



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

Agenda

Cabinet

Date: **Thursday 10 September 2020**

Time: **2.00 pm**

Place: **Virtual Meeting**

For any further information please contact:

Alec Dubberley

Service Manager Democratic Services

0115 901 3906

Cabinet

Membership

Chair Councillor John Clarke

Vice-Chair Councillor Michael Payne

Councillor Peter Barnes
Councillor David Ellis
Councillor Gary Gregory
Councillor Jenny Hollingsworth
Councillor Viv McCrossen
Councillor Henry Wheeler

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MINUTES CABINET

Thursday 6 August 2020

Councillor John Clarke (Chair)

Councillor Michael Payne
Councillor Peter Barnes
Councillor David Ellis
Councillor Gary Gregory

Councillor Jenny Hollingsworth
Councillor Viv McCrossen
Councillor Henry Wheeler

Officers in Attendance: M Hill, M Avery, A Ball, H Barrington, J Davies and A Dubberley

19 APOLOGIES FOR ABSENCE.

None received.

20 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 2 JULY 2020.

RESOLVED:

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

21 DECLARATION OF INTERESTS.

None.

22 ARNOLD MARKET PLACE REGENERATION SCHEME

The Service Manager Economic Growth and Regeneration introduced a report which had been circulated in advance of the meeting, updating members on the progress of the Arnold Market Place redevelopment project as well as seeking delegated authority to enable the project to be progressed.

RESOLVED to:

- 1) Approve the final redevelopment scheme for Arnold Market Place as shown at Appendix B to the report, subject to budget approval and any necessary planning permissions being obtained;

- 2) Delegate authority to the Chief Executive, in consultation with the Leader of the Council, to submit an application for planning permission for the approved scheme at Arnold Market Place;
- 3) Delegate authority to the Service Manager for Economic Growth and Regeneration to make any minor amendments to the approved scheme, in consultation with the Leader of the Council and Portfolio Holder for Growth and Regeneration, as required during the planning application process;
- 4) Recommend to Council the establishment of the additional capital budget of £1,566,700 as an addition to the 2021/22 capital programme for the redevelopment of the Arnold Market Place funded by:
 - a) £255,000 from the earmarked Business Rates Pool Revenue Reserve which is set aside for investment in economic regeneration projects; and
 - b) £1,311,700 to be financed by prudential borrowing;
- 5) Approve the use of the earmarked Economic Development Reserve to fund the estimated year 1 revenue subsidy of the scheme of £126,500, as detailed in paragraph 4.3.8 of the report;
- 6) Agree the amendment to the Prudential Indicators for 2021/22 as detailed in Appendix E and refer it to Council for approval; and
- 7) Note the progress to date, as set out in the report, and the intention to meet the funder's requirements for the land purchase from the D2N2 LEP N2TC fund.

23

ESTABLISH A BUDGET FOR RE-OPENING THE HIGH STREET SAFELY PROJECT AND AGREE AN ACTION PLAN

The Service Manager Economic Growth and Regeneration introduced a report, which had been circulated in advance of the meeting, seeking approval to establish the budget and associated permissions for the re-opening high street safely project across the Borough's town and local centres.

RESOLVED to:

- 1) Approve the budget of £105,213 for the re-opening high street safely project, to be fully funded from the European Regional Development Fund grant; and
- 2) Delegate authority to the Service Manager for Economic Growth and Regeneration to implement the associated action plan, at

Appendix A to the report, subject to any necessary approvals or consents being obtained to enable implementation.

24 PRUDENTIAL CODE INDICATOR MONITORING 2020/21 AND QUARTERLY TREASURY ACTIVITY REPORT FOR QUARTER ENDED 30 JUNE 2020

The Assistant Director Finance introduced a report, which had been circulated prior to the meeting informing Members of performance monitoring of the 2020/21 Prudential Code Indicators, and advising members of the quarterly treasury activity as required by the Treasury Management Strategy.

RESOLVED to:

Note the report, together with the Treasury Activity Report 2020/21 for Quarter 1 at Appendix 1 to the report, and the Prudential and Treasury Indicator Monitoring 2020/21 for Quarter 1, at Appendix 2 to the report.

25 QUARTERLY (Q1) BUDGET MONITORING AND VIREMENT REPORT

The Assistant Director Finance introduced a report, which had been circulated in advance of the meeting, updating Members on the forecast outturn for Revenue and Capital Budgets for 2020/21 as well as seeking approval for budget virements set out in the report.

RESOLVED to:

- 1) Approve the General Fund Budget virements set out in Appendix 1 to the report; and
- 2) Note the use of reserves and funds during quarter one as detailed in Appendix 2 to the report.

26 GEDLING PLAN QUARTER 1 2020/21 REPORT

The Director of Organisational Development and Democratic Services introduced a report, which had been circulated in advance of the meeting, summarising performance against the Gedling Plan for the 1st quarter of 2020/21

RESOLVED to:

Note progress against Improvement Actions and Performance Indicators in the 2020-23 Gedling Plan as at the end of quarter 1 for 2020/21.

27 REVIEW OF THE GEDLING PLAN 2020-23

The Chief Executive introduced a report updating Members on the review of the Gedling Plan 2020-23 seeking approval for a number of amendments.

