

Policy Committee

Wednesday, 12 September 2018 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

- | | | |
|----|--|---------|
| 1 | Minutes of last meeting held on 18 July 2018 | 5 - 10 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Local Government Reorganisation - Development of the Case for Change | 11 - 18 |
| 5 | Revised Short Break Policy for Children and Young People with Special Educational Needs and Disability | 19 - 28 |
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18	EXCLUSION OF THE PUBLIC	

The Committee will be invited to resolve:-

“That the public be excluded for the remainder of the meeting on the grounds that the discussions are likely to involve disclosure of exempt information described in paragraph 3 of the Local Government (Access to Information) (Variation) Order 2006 and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

Note

If this is agreed, the public will have to leave the meeting during consideration of the following items.

EXEMPT INFORMATION ITEMS

- | | |
|----|--|
| 19 | Land at Fields Farm Close, Willoughby-on-the-Wolds - Surrender and Grant of New Lease - EXEMPT APENDIX |
| | <ul style="list-style-type: none"> Information relating to the financial or business affairs of any particular person (including the authority holding that information); |
| 20 | Operational Decisions Taken Outside the Policy Committee Cycle March - June 2018 - EXEMPT APPENDIX |
| | <ul style="list-style-type: none"> Information relating to the financial or business affairs of any particular person (including the authority holding that information); |

Notes

- (1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.
- (2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

- (3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact Keith Ford (Tel. 0115 977 2590) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

Meeting **POLICY COMMITTEE**

Date **Wednesday 18 July 2018 (commencing at 10.30 am)**

membership

Persons absent are marked with 'A'

COUNCILLORS

Mrs Kay Cutts MBE (Chairman)
Reg Adair (Vice-Chairman)

Chris Barnfather
Joyce Bosnjak
Richard Butler
John Cottee
Samantha Deakin
Kate Foale
Stephen Garner
Glynn Gilfoyle
Richard Jackson

Bruce Laughton
Diana Meale
Philip Owen
John Peck JP
Mike Pringle
Alan Rhodes
Stuart Wallace
Jason Zadrozny

OTHER COUNCILLORS IN ATTENDANCE

Nicki Brooks
Jim Creamer

OFFICERS IN ATTENDANCE

Anthony May	Chief Executives
Sarah Ashton	
Carl Bilbey	
Angie Dilley	
Keith Ford	
Marjorie Toward	
Nigel Stevenson	
James Ward	

David Pearson	Adult Social Care & Health
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Colin Pettigrew	Children and Families
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Adrian Smith	Place
Andy Evans	
Nicola McCoy-Brown	
Sean Parks	

ALSO IN ATTENDANCE

Thomas Gibson Work Experience Students
Claudia Mateo
Ben Phair

1 MINUTES

The Minutes of the last meeting held on 20 June 2018, having been previously circulated, were confirmed and signed by the Chairman.

2 APOLOGIES FOR ABSENCE

None.

The following temporary change of membership for this meeting only was reported:-

- Councillor Diana Meale had replaced Councillor Muriel Weisz

3 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS.

None.

4 DIRECT PAYMENTS POLICY

RESOLVED: 2018/058

That the proposed changes to the Direct Payments Policy, as detailed in Appendix 1 to the report, be approved.

5 COUNCILLOR'S DIVISIONAL FUND – REVISED POLICY

During discussions, Members requested that the following aspects be incorporated into the implementation of the policy:-

- Members be notified at least 7 days in advance of payments being made to organisations by BACS credit;
- some form of promotional facsimile cheque be made available to all Members for use in presentations;
- a degree of flexibility to enable urgent payments to be made in exceptional circumstances.

RESOLVED: 2018/059

That the revised policy for the Councillors' Divisional Fund be approved and implemented in line with Members' discussions.

6 D2N2 GROWTH HUB 2.0 – PARTNERSHIP AND MATCH FUNDING APPROVAL TO APRIL 2022

RESOLVED: 2018/060

- 1) That the Growth Hub 2.0 submission be noted.

- 2) That the County Council be approved as a partner in the Growth Hub 2.0 bid for European funds and a contribution of up to £193,561 be allocated from the Growth and Economic Development base budget over the period 2019-22, towards the £11.7 million total programme.
- 3) That, subject to the outcome of officer negotiations to decide the operational management arrangements, authority be delegated to the Corporate Director Place, in consultation with the Chairman of Policy Committee, to consider and finalise the partner agreement and outcomes.

7 SAFER NOTTINGHAMSHIRE BOARD (SNB) UPDATE

During discussions, Members raised the following issues:-

- a lack of Police attendance at Parish Council meetings which was preventing proper community liaison;
- the relevance or otherwise of the SNB's Strategic Priorities;
- the impact of funding reductions on community policing, with particular reference to rural communities;
- recognition that crime had changed and that the Police's community liaison needed to also take a 21st Century approach;
- an opportunity for Members to meet with the Chief Constable to discuss priorities and objectives would be welcomed.

In response, Anthony May as Chair of the SNB clarified the Threat, Harm and Risk assessment which informed the setting of the strategic priorities. He agreed to feed the points raised by Members back to the Board, the Police and Crime Commissioner (PCC) and the Chief Constable.

RESOLVED: 2018/061

- 1) That the issues raised by Members be fed back to the SNB, the PCC and the Chief Constable.
- 2) That the Chief Constable be invited to attend a future meeting of Policy Committee to discuss his priorities and objectives.
- 3) That annual updates on the work of the SNB be submitted to Policy Committee, with the next report focussing on the Community Safety Agreement.

8 REPORT FROM IMPROVEMENT AND CHANGE SUB-COMMITTEE ON THE MONITORING OF PERFORMANCE

RESOLVED: 2018/062

That the future outline programme of work for the Sub-Committee be approved.

9 INTERNAL AUDIT COLLABORATION

RESOLVED: 2018/063

That the proposal to enter into the Assurance Lincolnshire Partnership be approved.

10 ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

RESOLVED: 2018/064

- 1) That the proposal to signpost residents and businesses to the various OLEV grants available to them for the installation of Electric Vehicle (EV) charging infrastructure be approved.
- 2) That the proposed approach to offer, promote and provide grant funding to Nottinghamshire businesses for the installation of EV charge points on their premises be approved.
- 3) That the investigation and installation of EV charge points be approved where feasible at suitable County Council buildings (for use by its staff and visitors).
- 4) That the proposed approach to deliver an area wide public EV charge point network in Nottinghamshire be approved.
- 5) That the investigation and installation of EV charge points be approved where feasible at suitable County Council owned public car parks.
- 6) That the proposed approach to deliver an area wide taxi EV charge point network in Nottinghamshire be approved.
- 7) That authority be delegated to the Corporate Director for Place, in consultation with the Chair of Communities and Place Committee, to implement the programmes detailed within the committee report.

11 LINDHURST DEVELOPMENT SCHEME UPDATE

RESOLVED: 2018/065

- 1) That approval is given to draw down additional funds from the Scheme's existing allocation in the Capital Programme.
- 2) That authority be delegated to the Corporate Director for Place, in consultation with the Service Director for Finance, Infrastructure and Improvement and the Group Manager for Legal Services, to agree the terms on which any such additional sums are contributed to the Scheme.

12 WORK PROGRAMME

During discussions, the Chair requested that an update report on the Council's former site at Rolleston Drive, Gedling be added to the work programme.

RESOLVED: 2018/066

That the work programme be agreed, subject to the inclusion of an update report on the Council's former site at Rolleston Drive, Gedling.

13 EXCLUSION OF THE PUBLIC

RESOLVED: 2018/067

That the public be excluded for the remainder of the meeting on the grounds that the discussions are likely to involve disclosure of exempt information described in paragraph 3 of the Local Government (Access to Information) (Variation) Order 2006 and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

14 LINDHURST DEVELOPMENT SCHEME UPDATE – EXEMPT APPENDIX

RESOLVED: 2018/068

That the information set out in the exempt appendix be noted.

The meeting closed at 12.10pm.

CHAIRMAN



REPORT OF THE CHIEF EXECUTIVE

LOCAL GOVERNMENT REORGANISATION (LGR) DEVELOPMENT OF THE CASE FOR CHANGE

Purpose of the Report

1. The purpose of this report is to update Committee on the work being carried out to prepare a case for change for local government in Nottinghamshire and to seek approval to funding for external support for this work.

Information and Advice

2. Local government in Nottinghamshire is facing substantial pressures. The County Council has saved £272.2 million since austerity began in 2010 but is required to save a further £54.2 million over the 4 years of the Medium Term Financial Strategy due to reduced funding, rising costs and demand for care services. District and Borough councils are facing similar pressures.
3. Given the continuing financial challenges that authorities face, it is an opportune time to consider reorganisation of the local government structure in Nottinghamshire to ensure that it is as efficient, effective and financially sustainable as possible and can continue to deliver services that meet the needs of Nottinghamshire residents.
4. Whilst thorough research is required, initial indications suggests that one unitary council for Nottinghamshire could release £20 to £30 million of public money for the delivery of front line services. In addition, it is anticipated, that it could achieve economies of scale, remove duplication and deliver a more responsive service to residents.
5. At County Council on 12 July 2018, Motion 3 was agreed which instructed officers 'to continue their work preparing a formal case for a unitary authority and to bring forward a report to a future meeting of County Council setting out the Business Case'.
6. A cross party Members Working Group (MWG) has now been established to consider the preparation of the case for change and associated work-streams for the potential establishment of a unitary authority for Nottinghamshire. This MWG is an advisory group with no formal decision making status. The MWG draft Terms of Reference are attached at **Appendix A**. Due to the summer recess the

first meeting of the MWG was on the 6 September 2018, which meant it was not possible to give the MWG the opportunity to consider the proposals outlined in this report prior to publication.

Structure and Scope of the Case for Change

7. In summary, Government criteria and advice is clear that any proposal should seek to achieve unitary structures which are likely to:
 - a) Improve local government:
 - Improve service delivery
 - Give greater value for money
 - Yield significant cost savings
 - Provide stronger strategic and local leadership
 - Deliver a more sustainable structure in respect of finance, partnership and beyond
 - Provide better outcomes for local people.
 - b) Be based on a credible geography (with a population substantially in excess of 300,000 but no upper limit).
 - c) Command a good deal of local support.
8. The scope and structure of the case for change will take account of the need to meet Government criteria and advice as well as consideration of the guidance to which any authority making a proposal must have regard. The scope of the case for change will therefore include consideration of the following:
 - An outline of the public services landscape
 - The case for local government reform
 - The future needs of the area
 - Options appraisal for the reconfiguration of local government
 - The proposal for the future Council including vision, ambition, governance and local democracy, operating model, aims and benefits
 - How the change would be achieved including key milestones; transition arrangements; and risks and mitigations for the new council
9. In addition, it is proposed that a number of detailed pieces of work will be included in the case for change including a profile of Nottinghamshire and a high level overview of the community consultation and stakeholder engagement work.

Financial Analysis and Validation

10. The reorganisation of local government could bring opportunities for efficiency savings. As part of the case for change, work to quantify the potential savings that could be achieved is being undertaken. To ensure accuracy and give stakeholders confidence that the data is valid and impartial it is proposed that independent validation of all financial data and estimates is undertaken by an external partner.

Stakeholder engagement and community consultation

11. A two-phased approach to stakeholder engagement and community consultation is proposed to enable residents and stakeholders to share their views and have their say on LGR in Nottinghamshire.
12. An independent social research company would undertake both Phase 1 and Phase 2 of this work.
13. Phase 1 will be a listening, engagement and preparation phase that will run from September to November 2018. This phase will focus on engaging residents and stakeholders in the discussion around LGR to gain initial insights and views on the options locally at a formative stage, to help inform the case for change and plan for formal community consultation. It will incorporate planning work for formal community consultation for phase 2.
14. Following analysis and consideration of phase 1, it is proposed that a report be taken to County Council. It is anticipated that this report will present the detailed findings from phase 1 and proposals for phase 2 formal consultation with residents and stakeholders on the option/s within the case for change.
15. Phase 2 will be an independent, formal consultation exercise with residents and stakeholders and will include an open public questionnaire; a representative residents survey; focus groups with representative residents; as well as workshops with key stakeholder groups such as town and parish councils and businesses. This consultation would be an important component in any proposals for change.

Other Advice

16. It is proposed that a 'critical friend' with extensive expertise in this field be procured to provide independent advice and constructive feedback on the outline case for change. In addition, it is envisaged that some external legal expertise will be required during the development of the case for change.

Resources

17. **Internal resources** have been allocated to undertake work on preparing the case for change and associated work-streams, with a dedicated LGR Service Lead and a full-time Project Manager. In addition financial, legal, communications and HR support is being provided as required.
18. **External resources** - as outlined in paragraphs 10 to 16 above, a range of external expertise will be required to develop, advise on and validate the data and financial estimates within the case for change. The estimated cost of external resource is £270,000 with a detailed breakdown outlined below:
 - **Independent financial validation** – up to £50,000 based on the cost of similar work undertaken for other councils.

- **Stakeholder engagement and community consultation** – the overall cost of phase 1 and phase 2 of this work is estimated to be £190,000. The cost of phase 1 is estimated to be up to £50,000 and due to the need to commence this immediately has been allocated from contingency under the delegated powers of the Section 151 officer. A request for a contingency allocation for this £50,000 will be sought from Finance and Major Contracts Management Committee. The cost of phase 2 formal consultation is £140,000 but, as outlined above, will only be undertaken following Full Council approval when a contract change will be raised to commence this phase. If no approval is given this contract will terminate after phase 1 is complete.
- **Other advice:** the cost of a ‘critical friend’ will be in the region of £10,000 and an allocation of £20,000 is proposed to cover requirements for external specialist legal advice.

Provisional Timetable

19. The provisional timetable for the development of the Case for Change for LGR is set out below:

September to November 2018	Case for change development and phase 1 engagement
November 2018	Update to Policy Committee
December 2018	Report to County Council on the provisional case for change and public consultation
January to March 2019	Phase 2 formal public consultation
May 2019	Report to County Council on final case for change

Other Options Considered

20. None

Reason/s for Recommendation/s

21. To provide members with an update on progress on the development of the case for change and information regarding the costs associated with the work.

Statutory and Policy Implications

22. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below.

RECOMMENDATION/S

It is recommended that Policy Committee:

- 1) Endorses the approach and provisional timetable to develop a case for change as set out in this report
- 2) Approves funding of up to £270,000 for external support for the preparation of the case for change as outlined in paragraph 18 of this report.

Anthony May
Chief Executive

For any enquiries about this report please contact:

Celia Morris, Group Manager, Performance and Improvement
T: 0115 977 2043/ E: celia.morris@nottsccl.gov.uk

Constitutional Comments. SLB 03/09/2018

Policy Committee is the appropriate body to consider the content of this report.

Financial Comments (NS 4/9/18)

The financial implications are as set out in paragraph 18 of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All

Members Working Group Local Government Reorganisation

DRAFT Terms of Reference

Purpose and Objectives

The purpose of the Members Working Group (MWG) is to consider the preparation of a business case and associated work-streams for the potential establishment of a unitary authority for Nottinghamshire. This reflects motion 3 agreed at Full Council on 12 July 2018.

This will include consideration of:

- source data and draft proposals required to develop the business case including configuration options; financial analysis; stakeholder engagement and public consultation
- the content of a report to a future meeting of Full Council setting out the business case
- the resources necessary to complete this work

Status

The MWG LGR is an advisory group with no formal decision making status.

Term

The MWG will cease following consideration of the Business Case by Full Council.

Membership

The membership of the MWG comprises nine elected members – five Conservative and Mansfield Independent Forum Group; three Labour Group; and one Ashfield Independent Group. Members of the working group who have been nominated by the respective Group Leaders are:

Cllr Kay Cutts MBE – Chair
Cllr Reg Adair
Cllr Richard Jackson
Cllr Chris Barnfather
Cllr Andy Sissons
Cllr Alan Rhodes
Cllr Kate Foale
Cllr Michael Payne
Cllr Jason Zadrozny

Substitution of the members listed are permitted by nomination through the respective Group Leaders.

The Working Group will be supported by the Chief Executive and relevant officers as appropriate.

Roles and Responsibilities

The membership of the working group will commit to:

- attending all meetings and if necessary nominating a substitute
- maintaining confidentiality of information provided
- maintaining at all times the focus on the agreed purpose of the working group

The members of the working group will be provided with professional information, including the identification of potential benefits, risks and issues, in advance of the meeting wherever possible.

Meetings

- Meetings will be chaired by the Leader of the Council
- A meeting quorum will be 3 members of the working group
- The aim will be to reach consensus on the Business Case prepared for consideration by Council. If a vote is required on any elements of the work this will be determined on a show of hands with the Chair having a casting vote.
- Meeting agendas and papers will be provided before the meeting
- Meetings will be held monthly or more frequently as required
- Summary notes and actions from the meeting will be taken

Amendment, Modification or Variation

These Terms of Reference may be amended, varied or modified in writing after consultation and agreement by the Member Working Group.

**REPORT OF THE CHAIRMAN OF THE CHILDREN AND YOUNG PEOPLE'S
COMMITTEE
REVISED SHORT BREAK POLICY FOR CHILDREN AND YOUNG PEOPLE
WITH SPECIAL EDUCATIONAL NEEDS AND DISABILITY**

Purpose of the Report

1. The report seeks approval of the revised Short Break policy for children and young people with Special Educational Needs and Disability (SEND), to reflect the changes to the Short Break offer which was approved by the Children and Young People's Committee at its meeting on 19 March 2018.

Information

2. The report presented to the Children and Young People's Committee in March sets out the operational implications of the new offer, which was co-produced with parents and carers, including the introduction of:
 - an online application form
 - threshold criteria, published in the Authority's Short Break Statement
 - graduated levels of support, determined by a points score linked to the Resource Allocation System, published in the Authority's Short Break Statement
 - an annual review process for all Short Break packages.
3. The implementation of the revised Short Break offer incorporating the changes described above has required a refreshed Short Break policy for children and young people with SEND to be developed, attached as **Appendix 1**, in order for the policy to be reflective of operational activities.

Other Options Considered

4. No other options were considered. A Short Break statement is a statutory requirement and the policy needed to be updated to reflect the statement.

Reason/s for Recommendation/s

5. To ensure that the Integrated Children's Disability Service has an up to date Short Break policy for children and young people with SEND which is reflective of both operational conditions and the statutory Short Break statement, which can be referred to in the event of legal challenge.

Statutory and Policy Implications

6. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

7. The new Short Breaks offer was introduced on 3 September 2018 for new applicants; applicants who requested a service whilst it was closed to new self-referrals will also be considered as new applicants. A provision has been made within contingency to deal with the projected increase in demand that may arise during the period to March 2021. Finance and Major Contracts Management Committee or the S151 Officer are required to approve the release of contingency funds.

RECOMMENDATION/S

- 1) That the Committee approves the revised Short Break policy for children and young people with Special Educational Needs and Disability, attached as **Appendix 1**, to reflect the changes to the Short Break offer approved at Children and Young People's Committee on 19th March 2018.

Councillor Philip Owen

Chairman of the Children and Young People's Committee

For any enquiries about this report please contact:

Jill Norman

Group Manager, Integrated Children's Disability Service

T: 0115 9932566

E: jill.norman@nottsc.gov.uk

Constitutional Comments (EP 23/08/18)

8. The recommendation is within the remit of the Policy Committee by virtue of its terms of reference.

Financial Comments (SAS 24/08/18)

9. The financial implications of the report are contained within paragraph 7 above.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Privacy Impact Assessment
- Short Break Equality Impact Assessment
- Short Break Statement
- Annual Budget 2018-19 – report to Full Council on 28 January 2018
- Refreshed Community Short Breaks Offer for Children and Young People with Disabilities – Report to Children and Young People’s Committee on 19 March 2018
- Implementation of Revised Short Breaks Offer – Temporary Changes to the Staffing Establishment in the Integrated Children’s Disability Service and the Commissioning & Placements Group – Report to Children and Young People’s Committee on 18 June 2018
- Pathway to Provision (version 7, February 2018)

Electoral Division(s) and Member(s) Affected

All.

C1138

Policy Library Pro Forma

This information will be used to add a policy, procedure, guidance or strategy to the Policy Library.

Title: Children & Young People's Short Break Policy

Aim / Summary: To outline the Short Break Offer available from Nottinghamshire County Council across Special Educational Needs and Disability (SEND) for children and young people (0-18 years)

Document type (please choose one)

Policy	X	Guidance	
Strategy		Procedure	

Approved by:

Version number:

Date approved:

Proposed review date:

Subject Areas (choose all relevant)

About the Council		Older people	
Births, Deaths, Marriages		Parking	
Business		Recycling and Waste	
Children and Families	X	Roads	
Countryside & Environment		Schools	
History and Heritage		Social Care	
Jobs		Staff	
Leisure		Travel and Transport	
libraries			

Author: Sarah Blackhurst

**Responsible team: Integrated
Children's Disability Service**

Contact number: 0115 804 1014

**Contact email:
sarah.blackhurst@nottscc.gov.uk**

Please include any supporting documents

1.

2.

3.

Review date

Amendments



Short Break Policy

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1. Introduction

- 1.1. Within the Breaks for Carers of Disabled Children Regulations 2011, there is a duty upon the local authority to provide, so far as is reasonably practicable, a range of services which is sufficient to assist carers to continue to provide care or to do so more effectively by giving them a break from caring.
- 1.2. Nottinghamshire meets this duty through its Short Break Offer. The Offer has been and will continue to be co-produced with children, young people and their families.
- 1.3. This Policy applies to all children and young people in Nottinghamshire who have an identified need from an assessment via one or more of the following:
 - Children Disability Service - Children's Social Care
 - Online Short Break Application Form
 - Short Break Assessment and Review - Integrated Children's Disability Service
- 1.4. This Policy should be read alongside the Authority's Short Break Statement
- 1.5. Nottinghamshire's Children and Families department requires all service areas who refer to a Short Break in their guidance and procedures, to do so in line with this policy.

A Short Break allocation should not have an adverse impact on other services which the local authority provides or arranges for disabled children and young people and, it should be compatible with the authority's efficient use of resources.

2. Short Break Statement

- 2.1.** Local Authorities are required by law to produce and publish a Statement of Short Break Services for disabled children and young people and their families under the Children Act 1989 and the Breaks for Carers of Disabled Children Regulations 2011.
- 2.2.** Nottinghamshire's Short Break Statement is available on the Authority's Local Offer and upon request.

