council supports the work of community and voluntary transport schemes which supplement the public transport network by offering services tailored to the needs of people who may have difficulty in using, or are unable to use, ordinary buses. Schemes are available throughout the county and operate on a not for profit basis normally using volunteers, though there will be a charge for using the service. Some community transport schemes only cater for certain types of journey, e.g. medical appointments, while others offer journeys for a wide range of other needs, e.g., shopping, day care, visiting (e.g., hospital, friends), etc. An example of this in Gedling is the Ravenshead Community Transport initiative. There is a big commitment to travel training; this is especially useful for young people with disabilities so that they don't become dependent on taxi services.

Work is undertaken to promote bus services to new housing developments, encouraging the use of public transport, for example offering free transport for a limited period.

Plans for the future include:

- greater use of the new low floor vehicles, which are currently used predominantly for social care, for community transport schemes. Currently there are 11 vehicles able to do this and this is being rolled out to include a further 20.

- considering the possibility of using taxis and private hire vehicles as buses for connecting services. Currently there are few cross borough buses as they are not viable.
- examining the possibility setting up of community bus partnerships, this could involve working with commercial operators and community organisations, possibly parish or district councils, to publicise and consult on time tables, location of bus stops etc.

4. Conclusions and Recommendations

People in Gedling use transport services for a variety of reasons including travelling to education, employment and training, health and social care appointments and for entertainment and leisure activities. Public transport has a wide ranging influence on the economic prosperity and wellbeing of the residents of Gedling Borough; however the authority has few responsibilities and limited influence around transport provision and policy.

The Councils overall objectives for transport are to promote growth and ensure that transport issues do not constrain growth whilst supporting the Council's sustainability agenda. These aspirations are reflected in two streams of the Council's work on transport:

- a long term strategic aim to build a better connected Greater Nottingham
- delivery of sustainable transport initiatives.

The long term aim recognises that Gedling has been something of a transport backwater and a lot of effort has been done to mitigate this with the agreed construction of the Gedling Access Road and the possibility of a fourth Trent crossing. Members considered that the construction of the bridge would be of considerable benefit to the residents of the borough and progress towards the building of the bridge should be supported.

Recommendation 1

Gedling Borough Council alongside partner organisations continues to actively pursue the building of a Fourth Trent crossing.

Members considered that the development of a park and ride site in the North of the County is something that should be considered. Not only could this reduce

congestion and ease traffic flow into Nottingham, Co2 emissions would also be reduced.

Recommendation 2

Investigate the feasibility of introducing a park and ride facility in the north of the borough.

65% of the population of Gedling work in the City and residents have access to good transport links provided they are able to travel to Nottingham City Centre and onwards from there. Commercial bus operators provide a good service primarily due to having two established operators. Issues arise however when bus services are required between different areas across the borough Members appreciate that services operate on a commercial basis, that the County Council has a finite budget for the provision of subsidised services and that it is not possible to operate services that are not going to be well used and viable. However they considered that this lack of cross district travel could disadvantage people when seeking employment, attending training and education, shopping or wishing to undertake leisure activities. They felt that this was a particular problem between the Mapperley and Arnold communities

Recommendation 3

The potential for improved bus services linking the Arnold and Mapperley communities be investigated.

Fare levels and ticketing issues were of particular concern and Members thought that an integrated ticketing system, across providers, for all residents in Gedling would be beneficial. Currently the Kangaroo ticket scheme administered by Nottingham City Transport allows unlimited travel on most buses within the Kangaroo boundary. In Gedling the boundary extends to the end of the City Transport network and although it does include travel across different bus operators this does not apply to areas outside the boundary which have services provided by Trent Barton.

Job seekers who have been seeking work for 13 weeks or longer are able to purchase half price Kangaroo tickets if they travel within the Kangaroo boundary. This again works to the disadvantage of people living outside the boundary and who have to use services not provided by the City Transport network.

Recommendation 4

Investigate the feasibility of Nottingham City Transport extending the boundary for the use of Kangaroo tickets.

Members of the Youth Council had a number of ideas about how to increase bus use, principally looking at ways of making journeys more affordable for young people. They considered that young people as the bus passengers of the future should be actively encouraged to use public transport for social, economic and environmental reasons. They felt that the range of discounted fares available should increase. Currently there fares available for under 5's, 5 - 15 year olds and college, university and further education students using NCT City Card on bus journeys within in the city boundary. Trent Barton has similar discounts plus a Mango which gives a 35% reduction for 16 – 19 year olds. Young people between 16 and 19 living in Gedling using Nottingham City Transport have no access to discounted travel. The raising of the school leaving age from summer 2015 requires young people to participate in full time education in a school or college, an apprenticeship or accredited learning if in full time employment and Members considered that the concession applying to 5 – 15 year olds should be raised to include 16 – 19 year olds. In addition the purchasing of advance tickets offering unlimited travel on every day of the week, both day and night for a specified period although useful for some passengers does not meet the need of all bus users. A system that allows the purchase of a ticket for a stated number of journeys, without a date restriction, or a system similar to the Trent Barton Mango rechargeable card would be much more acceptable for use by young people.