RESOLVED to:

- 1) Note the review of the Gedling Plan 2020-23;
- 2) Approve amendments to actions as set out in the report be; and
- 3) Approve amendments to performance indicators as set out at Appendix 1 to the report.

28 ANNUAL REPORT OF THE SENIOR INFORMATION RISK OWNER 2019/20

The Director of Organisational Development and Democratic Services introduced a report, which had been circulated in advance of the meeting, presenting the Senior Information Risk Owner Annual report 2019/20.

RESOLVED:

To note the annual report of the Senior Information Risk Owner 2019/20.

29 FORWARD PLAN

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

Following a question from the Leader, the Chief Executive advised that the former disused mineral railway line between Netherfield and Gedling Country Park was still the subject of exploratory work to assess whether it could be brought back into use. This would be the subject of a future report to Cabinet.

RESOLVED:

To note the report.

30 ANY OTHER ITEMS THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 4.20 pm

Signed by Chair:
Date:

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Report to Cabinet

Subject: S106 Contributions 2019/20

Date: 10 September 2020

Author: Assistant Director - Finance

Wards Affected

Borough-wide

Purpose

The purpose of this report is to provide Members with an update on the S106 contributions that the Council has received and the contributions that have been agreed through the planning process but have yet to be received.

Recommendations:

That Members: Note the contents of the annual S106 Contributions report.

Key Decision

This is not a key decision.

Background

- 1.1 Members will be aware that the Council can secure S106 financial contributions through the planning process to be spent on specific infrastructure, such as the provision and maintenance of open space, contributions towards capital projects such as play areas, contributions towards healthcare provision and affordable housing.
 - 1.2 This report details the money that has been received for S106 contributions, what the contributions have been spent on, what contributions have yet to be allocated to a scheme, information on revenue maintenance contributions and details of any contributions due as part of the planning process.
 - 1.3 S106 contributions agreed for education, libraries and highways projects are paid direct to Nottinghamshire County Council.
-

2 Proposal

2.1 Summary of Current Agreements

2.1.1 Contributions spent on projects in 2019/20

Site	Application Reference	S106 Contribution received	Amount Spent	Provision/Project Funded
Bradstone Drive off Spring Lane	2014/0740	2017	£42,639	Westdale Lane Surgery. Extension to practice, providing 4 No. additional consultation rooms.
Ashwater Drive Mapperley	2010/1022	2017	£133,331	Westdale Lane Surgery Extension to practice, providing 4 No. additional consultation rooms.
Land Off Cavendish Road, Carlton	2014/0559	2017	£23,863	Westdale Lane Surgery Extension to practice, providing 4 No. additional consultation rooms.
Spring Lane Mapperley	2007/0748	2014	£16,304	Gedling Country Park Projects including seating area and viewing platforms
7-9 Chapel Lane	2007/0623	2010	£35,298	Affordable Housing - Burton Road Development
Spring Lane Mapperley	2007/0748	2014	£106,876	Affordable Housing - Burton Road Development
Total			£358,311	

2.1.2 Capital Contributions held as at 31 March 2020

The contributions through a S106 agreement usually have a clause stating the timeframe in which the contribution is to be spent by. Currently we have no S106 contributions which have exceeded the timeframe and plans are in place to ensure that the contributions are spent prior to the repayment dates set. In the majority of S106 agreements the repayment period is usually 10 years however these clauses can vary.

The Healthcare contributions detailed in the table below totalling £658,537 are for the provision of Health Centres in the location of the developments and will fund projects delivered by the Clinical Commissioning Group (CCG). Development Control are in liaison with the CCG about the development of future projects.

S106 Capital Contributions as at 31 March 2020

Site	Application Reference	S106 Received	Contributions Held	Provision	Deadline to be spent by
Spring Lane	2007/0748	2014	£25,124 £123,502	Affordable Housing Open Space	2024
Land at Wighay Road	2014/0950	2016	£94,822 £560,567 £21,741	Open Space Affordable Housing Healthcare	2026
Land at Stockings Farm	2010/0437	2016	£435,232	Healthcare	2026
Bradstone Drive, off Spring Lane	2014/0740	2017	£23,903	Healthcare	2028
Land North of Papplewick Lane, Linby	2013/1406	2017	£37,346	Healthcare	2027
Land Off Cavendish Road	2014/0559	2017	£35,243	Open Space	2027
Land North of Papplewick Lane, Linby	2013/1406	2018	£215,568	Affordable Housing	2028
Land South of Woodchurch Road	2018/0911	2018	£28,518	Open Space	2028
Land West of Westhouse Farm	2014/0238	2020	£111,237	Healthcare	2030
Teal Close	2013/0546	2019	£29,078	Healthcare	2029
Land Between Main St and Hollinwood	2012/0941	2019	£99,536	Open Space	2029
Total			£1,841,417		

The total amount of S106 contributions allocated to specific schemes in the Gedling 2020/21 capital programme is £170,500. The schemes are as follows:

- Burton Road £12,000 – Spring Lane, Affordable Housing contribution
- Gedling Country Park Projects, including Seating Area £123,500 – Spring Lane, Open Space contribution
- Lambley Lane Changing Rooms £35,000 – Cavendish Road, Open Space contribution

2.1.3 Revenue Contributions for Maintenance

The table below shows the revenue contributions received by the Council as at 31 March 2020. The majority of the revenue contributions are for the ongoing maintenance works on the open spaces sites that the Council has adopted. The revenue contributions are usually secured for a 10 year period and are drawn down annually from the date the sites are adopted, unless they are being used for a specific project.