3. Definition of a Short Break in Nottinghamshire

- 3.1.** Nottinghamshire Short Breaks aims to; enable children and young people with SEND to participate in positive activities which promote independence, and, to provide parents/carers a break from caring.
- 3.2.** For the purposes of the definition above, Nottinghamshire County Council uses the Equality Act 2010 definition of Disability:

"A person with 'a physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day to day activities'"
- 3.3.** A Short Break aims to provide children and young people with SEND the opportunity to:
 - Try new activities and develop friendships
 - Access provision/service independently, and with their families
 - Develop skills towards independence

It also gives families the opportunity to:

- Have a break from their caring responsibilities
 - Spend time with other members of their family
- 3.4.** Short Breaks are intended to have positive and measurable benefits for both children and young people with SEND and their families.
 - 3.5.** They are personal to individual needs, and dependent on the level of need, can include day, evening, overnight, weekend or holiday activities, in the home, a residential or community setting.

4. How a Nottinghamshire Short Break is accessed

- 4.1.** There are two categories of a Short Break in Nottinghamshire. They sit within Level 3 and Level 4 of the Authority's Pathway to Provision. Children and young people can move between levels of support according to their circumstances.
- 4.2. Targeted Service (Level 3)**
Access is via an online self-assessment or a more detailed Resource Allocation System (RAS) assessment.
- 4.3. Specialist Services including Overnight Short Breaks (Level 4)**
Access is via a social care assessment by a Children's Disability Service social worker.

5. Threshold Criteria

- 5.1.** There are defined criteria which have been co-produced with parent/carers, children and young people. Documented evidence will be required and a score is generated by these criteria.
- 5.2.** It is these scores which determine whether a child/young person meets the threshold to receive a Nottinghamshire County Council funded short break.
- 5.3.** Criteria and scores are transparent and detailed in the Authority's Short Break Statement and on the Local Offer Short Break web page.
- 5.4.** If the Threshold for Nottinghamshire County Council funded Short Breaks has not been reached, families will be signposted via the Local Offer to provision in their local communities including Universal Services and given the opportunity to purchase provision themselves directly from a list of providers.

6. Levels of Support

- 6.1. Standard Offer**
All eligible applicants have an opportunity to accept this level of service. This cost-effective allocation of lower level funding for activities via a payment card aims to ensure that Nottinghamshire County Council can support as many children and young people with disabilities as possible within available Short Break resources.
- 6.2. If more support than the Standard Offer is requested**
When more support than the Standard Offer is requested, the level of need and corresponding allocation is identified using a Resource Allocation System (RAS) assessment tool, which takes into account wider family circumstances and input from other professionals working with the family. An indicative score linked with the RAS is then produced which is translated into an amount of

Short Break £'s or hours appropriate for the child/young person and family needs.

- 6.3.** The system for allocating levels of support has been co-produced with parent/s carers, children and young people. It is transparent and aims to spread Nottinghamshire's Short Break funding equitably. This is detailed in the Authority's Short Break Statement and on the Local Offer.

7. How a Short Break is delivered in Nottinghamshire

7.1. Commissioned Service

Services are arranged on the family's behalf and may be delivered by local authority internal services or an external organisation. No money changes hands. Parent/cares and young people are informed of the allocated hours available to them, and with support, identify the different ways to use the allocation to meet the assessed identified outcomes.

7.2. A Direct Payment

Parent/carers and young people are given the money to buy and manage the services themselves to meet assessed and identified outcomes. In order to ensure maximum use of resources available, the Direct Payment Policy details some restriction on the use of direct payments for Personal Assistants.

7.3. Personal Contributions

In addition to the Short Break allocation identified through the assessment process, parents/carers are expected to use a reasonable amount of their own resources to help meet the identified outcomes.

- 7.4.** A Short Break can be a combination of any of the above means.

8. Review of packages

- 8.1.** Nottinghamshire County Council funded Short Break allocations cover a period of 12 months. It is the level of package which determines how the Short Break will be reviewed.
- 8.2.** Some packages below a certain allocation will require the family to apply annually.
- 8.3.** Other packages will be reviewed annually or in some overnight Short Break cases, six monthly, by the Short Break Assessment and Review Team.
- 8.4.** Children and young people who are open cases to Children's Social Care will have their Short Break package reviewed by a social worker from the Children's Disability Service.

9. Transport in relation to Short Break allocations

- 9.1.** Parents/carers are responsible for transporting their child/young person to Short Break services unless agreed otherwise as part of a care plan.

10. Equality and Diversity

- 10.1.** Disabled children and young people have the same rights to services as other children and young people and are protected from discrimination under the Equality Act 2010.

11. Safeguarding Children and Young People

- 11.1.** Parents/carers have the prime responsibility for their child's health, welfare and safety and must ensure they are meeting appropriate Disclosure and Barring Service (DBS) requirements when making their own Short Break arrangements as part of a SEND Personal Budget (see Personal Budget Policy for more details).
- 11.2.** Young People over the age of 16 who are living independently of their parents should be provided with support to secure safe care when making their own Short Break arrangements as part of a SEND Personal Budget (see Personal Budget Policy for more details).

12. Policy Monitor and Review

The policy will be reviewed annually by the ICDS Short Break Assessment and Review Team.

Any required changes to this policy due to changes in legislation will be made by ICDS Short Break Assessment and Review Team, and approved by Policy Committee.

The ICDS Short Break Assessment and Review Team will be responsible for the promotion of this policy across the Department.

REPORT OF CHAIRMAN OF COMMUNITIES AND PLACE COMMITTEE**COUNTY COUNCIL PLANNING OBLIGATIONS STRATEGY - 2018 UPDATE****Purpose of the Report**

1. To adopt the updated version of the Planning Obligations Strategy (attached as Appendix A).

InformationBackground

2. The County Council's Planning Obligations Strategy which was last adopted in April 2014, sets out the approach the County Council will take in seeking planning obligations to mitigate the impacts of new development on Council services when it is consulted on planning applications by District / Borough Councils in Nottinghamshire. The Strategy also aims to help developers understand at the earliest stage what type and level of planning obligations may be necessary so that relevant costs can be factored into development appraisals.
3. Following a period of public consultation on a Draft Update, during which fifteen organisations and individuals provided a number of comments on various aspects of the strategy, the Planning Obligations Strategy has been amended to take account of changes considered necessary. The key changes which have been made following the public consultation are as follows:
 - a. Changes to the "tone" of the document which recognises the need to demonstrate robustly why obligations are necessary and to reflect the fact that the District Council is the deciding authority in the majority of cases;
 - b. Amendments to the section relating to the request for information relating to viability issues to clarify the approach taken;
 - c. Amendments to the section on education arising from further consideration and dialogue with County Council pupil place planning officers;
 - d. Amendments to the section on transport arising from dialogue and comments from the County Council highways and transport officers
4. At its meeting on 19 July 2018, Communities and Place Committee endorsed the Planning Obligations Strategy 2018 Update and resolved that it be considered by Policy Committee for adoption as Council policy.
5. Once adopted, the Strategy will be published on the County Council's website and the District / Borough Councils within Nottinghamshire will be notified accordingly, along with those organisations who submitted a response to the consultation. The Planning

Obligations Practitioner will discuss the Strategy with District/ Borough councils to ensure that the County Council's approach is understood.

6. As it will be published online, the 2018 update will be amended where needed to reflect where new information becomes available in respect of technical data such as building cost information or costs per pupil place.
7. When it is considered that the Strategy itself requires further revision, a report will be made to the Communities and Place Committee to seek approval to consult on proposed changes.

Other Options Considered

8. The other option would be to continue to use the existing Strategy which was adopted in April 2014, rather than adopt an updated version. This is not considered appropriate because the strategy will increasingly not comply with national planning policy which has developed further since the document was produced. Some of the cost information for calculating contributions will be out of date which would lead to insufficient sums being collected to deliver the infrastructure which is required.

Reason/s for Recommendation/s

- 9 To ensure that the County Council continues to be in a strong position to secure the physical and financial contributions for infrastructure which are required to mitigate the impact of development;
- 10 To ensure that the Planning Obligations Strategy remains up to date and appropriately worded to help set out the County Council's approach to planning obligations.

Statutory and Policy Implications

11. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Data Protection and Information Governance

12. Advice has been sought from County Council colleagues to ensure that the Planning Obligations Strategy remains relevant. Along with this approach, the activities proposed in the Planning Obligations Strategy will continue to adhere to all relevant data protection legislation and internal County Council protocols.

Financial Implications

13. There are no direct financial implications however the County Council does receive monies from planning obligations towards the cost of providing additional services and infrastructure as required.

Public Sector Equality Duty implications

14. The updated Planning Obligations Strategy sets out the approach that the County Council will use to securing infrastructure to mitigate the impacts of development and which will be accessible to all members of the community in which this infrastructure is located.

RECOMMENDATION

- 1) That the updated version of the Planning Obligations Strategy as attached at appendix A, be adopted as Council policy to replace the Planning Obligations Strategy – April 2014
- 2) That authority be delegated to the Corporate Director of Place to update, where appropriate, the online version of the Strategy to capture any subsequent new technical information (for example, cost information), with any material updates submitted to Policy Committee for approval.

Councillor John Cottee
Chairman of Communities and Place Committee

For any enquiries about this report please contact: Andrew Norton, Developer Contributions Practitioner, 0115 993 9309

Constitutional Comments (SLB 23/08/2018)

Policy Committee is the appropriate body to consider the content of this report

Financial Comments

The financial implications are set out in paragraph 13 of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All



Planning Obligations Strategy

July 2018

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1 Introduction

The purpose of the Strategy

- 1.1 This document is the third edition of Nottinghamshire County Council's Planning Obligations Strategy and replaces the April 2014 document. As with previous editions, it details the scope and range of contributions towards infrastructure which Nottinghamshire County Council may seek when consulted on planning applications in order to make development acceptable in planning terms, including how these contributions will be calculated.
- 1.2 The Strategy fits with the overall aims of the National Planning Policy Framework (NPPF) by supporting sustainable and viable development. By promoting a consistent and transparent approach to likely obligations, developers and landowners will be able to take into account the potential costs of a proposed development at the earliest stage. They can be assured that they are making a fair contribution to the infrastructure needed to support growth, and local residents can understand how proposed development in their area will be accommodated.
- 1.3 The County Council does not determine applications for housing and commercial development which often require planning obligations – these are a matter for District and Borough Councils in Nottinghamshire. The Strategy aims to assist District and Borough Planning Authorities in the formulation of policies and proposals within Local Plans along with making decisions on planning applications. The County Council will separately work with District and Borough Councils on Local Plans and where appropriate, local groups in preparing Neighbourhood Plans to identify the overall level of infrastructure needed to support proposals. It is the Local Plan and supporting Infrastructure Delivery Plans which will form the basis for seeking planning obligations that are required to mitigate the impact of allocated sites. The aim of the County Council is to ensure that infrastructure is delivered in a timely manner and thereby ensure that new development does not have a negative impact upon the quality of life in Nottinghamshire.
- 1.4 Since the previous edition of the Strategy, Community Infrastructure Levy (CIL) Regulations which came into effect in April 2015 limits the number of contributions which can be 'pooled' to finance a single infrastructure project, or type of infrastructure. That maximum has been set at five contributions agreed since April 2010. The requirements of the CIL Regulations is taken in account.
- 1.5 The Government is currently reviewing the Community Infrastructure Levy and the Strategy may be amended further to take into account any changes to CIL arising from this review.

County Council Objectives

- 1.6 The County Council's strategic objectives are set out in its four year plan "Your Place, Your Nottinghamshire 2017 – 2021". The Plan is based around four vision statements:
 - A great place to bring up your family;
 - A great place to fulfil your ambition;
 - A great place to enjoy your later life; and

- A great place to start and grow your business.

- 1.7 By providing a mechanism for supporting the County Council's responsibilities for enabling the provision of new schools, libraries, waste and recycling and other services, when dealing with the impact of new development, the Planning Obligations Strategy will help to ensure that these vision statements are achieved.
- 1.8 The County Council is the responsible body for minerals and waste planning in the County. Potential obligations for mineral and waste development are included in Appendices 8 and 9 of this document. The County Council is the Lead Local Flood Authority and Local Highway Authority and obligations which could arise from the latter responsibilities are set out in Appendix 3.
- 1.9 The County is also responsible for improving the general health of people in Nottinghamshire. The Nottinghamshire Health and Wellbeing Board has endorsed the document [Spatial Planning for the Health and Wellbeing of Nottinghamshire](#) (2016) and a Planning and Health Engagement Protocol (2017) between local planning authorities and health partners in Nottinghamshire. Whilst planning obligations are unlikely to be required in most cases, County, District & Borough Planning Authorities and the NHS should consider the impact of local plans and development applications on health and wellbeing.

Infrastructure this Strategy covers

- 1.10 The Strategy covers the administrative area of Nottinghamshire County Council. Nottingham City Council is a unitary authority outside Nottinghamshire and therefore its area is not covered by this Strategy.
- 1.11 The Strategy does not cover services provided by lower tier authorities (District and Borough Councils), such as affordable housing or open space, or contributions that may be sought by other infrastructure providers, such as the NHS or the Police. It solely deals with services provided by the County Council.
- 1.12 The services for which the County Council may seek contributions are:
- Archaeology
 - Education
 - Highways and Transport
 - Library Provision
 - Natural Environment
 - Waste Management and Recycling
 - Mineral Development
 - Waste Development.

- 1.13 Further information on these requirements can be found in Appendices 1 to 8.

Status of the Strategy

- 1.14 This Planning Obligations Strategy is a revision of the document which was adopted in 2014.

- 1.15 District / Borough Councils are responsible for determining planning applications and assessing the reasonableness of planning contributions sought taking account of the CIL Regulations and policies in the NPPF and the Development Plan. Whilst this document will have no statutory status, it is intended to give guidance to Local Planning Authorities when making these decisions and to set the benchmark for obligations which may be sought in respect of County Council infrastructure. The County Council encourages District and Borough Councils to endorse the Strategy and use it in determining planning applications.
- 1.16 The County Council recognises that the key basis for determination of planning applications is the relevant Local Plan and Neighbourhood Plan (where this exists). The County Council will provide necessary evidence at the time of Plan making about what infrastructure is needed to support Plan proposals in order to provide the framework for future contributions from development towards County Council services. Where Local Planning Authorities have Supplementary Planning Documents (SPDs) covering planning obligations, this document will inform the preparation or review of any such SPDs by the Local Planning Authorities.
- 1.17 The Planning Obligations Strategy will in future be published as an online resource on the County Council's [Planning Obligations Strategy web page](#), which will be updated as required to reflect changes to national policy guidance and updated figures for calculating obligations. Where changes are made notification of this will be given to Local Planning Authorities. Where significant changes are intended, these will be subject to re-consultation before being adopted.
- 1.18 This document should be read in conjunction with relevant Local Plan Policies and any Supplementary Planning Documents (SPDs) produced by the County Council and District / Borough Councils.

2 Purpose, Use and Application of Planning Obligations

- 2.1 Planning law and policy recognises that it is reasonable to expect that developers should contribute towards the costs of services, infrastructure or resources that would not have been necessary but for their development.
- 2.2 The 1990 Town and Country Planning Act (as amended by the Planning and Compensation Act 1991) established the statutory framework for developer contributions in the form of Section 106 planning obligations. The Act provides that a planning obligation may:
- Be unconditional or subject to conditions;
 - Impose any restriction or requirement for an indefinite or specified period; and
 - Provide for payments of money to be made, either of a specific amount or by reference to a formula, and require periodical payments to be paid indefinitely or for a specified period.
- 2.3 The National Planning Policy Framework (NPPF)¹ and the Planning Practice Guidance² are the Government's overarching national planning guidance and define planning obligations as being "*A legally enforceable obligation entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.*"
- 2.4 Legal agreements and any planning contributions run with the land in the same way that a planning permission does. This means that, once the permission is implemented they are enforceable against the developer who originally entered into the agreement and any subsequent person acquiring an interest in that land. These legal agreements must be registered as a land charge and will form part of the planning register, available for public inspection. Where a planning permission expires the planning obligation can be removed.
- 2.5 The Community Infrastructure Levy Regulations (as amended) and paragraphs 203 - 206 of the NPPF set out information on the use of planning conditions and obligations and the tests which should be applied. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. However, planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning obligations should only be sought 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 kind to the development.
- 2.6 The NPPF seeks to ensure that obligations allow development to proceed in a viable manner, taking into account market conditions.
- 2.7 The Planning Practice Guidance states that local authorities should not seek contributions from developments of 10 units or less, and which have a maximum combined gross internal floorspace of no more than 1,000sq metres. Where the County Council is

¹ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

² <https://www.gov.uk/guidance/planning-obligations>

consulted or are made aware of such developments, unless there is clear evidence available that the application is below this threshold, the County Council may seek a contribution where a need for this is required to mitigate the impact of development. It should be noted that contributions will not be requested as a per dwelling payment as a matter of course. It is the impact of each individual proposal that will need to be assessed on a site by site basis to identify what contributions may be needed to make development acceptable.

- 2.8 If a legal agreement makes provision for a commuted sum to be paid to the Local Planning Authority (LPA), the money must be spent within a reasonable time frame. This period is usually five years but may be longer, if deemed appropriate. If the money is not spent within the agreed period, the developer should be reimbursed with the outstanding amount, together with any interest accrued, unless the agreement is varied.
- 2.9 This Strategy sets out the likely level of planning obligations which may be sought in relation to Nottinghamshire County Council's functions and services. However, it is acknowledged that planning obligations may have an impact on the overall financial viability of development. In such circumstances, Nottinghamshire County Council, through its Place Department would encourage open discussions with the developer and the LPA (which will include the County Council for Minerals and Waste planning applications) to achieve the most satisfactory outcome, without an undue burden being placed on either the developer or the County Council .

Relationship between Section 106 Obligations and the Community Infrastructure Levy

- 2.10 The Community Infrastructure Levy (CIL) is a funding mechanism intended to help fund major infrastructure to support the development of a wider area, rather than to make individual planning applications acceptable in planning terms. In Nottinghamshire, Bassetlaw District Council, Gedling Borough Council and Newark and Sherwood District Council have each introduced a CIL. In such areas developers and land owners may be liable to pay the Community Infrastructure Levy and enter into a Section 106 Agreement.
- 2.11 Where a Community Infrastructure Levy is in place, Local Planning Authorities are required to set out in a 'Regulation 123 List', the types of infrastructure or individual projects they will use the Community Infrastructure Levy to fund. The items on the Regulation 123 list cannot then be funded by Section 106 obligations. As part of the infrastructure planning and delivery process the County Council will work with CIL Charging Authorities in the production / review of their Regulation 123 List. This will include providing information to District / Borough Councils regarding the types of infrastructure which is required in their area and which would be best suited to delivery through CIL and responding to statutory consultations on Preliminary Draft and Draft Charging Schedules. Applicants are advised to consult the relevant District / Borough Council to ascertain the current Regulation 123 list which applies in the area concerned.
- 2.12 Where a development is proposed in an area which has a CIL Charging Schedule and Primary and / or Secondary education are on the Council's Regulation 123 list but the catchment school where contributions would be spent is located in an area without a CIL Charging Schedule, the County Council may seek a S106 obligation. Such requests will be made having consideration to the pooling restrictions which apply.

3 County Council approach to Planning Obligations

- 3.1 It is important that the County Council, District / Borough Councils, developers and their agents work together to identify and negotiate the contributions which may be sought to mitigate the impact of development.
- 3.2 The County Council's Planning Policy team within the Place Department will provide a single point of contact for developers and LPAs regarding planning obligations related to the County Council's services. It can be contacted via planning.policy@nottsc.gov.uk or 0300 500 80 80. The team provides advice on planning applications sent to the County Council for comment and will provide to the local planning authority following internal consultation:
- Advice on planning obligations sought;
 - Liaison concerning the drawing up of legal agreements; and
 - Information on the receipt and use of all planning contributions received by the County Council in order that a clear audit trail can be established.
- 3.3 In addition to the above:
- The County Council as Highway Authority will continue to assess any development which is likely to result in a material increase in the volume of traffic or material change in the character of traffic entering or leaving a classified road or proposed highway and seek local highways and transport contributions; and
 - The County Council Flood Risk Management Team will work closely with Districts / Boroughs and developers to secure suitable, feasible and sustainable drainage solutions for new developments that are sympathetic to wider flooding issues in an area.
- 3.4 The County Council will normally only seek planning obligations from 'major' developments which are defined as follows³:
- Residential development for 10 dwellings or more where the provisions of the Planning Practice Guidance are met (see paragraph 2.7 above);
 - Residential development on a site in excess of 0.5 hectares where the phasing of developments will add up to 10 dwellings or more;
 - Non-residential development of 1,000 square metres or more gross internal floor space;
 - Non-residential development on a site of at least 1 hectare.
- 3.5 When considering infrastructure and potential planning obligations requirements, the County Council will:
- Act in accordance with relevant planning policies and other policy documents including the Government's National Planning Policy Framework (NPPF);

³ Unless these differ from locally adopted policies

- Provide a coordinated response regarding infrastructure implications to the District / Borough Council consultations on all Local Plans, Supplementary Planning Documents (SPD's), Neighbourhood Plans, development briefs, planning applications and informal enquires;⁴
- Provide a coordinated response⁵ to planning applications, within the consultation timescales, unless otherwise agreed with the relevant District or Borough Council. Where it is not possible to respond by a specified date, the County Council will contact the District / Borough to notify them at the earliest opportunity including the reasons why the revised date by which comments will be submitted;
- On the occasions that the County Council is approached directly by a landowner, developer or agent requesting information on likely developer contributions, the County Council will provide the advice but copy correspondence to the relevant local planning authority;
- To ensure that infrastructure and contributions sought are compliant with the CIL Regulations, provide evidence and reasoned justification based on planning policies for requests for developer contributions;
- Identify a named individual to coordinate the County Council's response;
- Assess the capacity of existing infrastructure and services and particular area needs in areas planned for growth in District / Borough Local Plans and the infrastructure and service needs of any specific development proposal;
- Provide its coordinated response to the relevant District and Borough Councils and developers in a timely manner, and will provide draft heads of terms, including proposed triggers for incorporation into Section 106 obligations;
- Attend meetings with the relevant District and Borough Councils, applicants and their agents when requested and justified by the Local Planning Authority to discuss draft Section 106 heads of terms;
- Consult District / Borough Councils on County planning applications that it receives (in accordance with its statutory duty);
- Where requested by the relevant local planning authority, support the provision of evidence for planning appeals, including hearings and inquiries where the decision is supported;
- Provide support and appear as necessary at Local Plan examinations including responses to inspector's prehearing questions and appearing at the Hearings; and
- Participate in District / Borough Council's Development Team meetings when requested.