Recommendation 5

Investigate the feasibility of increasing the age limit for concessionary fares to 19.

Recommendation 6

Consider the use of a ticketing system that enabled a ticket for a specified number of journeys to be made available.

Members heard about a range of initiatives which exist to encourage people to use public transport but Members considered that a marketing campaign targeting young

people would be valuable. Members of the Youth Council had a wide range of ideas they though could encourage more young people to use public transport including apps, text messaging and time tables in schools.

Recommendation 7

A marketing campaign, incorporating ideas from young people, is undertaken to target and encourage more use of bus services by young people

Members considered that the initiatives undertaken by the TravelRight sustainable transport programme made a valuable contribution in supporting sustainable travel in the borough. They considered that this scheme benefited a wide range of residents by offering information about a range of different travel options and had an important role in representing local people on transport issues.

Recommendation 8

Support the continuation of the TravelRight scheme.

Members felt strongly that transport concerns should be at the forefront of planning issues when housing developments were considered. This was important during the planning process for any new housing development but particularly at the Gedling Colliery site. Opportunities to identify Section 106/SIL contributions should be sought early in any planned development.

Recommendation 9

Transport officers from both the Nottingham City Council and Nottinghamshire County Council should be involved at an early stage in planning applications to ensure that opportunities for Section 106/SIL contributions are identified.

Summary of Recommendations

Recommendation 1

Gedling Borough Council alongside partner organisations continues to actively pursue the building of a Fourth Trent crossing.

Recommendation 2

Investigate the feasibility of introducing a park and ride facility in the north of the borough.

Recommendation 3

The potential for improved bus services linking the Arnold and Mapperley communities be investigated.

Recommendation 4

Investigate the feasibility of Nottingham City Transport extending the boundary for the use of Kangaroo tickets.

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Recommendation 7

A marketing campaign, incorporating ideas from young people, is undertaken to target and encourage more use of bus services by young people

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Support the continuation of the TravelRight scheme.

Recommendation 9

Transport officers from both the Nottingham City Council and Nottinghamshire County Council should be involved at an early stage in planning applications to ensure that opportunities for Section 106/SIL contributions are identified.

5. Acknowledgements

- Members of the Gedling Youth Council Transport sub group George Sullivan, Ashlea Pringle and Harry Gabb.**

- Stephen Bray, Corporate Director
- Colin West TraveRigh Coordinator
- Mark Hudson, Group Manager Nottinghamshire County Council Transport and Travel Services

6. Appendices

Appendix 1: Scope.



Scope

Scrutiny committee:	Overview and Scrutiny Committee
Working Group:	Transport Links to, and within Gedling Borough
Chair of group:	Councillor Pearson
Working group members:	Councillors: Feeney, Paling, Pearson, Truscott, D. Ellis, P. Andrews and G. Clarke.
Portfolio holder/s:	Councillors WJ Clarke and Pulk
Corporate Director:	Stephen Bray and Paula Darlington

(1) Scope

Why this review is being undertaken

(List the specific outcomes – **S**pecific, **M**easurable, **A**chievable, **R**ealistic and **T**ime bound)

This review was proposed in recognition of the Council's growth agenda, and seeks to explore the potential of major strategic transport initiatives now underway, as well as examining how well Gedling residents are served with current transport arrangements within the Borough. The focus of the review will be access to jobs, training, leisure, health and retail facilities.

Included in the review will be an examination of the effectiveness of radial/cross-borough and inter-district transport and equality of access to public transport.

Aims

Aim	Corporate Values
Consider current and future transport initiatives and services to and within the Borough, identify any gaps in provision.	1. A caring and fair Council that treats customers, residents, partners and staff well
Examine how local people can influence local transport plans and services.	2. A listening Council that listens to and involves the people it serves
Consider how travel and transport information might be better promoted.	3. An ambitious Council one that is never satisfied and constantly hungry for improvement
Take account of rural, urban and suburban needs, the availability of services to young people, the elderly and disabled.	4. A responsive Council that is sensitive to different needs and acts accordingly
The impact of transport initiatives on the environment will be included as part of the review.	5. An efficient Council that is responsible; that avoids waste and makes the most of what it has

(2) Timetable

The review will commence in:	July 2014
Milestones:	Work programme to be agreed
The review will report in:	Approximately 3 months
Committee dates:	
Frequency of meetings:	6 weekly cycle

(3) Information gathering and consultees

The working group has requested the following information:

Details of major transport initiatives including the Gedling Access Road, 4th Trent Crossing, proposals for the extension of tram and rail services and the Local Sustainable Transport Plan.