Site	Date Recd	Original Amount	Used 2019/20	Balance Remaining	Last Payment Due
Spring Lane	2006	£5,689	£569	£2,844	2024/25
Park Road, Bestwood	2006	£66,024	£0	£17,880	2020/21
Edison Way, Arnold	2007	£52,125	£5,213	£10,425	2021/22
Downham Close, Arnold	2008	£8,253	£825	£4,126	2024/25
Emerys Road	2008	£18,837	£2,316	£0	2019/20
Brooklands Drive	2008	£14,428	£1,445	£2,864	2021/22
Arnold View Primary School	2009	£24,744	£2,474	£14,847	2025/26
Burton Road, Gedling	2009	£7,678	£763	£3,819	2024/25
188-194 Mapperley Plains	2016	£19,035	£1,904	£11,421	2025/26
333-339 Mapperley Plains	2016	£24,088	£2,409	£14,453	2025/26
Spring Lane	2017	£110,575	£11,058	£77,403	2026/27
Teal Close	2018	£2,550	£0	£2,550	2027/28
Total		£354,026	£28,976	£162,632	

The table above shows that there was £28,976 was used to fund revenue expenditure in 2019/20. There is £162,632 of revenue contributions remaining which will be drawn down until 2027/28.

2.1.4 Contributions Due

The following contributions have been agreed through the planning process and the developments have started as at 31 March 2020.

Site	Application Reference	Amount Due	Provision	Money Due
Land north of Papplewick Lane, Linby	2013/1406	£106,654 (RPI Index Linked)	Healthcare	Next instalment due on 1 st occupation of up to 25% of the total dwellings
		£385,906 (RPI Index Linked)	Open Space (maintenance)	Only payable on transfer of open space to the Council
		£584,432 (RPI Index Linked)	Affordable Housing	Next instalment due on 1 st occupation of up to 25% of the total dwellings
Bradstone Drive, Spring Lane	2014/0740	£82,650 (RPI Index Linked) - £66,542.47 paid	Healthcare	3 instalments paid, remaining due on occupation of 150 th dwelling
		£233,510 (RPI Index Linked)	Open space (maintenance)	Only payable on transfer of open space to the Council
Land at Chase Farm	2015/1376	£525,000	Healthcare	instalment due before the occupation of the 549 th Dwelling.
147 Main Street, Woodborough	2013/0252	£11,434 (RPI Index Linked)	Open Space (Off-site capital and maintenance contribution)	Payable before occupation of second dwelling,
Vale Road, Colwick	2008/0287	£56,013 (RPI Index Linked)	Open Space (Off-site capital and maintenance contribution)	To pay before or forthwith after occupation of the 22 nd dwelling.

Dark Lane, Calverton	2012/1503	£68,400 (RPI Index Linked)	Healthcare	50% due prior to first occupation of the development Remaining due prior to occupation of 50% of the development
		£86,009 (RPI Index Linked)	Open Space (Off-site capital and maintenance contribution)	Due before 50% of the development is occupied
Land at Langley Lane, Gedling	2012/1335	25 x £1,000 annual instalments – 4 received	Biodiversity	Annually
Teal Close, Netherfield	2013/0546	£200,000 (RPI Index Linked) - £111,237 paid	Primary Healthcare	Due before 50% of the development is occupied
Beeston Close, Bestwood	2017/0194	£46,921	Open Space (Off- site capital and maintenance contribution)	50% due prior to the occupation of the Dwellings
Land South of Woodchurch Road, Bestwood	2018/0911	£40,419	Open Space (Off- site capital and maintenance contribution)	Paid prior to commencement of development.
Land at Wood Lane, Gedling	2018/0577	£24,837	Open Space (Off- site capital and maintenance contribution)	Prior to the occupation of the 4th dwelling.
Mill Field Close	2015/0424	£63,637	Open Space (Off- site capital and maintenance contribution)	Due before 50% of the development is occupied
Total		£2,359,042		

2.1.5 As detailed in paragraph 5.2 below, the Council will publish the required S106 information as part of its annual infrastructure statement on the website by 31 December 2020.

3 Alternative Options

- 3.1 Failure to identify and deliver on the S106 schemes would mean that the contributions including RPI would have to be paid back to the developer.

4 Financial Implications

- 4.1 As detailed in the report.

5 Legal Implications

- 5.1 Planning obligations are covered by Section 106 of the Town and Country Planning Act 1990 and known as Section 106 agreements. By law, planning obligations can only be required where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and in kind to the development. Payments can be made in the form of a capital or revenue contribution, as a lump sum or phased payments, due on defined dates or triggered as the development progresses. Local planning authorities are required to use the funding in accordance with the terms of the individual Section 106 agreement and if not spent by the date specified in the agreement must be returned to the developer.
- 5.2 A local planning authority that has received developer contributions (section 106 planning obligations or Community Infrastructure Levy) must now publish an annual infrastructure funding statement online under the Community Infrastructure Levy Regulations 2010. The first such statement must be published before 31 December 2020 and thereafter annually no later than 31 December.

6 Equalities Implications

- 6.1 None arising directly from this report.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 None arising directly from this report.