3.6 As part of an approach of working together to deliver sustainable development which provides the supporting infrastructure for the community the County Council asks that District and Borough Councils:

- Consult the County Council on scoping opinions, pre-application proposals and applications for planning permission for 'major' development (as defined on page 6);
- Allow a 14 day period (10 working days) for baseline information requests for all screening/scoping opinions and pre-application consultations;

⁴ Where a pre-application submission is made the County Council will provide an "in principle" response which sets out whether contributions are likely to be sought. Detailed information about the value of contributions will be provided should the proposal move forward to a formal application.

⁵ The Highways Authority and Flood Risk Management Teams may respond separately to consultation requests on a case by case basis, in these cases they will endeavour to meet statutory deadlines.

- Allow a statutory 21 day period (15 working days), excluding bank holidays or public holidays⁶, for responses on all consultations on planning applications, extended by agreement;
- Notify the County Council of proposed developments that are likely to involve County Council requirements at the pre-application stage;
- Inform the County Council as soon as practicably possible of any subsequent amendments to the proposal if the County Council's requirements are affected.

Viability

- 3.7 As required by the National Planning Policy Framework, in pursuing sustainable development local planning authorities must in determining planning applications, take into account the infrastructure requirements arising from a development and the viability of that development. In making such determinations, local planning authorities are encouraged to liaise with, and take the views of, the County Council into account and this will be balanced with local matters and available evidence.
- 3.8 The County Council notes that there is increased use of viability assessments to justify reduced or nil planning obligations . At the same time there has been a significant reduction in the level of public funding available to deliver necessary infrastructure. The result of these pressures has been that two key new issues are fundamental to any planning decision: sustainability and viability.
- 3.9 It is clear that a balance needs to be struck between supporting economic growth and ensuring that new developments do not have an adverse impact on existing and future communities.
- 3.10 The County Council will work with developers and Local Planning Authorities to help achieve planning obligations whilst being sensitive to the needs of development, e.g. by considering the use of flexible trigger points for payment of contributions in order to help ensure development proposals remain viable.
- 3.11 It is acknowledged that it will be the District / Borough Councils who will determine whether an obligation requested is CIL compliant and that they will consider the request for an obligation as part of the planning balance including viability. Where a viability appraisal is submitted by a developer, District / Borough Councils may carry out an independent assessment of the appraisal and this will be used to determine if the level of contribution is reasonable. Where the County Council has submitted what the District / Borough Council consider to be a CIL compliant request for a contribution but the issue of viability is raised (and which could lead to a reduced or zero contribution being secured); the County Council may ask to view copies of viability appraisals which have been submitted to the District / Borough Council. This is to allow the County Council to gain an understanding of the issues faced and, where necessary, brief senior officers and Members on what the implications of this will be on delivering the infrastructure required to mitigate the impact of development. The County Council acknowledges that some of this information may be commercially sensitive and in such circumstances, developers provide information in confidence. In these circumstances, it is appreciated that District /

⁶ public holiday means Christmas Day, Good Friday or a day which under the Banking and Financial Dealings Act 1971 is a bank holiday in England

Borough Councils will have to obtain the developer's consent to pass on information of this nature and in some cases this may not be possible. Where the issue of viability is raised and accepted by the District / Borough Council, the County Council will assess their infrastructure priorities and where requested provide clarification about what these will be in respect of the planning obligations sought as part of the planning application which is being considered.

- 3.12 The County Council request that this document, which indicates what level of contributions are needed, be taken into account in the financial appraisal of proposed development at an early stage, prior to agreement over other negotiable items such as land price.
- 3.13 The County Council recognises that it is the District and Borough Councils who will determine most planning applications and consider the obligation(s) requested in light of the viability of the development. In circumstances where Local Planning Authorities do not accept the County Council's full request for developer contributions, the County Council may request that a system for reviewing of planning obligations as the development proceeds be incorporated into an agreement. The methods for this will differ on a case by case basis and it will be the District / Borough Council who determine whether an overage clause should be included within the legal agreement. Where such reviews are undertaken it is acknowledged that this could lead to a reduction in contributions e.g. where market conditions worsen.
- 3.14 For larger scale developments where some degree of phasing is likely, it may be that whilst full policy compliant requirements cannot be met at the time when any Viability Assessment is undertaken, positive changes in market circumstances over time may allow additional contributions to be made whilst maintaining the economic viability of development. The County Council will work with Local Authorities in seeking to achieve such Contingent Deferred Obligations, when the County Council's full request for developer contributions is not accepted.

Impact of Reduced or Zero contributions

- 3.15 Paragraph 173 of the NPPF seeks to ensure that the sites are deliverable and that the policy constraints placed by planning obligations are not stifling development. There may be certain circumstances, e.g. due to viability, where a developer may put forward a case for reduced or zero contributions. This will have a significant impact on the delivery of infrastructure, especially where there are no other funding sources available which could lead to a shortfall in monies to fund infrastructure projects. Where there is clear justification for a reduced contribution the County Council will not object to a proposal.

Land for infrastructure

- 3.16 There will be some developments where land will be requested to help deliver infrastructure which is required to mitigate the impact of development, e.g. new schools / land to allow future extension of a school. The County Council will liaise with District / Borough Councils and developers and their agents in respect of the amount of land required and the timescale for its transfer to the County Council.

- 3.17 The following sets out the serviced site requirements where land is being provided for a new school:

A site remediated to an appropriate standard and without the presence of contamination, ordnance or protected species with all necessary and safe access and rights of access (including free and uninterrupted construction access and to enable the secure passage of people on opening), gas, electricity, potable water, foul and storm drainage, telecommunications, broadband internet and any other services or infrastructure appropriate (to adoptable standard where applicable) to the extent necessary to supply a Primary School (including a Sprinkler installation). Surface water drainage shall be provided to accommodate the 1 in 30 year design flow with attenuation up to 1 in 100 year plus climate change provided within the overall development site, where the utility is to be adopted with an executed agreement (if required) with the relevant body and transferred with confirmation that the infrastructure will be adopted without further payment to the relevant body.

Unilateral Undertakings

- 3.18 The County Council's preference is to secure S106 obligations through a bilateral agreement to which they are a party to ensure greater enforceability and transparency. However where a Unilateral Undertaking is put forward the County Council will give consideration as to whether such an approach is suitable to help ensure the delivery of an obligation for County Council infrastructure taking account of the specific circumstances.

Signing of Legal Agreements

- 3.19 Where the proposed development triggers a County Council requirement in terms of infrastructure, the County Council will request that they be a signatory to the agreement. As part of the process for preparing the legal agreement, District and Borough Councils should consult the County Council on the content of the draft document. This is to allow the County Council to provide input regarding the value of the various contributions (or in the case of land area and transfer requirements), the projects on which monies will be spent and the triggers for payment or provision of land. It will also help ensure that obligations on the developer are directly enforceable by the County Council and that obligations on the County Council are directly enforceable by the signatories of the agreement.
- 3.20 In addition, where a legal agreement includes a requirement for monies or a physical contribution to be made to the County Council, the developer will be required to notify the County Council Planning Department in writing of when development commences and when triggers for payment or provision of infrastructure are reached.

Indexation

- 3.21 In order to ensure that planning obligations provide for the actual costs of the infrastructure for which they are levied, all financial contributions agreed in legal agreements will be index-linked appropriately to reflect increases in build costs between the date the agreement is signed and the actual delivery date of the service or facility.

- 3.22 The indexation which will be used for County Council obligations will be the BCIS All-In Tender Price Index published by the Office for National Statistics contained in the monthly Digest of Statistics (or contained in any official publication) or such other index as may from time to time be published in substitution. Where local bus service contributions are secured the County Council will use the CPT Cost Index. Where a District / Borough does not subscribe to these indices, the County Council will provide information about the level of uplift to the contribution so that the amount to be paid by the developer can be confirmed.
- 3.23 The County Council are aware that the Government are considering changes to the approach to indexation which may lead to a move away from BCIS to an index based on property or land value. Should such changes occur this document will be amended to reflect this.

Legal Fees

- 3.24 The County Council will recharge the developer its reasonable legal costs incurred in agreeing planning obligations for its services. These costs are payable for work done regardless of whether agreements are ultimately completed. Legal fees will be recharged on a time expended basis.

Payment of monies

- 3.25 Where agreed by District / Borough Councils, funds payable in relation to the County Council's requirements will be paid directly by the developers to the County Council. In other cases, the sums will be forwarded by the District / Borough Councils to the County Council when the terms and conditions set out in the Section 106 agreement are met and the monies have been received by the District/Borough Councils. In these cases the County Council will expect the District / Borough Council to commit to the payment of developer contributions to identified County Council projects, as set out in the S106 agreement. (once monies have been received by the District / Borough Council for those identified projects).
- 3.26 Where obligations are paid after the trigger has been reached, the County Council expects that the District/Borough Council will charge and recover interest on late payments which will be passed to the County Council with the contribution.
- 3.27 Where funds are to be paid to the County prior to completion of a project, the County Council will provide a written guarantee that if the project is not undertaken / completed or the money is not spent on an appropriate project within the time agreed within the legal agreement, the County Council will pay the money back to the District / Borough or to the developer.

Transfer of monies

- 3.28 In certain cases, in particular relating to education requirements, there may be occasions where S106 monies will need to be transferred to other organisations, e.g. The School Academy Trust. Where this occurs the County Council will enter into a Grant Agreement which will set out:

- The conditions of the grant;
- The party to whom the monies are to be paid;
- The amount of monies to be transferred and how this will be paid;
- The project for which it will be used to deliver; and
- The clawback period for spending the monies and the process for recovering it in the event that it is not spent in the time period specified.

Appeals

- 3.29 In the event that planning applications are refused by the Local Planning Authority, representations pertaining to infrastructure need may be recorded as objections and thereby set out as reasons for refusal. The County Council will assist Local Planning Authorities in defending such reasons for refusal at any subsequent appeal, and where considered appropriate, will submit a Planning Obligations Position Statement to the Inspector setting out the various contributions sought and how these requests comply with the three statutory tests. Clearly, Section 106 agreements may be entered into prior to the appeal to overcome the need for Nottinghamshire County Council to raise such objections with the appeal inspector.
- 3.30 Where an appeal is submitted to the District Council, the County Council requests that it is notified. This is to ensure that it has sufficient time to consider the need to submit additional information to the Planning Inspector and, if being determined by a Public Inquiry, whether it needs to attend to set out its position on the planning obligations sought.
- 3.31 The County Council will work with District / Borough Councils, developers and their agents in respect of all aspects relating to the provision of infrastructure that is required to mitigate the impact of development as set out above. The following sections of the document set out in detail the various contributions which may be sought on a case by case basis by the County Council.

ARCHAEOLOGY PROVISION

In its role as advisor in relation to archaeology, the County Council seeks to increase awareness of the importance of archaeological assets, and to protect them wherever possible. Whilst there are over 8,000 known archaeological sites and historic features across the County, new sites continue to be discovered, most frequently as a result of development activities. It is therefore important that measures are taken when planning permission is granted to investigate, record, analyse and protect this non-renewable asset.

Additional information on the location and types of archaeological sites and historic features throughout Nottinghamshire can be accessed via the County Council's Historic Environment Record (HER)⁷. For more information, please contact the Historic Environment team on 0300 500 80 80.

Whilst many issues relating to archaeology can be subject to a planning condition, it is felt that there are certain circumstances including large scale and / or complex schemes where it may be appropriate to seek a planning obligation to secure a preferred programmes of archaeological work.

Current guidance	<ul style="list-style-type: none"> National Planning Policy Framework (NPPF); Historic Environment Good Practice Advice in Planning Notes 1,2 and 3
Type of facilities for which obligation may be required	<ul style="list-style-type: none"> Archaeological consultants and contractors for investigation, recording, analysing, conserving archiving and reporting on archaeological structure or remains; Provision for site management, interpretation schemes and public access; and Provision of open space, to protect archaeological remains that are of sufficient importance to warrant preservation in situ, and the maintenance of the open space to prevent any form of ground disturbance in the future.
Type of development which may trigger need	<ul style="list-style-type: none"> All development which may have an impact on archaeologically sensitive structures or locations. (The extent of the interest must be located and defined through archaeological field evaluation)

⁷ <http://www.nottinghamshire.gov.uk/whats-on/heritage/historic-environment-record>

Form in which contributions should be made	<ul style="list-style-type: none"> • Commissioning of relevant programmes of work; • Safeguarding of archaeological interest or provision for excavation, recording and archiving.
Does a threshold apply?	<ul style="list-style-type: none"> • No threshold. Where sensitive sites are affected, it applies to all development proposals.
Location for application	<ul style="list-style-type: none"> • Throughout Nottinghamshire (detailed information on sensitive areas can be provided by the County Archaeologist).

Appendix 2

GREEN SPACE

Accessible green space and green infrastructure contributes significantly to the health and wellbeing of local communities, as well as providing important habitats for wildlife. It also makes places more attractive to live, and contributes to an uplift in property prices.

Whilst matters relating to green space are usually subject to a planning condition, there may be circumstances where a legal agreement is required, e.g. large scale and / or complex schemes or where mitigation is required to deal with impacts on an off-site location.

Nottinghamshire County Council will seek contributions for the maintenance and upkeep of green space and green infrastructure under its ownership and / or management where development adjacent to or in the vicinity of such sites is likely to increase costs on the authority due to:

- additional wear and tear on site infrastructure;
- a change in the intensity of management caused by additional usage of the site;
- a requirement for tree safety works or improvements to site access and security due to the proximity of the development; and
- additional drainage provision

Additional information on the location and types of designated sites throughout Nottinghamshire can be accessed via the County Council's Nature Conservation team. For more information, please contact the team on 0300 500 80 80.

Current guidance	<ul style="list-style-type: none"> • National Planning Policy Framework (NPPF); • "Nature Nearby" Accessible Natural Green Space Guidance (NE265 October 2011) • National Planning Practice Guidance (NPPG) – Natural Environment;
Measures for which provision may be required	<p>To mitigate against and / or compensate for unavoidable impacts on the green space including natural environment, caused by development the County Council may seek the following measures to include, but not limited to, the following:</p> <ul style="list-style-type: none"> • Upkeep and maintenance of drainage, paths and access infrastructure, boundaries and security; • Tree and vegetation maintenance;

	<ul style="list-style-type: none"> • Waste bins; • Signage and interpretation; • Habitat protection, enhancement , restoration and creation (off and on site); • Landscaping - on site or strategic landscaping solutions; • Site management
Type of development which may trigger need	<ul style="list-style-type: none"> • All development which may have an impact on green space ; • Specific locations will need to be assessed individually.
Form in which contributions should be made	<ul style="list-style-type: none"> • All capital costs of implementation, mitigation or compensation measures; and • Maintenance costs for a period to be agreed (for example, up to 10 years).
How are the costs calculated?	<ul style="list-style-type: none"> • Contributions will be calculated on a case by case basis depending what is being requested.
Does a threshold apply?	<ul style="list-style-type: none"> • No thresholds apply (If sensitive features or sites are affected, it applies to all development proposals)
Where does this apply?	<ul style="list-style-type: none"> • All County Council green space and green infrastructure

HIGHWAYS AND TRANSPORT

One of the core planning principles in the National Planning Policy Framework (NPPF) is to actively manage patterns of development growth to make the fullest possible use of public transport, walking and cycling which can also have positive outcomes for health & wellbeing, and to focus significant development in locations which are or can be made sustainable. The transport system should be balanced in favour of sustainable and healthy transport modes, giving people a real choice about how they travel. All planning applications that propose developments that generate significant amounts of movement must be supported by a Transport Statement or Transport Assessment prepared in accordance with current Department for Transport guidance.

As the Local Highway Authority, the County Council will view the highway / transport elements of any applicable proposals with a view as to their suitability, sustainability, connectivity and acceptability in mitigating any adverse effects of the development on the local highway network using guidance contained within the NPPF and other relevant guidance. In those instances where the proposals made by the developer do not allow the adverse effects on the highway / transport network to be mitigated or where the development would be considered unsustainable in transport terms, the County Council will seek opportunities in co-operation with the Local Planning Authority for the introduction of transport improvements funded by the developer.

A hierarchical approach to these improvements will be taken to ensure the delivery of sustainable transport networks to serve any new developments provide (in order of preference):

- area wide travel demand management (measures to reduce travel by private car and incentives to use public transport, walking and cycling for appropriate journeys);
- improvements to public transport services, and walking and cycling facilities;
- optimisation of the existing highway network to prioritise public transport and encourage walking and cycling; and
- major highway capacity enhancements to deal with residual car demand.

It should be noted that current Government guidance means that the Highway Authority may only expect the Local Planning Authority to require a developer to make a contribution to a highway improvement or sustainable transport facility where the requirement for it is both a direct consequence of the development proceeding and that without it the development could not function properly.

Developers will be required to submit and agree with the local highway authority a travel plan and commit to future travel plan monitoring. Developer's will be required to pay a separate fee to cover the County Council's travel plan monitoring costs proportionate to the size of the development and the likely staff time involved. Contributions will be sought in all cases where it is necessary to make the development acceptable in planning terms.

Developer contributions for highways/ transport are an important source of funding to mitigate the impact of new housing developments on the transport network as follows. The level of

funding contribution requested will be subject to the particular characteristics of the development site.

Current guidance	<ul style="list-style-type: none"> • National Planning Policy Framework; • Nottinghamshire County Council Strategic Plan; • Departmental Place Strategy; • Nottinghamshire Local Transport Plan (LTP); • LTP Implementation Plan; • Local Bus Strategy; • Integrated Passenger Transport Strategy and Delivery Plan- • Spatial Planning for the Health & Wellbeing of Nottinghamshire, Nottingham City & Erewash; • Rights of Way Improvement Plan
Type of facilities for which provision may be required	<ul style="list-style-type: none"> • Cycling & Walking measures, including infrastructure improvements for accessibility and upgrading of public rights of way. • Public Transport including bus infrastructure contributions to provide bus stop facilities, information (including real time information) and bus priority measures, including bus stop clearways and enforcement measures; • Local bus service contributions . For more details please refer to the document “Public Transport Planning Obligations Funding Guidance for Prespective Developers” (<i>link to be provided when published online</i>) • Travel Plan monitoring fee • Intelligent transport systems. • Highway capacity improvements.
Type and size of development which trigger need	<p>Developer contributions will be generated primarily by residential and industrial development. Requests for contributions will generally be considered for all residential developments of 10 dwellings and above (where the provisions of the Planning Practice Guidance are met). However, contributions are also requested for employment and retail developments, for the equivalent scale of development.</p>
How are the costs calculated?	<p>All costs will be calculated on a case by case basis, including consideration of location, impact of the development, and the existing local infrastructure / services / facilities. The level of contribution will represent the cost of providing the necessary highway improvement(s) and transport services. as well as the relevant travel plan monitoring fee. Details of the monitoring fee (banded by size of development) are included in the “Annual charges for Highway Services” report. However in some circumstances the County Council may consider it more appropriate to seek a contribution instead.</p>
Form in which contributions	<p>The contribution will be in the form of a S106 Agreement unless the infrastructure is to be delivered by CIL as set out on a Local Authorities CIL Regulation 123 list. It is the Council’s preference that funds are paid to the Council who will manage and co-ordinate provision of the agreed services</p>

should be made	and facilities enhancements in line with their role as the Local Highway Authority
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Appendix 4

LIBRARY PROVISION

The County Council has a statutory responsibility under the terms of the 1964 Public Libraries and Museums Act, to provide “a comprehensive and efficient library service for all persons desiring to make use thereof”.

In Nottinghamshire, public library services are delivered through a network of library buildings and mobile libraries, under contract with Inspire, a non-profit organisation. These libraries are at the heart of the communities. They provide access to books and DVDs; a wide range of information services; the internet; Wi-Fi and opportunities for learning and cultural activity.

The County Council has a commitment to maintain and develop a strong libraries network across the County and confirms the purpose of libraries as being places that aim to be at the heart of Nottinghamshire’s community life and that offer facilities to:-

- Inspire the enjoyment of books and reading;
- Create knowledge through access to learning, information and local heritage;
- Stimulate and encourage cultural activities; and
- Offer excellent and inclusive customer service for all every time.

The County Council has a clear vision that its libraries should be:

- Modern and attractive;
- Located in highly accessible locations; and
- Of suitable size and standard for intended users.

Therefore contributions from developments which place demand on library services are required in order to maintain this statutory responsibility and vision for libraries.

Current guidance	<ul style="list-style-type: none"> • National Planning Policy Framework (NPPF);
What contributions could pay for	<ul style="list-style-type: none"> • Construction and fit out costs of extensions / alterations to existing libraries; and • Stock costs.
Type and size of development which may trigger need	<ul style="list-style-type: none"> • Residential (including student accommodation) of over 50 dwellings may trigger a requirement for a contribution; • Where new development generates a need for additional library provision, a contribution will be required; • The need for a contribution will be established by comparing the current capacity of the library and population it serves against the number of people likely to be generated by the new development;

	<ul style="list-style-type: none"> • Where the existing library's capacity would be exceeded, a contribution will be required; • The capacity of the library is determined based on a service requirement of 30m2 of public library space per 1,000 population, based upon the current model of delivery and found in the Museums, Libraries and Archives (MLA) advice; • The catchment population of the library is identified by the home addresses of customers who borrow from that library using data from the Library Management System. For any postcode where the majority of customers use a specific library, that library will include that postcode in its catchment area.
How are the costs calculated and what are they?	<ul style="list-style-type: none"> • Where new development places demands on the library above its physical capacity, i.e. a new library or an extension to an existing facility is required the following standard build cost charges will be applied: • Building Costs (including stock): <ul style="list-style-type: none"> ○ Building costs linked to the RICS BCIS Tender Price Index and new build prices; ○ Fitting out costs including furniture and technology based upon current fitting out costs of new provision in Nottinghamshire. <p>Where such a contribution is required the cost will be determined at the time of the planning application and will be subject to negotiation with the developer</p> <ul style="list-style-type: none"> • Stock costs only: <ul style="list-style-type: none"> ○ Where a library building is able to accommodate the extra demand created due to a new development but it is known that the stock levels are only adequate to meet the needs of the existing catchment population, a "stock only" contribution will be sought; ○ The National Library Standard upper threshold cites a recommended stock level of 1,532 items per 1,000 population. At an average price of £10.00 per stock item (based on Askews Library Services book prices at September 2017). Thus costs for the provision of stock only is as follows: <ul style="list-style-type: none"> ○ £35.24 per dwelling (based on 2.3occupants per dwelling).⁸ <p>When contributions for stock are sought they will be calculated as follows:</p> <ul style="list-style-type: none"> • Number of dwellings x 2.3 per per dwelling = Number of people generated by the development • Number of people generated by development x 1.532 (items per 1,000 population) x £10.00 (cost per stock item)
Form in which contributions	<ul style="list-style-type: none"> • Land, where required, and either the costs of construction of buildings to the County Council's specification and fitting out costs including initial

should be made

- book stock and IT; or
- Contributions towards stock increases.