Details of transport links within the Borough, including Citylink Services, Community Transport and private services.

Details of concessionary travel schemes.

What are the main questions to be asked and of what parties?

- Corporate Director and Portfolio Holder – what role does Gedling play in influencing Conurbation wide proposals for transport infrastructure?
- Travelwise/ Sustainable Transport Plan – how does the project resolve local needs and expectations with the aims, milestones, and targets of the fund? What specific benefits does the scheme aim to provide?
- Nottingham City Council – Citylink – what scope might there be to work in partnership to improve radial transport links?
- Nottinghamshire County Council – Adult Social Care Team/transport fleet – how might the transport fleet be maximised – explore possible use of fleet for community transport during down times?
- Localities co-ordinators – what mechanisms are in place for local people to influence the quality of transport services in their areas?
- GBC Planning Department – how is the need for transport infrastructure assessed as part of the planning process?

The working group may be inviting the following persons/organisations to one or more meetings to help with the review:

Representatives of the Transportation Sub Group of Gedling Youth Council

Colin West – Travelwise/Local Sustainable Transport Plan Coordinator

Mark Hudson – Group Manager, NCC Adult Social Care Transport Fleet

Visits

The working group might need to consider:

N/A

(4) How the community will be consulted, informed and involved

The working group wishes to consult through:

Representatives of the Transportation Sub Group of Gedling Youth Council

(5) Equality of opportunity

The following Equality Impact Assessment method will be applied

Examination of the availability of services to young people, older people and protected groups. Assessment of rural/urban provision and equality of access to jobs, training, health and other services

(6) Resources

The working group is supported by:

Senior Members' Services Officer

(6) How the effectiveness of the review will be measured

Follow up of agreed recommendations to be undertaken at an appropriate point by Overview Scrutiny Committee.



Report to Cabinet

Subject: Forward Plan

Date: 30 July 2015

Author: Service Manager, Elections and Members' Services

Wards Affected

Borough-wide.

Purpose

To present the Executive's draft Forward Plan for the next four month period.

Key Decision

This is not a Key Decision.

Background

- 1 The Council is required by law to give to give notice of key decisions that are scheduled to be taken by the Executive.

A key decision is one which is financially significant, in terms of spending or savings, for the service or function concerned (more than £500,000), or which will have a significant impact on communities, in two or more wards in the Borough.

In the interests of effective coordination and public transparency, the plan includes any item that is likely to require an Executive decision of the Council, Cabinet or Cabinet Member (whether a key decision or not). The Forward Plan covers the following 4 months and must be updated on a rolling monthly basis. All items have been discussed and approved by the Senior Leadership Team.

Proposal

- 2 The Forward Plan is ultimately the responsibility of the Leader and Cabinet as it contains Executive business due for decision. The Plan is therefore presented at this meeting to give Cabinet the opportunity to discuss, amend or delete any item that is listed.

Alternative Options

- 3.1 Cabinet could decide not agree with any of the items are suggested for inclusion in the plan. This would then be referred back to the Senior Leadership Team.
- 3.2 Cabinet could decide to move the date for consideration of any item.

Financial Implications

- 4 There are no financial implications directly arising from this report.

Appendices

- 5 Appendix 1 – Forward Plan

Background Papers

- 6 None identified.

Recommendation(s)

It is recommended THAT Cabinet note the contents of the draft Forward Plan making comments where appropriate.

Reasons for Recommendations

- 7 To promote the items that are due for decision by Gedling Borough Council's Executive over the following four month period.

Issue	Key Decision or Council Decision?	Who will decide and date of decision	Documents to be considered (only applicable to executive Key decisions)	Who will be consulted?	From whom can further information be obtained and representations made?
Quarterly Budget Monitoring, Performance Digest & Virement Report	Key	Cabinet 22 October 2015		Not applicable	Alison Ball, Service Manager Finance, Colleen Warren, Principal Accountant alison.ball@gedling.gov.uk, colleen.warren@gedling.gov.uk
Local Planning Document - Publication Draft	Key	Cabinet 17 December 2015	Local Planning Document - Publication Draft	The purpose of the report is to ask Cabinet to agree the Publication Draft Local Planning Document for consultation with residents and stakeholders.	Jo Gray, Planning Policy Manager joanna.gray@gedling.gov.uk
Quarterly Budget Monitoring, Performance Digest & Virement Report	Key	Cabinet 11 February 2016		Not applicable	Alison Ball, Service Manager Finance, Colleen Warren, Principal Accountant alison.ball@gedling.gov.uk, colleen.warren@gedling.gov.uk

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