8 Appendices

- 8.1 None

9 Background Papers

- 9.1 None

10 Reasons for Recommendations

10.1 To ensure Members are informed of the S106 Contributions.

Statutory Officer Approval

Approved by: Chief Financial Officer
Date: 26 August 2020

Approved by: Monitoring Officer
Date: 26 August 2020



Report to Cabinet

Subject: Consultation on Public Spaces Protection Order for dog fouling

Date: 10 September 2020

Author: Director of Health and Community Wellbeing

Wards Affected

All

Purpose

To seek Cabinet authorisation to go out to formal consultation on the implementation of a Public Spaces Protection Order for dog fouling (Gedling Borough Council) 2020.

Key Decision

This is not a key decision

Recommendation(s)

THAT Cabinet:

- 1) Authorises the commencement of a 4 week consultation in accordance with Section 72 of the Antisocial Behaviour, Crime and Policing Act 2014, and as set out in this report, on the implementation of the Public Spaces Protection Order (PSPO) for dog fouling at Appendix 1.
- 2) Delegate authority to the Director of Health and Community Wellbeing in consultation with the Portfolio Holder for Public Protection to consider the consultation responses and approve the final version of the PSPO for dog fouling having considered the consultation responses.
- 3) Subject to the PSPO for dog fouling being approved following consultation, approves a fixed penalty level of £100, payable within 14 days for anyone found to be in contravention of the PSPO for dog fouling (Gedling Borough Council) 2020.
- 4) Subject to the PSPO for dog fouling being approved following consultation, delegates authority for enforcement of the PSPO to the Director of Health and Community Wellbeing.

1 Background

- 1.1 Dog fouling is an issue that affects many areas across the Borough. Gedling Borough Council currently enforces Dog Fouling under the Gedling Borough Council Dogs (Fouling of Land) Order 1998 made under the Dogs (Fouling of Land) Act 1996 (the 1996 Act). It is a criminal offence for anyone not to clean up forthwith after their dog has fouled on relevant land under the Order. The current practice is to issue a fixed penalty of £50 in the first instance to individuals who have failed to clean up after their dog. If the fixed penalty is not paid within 14 days then the individual can face prosecution in the Magistrates Court and receive a fine. Gedling Borough Council has a good record of tackling the problem of dog fouling by promoting responsible dog ownership and taking enforcement action where contraventions of the legislation are witnessed. Neighbourhood Wardens routinely carry out patrols in areas where dog fouling is reported to them sometimes early in the morning and late into the evening. Enforcement is focused on parks, recreation ground and children's play areas as well as built up residential areas. The number of fixed penalty notices issued for dog fouling are relatively modest when compared to other enforcement such as littering. In 2017/18 two fixed penalty notices were issued for dog fouling, in 2018/19 five were issued and in 2019/20 three were issued. This year two have been issued to date. It is often difficult to gather sufficient evidence to enforce dog fouling through fixed penalty notices as the incident has to be witnessed and the offender's details obtained. That said, dog fouling on land is something that residents are concerned about and we need to ensure there is a mechanism of enforcement in place.
- 1.2 In 2014 the Anti-Social Behaviour, Crime and Policing Act 2014 came into force. The Anti-Social Behaviour Crime and Policing Act 2014 (the Act) provides local authorities with powers to make Public Spaces Protection Orders (PSPOs). PSPOs are intended to address activities carried out in public spaces which have a detrimental effect on the quality of life of those in the locality.
- 1.3 The Act repealed and replaced all Dog Control Orders including the Dogs (Fouling of Land) Orders. The Act allowed for a transition period for such orders, that they would remain unaffected up to 20th October 2020. As the transitional period for Dog Control Orders in the Anti-social Behaviour Crime and Policing Act expires on 20th October 2020 this means that Gedling Borough Council will need to have in place a PSPO to be able to enforce dog fouling offences after 20th October 2020.
- 1.4 A local authority can make a PSPO if satisfied on reasonable grounds that two conditions are met:

- that activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality or that it is likely that activities carried on in a public place within that area will have such an effect

and

- the effect or likely effect of the activities is, or is likely to be of a persistent or continuing nature; is or is likely to be such as to make the activities unreasonable and justifies the restrictions imposed by the order.

- 1.5 Anyone found to be in breach of a PSPO can be issued with a fixed penalty notice of up to £100.00 or prosecuted at the Magistrates Court where they can receive a fine of up to £1000.00. Anyone who fails to pay a fixed penalty will be prosecuted in the Magistrates Court which is similar to the current process.
- 1.6 As the current dog fouling order will cease to have effect on 20th October 2020 it is considered necessary to have a Borough wide PSPO in place to deal with the offence of failing to remove dog faeces forthwith. Whilst the current level of fixed penalty under the Dog Fouling of Land Order is £50, this is lower than the level permitted for a PSPO breach. The level of fixed penalty for dog fouling has not been reviewed in some time, nor has consideration been given to the general increase in costs associated with enforcement over the years. Other PSPOs in place in the borough attract a fixed penalty level of £100 if breached, so any new PSPO, if introduced should reflect this level.
- 1.7 The importance of introducing a PSPO is reflected in the number of reports made to the Council by residents in relation to dog fouling. In 2018/2019 there were 167 such reports and in 2019/2020 there were 213. Whilst the number of reports is high, as indicated above, actually obtaining sufficient evidence to take enforcement action against individuals who have failed to clear up after their dog is difficult. In order to have sufficient evidence to enforce the incident needs to be witnessed and details of the dog owner obtained. Often, those offending are not "caught in the act" hence the low level of fixed penalties issued. If a PSPO is not introduced by the 20th October 2020 the Council will not be able to enforce dog fouling offences until such time as a PSPO is made. The ability to issue fixed penalty notices and take prosecutions in itself is a deterrent to those who are tempted not to clear up after their dog.
- 1.8 The introduction of a Borough wide PSPO for failing to remove dog faeces forthwith would include all public land within the Borough including all pavements and highways, parks and recreation grounds, all children's play areas and all football pitches. A copy of the draft PSPO to be consulted on