Appendix 5

STATUTORY EDUCATION PROVISION

Planning to meet increasing demand for school places

The Education Act 1996 states that Local Authorities have a duty to secure school places for all children of statutory school age who are resident in the Authority and whose parents want them to be educated in a state-funded school. Whilst subsequent Education Acts have amended various aspects of School Organisation, this obligation on Local Authorities has not changed. In addition the County Council has a statutory duty to ensure a sufficiency of pre-school places (e.g. Play Group and/or Nursery provision) for children aged three and four. There is also a duty to ensure places for certain 2 year olds. Since 2017, the government has also delivered a policy to allow access to an additional 15 hours to working parents of 3 and 4 year olds. Contributions for nursery and pre-school provision may be required either for existing pre-schools or purpose built new facilities on a separate site, possibly shared with a school. Existing playgroups and nurseries (including private facilities) will be taken into account.

Funding for the provision of additional school places is derived from two sources:

1. An allocation from the Department for Education (DfE) to meet demand from the existing population; in this case an increasing demand for places is a direct result of either rising birth rates or a net inward migration; and
2. Developer education contributions which are required to mitigate the impact of new housing developments on infrastructure.

The annual Department for Education (DfE) School Capacity (SCAP) Return requires the local authority to state clearly where places are required as a result of new housing developments (increased demand) and, in addition, there is a requirement to list the new school or school expansion projects funded by Section 106 / CIL education contributions. Guidance for Local Authorities preparing their SCAP return is available at: <https://www.gov.uk/guidance/school-capacity-survey-2017-guidance>

Methodology for forecasting the demand for school places

The methodology employed by the County Council for forecasting pupil numbers is validated annually by Central Government through its SCAP process. Information about the methodology is set out below and more detailed information can be found at www.gov.uk/guidance/school-capacity-survey-2016-guide-for-local-authorities

The County Council groups schools (both primary and secondary) across the County into 'planning areas'.

Population profile data is aggregated to postcode and age group, which enables the numbers of children in each cohort to be mapped against school catchment areas. In turn, this data is

aggregated to the planning areas. This provides the number of young people living in each planning area organised by National Curriculum Year.

The statutory school census data for an individual school for each of the past 3 years is compared to the corresponding population profile data for the planning area in which the school is located. This results in a 3 year period percentage intake from the planning area. These 3 percentages are averaged; however, the average is weighted towards the more recent census year. This percentage is then applied to the appropriate population profile data for the next 5 years to create a first admission and infant to junior projection for the following 5 years.

There is a degree of movement into and out of schools throughout the year and this may produce a 'cohort flux' – for example, losses or gains between one school year and the next. The average cohort flux for each year group over the past 3 years is calculated for the school and then applied to each cohort projection to project numbers for the following year.

The same methodology is employed to forecast the demand for secondary school places.

It should be noted that School Planning Areas are not static. As required by the DfE, the County Council are currently reviewing the planning areas and this may have an impact on future education requirements.

If a school has been delivered through the private Finance Initiative (PFI) the cost of delivering pupil places is increased by a factor of approximately 15%. This will be due to the terms of the legal agreement which will have been signed at the time the school was delivered.

Demographic Changes

In line with the underlying national trend, Nottinghamshire has seen an increase in birth rates across the County since 2007. This has been seen by an increase in numbers at primary schools, and the increase is currently moving into the secondary education phase. Historically the County Council has rarely required secondary education contributions, however these are more likely to be required moving forward.

Meeting expected demand resulting from proposed housing developments

The County Council's consideration of whether or not developer contributions towards education provision are required will be informed by the projected demand for places compared with the known capacity figures. *Seemingly 'spare' capacity at a school does not necessarily equate to there being sufficient capacity at that school. The DfE anticipates that Local Authorities will maintain a margin of 1.2% to allow for in-year movement between schools. This does NOT include new families moving into an area as a result of them occupying newly built houses.*

The projected demand for places, taking into account the proposed development, is calculated during the planning application process using the formulae described in the County's Planning Obligations Strategy. This is translated into a funding requirement which is detailed in the Strategy as a per pupil place cost. Any costs to be paid to the County Council will be index linked through the Section 106 agreement.

Where a new development is proposed in an area with sufficient projected capacity, no financial contribution will be required; where the proposed development would result in insufficient

projected capacity, a contribution will be required. There may be a requirement, in some cases, for the provision of a completely new school. This is likely to be the case if the proposed development is in an area where all schools have already been expanded to reach their site capacity, or where the development is large enough to sustain its own school. Where a new school is required, the base level of contribution will be an area of land for the required size of school, as defined by the DfE, plus the cost of building the school.

Delivering Education Places

The roll out of academies does not change the County Council's legal duty to ensure sufficient school places are available. Therefore when providing school places developers / agents should contact the County Council to discuss how these will be provided.

When a new school is required to mitigate the impact of development(s) this will be achieved through the Free School presumption process.

This approach requires the approval of the Regional Schools Commissioner acting on behalf of the Secretary of State.

Further information about these processes is available [here](#).

Where financial contributions are made to allow the delivery of new school places these will either be paid direct to the County Council or to the District / Borough. Where the latter occurs the County Council will submit a claim to allow the monies to be transferred to the County Council. Where monies will be used to deliver additional places at an academy, a Grant Agreement will be prepared by the County Council and sent to the Academy Trust for signing. This will set out the level of contribution to be transferred, how this will be paid, what the monies will be used for and the conditions for spend including circumstances which will see monies repaid to the County Council. Further information about these agreements is set out in paragraph 3.28.

Current guidance	<ul style="list-style-type: none"> • National Planning Policy Framework (NPPF); • Department for Education Strategy Overview 2015-20 • Policy Statement – Planning for schools development (DCLG 2011) • Schools Admissions Code (latest update 2014)
Type of facilities for which provision may be required	<ul style="list-style-type: none"> • Sites for new schools; • Construction costs of new schools; • Contributions towards additional classrooms; • Other building provision at existing schools (including additional grass / artificial turf sports pitches); where this releases additional capacity;
Type and size of development which may trigger need and what contributions	<ul style="list-style-type: none"> • Developer contributions will be generated by residential development, which create extra demand at local schools (subject to a lack of existing capacity at the local catchment schools). Requests for contributions will be made for all residential developments of 10 dwellings and above (where the provisions of the Planning Practice Guidance are met). When building a new school the County Council

will be used for	will consider the wider community use of both the school buildings and playing fields.
The numbers of children generated by new developments	<ul style="list-style-type: none"> • A development of 100 dwellings can be expected to generate 21 children of primary school age and 16 children of secondary school age (Calculated on the numbers of children of primary and secondary school ages which developments can be expected to generate. This is based on information provided by the Office of National Statistics); • The impact of individual developments on pupil numbers will be based pro-rata on the above figures to help calculate the appropriate level of planning contributions required.
What if there is spare capacity at the existing catchment schools?	<ul style="list-style-type: none"> • Contributions will be required for every pupil place required in excess of the projected capacity (if calculations indicate that spare places will exist in the catchment primary and / or secondary school by the time the development can reasonably be expected to generate new demand for places, the requirement will be adjusted accordingly). • Projected capacity will be calculated on the basis of: <ul style="list-style-type: none"> - the school's existing net capacity - any planned changes to the school building stock affecting the school's net capacity calculation (a revised net capacity); - pupil projections (revised annually); - Infant Class Size legislation, which limits the size of key stage one classes to 30 per teacher; and - development(s) with planning permission which will generate a need for pupil places (and which may itself have been subject to a contribution) which will have been factored into the assessment of available capacity for new applications; • It should be noted that the DfE anticipates that Local Authorities will maintain a margin of 1.2% to allow for in-year movement between schools.
How are the costs calculated and what are they?	<p>The approach to calculating the cost of obligations to enable provision of the extra school capacity made necessary by development will depend on the size of the development proposed.</p> <p>For smaller developments of less than 150 dwellings, the level of contribution will be based on the formula of "cost per pupil place" derived from the levels of funding provided by the Government to Nottinghamshire to provide extra school places. These cost multipliers are provided to the County Council by the Department for Education (DfE), at a price base of May 2016. They are the per pupil funding amounts used by DfE to calculate the Basic Need funding allocation awarded to local authorities and are adjusted to account for regional building cost variations.</p> <ul style="list-style-type: none"> • The costs per school place are: <ul style="list-style-type: none"> - £ 13,656 for primary education; and

	<ul style="list-style-type: none"> - £ 17,753 for secondary education. • These figures will be updated as and when the DfE produces updated information or through changes to building costs using the appropriate BCIS indexation. These figures are index-linked from the date of the relevant legal agreement relating to the granting of planning permission to the BCIS All-In Tender Price Index. • For developments of over 150 dwellings, contributions will be based on the anticipated build cost of the project required to deliver increased places which will take the form of extensions to schools or new schools. This will be calculated by the number of pupil places generated for which there is no forecast available capacity multiplied by the cost per pupil place created by the project • The education contribution sought, for development under 150 dwellings will be calculated based on the number of pupil places generated for which there is no forecast available capacity multiplied by the cost per pupil place based on the latest DfE cost multipliers. • If a school has been delivered through the Private Finance Initiative (PFI) the cost of delivering pupil places is increased by a factor of approximately 15%. This will be due to the terms of the legal agreement which will have been signed at the time the school was delivered.
<p>What are the triggers for payment?</p>	<p>Whilst obligations need to relate to the impact of development proposed across time, it is important that funding is available in advance to ensure that the necessary investment can be made in order to deliver school places when actually needed. It typically can take at least 2-3 years to deliver a project to expand school places in any one locality. As such the County Council will work to the following triggers in negotiating each obligation:</p> <p>Developments of 50 or less dwellings (Small Project) 50% on commencement of development 50% within 1 year of commencement of development or the completion of the development whichever is the sooner. NB: Contributions based on formula index linked</p> <p>Developments of over 50 or up to and including 150 dwellings (Medium Project) 50% on commencement of development 50% at completion of 50% of the development or within 2 years of the commencement of the development whichever is the sooner. NB: Contributions based on formula index linked</p> <p>Developments of over 150 or less than 300 dwellings (Large Project)</p>

	<p>50% on commencement of development 50% at completion of 50% of the development or within 3 years of the commencement of the development whichever is the sooner. NB: Contributions based on build costs index linked.</p> <p>Developments of 300 dwellings and over (Major Project)</p> <p>Triggers will reflect the complexity of the agreed solution which could include a new school. However it can be assumed as in all the above projects that 50% will be required on commencement of the development.</p>
The cumulative effect of a number of developments	<ul style="list-style-type: none"> • When assessing the impact of new development on school places and the need for obligations, the County Council will take into account permitted development expected to deliver new homes in the next five years and any outstanding applications. Where one application does not justify obligations owing to spare capacity in local schools but a further application would result in capacity being exceeded, the County Council will seek to ensure that obligations are requested and shared between all eligible applications. • The cumulative effect of several developments in an area will sometimes determine if a group of small/medium projects become a large or major project and contributions will change from being based on formula to being based on build costs. • At Local Plan stage it may often be assessed that there needs to be a single solution to provision of increased school capacity caused by the demand for school places resulting from development of a number of proposed housing sites. The County Council and relevant District / Borough Council will work together to agree an approach to securing land where needed for school provision and ensuring that all developments fund provision on an equitable basis, taking into account where one site provides the land .
Do any discounts apply?	<ul style="list-style-type: none"> • The costs are calculated on the basis of a mix of housing types and are not discounted unless the development proposed is solely for apartment developments which are unsuitable for families, or specialist units, such as those for the elderly; • Where a development is solely for apartments, the contribution will be discounted for the 1 bed unit element of the development – the County Council will not require a contribution for these units; • There is no discount for developments which are solely or wholly for affordable / social housing, as evidence shows that these can reasonably be expected to generate at least as many children as private housing, and often more.
What about large developments which generate the need for a new school?	<ul style="list-style-type: none"> • Where a new school is required to mitigate the impact of development(s), taking into account capacity in existing schools, the County Council will require fully serviced land to accommodate the school from the developer(s) , plus sufficient monies, which will be based on build cost (which will be different to the cost per pupil referred

	<p>to above) to deliver a new school taking into account any relevant building standards requirements and the BB 103 and NCC specific requirements and issues relating to the proposed site itself;</p> <ul style="list-style-type: none"> • The cost of the new school will depend upon its required size. The current estimated cost of a 210 pupil primary is £4 million pounds so the cost per pupil will be a minimum of £19,048 (£4m divided by 210). • It is County Council policy that no new schools smaller than a 210 primary will be planned. In cases where developments will not fund a 210 primary or the future demand for places is unlikely to materialise in the area, creative solutions will required. • The County Council will provide the developer with the option of building the new school, subject to meeting the required DfE and NCC standards.
Form in which contributions should be made	Land where required, and financial payment either based on the costs of construction of buildings or work in kind, to the County Council's specification or through the formula approach.

WASTE MANAGEMENT & RECYCLING

Meeting additional demand on waste facilities

Several of Nottinghamshire's Recycling Centres are now at or close to capacity and with significant house building in their catchment area will no longer be fit for purpose. Where significant additional housing is planned and a catchment site is at or close to capacity it may be necessary to seek developer contributions to support the construction of a new or expanded Recycling Centre site.

District and Borough Councils publish their Local Plans which set out the expected housing growth over the coming years. This predicted rise in housing will be used to formulate how large a contribution any one housing development will be expected to make. In April 2015 regulations were amended which limited the pooling of developer contributions to no more than 5 obligations, therefore it is important that only the largest of housing developments will be expected to make a contribution should a new or improved waste facility be required due to increased population within the catchment area.

Large housing developments will generate significant levels of additional waste, with each household in Nottinghamshire on average taking 250kg of waste to the County's Recycling Centres each year. In addition to this, there are a number of additional factors that influence the need to replace or upgrade recycling centre sites, these include:

- Additional new users at many recycling centres may lead to an increase in queuing times and congestion in the area;
- Additional site usage and therefore waste may mean an increase in vehicles needing to access the sites to remove waste. This can mean public access to the sites is further restricted whilst the waste is removed; and
- The site no longer being acceptable with regards to public usability such as not being split level for ease of disposing of waste and therefore can present accessibility and health and safety issues with the public having to use steps and ramps to access skips.

Contribution Model

In order to ensure a fair contribution request is made the following model has been developed that works out a contribution per household. The contribution per household will vary from district or borough to district based upon the expected housing in the area as well as land purchase or lease costs.

The 'per household contribution' will be determined as follows:

A = Contribution per household

B = Capital costs associated with construction of new or extended site

C = Saleable assets of old site where appropriate

D = Land lease costs per annum

E = Length of lease in years

F = Existing households in the catchment area/borough/district

G = Expected additional housing as set out in relevant Local Plan/s.

$$A = (B - C + (D * E) / (F + G))$$

Example

A proposed development of 2,000 houses would require the development of a new Recycling Centre. The capital costs for a new site are £2,500,000 and the existing site has £500,000 of saleable assets. The new site will be on a lease of 25 years at a cost of £50,000 per annum. The current catchment of the area is 40,000 with the Local Plan setting out a further 5,000 new homes over the coming years. The developer contribution sought would be £144,440 based on a 'per house contribution' of £72.22.

$$(2,500,000 - 500,000 + (50,000 * 25) / (40,000 + 5,000)) = £72.22 \text{ per household}$$

Contribution Threshold

Any proposed development of 200 new dwellings may trigger the need for a developer contribution to support the development of a new or improved recycling centre capable of serving the expected additional demand in the area. Any request for contributions will be based on the need for a new or improved recycling centre and the overall expected housing development in the area.

Land as Contributions

In cases where a new site is required it may be possible for a developer to gift land that is deemed to be in a suitable location for the construction of a new Recycling Centre. Any agreement of land to be used can contribute to part or all of what would otherwise be a financial contribution. Any offers of land as a contribution will be considered on a case by case basis.

Mineral Development

All mineral development, including both extraction and associated processing, could give rise to issues including highways, flood risk, landscape character and archaeological and ecological impact.

There are many areas where mineral extraction will continue to affect local communities. In order to ensure that a balance is struck between society's needs for minerals and the need to protect the local environment, measures need to be secured through legal agreements associated with planning permissions for minerals developments.

Current guidance	<ul style="list-style-type: none"> • National Planning Policy Framework (NPPF); • National Planning Practice Guidance (NPPG) – Minerals • Nottinghamshire Minerals Local Plan, Adopted Dec 2005 • Emerging Nottinghamshire Minerals Local Plan
Measures for which provision may be required	<ul style="list-style-type: none"> • Highway improvement and reinstatement works, lorry routeing arrangements, off-site highway safety works; • Off-site provision of landscaping, screening, noise attenuation measures, flood mitigation measures etc.; • Off-site monitoring of noise, dust, blasting impact; • Financial guarantees for site restoration; • Provision for extended aftercare; • Long term management of restored sites; • Archaeological consultants and contractors for investigation, recording, analysing, archiving and reporting on archaeological structure or remains; • Off-site provision for habitat protection, enhancement, restoration and creation; • Safeguarding protected species and species of local biodiversity interest; • Public access; • Associated community facilities and projects;

	<ul style="list-style-type: none"> • Transfer of land ownership and associated management provisions.
Type of development which may trigger need	<ul style="list-style-type: none"> • All minerals development, including both extraction and associated processing (including emerging technologies such as shale gas development); • Proposals which give rise to issues in respect of impacts on highways and residential amenity, visual landscape and ecological impact; • Site restoration which provides an opportunity for creation of habitats and features of landscape and ecological interest.
Form in which contributions should be made	<ul style="list-style-type: none"> • Commuted sums (for highways works); • Establishment of trust funds (for long term management of restored sites, for example Quarry Products Association have a Restoration Guarantee Fund).
Does a threshold apply?	<ul style="list-style-type: none"> • No threshold – obligations apply to all development proposals and will depend on specific circumstances.
Where does this apply?	<ul style="list-style-type: none"> • All areas containing workable minerals reserves in Nottinghamshire.

WASTE DEVELOPMENT

All waste development proposals could give rise to issues including highways, flood risk, landscape character and archaeological and ecological impact.

There are many areas where the treatment of waste will affect local communities. In order to ensure that a balance is struck between society's needs for waste infrastructure and the need to protect the local environment, measures need to be secured through legal agreements associated with planning permissions for waste developments.

Current guidance	<ul style="list-style-type: none"> • National Planning Policy Framework; • Waste Management Plan for England; • National Planning Policy for Waste (Oct 2014); • Planning Practice Guidance – Waste
Type of facilities for which provision may be required	<ul style="list-style-type: none"> • Highway improvement and reinstatement works, lorry routeing arrangements, off-site highway safety works; • Off-site provision of landscaping, screening, noise attenuation measures etc.; • Off-site monitoring of noise, dust, groundwater, landfill gas migration – provision of leachate/landfill gas control measures; • Provision for extended aftercare; • Archaeological consultants and contractors for investigation, recording, analysing, archiving and reporting on archaeological structure or remains; • Long term management of restored sites; • Habitat creation, enhancement and protection; • Safeguarding protected species and species of local biodiversity interest; • Transfer of land ownership and associated management provisions.

Type of development which may trigger need	<ul style="list-style-type: none"> • All waste management development though arrangements for leachate and landfill gas controls and extended restoration provisions are normally associated with landfill sites only.
Form in which contributions should be made	<ul style="list-style-type: none"> • Commuted sums (for highways works); • Establishment of trust funds (for long term management of restored sites; • Off-site leachate/landfill gas control measures usually implemented directly by the operator.
Does a threshold apply?	<ul style="list-style-type: none"> • No threshold – obligations apply to all waste development proposals and will depend on specific circumstances.
Where does this apply?	<ul style="list-style-type: none"> • All areas of Nottinghamshire.

REPORT OF THE LEADER OF THE COUNCIL

NOTTINGHAMSHIRE COUNTY COUNCIL - VISITOR ECONOMY STRATEGY UPDATE

Purpose of the Report

1. This report updates Policy Committee on the Council's approach to support the Visitor Economy and the proposed place-based strategy and emerging themes to grow Nottinghamshire's Visitor Economy.

Information

2. The Visitor Economy is a key economic and employment sector in the county and within the wider D2N2 Local Enterprise Partnership (LEP) area. Furthermore, the county's natural capital, events, assets and services are recognised as a key determinant of the quality of life of the county's residents and together they shape the understanding and uniqueness of the county's sense of place and the communities it serves.
3. The sector is estimated to support 15,000 jobs in Nottinghamshire and performs well in attracting day visitors (which comprised 90% of all trips in 2016) but there are barriers to maximising the economic benefits of increasing visitors to the county and to optimising local spend and overnight stays.
4. Policy Committee previously approved funding for a Strategy to grow Nottinghamshire's Visitor Economy - harnessing opportunities and taking into account changes in key relationships including the end of the Council's financial support to Marketing NG, the Destination Marketing Organisation (DMO) for Nottinghamshire and Nottingham.
5. This Strategy is seen as vital to growing tourism by volume and value - and to attract further private and public investment to deliver a unique, defined and sustainable tourism offer for Nottinghamshire in line with the '**Your Nottinghamshire, Your Future**' Council Plan. Accordingly, the Place Strategy is also a key reference point for the Strategy in its recognition of the importance of "place" and that: *"Nottinghamshire has a great many strengths, including a wonderful heritage and countryside, some of the best market towns and villages in the country, good living standards and world class sport..."*

Progress and Approach

6. An internal cross-council Visitor Economy Steering Group has been established and this has set the brief for the work and managed the process. In April 2018, Blue Sail was appointed as a leading destination consultancy specialising in tourism development, management and

marketing. Blue Sail is also being supported by Regeneris in developing the current and future potential value of the sector to the local economy.

7. A 4-stage approach to the work has included evidence gathering, an audit of the Visitor Economy assets, a strategic review of opportunities and target markets and will culminate in the final stage of setting the aspiration, rationale and recommended actions. Each component has been based on robust consultation, analysis and assessment.