appears at Appendix 1 to this report.

- 1.9 By virtue of section 72 of the Act, before introducing a PSPO the Council is obliged to carry out consultation with the Chief Officer of Police, the local policing body, community representatives and owner/occupiers of land covered within the order.

2 Proposal

- 2.1 It is proposed that Members authorise the commencement of a consultation in accordance with section 72 of the Antisocial Behaviour, Crime and Policing Act 2014, on the implementation of the Public Spaces Protection Order (PSPO) for dog fouling to cover the whole of Gedling Borough. It is proposed that the consultation will be published through the Council's website and by placing an advert in the Nottingham Post. Although this is not required by the legislation, guidance issued by the Department for Environment, Food & Rural Affairs suggests that it is best practice to do so. Notices informing the public on how to access the consultation will be placed at the entrances to major recreation grounds across the Borough. . It is intended the consultation will be open for a period of 4 weeks, as this gives reasonable time for responses to the proposed PSPO.
- 2.2 It is proposed that Members delegate authority to the Director of Health and Community Wellbeing in consultation with the Portfolio Holder for Public Protection to approve the final version of the PSPO after taking into consideration any responses to the consultation with a view implementing the PSPO by 20th October 2020. If, after consultation it is considered that a PSPO should not be approved, this will be brought back to Cabinet for consideration.
- 2.3 Subject to the PSPO being approved after consultation is proposed that the level of fixed penalty for contravening the PSPO be set at £100 payable within 14 days. This is in accordance with the Act and reflects the level of fixed penalties for other PSPO breaches.
- 2.4 Subject to the PSPO being approved after consultation, it is proposed that authority is delegated to the Director of Health and Community Wellbeing to undertake enforcement of the PSPO, this can then be delegated to those undertaking enforcement such as neighbourhood wardens.

3 Alternative Options

- 3.1 Alternative to the proposal would be that Members do not authorise consultation on introducing the PSPO and allow the current dog fouling

order to expire with effect from 20th October 2020. This would mean that the Council will not be able to enforce or prosecute for dog fouling offences. In addition, consultation of any PSPO is required under the Act.

- 3.2 The approval of the final PSPO could be done by Executive without delegation to Director level. However, given the timescales involved in securing a PSPO by 20th October 2020, it is considered that the decision to approve the order and consideration of consultation responses can be delegated with members being involved through consultation.
- 3.3 The level of fixed penalty could be lower than £100, however this would not be consistent with other PSPO breaches and would not accurately reflect the costs involved with enforcement.
- 3.4 Authority in relation to enforcement could remain with the Executive, however this would place an undue operational burden on the Executive.

4 Financial Implications

- 4.1 There are minimal advertising costs associated with going out to consultation. Since 1996 the Council has been installing and erecting signs across the Borough informing members of the public to comply with the Dogs Fouling of Land Act. It is anticipated that there will be a gradual phasing in of signs across the Borough and this will be done within existing budgets.
- 4.2 Whilst the fixed penalty of £100 will generate income to cover enforcement and administration costs, it is not expected that the number of fixed penalties issued will be significant if the PSPO is approved.

5 Legal Implications

- 5.1 The Anti-Social Behaviour, Crime and Policing Act 2014 repeals all existing dog control orders. Dog fouling can only be dealt with by way of the PSPO from 20th October 2020. Any existing Byelaws or Orders dealing with dog fouling will no longer have effect meaning the Council will not be able to issue fixed penalty notices or prosecute individuals for dog fouling offences if a PSPO is not introduced. Consultation on a PSPO is also a statutory requirement and responses will need to be properly considered before the decision as to whether to approve a final PSPO is made.

6 Equalities Implications

- 6.1 Having a reasonable excuse is an exemption under the legislation. Where an offence occurs and a person with a disability has a reasonable excuse this would be taken into consideration before enforcement is pursued. Specifically guide dogs and assistance dogs will be exempt from the requirements of the PSPO and this would be applied to the Council for a variety of reasons which are identified on the PSPO attached at Appendix

1.

7 Carbon Reduction/Environmental Sustainability Implications

7.1 There are no carbon reduction/sustainability implications arising from this report.

8 Appendices

8.1 Appendix 1: - Draft Public Spaces Protection Order.

9 Background Papers

9.1 None

10 Reasons for Recommendations

10.1 The Anti-social Behaviour, Crime and Policing Act 2014 requires consultation to take place before the implementation of a Public Space Protection Order.

10.2 The Council will not be able to enforce dog fouling offences after 20th October 2020 if the PSPO is not introduced a delegation ensures swift approval of the PSPO if appropriate following consultation and ensures members are still consulted.

10.3 Approval of a fixed penalty level will be necessary if the PSPO is made and the level will reflect other similar offences and be consistent with legislation.

10.4 To enable swift enforcement action without overburdening the Executive should the PSPO be approved.

Statutory Officer approval

Approved on behalf of the Chief 28 August 2020
Financial Officer

Approved on behalf of the 28 August 2020
Monitoring Officer

THE PUBLIC SPACES PROTECTION ORDER

THE ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PUBLIC SPACES PROTECTION ORDER (DOG FOULING) 2020

WHEREAS Gedling Borough Council is satisfied that failing to remove dog faeces from land forthwith is occurring in the area shown on the attached map outlined in red and is having a detrimental effect on the quality of life of those in the locality and the effect or likely effect of this is;

- (a) is or is likely to be of a persistent or continuing nature,
- (b) is or is likely to be such as to make the activity unreasonable, and
- (c) justifies the restrictions imposed by this Order.

It is in all circumstances expedient to make an order under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 for the purpose of reducing crime and anti-social behaviour.

NOW THEREFORE the authority in exercise of the powers under Section 59 of the Act, and all other enabling powers, hereby make the following order:-

Prohibition of Dog Fouling

1. If a dog defecates at any time on land to which this Order applies and the person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless:
 - a. They have a reasonable excuse for failing to do so; or
 - b. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to their failing to do so.
2. This part of the order applies to all public places in the borough identified by the attached Plan.

For the purpose of this Order a “public place” means any place to which the public or any section of the public has access on payment or otherwise; as a right or by virtue of express or implied permission.

3. For the purpose of this Order:
 - a. A person who has a dog in his possession shall be taken to be in charge of the dog

- b. Where a dog strays the person who habitually has the dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- c. Placing the faeces in a receptacle on the land which is provided for this purpose, or for the disposal of waste, shall be a sufficient removal from the land;
- d. being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces, shall not be a reasonable excuse for failing to remove the faeces.

Exemptions

Nothing in this Order shall apply to a person who:

- a. is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- b. has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance and are in charge of a dog trained by members of Assistance Dogs UK and are accredited by Assistance Dogs International or the International Guide Dog Federation

A person who is guilty of an offence under this order shall be liable on summary conviction to a fine not exceeding Level 3 on the standard scale.

This order shall take effect from the 20th October 2020 for a period of 3 years

THE COMMON SEAL OF
GEDLING BOROUGH COUNCIL

Was hereunto affixed in the presence of:

.....MAYOR

.....MONITORING OFFICER



Report to Cabinet

Subject: Review of complaints received by the Council and Annual Review Letter - Local Government and Social Care Ombudsman 2019/20

Date: 10 September 2020

Author: Director of Organisational Development and Democratic Services

Wards Affected

Not applicable

Purpose

To inform Members of the receipt of the Annual review letter from the Office of the Local Government and Social Care Ombudsman and the complaints dealt with by the Council through the internal complaints procedure during the year 2019/20.

Key Decision

This is not a key decision.

Recommendation

THAT Cabinet:

- 1) Notes the details of the Annual Review letter from the Local Government and Social Care Ombudsman and the information in relation to the number of complaints dealt with by the Council through the internal complaints procedure in 2019/20.

1 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 and provided in the Council's Complaints, Compliments and Comments Policy ("the Policy").

1.2 The departmental analysis of complaints by Service area appears below.

1.3 Between the 1 April 2019 and 31 March 2020, the Council received 379 (an increase of 123 from 2018/19) complaints as follows:

Service	Complaints received	Upheld/partially upheld	Not upheld
Community Relations	2	1	1
Customer Services & Communications	10	7	3
Economic Growth & Regeneration	0	0	0
Democratic Services	2	1	1
Legal Services	0	0	0
Leisure	26	11	15
Organisational Development	1	1	0
Parks & Street Care	63	4	59
Planning	34	1	33
Property Services	5	1	4
Public Protection	25	0	25
Revenues & Welfare Support (Housing)	6	1	5
Revenues & Welfare Support (Revenues & Benefits)	46	18	28
Waste	159	43	116
Total	379	89	290

1.4 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. Between the 1 April 2019 and 31 March 2020 26 complaints were considered under Stage 2 (a decrease of one from 2018/19) as follows:

Service	Stage 2 complaints	Upheld/partially upheld	Not Upheld
Community Relations	0	0	0
Customer Services & Communications	2	1	1
Economic Growth & Regeneration	0	0	0
Democratic Services	0	0	0
Legal Services	0	0	0

Leisure	5	1	4
Organisational Development	0	0	0
Parks and Street Care	3	1	2
Planning	3	1	2
Property Services	1	0	1
Public Protection	2	0	2
Revenues & Welfare Support (Housing)	1	0	1
Revenues & Welfare Support (Revenues & Benefits)	4	2	2
Waste	5	4	1
Total	26	10	16

- 1.5 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 and Social Care Ombudsman. Between 1 April 2019 and 31 March 2020, 8 complaints were received by the Council via the Ombudsman, which is a decrease from the 9 complaints received the previous year. A summary of the decisions of the LGO appears in the table below.