Key Findings to date

8. The first draft of the strategy captures the focus and priorities of the place and sets out where the County Council can have greatest impact through leadership and delivery against its own priorities and assets over the next 3 to 5 years. It also responds in the context of emerging tourism trends including digital opportunities, growth in personalised experiences and local culture as well as an increase in the demand for active holidays and short breaks.
9. The main “hook” to the Strategy is around Sherwood and “Free Thinking”. This builds physically on the home of Robin Hood and the corresponding international recognition of the legend as well as the story and the free thinking of Nottinghamshire “rebels, disrupters and legends” building out from Robin Hood to the Civil War and Mayflower Pilgrims. The Strategy then identifies ways in which the County Council can add value and catalyse activity and collaboration through leadership and facilitation. A “Strategy on a Page” document is appended to this report for further information.
10. Focusing on the Council’s assets some key opportunities include to:

Develop Key Investment Hooks around County Council Assets including:

- a. “A must see hub” focused on Edwinstowe supporting future growth around the Sherwood Forest Visitor Centre
- b. Holme Pierrepont as a hub of sporting adventure activities and
- c. A differentiated heritage experience around Rufford – complimenting that of Sherwood

Respond to Emerging Opportunities to develop an offer around:

- d. Off road walking and cycling - themed and linked to Robin Hood
- e. Strengthened sense of place and range of attractions round the A614 corridor and
- f. Collaborations with Derbyshire to develop tourism cycling opportunities and Leicestershire for sporting events.

Create focal Points in the Calendar:

- g. Various events and festivals are suggested including grouping events into, for example, a “Sherwood Season” and exploring the potential for a signature event – unique to the County and potentially aligned to Mayflower 400 but with ongoing legacy

Facilitate Growth by ensuring Visitors have a range of places to stay

- h. Build on the D2N2 Accommodation Strategy, to grow short breaks and tailor to the needs of target audiences

Develop Nottinghamshire’s Visitor Economy Business and Community Engagement Base

- i. To build commercial expertise and capacity to use digital media effectively, develop on line bookable product to drive visitor numbers and maximise the quality and development of the county's "visitor offer" and
- j. To create businesses and local people as advocates for the county – engaged in their place and able to celebrate its stories and attractions.

Growth Market Opportunities for Nottinghamshire

- 11. Two primary markets (as recognised by Visit England) have been identified by Blue Sail:
 - a. "Country loving traditionalists" – so called empty nesters with traditional values seeking countryside breaks in good quality accommodation and
 - b. "Active Family Fun seekers"- typically information hungry families who live in cities and are seeking active, family friendly pursuits including sport/events/festivals etc.
- 12. There are additional opportunities via the forthcoming 2020 400th commemoration of the sailing of the Mayflower to help capitalise on international tourism via the US and domestic market.

Next Steps

- 13. The next steps to developing the Visitor Economy Strategy with Blue Sail include;
 - a. To build upon and test the emerging findings outlined in this report and consult and engage partners and the sector.
 - b. To develop the economic case for prioritising the sector and set targets for future growth and
 - c. To develop regional impact and connectivity with City and County Councils in the East Midlands
- 14. Actions A – C above will then generate an internal Action Plan supported by a series of detailed Topic Papers and the publication of a public facing Strategy for the County Council.
- 15. It is the intention to then launch the Council's Strategy at a Visitor Economy Summit to other partners and stakeholders later in 2018 with a view to the document helping support and guide collaborative partnership approaches to grow the sector going forward.
- 16. The service will now work with Blue Sail to finalise the content of the Strategy, building on the aforementioned themes and target audiences and once completed bring the final Strategy back to Committee for approval.

Other Options Considered

- 17. The potential value and importance of the sector presents a growth opportunity for the county but to maximise benefits also requires guidance and investment prioritisation. On this basis the need for a Strategy was agreed.
- 18. In terms of the approach to complete the Strategy to deliver the Council's aspirations, all stages of the process have been informed by a multi-disciplinary approach drawn from the cross-council working group. However to now deliver a final product a rationalised view and oversight is required that enables prioritised actions and appropriate resourcing.

Reason for Recommendation

19. As a countywide Strategy would directly contribute to the **Your Nottinghamshire, Your Future** commitment of 'Nottinghamshire being a great place to live, work, visit and relax', it is logical for the County Council to take the lead role on facilitating growth in the visitor economy sector - through its investments, use of assets and leadership.

Statutory and Policy Implications

20. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

21. The costs for developing the Visitor Economy Strategy are being met from existing allocations from within the Growth and Economic Development budget for 2018/19. Any financial implications generated from the recommendation of the finalised Strategy will be met from a combination of savings generated by the withdrawal of funding support to Marketing NG, a review of existing budgets and bids for external resources.

RECOMMENDATIONS

It is recommended that Policy Committee agrees:

- 1) The emerging themes of the Council's Strategy to grow Nottinghamshire Visitor economy.
- 2) That the final Strategy be submitted to a future meeting of the Policy Committee for approval.

COUNCILLOR MRS KAY CUTTS, MBE
Leader of the Council

For any enquiries about this report please contact: Nicola M^cCoy-Brown, Growth and Economic Development, 0115 9772580

Constitutional Comments (SLB 15/08/2018)

22. Policy Committee is the appropriate body to consider the content of this report.

Financial Comments [CSB 23/08/2018]

23. The financial implications are contained in paragraph 21 of the report.

Background Papers and Published Documents

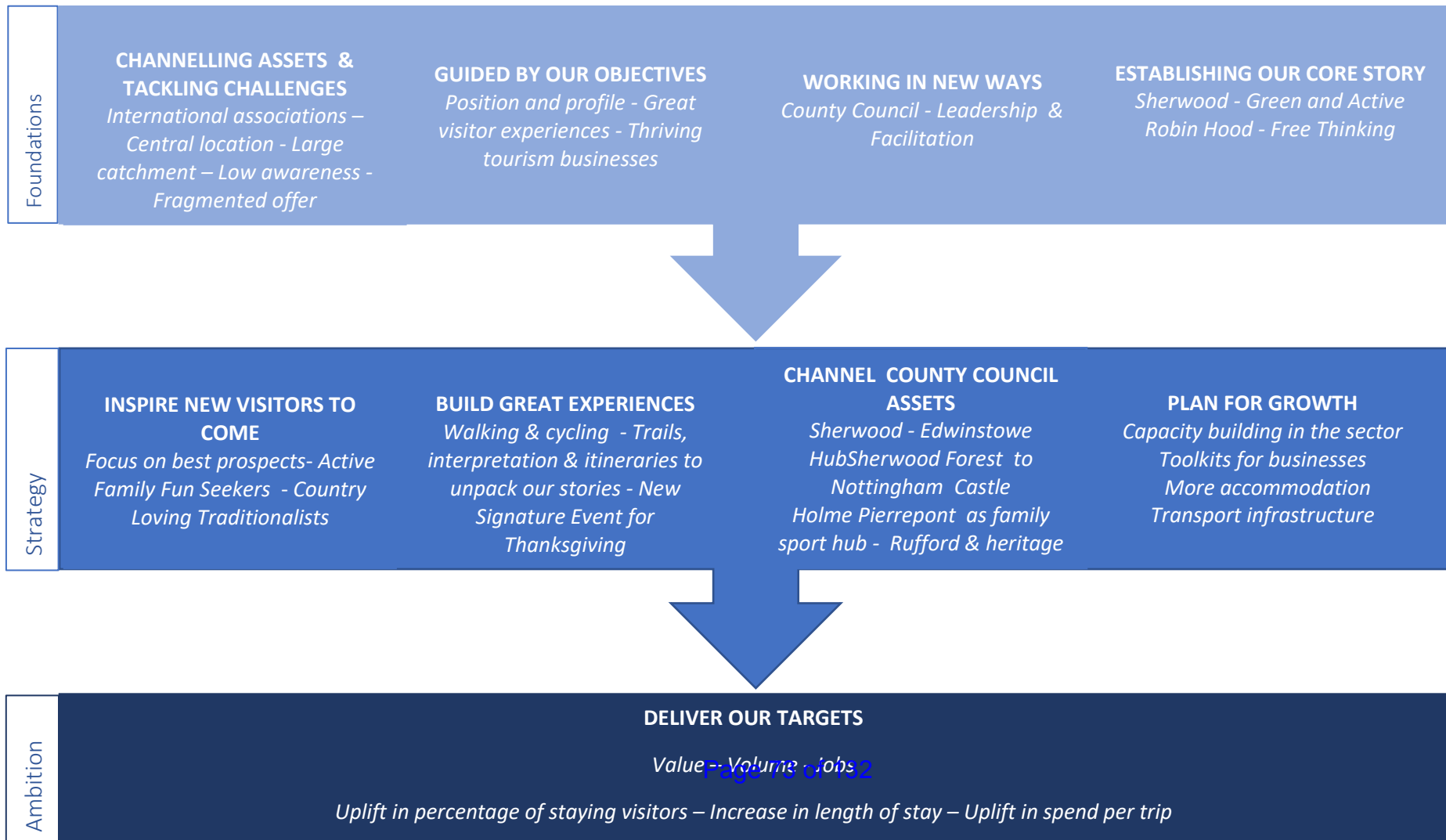
Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None

Electoral Division(s) and Member(s) Affected

All

NOTTINGHAMSHIRE VISITOR ECONOMY STRATEGY IN A PAGE



REPORT OF THE LEADER OF THE COUNCIL

ENTERPRISE ADVISOR NETWORK

Purpose of the Report

1. To seek Policy Committee approval for a £50,000 contribution to the countywide rollout of the Enterprise Advisor Network to give young people across the county (regardless of background or where they go to school) a first-hand insight into the world of work and to help them shape their future.

Information

2. The Council Plan vision of being a 'great place to fulfil your ambition' coupled with Policy Committee approval to transfer internal "ownership" of Futures Advice, Skills and Employment (Futures) to the Place Directorate, positions the County Council, better than ever before, to grasp and have impact on 'the young people into work or training' agenda.
3. In common with this Council's policies, improving careers advice and guidance for young people has been a high priority for Derby, Derbyshire, Nottingham and Nottinghamshire Local Enterprise Partnership (D2N2), particularly since the publication of the Skills for Growth Strategy. Over the last 2 years, much progress has been possible because of:
 - the development of the D2N2 Employability Framework,
 - the creation of the Careers and Enterprise Company to match-fund local activity,
 - the roll out of the Enterprise Advisor Network (EAN) into 94 schools across D2N2 and
 - the publication of the Careers Strategy in late 2017
4. The **Careers & Enterprise Company** is an employer-led organisation set up to inspire and prepare young people for the fast-changing world of work. Its role is to take an umbrella view of the landscape of careers and enterprise, supporting programmes of work, filling gaps in provision and ensuring coverage across the country.
 - a. The **Enterprise Adviser Network** is a key initiative, based on research from the Education and Employers Taskforce and other research organisations, which shows that greater contact with employers among young people leads to better employment outcomes.
 - b. **Enterprise Advisers** are volunteers from the world of work (business and the public sector, organisations of all sizes including the self-employed). Working directly with school and college leaders, they are responsible for helping educational institutions build careers and enterprise and employer engagement plans, drawing on their own local business networks.

- c. **Enterprise Coordinators** who have simple tools available to lay out a range of programmes available to schools and colleges, for example speakers in schools, CV and skill building, work experience etc. support the Enterprise Advisers. The Enterprise Coordinator helps 'join the dots' at a local level and creates the coverage across the county.
5. The Enterprise Adviser Network requires a funded network of Enterprise Coordinators, each supporting progress and Enterprise Advisers with circa 20 schools. To date, each Enterprise Coordinator has been part funded by the Careers and Enterprise Company, with the remaining funding from Derbyshire County Council, Futures Advice, Skills and Employment, Chesterfield & Bolsover Learning Community, Rushcliffe Borough Council (covering all southern Nottinghamshire districts) and the Evolve Trust.
 6. However, this funding ended in August 2018. Without further funding, D2N2 is unable to sustain the network successes nor achieve the shared ambition to extend benefits to all educational institutions in the LEP area.

The match-funding package

7. The Careers and Enterprise Company has already committed to continuing to provide 50% of employment costs where local match is made available.
8. Subject to the necessary approvals, it is proposed that Futures, a jointly owned company with City Council, who have established governance, management oversight and management information systems in place should facilitate accountability for the activities of the Enterprise Adviser Network and are invited to deliver the county's contribution to the Network.
9. Futures is working in partnership with Nottinghamshire County Council on a number of opportunities and priorities. Should Futures host two full-time equivalent posts, at a total cost to the Council of up to £50,000, this will provide another opportunity to coordinate activities and resources, and to generate a greater impact for local residents and Nottinghamshire youth.

Other Options Considered

10. Nottinghamshire District Chief Executives have considered match funding (on two separate occasions) and have confirmed they are not prepared to commit funds (their own Council's or business rates pooling) to continue activity in Nottinghamshire. This is because some (not all) of the districts already fund local programmes – such as the Erasmus coaching and mentoring skills programme.

Reason for Recommendation

11. The D2N2 LEP Board are currently revising the Strategic Economic Plan (SEP) for the area. At a recent workshop to agree priorities, the Board identified the mismatch between local skills and aspiration and the needs of our growing local economy as a top priority for the new SEP to address.

12. That being the case, the LEP is now seeking to elevate this programme and to embed it across LEP delivery; linking to sector skills groups, creating distinct governance for this work, and agreeing with partners and stakeholder the kind of targets and performance monitoring that are needed to assure partners of progress.
13. Providing the necessary match presents the county with an opportunity to work directly and productively with the LEP on this area of significant economic importance. This approach would enable the drawing down of match funding from government. In return, this work will inspire and inform young people in schools across the area about their career choices.
14. The 2 FTE staff would be exclusively working in Nottinghamshire schools and would not be a shared resources across the LEP geography. Whilst the personnel would be based within Futures, their roles require them to be actively working with Nottinghamshire schools. Their performance targets would both be set and monitored by the Growth and Economic Development team, with outputs reported to Policy Committee.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

16. It is proposed that Policy Committee gives approval for up to £50,000 to be allocated for a one year period with an option to extend subject to performance, from the Growth and Economic Development 2019/20 initiatives budget, to cover half the costs associated with two FTE posts, for which the Careers and Enterprise Company will provide the equivalent in match.

Implications for Service Users

17. The implications for service users if this proposal is approved, is that the young people of Nottinghamshire will receive the same level of service, as found in the other areas that make up the D2N2 LEP area and helps to 'level the playing field'.

RECOMMENDATIONS

It is recommended that Policy Committee:

- 1) Approves £50,000 to be allocated for 2019/2020 from the Growth and Economic Development initiatives budget, to cover half the costs associated with two Enterprise Coordinators (full-time equivalent) posts, for which the Careers and Enterprise Company will provide the equivalent in match.

COUNCILLOR MRS KAY CUTTS MBE
Leader of the County Council

For any enquiries about this report please contact:

Nicola M^cCoy-Brown, Growth and Economic Development ext. 72580

Constitutional Comments [SLB 15/08/2018]

18. Policy Committee is the appropriate body to consider the content of this report.

Financial Comments [CSB 23/08/2018]

19. The financial comments are contained within paragraph 16 of the report.

HR Comments [JP 17/08/2018]

20. There are no specific HR comments to make concerning this report assuming that the two posts are based in and managed by Futures.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

- All

12 September 2018**Agenda Item: 9**

REPORT OF THE LEADER OF THE COUNCIL

REPLACEMENT OF THE ORCHARD SPECIAL SCHOOL AND NEWARK DAY CENTRE UPDATE REPORT

Purpose of the Report

1. To update Committee on progress of the programme for the replacement of the existing Orchard Special School and Newark Day Centre on the existing site, and the temporary relocation of the Day Centre to Woods Court

Information

2. In line with the Council Plan for 2017-21, “Your Nottinghamshire, Your Future”, and the associated Place Plan for Nottinghamshire, the Council has a clear commitment to replacing the existing Orchard Special School in Newark with new school premises.
3. The existing Orchard site is adjacent to the former Grove Leisure Centre which has recently been demolished, the Newark Day Centre, the former Newark Pupil Referral Unit (PRU), and a small landscape depot, all of which are owned and controlled by the County Council.
4. The report to Policy Committee in March 18 outlined the proposal for the site and enabling works required. This report seeks to update on the various aspects of the programme.

Replacement Special School

5. The Client Engagement Meetings have concluded, and the Schedule of accommodation and general arrangement plans have been created. The design is now being developed to enable a planning submission at the end of September 2018. The contractor, Wilmott Dixon, is working up a feasibility cost based on the current design information as a check against the approved budget.
6. In recognition of their potential £1.03m funding to the project the Education and Skills Funding Agency (ESFA) require that the replacement school project follows the requirements of their Local Delivery Programme. A mid-point feasibility review with the ESFA has taken place and the ESFA have stated that they are impressed with the quality of information provided so far.

Replacement Day Centre

7. The Client Engagement Meetings have concluded, and the Schedule of accommodation and general arrangement plans have been created. The design is now being developed to enable a planning submission at the end of September 2018. The contractor, GF Tomlinson, is working up a feasibility cost based on the current design information as a check against the approved budget.

Temporary Day centre at Wood Court

8. The relocation of the Day Service into Woods Court is critical to the delivery of the replacement school and necessary to ensure service continuity for the centre users. Woods Court became vacant in May 2018.
9. Detailed design has been completed. A planning application to seek Change of Use of this former residential facility has been submitted to the County Council as Planning Authority. The contractor is pricing the works necessary to facilitate the relocation. Subject to achieving planning consent works are programmed to commence on the building in October 2018

Anticipated Programme timeline

10. Key Milestones, Programme delivery

- Day service to relocate to Woods Court - April 2019
- Start on site replacement School – April 2019
- Start on site day service – July 2019
- New school opens – April 2020
- New day service opens – April 2020

Funding Update

11. The ESFA has allocated £125k grant for Project Delivery for the replacement school in addition to its £1.03m funding contribution to the project.
12. A further report will be brought to Finance and Major Contracts Committee in September 2018 setting out the Latest Estimated Cost (LEC) for approval ahead of moving to the construction phase of the programme.

Other Options Considered

13. Consideration has been given to a range of options for the site. However the solution agreed offers the best long term option for service users in the Newark area, and will see both existing facilities replaced with outstanding replacement premises.

Reason/s for Recommendation/s

14. Replacement of the Orchard school is a key aspiration of the County Council, and the best option for delivering that aspiration includes the associated replacement of the Newark Day Centre. The resultant new premises will deliver outstanding service provision for vulnerable children and adults for many years to come.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

It is recommended that:

- 1) That Members endorse the contents of the report and consider whether there are any actions they require in relation to the issues contained in the report.

Derek Higon

Service Director, Place and Communities

For any enquiries about this report please contact: Phil Berrill, Team Manager, Departmental Services, Tel: 0115 9774641

Constitutional Comments (SLB 23/08/2018)

16. Policy Committee is the appropriate body to consider the content of this report. If Committee resolves that any actions are required it must be satisfied that such actions are within the Committee's terms of reference.

Financial Comments

Background Papers and Published Documents

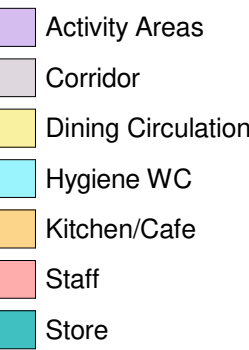
- Replacement of the Orchard Special School and Newark Day Centre – Report to Policy Committee 28-03-2018 – Published
- Replacement of the Orchard Special School and Newark Day Centre update report – Report to Report to Finance and Major Contracts Management Committee 16-07-2018 – Published

Electoral Division(s) and Member(s) Affected

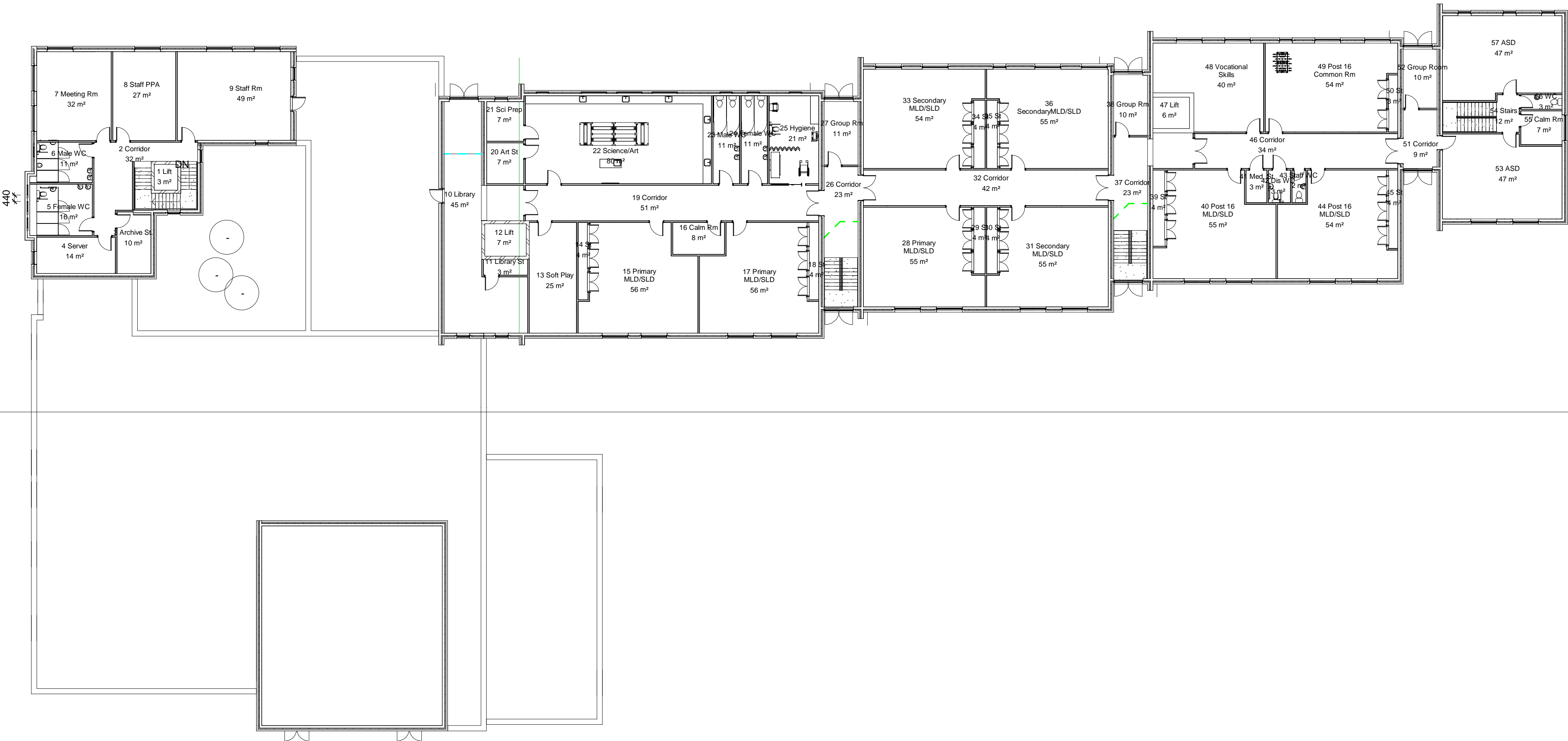
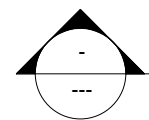
Ward(s): Newark East
County Councillor Stuart Wallace

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Health and Safety Information

1201

**4th Floor City Gate East, Tollhouse Hill,
Nottingham, NG1 5FS**
Tel: 0115 838 4844 **Email:** info@arc-partnership.co.uk



02 - First Floor
1 : 200

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Client Approval	Fire Precautions	Tender	As Built
Planning	Pre-Tender	Contract	

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Health and Safety Information

Rev	Description	Drawn	Ch'kd	E I	Date
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Project
Orchard Special School

Project	Project No. 01874
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Title
First Floor Plan

Scale at A1 drawing	Drawn AM	Date 28/08/2018
1 : 200 @A1	Ch'kd Checker	Time 13:01:52
	Auth Approver	Traced

Title	Rev
1201	



Health and Safety Information

Project
Orchard Special School

Project	Project No. 01874
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Title
Ground Floor Plan

Scale at A1 drawing 1 : 200 @A1	Drawn Author	Date 28/08/201
	Ch'kd Checker	Time 12:53:04
	Auth Approver	Traced

Title	Rev
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1200

arcpartnership

**Level 2 City Gate West, Tollhouse Hill,
Nottingham, NG1 5FS**
Tel: 0115 838 4844 **Email:** info@arc-partnership.co.uk

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REPORT OF THE LEADER OF THE COUNCIL

LOCAL ENTERPRISE PARTNERSHIPS GEOGRAPHIES

Purpose of the Report

1. This report sets out Government's plans to reform Local Enterprise Partnerships, including the potential for revised boundaries where there are overlaps.
2. Policy Committee is requested to delegate approval to the Corporate Director, Place in consultation with the Chair of Policy Committee, to respond to proposals on geographies within the required timeframe.

Information

3. Local Enterprise Partnership (LEPs) are the Government's model to promote economic development. They provide the strategic leadership required to set out local economic priorities, and better reflect the natural economic geography of the areas they serve.
4. On 24th July 2018, Government announced a series of proposals for reforming LEPs, including the potential for revised LEP Boundaries where there are overlaps.
5. The publication of the 'Strengthened Local Enterprise Partnerships' review builds on government's Industrial Strategy white paper to bring forward reforms to the leadership, governance and accountability of the 38 LEPs charged with kick-starting economic growth and creating jobs in their regions.
6. The review proposes a number of changes to boost the performance of LEPs, increase their diversity and ensure they are operating in an open and transparent way. These include:
 - up to £20 million of additional funding between 2018 to 2019 and 2019 to 2020 to support the implementation of these changes and embed evidence in Local Industrial Strategies
 - supporting LEPs to consult widely and transparently on appointing new Chairs and improve board diversity
 - an aim for women to make up at least one third of LEP boards by 2020 with the expectation of equal representation by 2023
 - a mandate for LEPs to submit proposals for revised geographies including removing situations in which 2 LEP geographies overlap
7. It is important for local areas to now consider the changes and respond with proposals to Government, particularly to develop ambitious strategies for growth and build an economy that is fit for the future.

Other Options Considered

8. Overlapping geographies emerged when LEPs were first formed on a voluntary basis. Since 2011, however, the context in which LEPs operate has altered significantly. As LEPs now oversee significant amounts of public funding, it is important that accountability for decisions and responsibility for investment is clear. On balance, Government considers that retaining overlaps dilutes accountability and responsibility for setting strategies for places. Only by responding to Government on this issue by their deadline, can the County Council play its part in ensuring the best outcome for Nottinghamshire. The 'do nothing option' was therefore discounted.
9. Government's focus on LEP geography relates to 'overlapping geographies' for those places that have two LEPs serving the same area.

Reason for Recommendation

10. As proposals offer an opportunity to resolve our overlap with the Sheffield City Region, there is a requirement to agree our position as soon as possible.

Statutory and Policy Implications

11. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

12. There are no financial implications arising from this report.

Implications for Service Users

13. The Council's primary concern is to ensure it does the best from an economic point of view for residents and business of Nottinghamshire. The Council is fully committed to supporting the LEP develop a high-quality, evidence based Local Industrial Strategy and we are already making good progress on it.

RECOMMENDATIONS

It is recommended that Policy Committee:

- 1) Agrees that the County Council proposes to Government that the existing overlap between Sheffield City Region LEP and the D2N2 LEP be removed.

- 2) Delegates approval to the Corporate Director, Place in consultation with the Chair of Policy Committee, to consider and respond to Government on the 'Strengthened Local Enterprise Partnerships' review by their deadline of 28th September.

COUNCILLOR MRS KAY CUTTS MBE
Leader of the County Council

For any enquiries about this report please contact:

Nicola M^cCoy-Brown, Growth and Economic Development ext. 72580

Constitutional Comments (SLB – 4/9/2018)

14. Policy Committee is the appropriate body to consider the content of this report.

Financial Comments

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- *Strengthened Local Enterprise Partnership's* - published by Ministry of Housing, Communities and Local Government on 24th July 2018, available online at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728058/Strengthened_Local_Enterprise_Partnerships.pdf
- *Industrial Strategy: building a Britain fit for the future* – published by Department for Business, Energy & Industrial Strategy on 27th November 2017, available online at:
<https://www.gov.uk/government/publications/industrial-strategy-building-a-britain-fit-for-the-future>

Electoral Division(s) and Member(s) Affected

- All

REPORT OF THE LEADER OF THE COUNTY COUNCIL**MAJOR INFRASTRUCTURE IMPROVEMENT SCHEMES****Purpose of the Report**

1. This report seeks approval to establish a provisional working budget to advance the necessary design work to have major infrastructure improvement schemes available, in an advanced state, ready for funding opportunities as they arise.

Information

2. The Place strategy, presented to Policy Committee January 2018, highlighted the importance of growth to Nottinghamshire and identified a number of key corridors for future investment to support the growth agenda.
3. A motion was recently presented and agreed at Full Council to dual the A617 Mansfield Ashfield Regeneration Route (MARR), which is one of the corridors identified in the Place strategy, but currently none of the necessary land is either safeguarded or within NCC highway boundaries. The Department for Transport (DfT) recently consulted on designating a Major Route Network (MRN) to support the existing Strategic Route Network (as operated by Highways England). Additional funding opportunities will be available to enhance the capacity of this MRN, potentially from 2021. Working with Midlands Connect, improvements along the A614 have been identified as one of the front-runners for early funding priority across the region. Further details on the MRN are yet to be announced by the DfT but are expected to include the opportunity to bid for schemes for delivery from 2021.
4. To enable these schemes to be eligible for any funding opportunities as they are announced, the proposals need to be as advanced as possible to enable the schemes to be deliverable within a short time frame. No national or regional funding is available to do this preparatory work. Traditionally, the total cost for detailed design for any major schemes comes to in excess of 10% of the total project budget, but full detailed design would not be completed until funding certainty is achieved. Access to any national / regional funding streams is inevitably competitive and typically a local contribution of around 20% is expected. Any funds committed during initial design phases can be included as part of this local contribution.
5. Initial option appraisal / feasibility work on these schemes is either underway or has been undertaken but this now needs more detailed work to progress the design to outline design. Historically there was an advanced design budget to do such works but this has not existed for some years.

Early Priorities & Resource Requirements

6. For a programme of this scale and complexity, it will be necessary to bring on board the best advice and expertise at the right time. The Transport Planning and Programme Development team will oversee the work and any necessary commissions.
7. The above works need to be undertaken as soon as practical in order to establish necessary momentum and to inform business cases that need to be started this year. There is a risk that other schemes in the region could move ahead of Nottinghamshire's, if they are more advanced and deliverable in a shorter timeframe, whilst more certainty over funding criteria is awaited.
8. The total value of the work outlined is in the region of £150,000. As this work relates to growth and investment, subject to Policy Committee approval, it is proposed that the funds are sourced from contingency.

Other Options Considered

9. The 'do nothing option' was discounted, as good infrastructure is one of Nottinghamshire County Council's priorities by making "Nottinghamshire a great place to start and grow your business". The County Council is committed to promoting improvement to our transport and technology infrastructure to make Nottinghamshire a great place to invest and do business. The Council has for a long time said that more investment in transport and infrastructure in the East Midlands could have a transformative impact on the economy and quality of life for the people who live here.

Reason for Recommendations

10. The major infrastructure programme is vital to the economic prosperity of the County and work needs to commence at pace to build upon the excellent progress made to date. Any expenditure will not be abortive as it is reasonable to anticipate further funding opportunities and Policy Committee's approval to commissioning work now, will better place the team to bid for these and secure funding.

Statutory and Policy Implications

11. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

12. The cost of the proposed works detailed in the report is estimated at £150,000. This cost will be funded from contingency.

Implications for Service Users

13. From the outset, the Council has been determined to get the best deal on infrastructure for the whole of Nottinghamshire, our communities and our businesses in terms of better connectivity and a share of economic benefits. There is a huge wealth of experience and potential, the Council can be the driving force in growing a regional economy, and ensuring Nottinghamshire remains a well-connected County for the benefit of all.

RECOMMENDATIONS

It is recommended that Policy Committee:

- 1) Approves up to £150,000 towards commissioning programmes relating to the Mansfield Ashfield Regeneration Route and the Major Route Network for the financial year 2018-2019.
- 2) Agrees to receive an update report at a future meeting.

COUNCILLOR MRS KAY CUTTS MBE
Leader of the County Council

For any enquiries about this report please contact:

David Hughes, Service Director for Growth & Investment, ext. 73825

Kevin Sharman, Transport Planning and Programme Development ext. 72970

Constitutional Comments [SLB 23/08/2018]

14. Policy Committee is the appropriate committee to consider the content of this report.

Financial Comments [NDR 04/09/2018]

15. The financial implications are set out in paragraph 12 of the report.

Background Papers and Published Documents

- None

Electoral Division(s) and Member(s) Affected

- All

REPORT OF THE LEADER OF THE COUNCIL

PERFORMANCE OF ARC PARTNERSHIP - 2017/2018

Purpose of the Report

1. To inform Committee of the performance of Arc Partnership for the financial year 2017/2018.
2. To inform Committee of progress made in developing Arc Partnership as a sustainable business.
3. To enable Committee to consider any additional actions required in relation to the detail contained within this report.

Information

Organisational Context

4. Arc Property Services Partnership Limited, trading as Arc Partnership, is a Joint Venture Company formed by Nottinghamshire County Council (NCC) and Scape Group (SG) on 1 June 2016, focused upon the delivery of property design, programme management, planned and reactive maintenance services to the Council, and based upon a 10-year service contract to 2026, with the potential for a 5-year extension to 2031.
5. The driving force for establishment of the joint venture was to mitigate an expected reduction in Council capital spend from £45m in 2016/2017 to £25m in 2017/2018, reducing further in subsequent years. If nothing was done, and Property Services was to reduce at an equivalent rate to its future income, it would have been necessary for a reduction of up to 50% in the staffing establishment over the medium to long-term, with potential redundancy costs of £1m+. It would have also meant that key skills were lost to the Council, and there would be an increasing reliance on specialist external expertise at a cost premium.

Organisational Structure

6. Over the last twelve months Arc Partnership has focused on developing its organisational capability to deliver core programmes of work for the Council, and generating sustainable and profitable third-party growth. Arc Partnership is now ready to deliver focused, planned growth. At the point of transfer 74 staff were transferred into Arc Partnership, alongside £1.2m of agency/professional services spend. As at 1 April 2018 the establishment stands at 84 posts, with 4 vacancies and 78.4 FTE (all staff are now employed directly with Arc Partnership, with agency/professional services spend forecast for 2018/2019 at less than £100k). This provides evidence of Arc Partnership's right-sizing of the organisation.

7. Arc Partnership also made a commitment that at least 10% of employees should be trainees to help support succession planning, and it is pleasing to note that there are currently seven trainees in post, (trainee architects, architectural technologists, quantity surveyors, mechanical and electrical engineers), all studying at local universities, with a formal arrangement in place with both Nottingham and Nottingham Trent Universities.
8. Sickness levels for the year were less than two days per employee, which is extremely positive when measured against public sector average sick day statistics.

Financial Performance

9. Financial results for the financial year 2017-18 delivered an underlying operating profit of £587,000 which, after other set-up/non-operating costs and depreciation, delivered an operating profit of £352,000, with revenues of £35,248,000 (representing a 66% increase on the 2016/2017 out-turn, in recognition of the work Arc has undertaken with Council commissioners to streamline the commissioning and delivery process).
10. The Partnership is required to comply with IAS 19 Pension Costs. As a result the Accounting Pension Deficit as at March 2018 was £6,562,000. However, the underlying principles of valuation for this purpose are much more prudent than the Triannual Valuation used to calculate pension fund contributions. The next Triannual Valuation is March 2019.
11. Over the last financial year, Arc Partnership's cash position has improved considerably (year-end cash was £937,000), which allowed the removal of the Council's advanced payment facility, as planned. All creditor payments are being managed in line with credit terms. Arc has also generated sufficient profit to facilitate the repayment in full of the two £200,000 shareholder cash loans provided by the Council and Scape as part of the Company start up arrangements. This allows the business to trade debt free.
12. During 2017/18 Arc Partnership also contributed fee income of £156,000 to Scape Procure, from the use of Scape Frameworks, which helps support shareholder value/dividends. Subsequent Scape Group dividends to the Council for the financial year 2017/2018 were a total of £425,000 (£250,000 final dividend 2016/2017 and £175,000 interim dividend 2017/2018).
13. In summary, Arc delivered a robust financial performance in 2017/2018, with a focus on momentum and growth into 2018/2019, and the delivery of more challenging financial targets.

Operational Performance

14. The table below details all 2017–2018 construction projects commissioned, delivered and in delivery by value band:

Value Band	Budget	No of Projects
£0-50K	£3,120,751.39	273
£50-100K	£2,564,535.63	37
£100-250K	£3,036,235.04	19
£250-500K	£1,754,222.63	5
£500K-1M	£8,286,865.34	12
£1-3M	£1,508,601.44	1

£3M+	£16,516,154.00	4
Total	£36,787,365.47	351

15. During the year Arc Assist managed 7020 calls, and delivered 6429 responsive repairs, and 3490 compliance services across the Council estate.

Contractual Performance

16. Arc Partnership has collaborated with Council commissioners to review the contractual KPIs (Key Performance Indicators) to ensure that all were fit for purpose. Arc is meeting all current KPIs. Attached as **Appendix 1** are Arc Partnership's Contractual KPIs for 2017/2018.

17. Arc now has arrangements in place to monitor, review and manage its key sub-contractor supply chain performance, the detail of which for 2017/2018 is attached as **Appendix 2**.

18. Arc has adopted NCC's Compliments/Complaints Policy and Procedures, and in 2017/2018 customer service trends recorded 36 formal letters of compliment, and 1 formal letter of complaint.

Safety, Health and Environmental Performance

19. For Arc Partnership employees, the Accident Incident Rate (AIR) for 2017/2018 was zero. There were two Enforcing Authority visits during the period, neither of which resulted in follow-up actions.

20. For the financial year 2017/2018, 96.65% of waste amassed by Arc Construction Services was diverted from landfill, and delivery partners reported an average of 97.92%.

21. Management, delivery and review of CDM (Construction, Design and Management) pre-construction design risk management arrangements, with regard to both projects and programmed works, is working well, with 100% monitoring between the Council and Arc Partnership now established.

22. OHSAS 18001:2007 Accreditation was achieved in 2017/18.

Procurement and Local Spend

23. During the last financial year Arc has worked collaboratively with Council colleagues to market test its supply chain to allow the re-procurement of service sub-contracting frameworks. Re-procurement will be completed by 1 April 2019, and will improve sub-contractor performance and financial efficiency further.

24. Arc Partnership is determined to keep as much subcontractor and supplier spend within Nottinghamshire and surrounding areas as possible – keeping the "Nottinghamshire Pound" within Nottinghamshire. In undertaking re-procurement exercises Arc is acutely aware that there are many SMEs that have previously worked for the Council for many years, and it is important to ensure local SME engagement within the supply chain going forward.

25. Arc Partnership has also taken appropriate steps to adhere to the requirements of the Modern Slavery Act 2015.

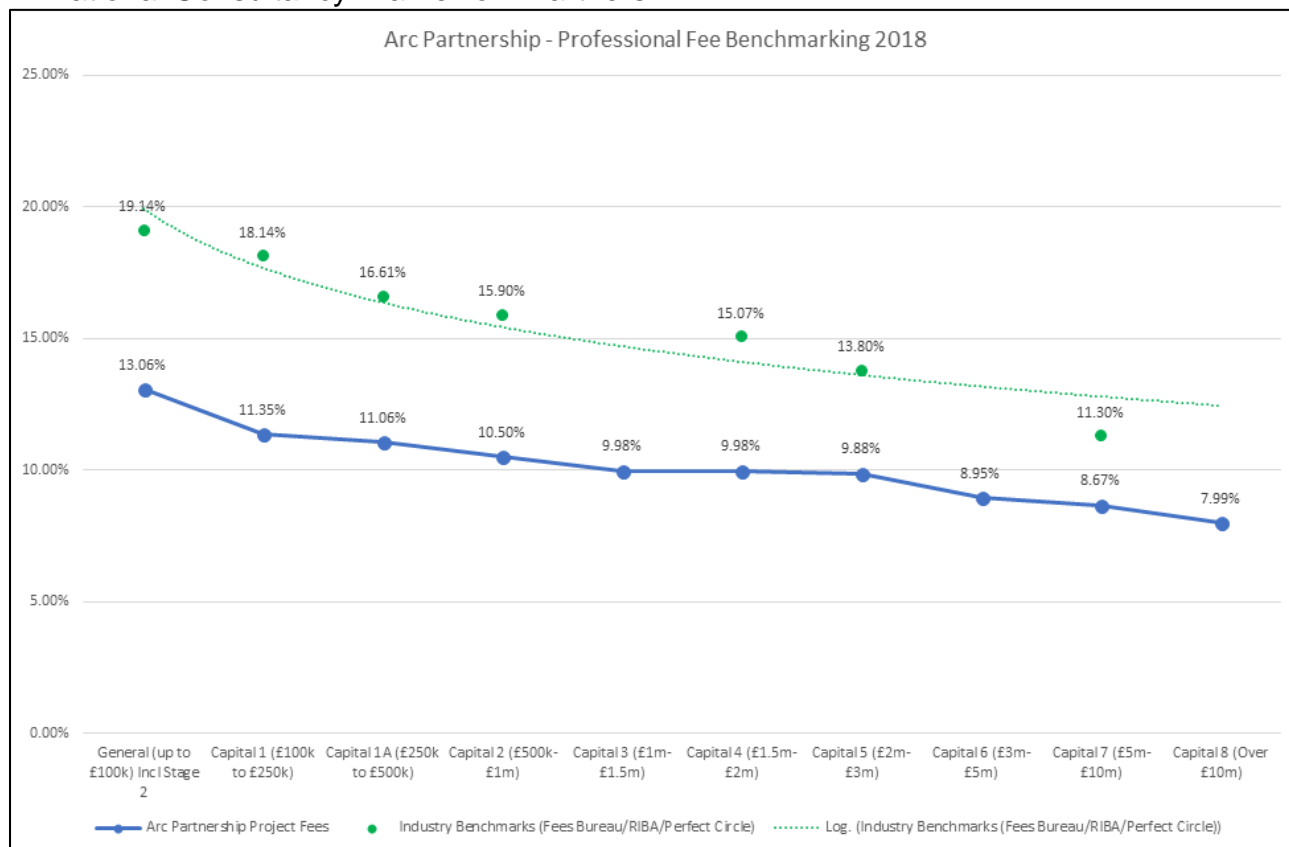
Client Collaboration

32. The new organisational arrangements for both Place and Property Services within the Council bode well for the partnership, with strong Council client structure/arrangements being put in place. Collaborative working is becoming embedded between Arc Partnership and Council service clients generally, but specifically, robust working relationships are in place, and developing, with the Service Directors for Place and Communities and Investment and Growth respectively.

Value for Money (VFM)

33. VFM and benchmarking is critical within Arc Partnership. Notwithstanding the financial/commercial governance arrangements put in place across the business, an Arc/Council Benchmarking group has now been established. Activity from this will support many Council needs, as well as Arc Partnership's need for robust benchmarking data to evidence VFM drivers on works design and delivery, using evidence based criteria such as the ESFA Annual Benchmark Data/Scorecards which includes cost per pupil place for school expansions.

34. Detailed below are Arc Partnership's Professional Fees benchmarked against national data. The industry benchmarks are based on the Fees Bureau National Fee Benchmarking Subscription Services. The Fees Bureau provide benchmarking services nationally for the RIBA, but Arc Partnership also benchmark against the professional fees levied through the National Consultancy Framework Partners.



School Places Scorecards

35. VFM is further illustrated in the Education Skills Funding Agency (ESFA) School Places Scorecard. The Scorecards published annually by the ESFA most recently for 2017/18 display a snapshot of the progress local authorities are making in delivering good quality school places. Full details of the score cards can be found on the ESFA pages of GOV.UK (www.gov.uk/government/collections/school-places-scorecards). In brief, though, the scorecards show that in Nottinghamshire in recent years, additional school place provision (predominantly required within primary schools) has been delivered at costs that compare well with other local authorities and the English average, with around 9,000 places created since 2010 at an average cost of £9,240 per place, compared to an England average of £16,088 per place.

Business Development and Third Party Income

36. Third party income for Arc in 2017/18, against a business model target of £60,000 was £76,441, on external revenues of £703,501. The fee target for 2018 – 2019 is £334,884, with an additional third-party stretch fee target of £250,000.