Service	Decision of LGO
Planning	Not upheld: no maladministration
Planning	Not upheld: no maladministration
Public Protection	Closed after initial enquiries
Planning	Closed after initial enquiries
Leisure	Closed after initial enquiries
Leisure	Closed after initial enquiries
Waste	Upheld: maladministration and injustice
Public Protection	Not upheld: no maladministration

- 1.6 The Annual Review letter for the year ending 31 March 2020 is attached at Appendix 1. The statistics are presented differently from previous years and the high level percentage figures produced, relate to only five detailed investigations which were conducted between 31 March 2019 and 1 April 2020. Four of the investigations are listed in the table above with the outcome indicated as upheld or not upheld. The fifth investigation referred to was a complaint which was actually received by the Ombudsman in 2018/19 and was referenced in last year's figures presented to Cabinet; that complaint was not upheld. Members are to note that the number of complaints investigated by the Ombudsman, do not match the Council's figures of received complaints, from the Ombudsman as a number of cases will have been decided in different

business years and in some cases investigations by the Ombudsman were not undertaken. In some instances the Council may never ultimately be contacted by some complainants who have approached the Ombudsman as the Ombudsman may refer them back to the Council and they never subsequently get in touch.

- 1.7 Members are already aware of the circumstances of the complaint which resulted in the Ombudsman making a finding of maladministration and injustice. Details of this complaint and the Ombudsman's findings were reported to Cabinet in January 2020 by the Monitoring Officer, with a copy of the report circulated to all councillors, as required by s.5A of the Local Government and Housing Act 1989. The Ombudsman made a number of recommendations to the Council following the investigation of this complaint and as can be seen from the Annual Review letter, the Council complied with all recommendations, as such, 100% compliance is shown.
- 1.8 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.
- 1.9 The data contained in the Annual Review letter has been uploaded onto the Ombudsman's interactive map, also available on the LGO website, which shows the annual review data for all Councils.

2 Proposal

- 2.1 It is proposed that Cabinet note the contents of the report in respect of complaints data and the Local Government and Social Care Ombudsman's annual letter.

3 Alternative Options

- 3.1 This information could no longer be reported to members, however, it is considered important that members are informed of the number and nature of complaints on an annual basis, including detail of the Annual Review letter, to enable proper assessment of performance.

4 Financial Implications

- 4.1 None arising from this report.

5 Legal Implications

- 5.1 The Local Government and Social Care Ombudsman is the independent body responsible for investigating complaints made against public bodies where it is alleged there has been maladministration causing injustice. The powers of the Local Government and Social Care Ombudsman come from the Local Government Act 1974. The Ombudsman will generally only investigate a complaint against a public body where the complaint has firstly been taken through that body's internal complaints procedure. It is therefore essential that the Council maintains a robust complaints process. The Ombudsman does have the power to make recommendations to a public authority following a complaint however the recommendations are not mandatory, findings and recommendations are however published by the Ombudsman.

6 Equalities Implications

- 6.1 The Council's Complaints process is designed to enable accessibility for all as complaints are invited by a variety of methods, including; by telephone, in writing, by email, via a councillor, in person and online.

7 Carbon Reduction/Sustainability Implications

- 7.1 None arising from this report.

8 Appendices

- 8.1 Appendix 1 – Local Government and Social Care Ombudsman Annual Review Letter.

9 Background Papers

- 9.1 None

10 Reasons for Recommendations

- 10.1 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 2019/20.

Statutory Officer approval

Approved by: Chief Financial Officer
Date: 25 August 2020

Drafted by: Monitoring Officer
Date: 13 August 2020

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22 July 2020

By email

Mr Hill
Interim Chief Executive
Gedling Borough Council

Dear Mr Hill

Annual Review letter 2020

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

Complaint statistics

This year, we continue to place our focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have made several changes over recent years to improve the data we capture and report. We focus our statistics on these three key areas:

Complaints upheld - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

Compliance with recommendations - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to

resolving complaints. We recognise cases where an authority has taken steps to put things right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

This data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our [website](#).

Resources to help you get it right

There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. [Your council's performance](#) launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.

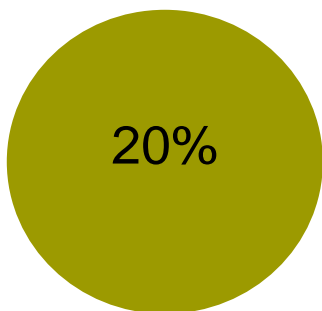
We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included more training to adult social care providers than ever before. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld



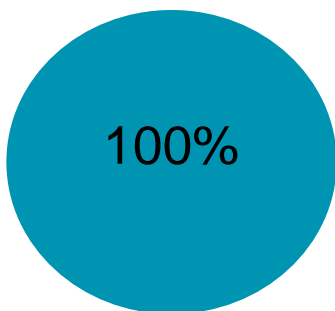
20% of complaints we investigated were upheld.

This compares to an average of **45%** in similar authorities.

1
upheld decision

Statistics are based on a total of 5 detailed investigations for the period between 1 April 2019 to 31 March 2020

Compliance with Ombudsman recommendations



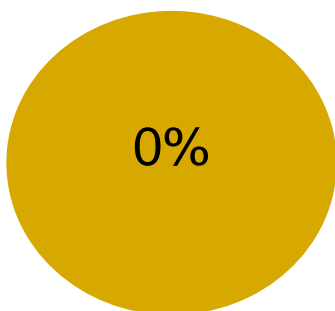
In **100%** of cases we were satisfied the authority had successfully implemented our recommendations.