37. Arc Partnership's primary focus is the delivery of property design, programme management, planned and reactive maintenance services to the Council over ten years, with an ambitious spend profile over the period 2018 – 2019. Arc will build upon this partnership as a platform for growth, and the initial geographical area of operation will focus on the footprint of the new Scape Regional Framework.

38. To support its ambition for growth Arc Partnership has partnered with three external, Nottinghamshire based organisations, Anderson Green (M&E), CBP Architects, and Perfect Circle (Gleeds), who collectively increase Arc's breadth of service provision and commerciality. By leveraging the support of these three organisations Arc Partnership has the organisational capability to offer the Council and third-party clients strategic project definition and inception, feasibility, preconstruction concept and design development, detailed technical design, programme/commercial management, construction and handover, project close-out and soft landings.

Summary

39. 2017/2018 represented the first full operational year of Arc Partnership and through collaboration with the Council, positive steps have been taken to establish a robust business model, with the appropriate organisational capability to deliver profitable third-party growth. Nothing is ever finished and Arc Partnership's focus will remain on being "Trusted to Deliver" – with due regard to VFM, quality of output and customer excellence.

40. Arc Partnership's Operational Plan (copies will be made available at the meeting) sets out the goals, objectives, strategies, plans and actions for the delivery of Arc's targets for next year and in support of its Business Plan 2018 – 2021. The plans put forward will be monitored and scrutinised through the Arc Board.

Other Options Considered

41. None.

Reason for Recommendation

42. The Arc Partnership continues to show significant business growth alongside improvements to service delivery.

Statutory and Policy Implications

43. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

44. These are set out in the body of the report.

RECOMMENDATION

It is recommended that:

1) Members consider whether there are any actions required in relation to the detail contained within this report.

Cllr Mrs Kay Cutts MBE
Leader of the Council

For any enquiries about this report please contact: Mick Allen, Group Manager, Place Commissioning, Tel: 0115 9774684

Constitutional Comments [SLB 15/08/2018]

45. Policy Committee is the appropriate body to consider the content of the report. If Committee resolves that any actions are required it must be satisfied that such actions are within the Committee's terms of reference.

Financial Comments [RWK 30/08/2018]

46. There are no specific financial implications arising directly from the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None.

Electoral Division(s) and Member(s) Affected

All

APPENDIX 1

Contractual KPIs

Arc Partnership –KPI Summary – Q4, 2017/18				
No	DESCRIPTION	Target	Target	Trend from Q2
1	PROJECT COST (TOTAL) < BASE BUDGET 50% projects below base budget	50%	92% (13 projects)	
2	PROJECT CONSTRUCTION COSTS < FORECAST 75% projects below forecast	75%	100% (13 projects)	
3	PROJECT FEE SCALES Below national average % rate	19.14%	10.68%	
4 - 8	PROJECT CUSTOMER SATISFACTION SURVEYS 95% projects satisfactory or better	95%	96% Average score 9.5/10	100%
9	Withdrawn from performance scheme			
10	PREDICTABILITY OF PRE-CONSTRUCTION TIME <10% variance in >60% of projects	60%	62%	68%
11	PREDICTABILITY OF CONSTRUCTION TIME <10% variance in >75% of projects	75%	65%	65%
11a	PREDICTABILITY OF PROJECT TIME <75% of projects on time or early	75%	73%	
12	WHOLE LIFE COSTING	50%	N/A	
13	USE OF PROVISIONAL SUMS/RISK IN CONTRACTS	75%	N/A	
Arc Partnership –KPI Summary – Q4, 2017/18				
No	DESCRIPTION	Target	Target	Trend from Q3
15	R&M RESPONSE TIMES 85% jobs responded to on time	85%	90%	88%
18	R&M REPAIRS COMPLETED ON TIME 90% jobs completed on time	90%	90%	85%
22	PLANNED SERVICING SCHEDULES 95% jobs completed on time	95%	95%	96%
16,17, 19,20	R&M CUSTOMER SURVEY DERIVED MEASURES Various – insufficient data to report on at this stage	Various	N/A	
14	EMPLOYMENT OPPORTUNITIES OFFERED BY ARC Maintained at level above original transfer	71 FTE	82.3 FTE	82.3
11	RIDDOR REPORTABLE ACCIDENTS 0 incidence	0	0	
23, 24	CLIENT PERFORMANCE MEASURES No client briefs returned for clarifications / No client changes to projects	<20%	No data	

APPENDIX 2

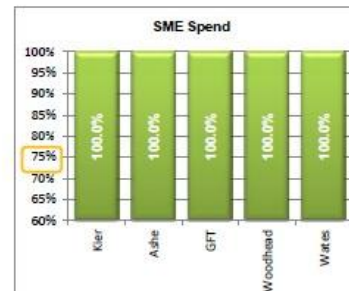
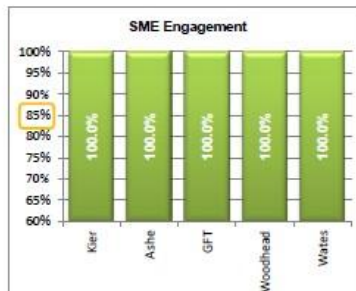
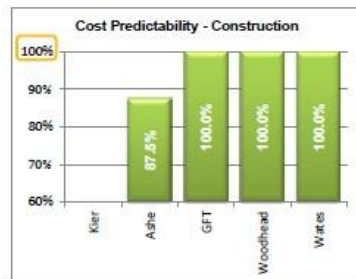
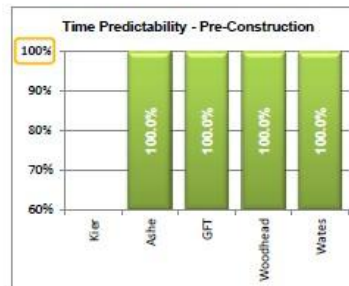
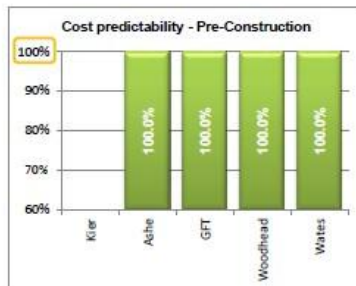
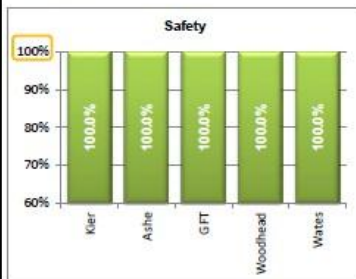
Scape Delivery Partner Performance



Scape Delivery Partners Performance 2017-2018

Average performance reported for Nottinghamshire County Council and Arc Partnership projects complete or due to complete after 1 April 2016

March 2018

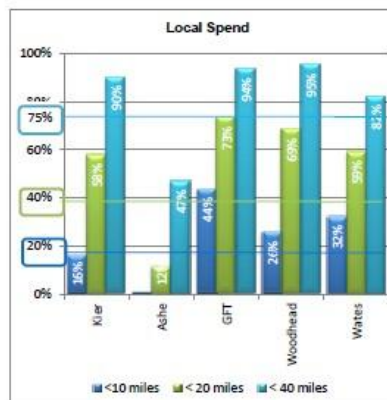
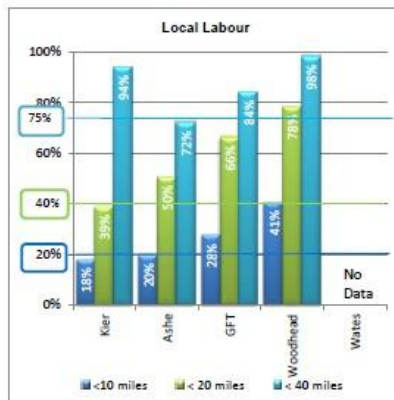


Note: Charts based on the April submissions of data for all projects (live and completed) for Nottinghamshire County Council and Arc Partnership with a completion date after 1 April 2016.

These are average figures.

Local Labour and Local Spend may not have taken into account client requested suppliers or contractors who are out of the required area for the KPI to be achieved.

Pass mark for each KPI circled on each chart.



REPORT OF THE LEADER OF THE COUNTY COUNCIL**LAND AT FIELDS FARM CLOSE, WILLOUGHBY-ON-THE-WOLDS –
SURRENDER AND GRANT OF NEW LEASE****Purpose of the Report**

1. To seek approval for the surrender of the existing 25 year lease and to the granting of a new 30 year lease to the Willoughby Community Park Association.

Information and Advice

2. This report contains an exempt appendix, which is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) (Information relating to any individual and the business affairs of a particular person (including the authority holding that information)). The exempt appendix provides details of the terms agreed. Disclosure of this information would prejudice the parties' commercial interests.
3. Following helpful advice from Willoughby on the Wolds Parish Council, the County Council purchased 5.83 acres or thereabouts of grassland at Fields Farm Close from David Wilson Homes in April 2004. This enabled the County Council to secure the facilities for the village primary school, which is currently in leased accommodation, whilst also providing a playing field for the school and local community.
4. The County Council acquired sufficient land to meet the aforementioned possible educational requirements. Consequently, a twenty-five year lease was granted on 8 May 2007 to the Willoughby Community Park Association, a registered charity, which allowed them to use the surplus area as a community park via grant funding. The park was officially opened on 19 June 2010 and provides play equipment suitable for all ages of children. In addition there is a junior football pitch, a trim trail, a willow tunnel and a BMX track.
5. The Willoughby Community Park Association approached the County Council in 2012 to request an extension to the lease term as their lease only had 20 years left to run and to enable them to gain some additional funding, they needed at least 25 years unexpired. Approval was accordingly obtained at Property Portfolio on 4 May 2012 for the granting of a new lease for a 30 year term. However, due to the lack of response from the Association the lease was never completed.
6. The County Council have recently received communication from the Willoughby Community Park Association's solicitor who advises that that they now wish to proceed with the lease. However, with the lease not completing within the 6 month constitutional

timeframe following approval in 2012, a further report seeking approval to the new lease is required.

7. All the other terms in the existing lease will remain the same as detailed below. Willoughby Community Park Association will also pay the County Council's legal fees in granting the new lease.

Other Options Considered

8. Disposal of the site which will take away this important facility to the village.

Reason/s for Recommendation/s

9. The Authority currently has no strategic or operational requirement for the site and by providing a new lease, this will allow the Willoughby Community Park Association to gain access to various areas of funding to improve the facilities for the local community.

Statutory and Policy Implications

10. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) That Members approve the surrender of the existing 25 year lease and grant a new 30 year lease to the Willoughby Community Park Association, all terms in the existing lease remain the same as outlined in the exempt appendix.

Councillor Mrs Kay Cutts MBE
Leader of the County Council

For any enquiries about this report please contact:
David Hughes, Service Director - Investment & Growth
Tel: 0115 9773825

Constitutional Comments (CEH 16.08.2018)

11. The recommendation falls within the remit of Policy Committee under its terms of reference.

Financial Comments (RWK 29.08.2018)

12. The financial implications are set out in the exempt appendix.

Background Papers and Published Documents

13. None.

Electoral Division(s) and Member(s) Affected

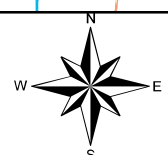
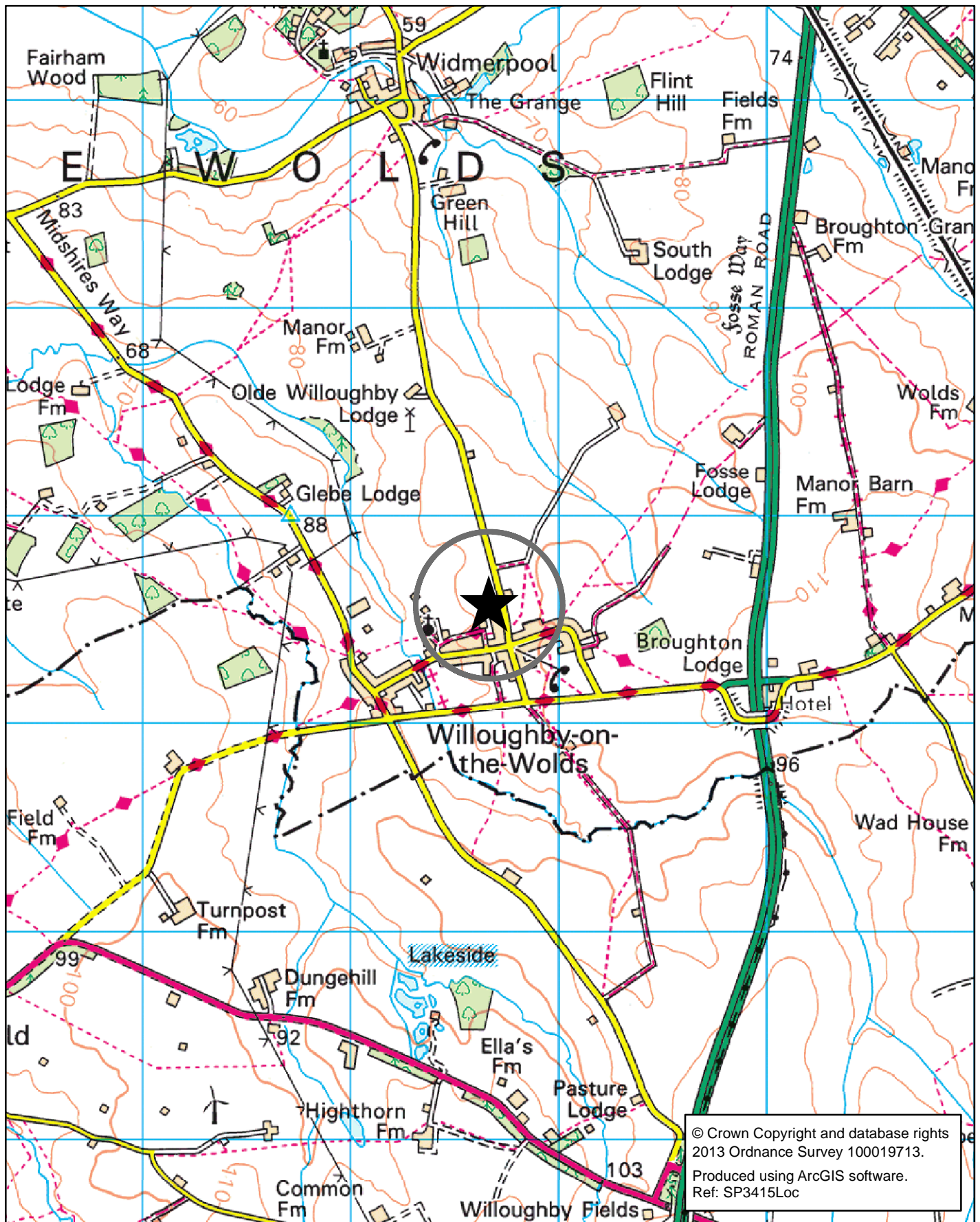
14. Ward(s): Keyworth

Member(s): Councillor John Cottee

File ref.: /SR/SB/01296new

SP: 3415

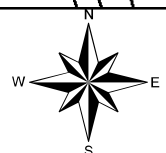
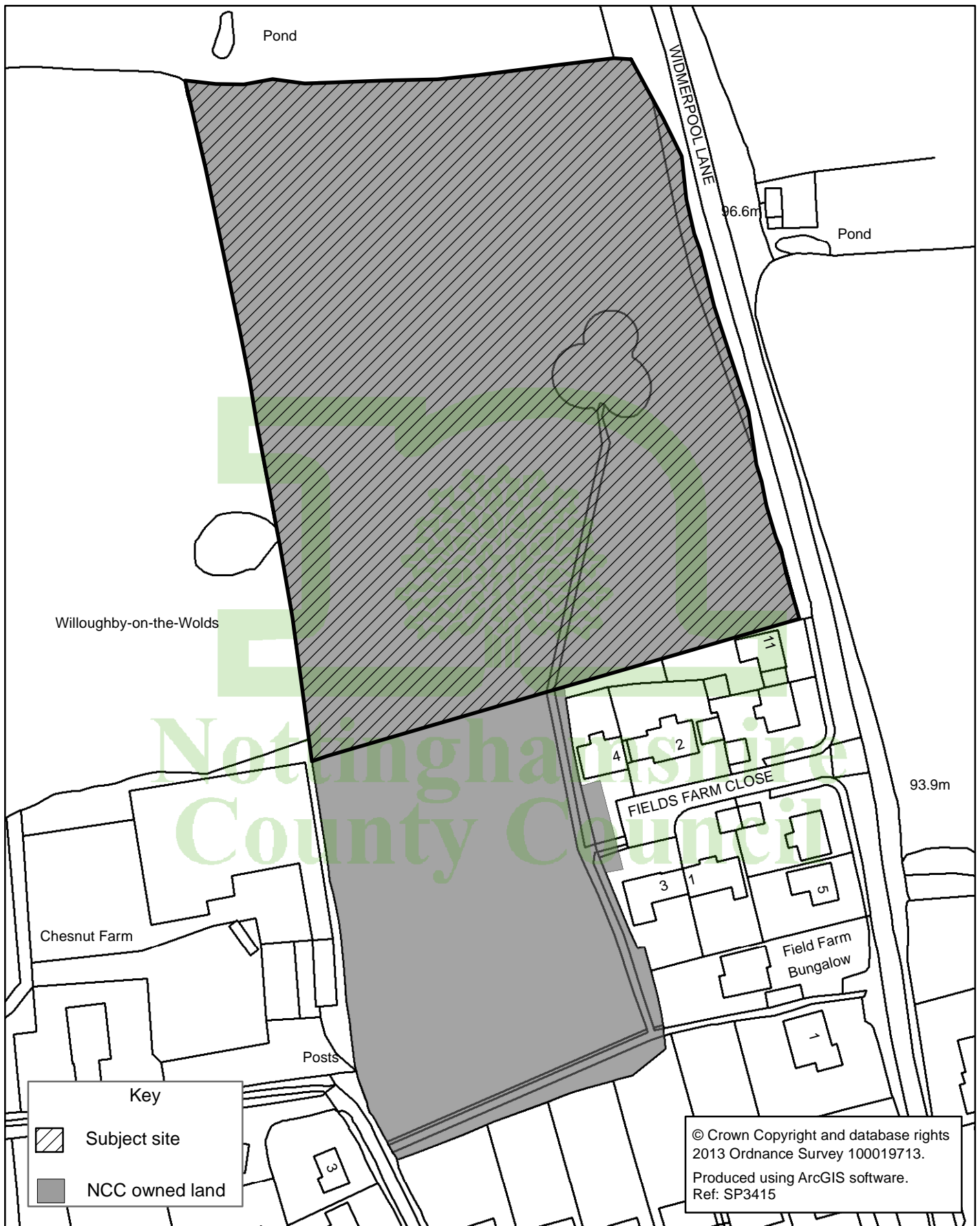
Properties affected: 01296 - Land at Fields Farm Close





**LAND AT FIELDS FARM CLOSE –
SURRENDER OF EXISTING 25 YEAR LEASE
AND TO GRANT A NEW 30 YEAR LEASE TO
THE WILLOUGHBY COMMUNITY PARK ASSOCIATION**

Plan provided by: dlc



REPORT OF THE LEADER OF THE COUNTY COUNCIL

OPERATIONAL DECISIONS TAKEN OUTSIDE THE POLICY COMMITTEE CYCLE MARCH - JUNE 2018

Purpose of the Report

1. At the meeting of Finance & Property Committee in January 2014 approval was given to amend the list of day to day operational decisions which can be taken by the Director, subject to the chair of Finance & Property Committee determining whether operational decisions should still be reported to Committee . It was also agreed that a report should be submitted to the Finance & Property Committee on a quarterly basis outlining all operational decisions made, supplemented annually by a review report on Estate Management operational decisions. In accordance with this decision this is the quarterly report to inform Policy Committee of Operational Decisions taken outside the Cycle, between March and June 2018.

Information and Advice

2. This report contains an exempt appendix, which is not for publication by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) (Information relating to the financial or business affairs of a particular person (including the authority holding that information)). The exempt appendix provides details of the terms agreed. It is not in the public interest to disclose this information as it would prejudice the parties' commercial interest.
3. This report seeks to inform Committee Members of the decisions taken over this period. Details of the decisions taken are shown below: -
4. Please note relevant Ward Members have been invited to comment on decisions in the first table.
5. Care was taken with disposals and the granting of leases, licences and the like to ensure best consideration has been achieved by reference to and tested against market value(s) and rates. All charges and other fees levied were appropriate and commensurate with the transaction.

SP	TITLE	DESCRIPTION / open (extract from Operational decision)
3327	15.39 hectares land (known as Naish's Field), Church Street, Edwinstowe, Nottingham – 16	In order to facilitate the new Sherwood Forest Visitors Centre currently being constructed by the RSPB, NCC will lease 15.39 hectares (38.04 acres) of land on the opposite side of Church Street for a coach & vehicle parking.

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	year, 9 month lease	
3337	28 Baker Street, Hucknall, Nottingham, NG15 7AG - Approval to Dispose and appointment of Auctioneer	NCC are the freeholder of the former fishing tackle shop on Baker Street which is on the edge of the new road that forms part of the Hucknall Town Centre Improvement Scheme. The building was originally included within the Scheme & was going to be demolished. However, revised plans meant that the property was retained & it is surplus to NCC's requirements. It is therefore intended to dispose of the premises at auction.
3333	Awsorth Nursery and Primary School - Academy Transfer	Academy Transfer
3334	Units 6/7/8 Calverton Business Park, Hoyle Road, Calverton, NG14 6QL - Settlement of outstanding rent review 28 September 2017	Proposed to settle the outstanding rent review with effect from 28 September 2017.
3339	Arnbroom Childrens Centre - Licence to Little Beans Childcare Ltd	<p>Little Beans have been occupying part of the Children's Centre under a lease agreement for some time and had proved very popular in the locality. The Pre-school now has a waiting list and would like to increase the space they occupy to offer more places and reduce their waiting list.</p> <p>It is proposed to relocate the pre-school provision to a different, much larger room in the centre in order to offer additional 14 child care places for children eligible for free childcare.</p> <p>Children's Centre services will continue to be provided from the building and will use the smaller room for activities with children. This will not impact on the service they provide.</p> <p>This proposal maximises the use of the property and increases services available for children and families.</p> <p>Little Beans will occupy Monday to Friday only from 7.30 am to 18.00 pm</p>
3328	Albany Infants Sch – Licence to NG Active for After School Club	NCC propose to offer a number of rooms for the purposes of an after school club to NG Teach Ltd for 3 years NG Teach will occupy Monday to Friday only from 3.20pm to 5.30pm term time only.
3315	Lings Farm1, Henson Lane, Cropwell Butler	Grant of new lease to family member of deceased tenant
3307	Ladybrook Sure Start Centre (Rosebrook), Townroe Drive, Mansfield - Approval to Dispose and appointment of Agent	The property comprises a former caretaker's bungalow which was converted into a Sure Start Centre located adjacent to Ladybrook Flying High Academy. The premises have been declared surplus as it has no further operational need. It was therefore intended to dispose of the property with an Agent acting on behalf of NCC.
3250	Beeston Youth and Community Centre Licence to Judo Club	It was proposed to settle long running negotiations with the Judo Club by agreeing to a long term licence arrangement which will document their existing use based upon an hourly hire charge which will be adjusted annually in line with centre running costs.

3241	Edwinstowe Cricket Club, Forest Corner, Edwinstowe, Nottingham – Deed of Surrender & the granting of a 25 year underlease	Edwinstowe Cricket Club currently hold a 25 year underlease dated 31/03/10 of an area which is located near the proposed new Visitors Centre, currently being built by the Royal Society for the Protection of Birds. The terms of their underlease require updating and the leased boundary has also be altered, so it is proposed that a new lease is granted and their current Agreement is surrendered. Term: 25 year lease from a date to be agreed Rent Reviews: 5 yearly reviews
3303	Bentinck Banks Nature Reserve - Lease renewal	It is proposed to settle the outstanding lease renewals on a short term basis by means of a lease by reference to the existing.
3335	Licence to Afterschool club Wynndale Primary school	NCC propose to grant a Licence to Learning Ladder Childcare Ltd for an after school club. The licence will document the basis of their occupation and clarify roles and responsibilities going forward. After School club will occupy from 15.00 to 18.00 for 39 weeks only. Annual licence fee subject to review on 1 st April each year.
3338	Wild Sherwood Forest School - Camp, (Known as Camp Redwood) Ollerton – Licence	Nottingham County Council is taking a Licence to temporarily occupy land to run occasional Campsites.
3340	Top Wighay Farm - Lease renewals x 3	It is proposed to settle the outstanding renewals on a short term basis to facilitate the Top Wighay development and secure income in the meantime.
3341	Edgewood Primary School - Wayleave to Virgin Media	Landlords consent is required for Edgewood Primary School to have Virgin Media upgrade their IT system.
3353	Albany Junior School - Licence to NG Teach Ltd for Breakfast Club	NCC propose to renew a licence to NG Active in the name of NG Teach Limited, the parent company for the purposes of a breakfast club for 3 years. NG Teach will occupy Monday to Friday only from 8.00 am to 8.45 am term time only. This income is invoiced and received by the school.
3350	Parking Licence for 18 Spaces Evo Park, Sherwood Business Park	The County Council are renewing a Licence for 18 additional car parking spaces. The funding for the 18 spaces will be partner agency funded through Health, Probation and the, Police. The existing Licence is for a term expiring on 26 th April 2018. Rolling mutual break upon 14 days prior written Notice.
3349	Parking Licence for 7 spaces at Evo Park, Sherwood Business Park	The County Council are renewing a Licence for 7 additional car parking spaces. The funding for the 7 spaces will be partner agency funded through Health, Probation and the, Police. Rolling mutual break upon 14 days prior written Notice.
3355	Mansfield Bus Station - Rent review first floor office	The property comprises 22 square metres on the first floor of the bus station which has been let for a term of 10 years with effect from 25 th April 2013 and is subject to rent review every 5 years. It is proposed to settle the rent review with effect from 25 April 2018.
3356	Rufford Colliery Tip - Lease Renewal	It is proposed to settle the outstanding renewal on a short term basis for one year commencing 25 March 2018.
3359	Awsorth Nursery and Primary School Academy Transfer	Proposed Conversion to Academy Status with 125 year lease.

3348	Cotgrave Multi-use Centre – Library Approval to underlease to Culture, Learning and Libraries (Inspire)	Finance and Property Committee approved transferring the existing Cotgrave library and health centre buildings to Rushcliffe Borough Council in exchange for a long leasehold interest in part of a new multi-service centre on 18 July 2016. Nottinghamshire County Council will be granting a lease to Culture, Learning and Libraries (Inspire) to provide and operate the library service. Term : 5 years from lease completion
3345	Proposed Licence for Land rear of 1 Blakeney Walk, Arnold	Approval sought to grant a Licence to the owner of 1 Blakeney Walk to plant and maintain open space to the rear of her property. The land is currently vacant land. Use restricted to maintain and plant as open space.
3343	Licence to erect temporary signage at Harrier Business Park, Hucknall Bypass	Licence to erect temporary marketing signage at Harrier Business Park, Dorey Way Hucknall. It is will take circa 15 years to deliver the one million sq. ft. of employment space the site has planning for. It is propose that the licence should run for 15 years.
3342	Licence to erect permanent signage at Harrier Business Park, Dorey Way, Hucknall Bypass	Licence to erect permanent signage at Harrier Business Park, Dorey Way Hucknall. It is propose that the licence should run for 15 years The timescale could be reviewed by both parties if the Business Park has not been fully developed at that date.
3360	NSK Site, grant of Easement for electricity cables	An easement has been requested by N&SDC for electricity cables that are currently on site
3363	Willow Brook Primary School - Licence fee review	Licence granted to Surrinder Kaur Bodhan is subject to fee review 1 st April 2018. The licence fee is set out in the exempt appendix and is paid direct to the school.
3365	Parkdale Primary School - Academy Conversion	Proposed Conversion to Academy Status with 125 year lease.
3369	Flintham Primary School - Conversion to Academy	Proposed Conversion to Academy Status with 125 year lease.
3373	Butt Field, College Street, East Bridgford, Nottingham - terms for transfer	Following the grant of the necessary DFE consents and negotiation with the Parish Council, terms for the transfer of the playing field to the Parish Council have now been agreed.
3374	Chapel Farm, Elston - Rent review	It is proposed to settle the outstanding rent review with effect from 30 August 2016.
3375	Caravan Infant and Nursery School - Dilapidations settlement	It is proposed to surrender the existing lease on 24 th August 2018 and settle the dilapidations.

3344 LT	Wayleave Consent for Mansfield Day Services (Redoaks)	A Wayleave has been requested by Western Power Distribution a part of works to provide a new electrical connection to the Mansfield Day Services.
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3354 LT	Shirebrook Colliery Tip - Grant licence to install water monitoring equipment	It is proposed to grant a licence to Severn Trent Water Limited of two sites in order to install water monitoring equipment. Work is due to commence before the summer 2018.
3361 LT	Licence - Warriors Football Club, Newark	Request for a 3 year licence to provide a demountable/portable toilets and changing rooms for Warriors FC (youth teams) to replace (in the same location) the dilapidated current structure, which will be cleared away. 6 months' notice by either party at any time.
3346 LT	Wayleave Consent for 18c Cropwell Road, Radcliffe on Trent	A Wayleave has been requested by Western Power Distribution as part of works to provide a new electrical connection to 18c Cropwell Road, Radcliffe on Trent.
3378 LT	Albany Junior School - Licence to Breakfast Club	NCC propose to renew a licence to NG Active in the name of NG Teach Limited, the parent company for the purposes of a breakfast club for 3 years. NG Teach will occupy Monday to Friday only from 7.30 am to 8.45 am term time only. This income is invoiced and received by the school.
3364 LT	Wayleave - Unadopted highway - Maycroft Gardens, Huthwaite	Western Power are seeking approval from Nottinghamshire County Council to enable them to lay a cable down Maycroft Gardens to the Western Power Distribution Substation located on Maycroft Garden.

Other Options Considered

6. None.

Reason/s for Recommendation/s

7. This report is for information only.

Statutory and Policy Implications

8. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) That members consider whether there are any actions they require in relation to the issues contained within the report.

For any enquiries about this report please contact: Mona Walsh 0115 8043286
Councillor Mrs Kay Cutts
Leader of the County Council

For any enquiries about this report please contact:
David Hughes, Service Director - Investment & Growth
Tel: 0115 9773825

Constitutional Comments (CEH 16.08.2018)

9. The report falls within the delegation to Policy Committee under its terms of reference.

Financial Comments (RWK 29.08.2018)

10. There are no specific financial implications arising directly from the report.

Background Papers and Published Documents

11. Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division(s) and Member(s) Affected

12. Ward(s): All
Member(s): All

File ref.: /SB/SB/
SP: 3406
Properties affected: 09998 - Various NCC Properties/non-property item

REPORT OF THE LEADER OF THE COUNCIL**COUNTY COUNCILS NETWORK ANNUAL CONFERENCE 2018****Purpose of the Report**

1. The purpose of the report is to seek approval for relevant Member and officer attendance at the County Councils Network (CCN) Annual Conference to be held in Guildford, Surrey from 18-20 November 2018.

Information and Advice

2. This Committee's terms of reference include approving councillors' attendance at conferences for which fees are payable. It is proposed that approval be given for the Leader, Deputy Leader and Leader of the Main Opposition Group to attend the annual CCN Conference, along with one chief officer.
3. The conference is organised by the CCN which is a cross-party special interest group of the Local Government Association which speaks, develops policy and shares best practice for the County family of local authorities.
4. The benefits of attending the Conference are that it is a key forum for county councils and county unitary authorities to share good practice and to hear from Government Ministers and sector leaders.

Other Options Considered

5. None.

Reason/s for Recommendation/s

6. It is recommended that approval is given for attendance at the conference so that the County Council's representatives can continue to share best practice and network with colleagues, MPs and other partners in related fields.

Statutory and Policy Implications

7. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below.

Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

8. The cost of attending the conference is £700 plus VAT per delegate, including accommodation at the venue on the 18 & 19 November. There will also be costs relating to travel to and from the event.
9. The costs of conference attendance, accommodation and travel for the Leader, Deputy Leader and Leader of the Main Opposition Group will be met from the relevant Member Support budgets.

RECOMMENDATION

That approval is given for the Leader, Deputy Leader and Leader of the Main Opposition Group and one Chief Officer to attend the County Councils Network's Annual Conference in Guildford, Surrey from 18-20 November 2018, together with any necessary travel and accommodation arrangements.

COUNCILLOR MRS KAY CUTTS MBE LEADER OF THE COUNCIL

For any enquiries about this report please contact: Keith Ford, Team Manager, Democratic Services, Tel 0115 9772590

Constitutional Comments (SLB 10/8/2018)

10. Policy Committee is the appropriate body to consider the content of this report.

Financial Comments (SES 14/08/2018))

11. The financial implications are set out in paragraphs 8 and 9 of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- CCN Annual Conference Website page
<https://www.countycouncilsnetwork.org.uk/conference-and-events/ccn-conference/>

Electoral Division(s) and Member(s) Affected

All.

REPORT OF THE RULING GROUP BUSINESS MANAGER

APPOINTMENTS TO OUTSIDE BODIES

Purpose of the Report

1. To seek approval to add Portland College to the Council's approved outside body list and to appoint a formal representative on the College's Board of Governors.
2. To seek approval of the appointment of the Deputy Leader as the Council's representative to serve on the Board of Directors of Arc Partnership.
3. To acknowledge the additional political party places confirmed by East Midlands Council.

Information

Portland College

4. The County Council is one of Portland College's largest commissioners and they play a strategic role in the delivery of specialist educational services to young people and a range of adult social care services to enable disabled people to develop employability, independence and communication skills, and with employers to create an inclusive workforce and support business growth within Nottinghamshire.
5. The College has made a transition over the last 5 years from being primarily a residential further education institution to becoming a mainly non-residential provider with particularly strong representation from Nottinghamshire residents in their full-time further education offer, part-time adult education, adult social care day services and adult social care residential including respite and short breaks.
6. The work of the college is relevant to a number of success indicators in the Council's 'Your Nottinghamshire, Your Future' Strategic Plan 2017-21, such as people leaving education with better qualifications and skills, people having a higher level of skills, and the desire to further develop a flexible and varied workforce that is able to meet the needs of local businesses in the future.
7. Nottinghamshire County Council (NCC) has received a letter from the Principal and Chief Executive Officer of Portland College saying that they very much valued their existing links with the Council and its officers, through which the college contributes to various NCC panels and groups. The letter further stated that the College Trustees would very much welcome

extending and strengthening this relationship further, by having the formal involvement of a representative of the elected membership on their Board of Governors.

8. The Governors of the College are trustees under the Charities Act 2011 and Company Directors under the 2006 Companies Act – they are therefore primarily responsible for ensuring the lawful running of the organisation, with day to day management delegated to the Principal and Chief Executive Officer.
9. Under that legislation their personal liability as members of the charity is limited to £10 in the event of the wind-up of the organisation. They must use their best endeavours to ensure the lawful operation of the organisation. The Governors and Senior Managers are protected by comprehensive indemnity insurance which is reviewed (and renewed) annually.
10. The Board meets quarterly (usually a Monday evening, 5.30-7.30pm) and travel and other out of pocket expenses are payable by the College, but the role is otherwise not remunerated.
11. It is proposed that Councillor John Handley be appointed as the Council's formal representative.

Arc Partnership

12. Arc Partnership is the Council's joint venture property services company, jointly owned with Scape.
13. When the new joint venture arrangements were established, it was considered that the two senior officers that were initially appointed to the Arc Board would provide the appropriate balance of continuity and challenge. They collectively held management responsibility for the schools capital programme together with services that utilised much of the Council's property portfolio, from Children's Centres and Young People's Centres to our cultural services estate
14. Now that Arc is established it is recommended that one of the Director positions be filled by an Elected Member. This is appropriate in order to reflect the strategic importance, the maintenance and the construction work that Arc delivers across the Council's property estate.
15. It is proposed that Councillor Reg Adair as Deputy Leader becomes the Council's representative on the Board of Directors of Arc Partnership.

East Midlands Council

16. The Leader of the Council is automatically nominated as a Member to the East Midlands Council and East Midlands Council's Executive Board.
17. The East Midlands Council annually asks all Political Groups of each Council within the East Midlands to make an 'Expression an Interest' for the 46 additional places to be allocated by the The East Midlands Council on the basis of Political Balance.
18. Expressions of interest for The East Midlands Council, The Regional Employers Board and The Regional Migration Board were forwarded to The East Midlands Council by the Conservative and Labour Groups

19. The Council were informed that the additional places for NCC's Elected Members until June 2019 are:

East Midlands Councils	Councillor Reg Adair Councillor Kate Foale Councillor Philip Owen Councillor Alan Rhodes
East Midlands Councils Employers' Board	Councillor Kate Foale
East Midlands Councils Regional Migration Board	Councillor Philip Owen

Other Options Considered

20. Policy Committee could decide not to add Portland College to the Council's list of Outside Bodies
21. Policy Committee could decide that an Elected member on the Board of Governors of Portland College and the Board of Directors of Arc Partnership would be an unsuitable representation for the Authority.
22. There are no other options available in relation to the additional appointments to the East Midlands Council – these places are decided by East Midlands Council and are reported to Policy Committee for information only.

Reason/s for Recommendation/s

23. To enable the County Council to link in to the work of Portland College and Arc Partnership as appropriate.
24. To help distinguish between East Midlands Councils' Political appointments and the Council's formal appointments previously reported to Council.

Statutory and Policy Implications

25. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

None arising from the report.

RECOMMENDATION/S

- 1) That Portland College Board of Governors be added to the Council's approved outside body list and a formal appointment be made to the College's Board of Governors by the Conservatives and Mansfield Independent Forum Group's Business Manager.
- 2) That the Council appoints the Deputy Leader as its formal representative on the Board of Directors of Arc Partnership.
- 3) That the additional political party places appointed by The East Midlands Council as outlined in paragraph 18 of the report be acknowledged.

Councillor Richard Butler
Group Business Manager
Conservative and Mansfield Independent Forum Group

For any enquiries about this report please contact:
Sarah Ashton, Democratic Services Officer, Telephone number 0115 9773962

Constitutional Comments (SLB 04/09/2018)

26. Policy Committee is the appropriate body to consider the content of this report.

Financial Comments (NS 04/09/18)

27. There are no financial implications arising from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Letter from Portland College dated 15 March 2018

Electoral Division(s) and Member(s) Affected

- All

**REPORT OF THE SERVICE DIRECTOR, CUSTOMERS, GOVERNANCE AND
EMPLOYEES****WORK PROGRAMME****Purpose of the Report**

- 1). To review the Committee's work programme for 2018.

Information

- 2). The County Council requires each committee to maintain a work programme. The work programme will assist the management of the committee's agenda, the scheduling of the committee's business and forward planning. The work programme will be updated and reviewed at each pre-agenda meeting and committee meeting. Any member of the committee is able to suggest items for possible inclusion.
- 3). The attached work programme includes items which can be anticipated at the present time. Other items will be added to the programme as they are identified.
- 4). The Policy Committee will be asked to determine policies, strategies and statutory plans developed or reviewed by other Committees of the Council. Committee Chairmen are invited to advise the Policy Committee of any additional policy reviews that are being considered.
- 5). The following changes have been made since the work programme was published in the agenda for the last meeting.
 - 5.1. The following items were added to the agenda for September 2018:-
 - Short Breaks Policy
 - County Councils Network Conference 2018
 - Major Infrastructure Improvement Schemes
 - Local Enterprise Partnership and Geographies
 - Local Government Reorganisation
 - Careers Advisor Network
 - Willoughby Community Park Association – proposed 30 year lease
 - Operational Decisions taken outside the Policy Committee Cycle March – June 2018
 - 5.2. The Use of Urgency Procedures item was deleted from the Work Programme for September 2018 due to the procedures not having been utilised in the relevant six month monitoring period.

- 5.3. The following item was deferred from September to October 2018:-
- Section 117 Joint Health and Social Care Policy
 - Pilgrims Roots
 - Review of the Council's approach to Inward Investment
- 5.4. The following items were added to the work programme for October 2018:-
- Rolleston Drive – update report
 - Regional Adoption Agency
 - New Safeguarding Arrangements Under Working Together to Safeguard Children 2018
 - Local Government Association Conference 2018 – report back
 - Chief Executive's Department – departmental structure matters
- 5.5. The following item was added to November 2018:-
- Local Government Reorganisation Update
- 5.6. The following item was deferred from October to December 2018:-
- Update on the work of East Midlands Councils.
- 5.7. The following items were added to the work programme for December 2018:-
- Safety at Sports Ground Policy and Safety at Sports Grounds Enforcement Policy

Other Options Considered

6) None.

Reason for Recommendation

7) To assist the Committee in preparing and managing its work programme.

Statutory and Policy Implications

8) This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

That the Committee considers whether any amendments are required to the Work Programme.

Marjorie Toward

Service Director, Customers, Governance and Employees

For any enquiries about this report please contact: Keith Ford, Team Manager, Democratic Services, Tel: 0115 9772590

Constitutional Comments (SLB)

- 9) The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

Financial Comments (NS)

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

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None

Electoral Division(s) and Member(s) Affected

All

POLICY COMMITTEE - WORK PROGRAMME (AS AT 4 SEPTEMBER 2018)

<u>Report Title</u>	<u>Brief summary of agenda item</u>	<u>Lead Officer</u>	<u>Report Author</u>
17 October 2018			
Chief Executive's Department – Departmental Structure Matters	To provide an update on the new Chief Executive's Department structure.	Anthony May	Nigel Stevenson / Marjorie Toward
Local Government Association Conference 2018 – report back	To provide a report back from the recent conference attended by Members and the Chief Executive.	Anthony May	Anthony May
New Safeguarding Arrangements Under Working Together to Safeguard Children 2018	To see approval for new safeguarding arrangements for children.	Colin Pettigrew	Steve Baumber
Rolleston Drive Update Report	To update Committee on progress with the disposal of the Council's former site at Rolleston Drive (requested at the Policy Committee meeting of 18 July 2018)	Adrian Smith	David Hughes
Section 117 Joint Health and Social Care Policy	To seek approval for the updated Policy.	David Pearson	Cath Cameron-Jones
Regional Adoption Agency Business Case and Operating Model	To review the business case and operating model.	Colin Pettigrew	Tara Pasque / Harriet Wilkins
Business Parks and Employment Strategy	A strategy to deliver a network of high quality and innovative business park to promote the conditions that will help businesses thrive and prosper.	David Hughes	Nicola McCoy-Brown
Pilgrim Roots	A programme of NCC county-wide activities that complement regional and national 2020 commemoration events	David Hughes	Nicola McCoy-Brown
Review of the Council's approach to Inward Investment	An inward investment proposition that would help create and deliver a strategy to attract new businesses and employers to the area and retain existing employers	David Hughes	Nicola McCoy-Brown
14 November 2018			
Local Government Reorganisation Update	To provide an update on the case for change for local government in Nottinghamshire.	Anthony May	Celia Morris
Director of Public Health 2018 Nottinghamshire Annual Report	To seek approval for the publication and promotion of this Annual Report	Jonathan Gribbin	Kay Massingham
Gedling Access Route – acquisition of Glebe Farm	Acquisition of land and buildings along proposed Gedling Access Route Page 131 of 132	Adrian Smith	Mona Walsh

Update on City of Nottingham and Nottinghamshire Economic Prosperity Committee, the Local Enterprise Partnership and the Midlands Engine	Six monthly update report from Matthew Wheatley, Interim Chief Executive of the Local Enterprise Partnership.	Adrian Smith	Nicola McCoy-Brown
Council's Approach to Connected and Autonomous Vehicles (CAVs)	A proposal for adapting the County for connected and autonomous vehicles	David Hughes	Nicola McCoy-Brown
19 December 2018			
Update on the work of East Midlands Councils	Six monthly update from Stuart Young, Executive Director.	Anthony May	Stuart Young
Safety at Sports Ground Policy and Safety at Sports Grounds Enforcement Policy	To approve updated guidance to reflect changes in Government guidance.	Adrian Smith	Wendy Harnan-Kajzer
Safer Nottinghamshire Board Update	To provide a six monthly update on the work of the Safer Nottinghamshire Board	Anthony May	Anthony May
LEADER Programme Staffing Proposal 2019-2020	To propose staffing resources required to ensure operational cover	David Hughes	Nicola McCoy-Brown
Better Broadband for Nottinghamshire Update	Update on the Better Broadband for Nottinghamshire Programme	David Hughes	Nicola McCoy-Brown
The Arc Partnership quarterly performance report	Quarterly performance report on the Arc Partnership	Adrian Smith	Derek Higton