This compares to an average of **99%** in similar authorities.

Statistics are based on a total of 1 compliance outcome for the period between 1 April 2019 to 31 March 2020

- Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority



In **0%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **20%** in similar authorities.

0
satisfactory remedy decisions

Statistics are based on a total of 5 detailed investigations for the period between 1 April 2019 to 31 March 2020

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Report to Cabinet

Subject: Forward Plan

Date: 10 September 2020

Author: Service Manager, Democratic Services

Wards Affected

All

Purpose

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

Key Decision

This is not a Key Decision.

Recommendation(s)

THAT:

Cabinet notes the contents of the draft Forward Plan making comments where appropriate.

1 Background

- 1.1 The Council is required by law to give to give notice of key decisions that are scheduled to be taken by the Executive.
- 1.2 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.
- 1.3 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.

2 Proposal

- 2.1 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.

3 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.

4 Financial Implications

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

5 Legal Implications

- 5.1 There are no legal implications directly arising from this report.

6 Equalities Implications

- 6.1 There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no carbon reduction/sustainability implications arising from this report.

8 Appendices

- 8.1 Appendix 1 – Forward Plan

9 Background Papers

- 9.1 None identified

10 Reasons for Recommendations

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

Statutory Officer approval

Approved by:

Chief Financial Officer

Date:

31/8/2020 (report content)

Approved by:

Monitoring Officer

31/8/2020 (report content)

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Gedling Borough Council

FORWARD PLAN

FOR THE FOUR MONTH PERIOD 1 SEPTEMBER 2020 TO 31 DECEMBER 2020

This Forward Plan sets out the details of the key and non-key decisions which the Executive Cabinet, individual Executive Members or Officers expect to take during the next four month period.

The current members of the Executive Cabinet are:

Councillor John Clarke – Leader of the Council

Councillor Michael Payne – Deputy Leader and Portfolio Holder for Resources and Reputation

Councillor Peter Barnes – Portfolio Holder for Environment

Councillor David Ellis – Portfolio Holder for Public Protection

Councillor Gary Gregory – Portfolio Holder for Community Development

Councillor Jenny Hollingsworth – Portfolio Holder for Growth and Regeneration

Councillor Viv McCrossen – Portfolio Holder for Young People and Equalities

Councillor Henry Wheeler – Portfolio Holder for Health and Wellbeing.

Anyone wishing to make representations about any of the matters listed below may do so by contacting the relevant officer listed against each key decision, within the time period indicated.

Description of the decision	Date decision is expected to be taken and who will take the decision?	Responsible Officer	Documents to be considered by the decision maker	Cabinet Portfolio	Open / Exempt (and reason if the decision is to be taken in private) Is this a Key Decision?
Budget Monitoring (Q2) and Virement Report To update members on financial performance information for the 2nd quarter of the 2020/21 year	12 Nov 2020 Cabinet	Tina Adams, Principal Finance Business Partner	Officer Report	Portfolio Holder for Resources and Reputation	Open Yes
Gedling Plan Quarter 2 Performance report To inform Cabinet in summary of the position against Improvement Actions and Performance Indicators in the 2020/2021 Gedling Plan for the most recent quarter.	12 Nov 2020 Cabinet	Helen Barrington, Director of Organisational Development and Democratic Services	Officer Report	Leader of the Council	Open Yes
Station Road and Burton Road Regeneration Sites Approval is being sought to progress with the next steps for the Station Road and Burton Road regeneration sites	12 Nov 2020 Cabinet	Joelle Davies, Service Manager Economic Growth and Regeneration	Officer Report	Portfolio Holder for Growth and Regeneration	Open Yes
Housing Allocation Policy Approval to agree the final changes to the Housing Allocation Policy, following public consultation.	12 Nov 2020 Cabinet	Joelle Davies, Service Manager Economic Growth and Regeneration	Officer Report	Portfolio Holder for Housing, Health and Wellbeing	Open Yes
Development of Calverton Business Units Agreement to pursue development of additional Calverton Business Units and required permissions	10 Dec 2020 Cabinet	Jeffery Kenyon, Economic Growth Manager	Officer Report	Portfolio Holder for Growth and Regeneration	Part exempt Yes
Budget Monitoring (Q3) and Virement Report To update members on financial performance information for the 3rd quarter of the 2020/21 year.	28 Jan 2021 Cabinet	Tina Adams, Principal Finance Business Partner	Officer Report	Portfolio Holder for Resources and Reputation	Open Yes

Description of the decision	Date decision is expected to be taken and who will take the decision?	Responsible Officer	Documents to be considered by the decision maker	Cabinet Portfolio	Public / Exempt (and reason if the decision is to be taken in private) Is this a key decision?
Gedling Plan Quarter 3 Performance Report To inform Cabinet in summary of the position against Improvement Actions and Performance Indicators in the 2020/2021 Gedling Plan for the most recent quarter	28 Jan 2021 Cabinet	Helen Barrington, Director of Organisational Development and Democratic Services	Officer Report	Leader of the Council	Open Yes

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