

Policy Committee

Wednesday, 18 July 2018 at 10:30

County Hall, West Bridgford, Nottingham, NG2 7QP

AGENDA

- | | | |
|----|--|---------|
| 1 | Minutes of last meeting held on 20 June 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 | Direct Payments Policy Refresh | 11 - 34 |
| 5 | Councillors' Divisional Fund - Revised Policy | 35 - 42 |
| 6 | D2N2 Growth Hub - Partnership and Match Funding Approval to April 2022 | 43 - 50 |
| 7 | Safer Nottinghamshire Board Update | 51 - 58 |
| 8 | Report from Improvement and Change Sub-Committee on Performance | 59 - 62 |
| 9 | Internal Audit Collaboration | 63 - 66 |
| 10 | Electric Vehicle Charging Infrastructure | 67 - 74 |
| 11 | Lindhurst Development Scheme Update | 75 - 78 |

13 EXCLUSION OF THE PUBLIC

“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 Schedule 12A of the Local Government Act 1972 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 prior to consideration of the remaining item/s.

EXEMPT INFORMATION ITEMS

14 Lindhurst Development Scheme Update - EXEMPT APPENDIX

- 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 20 June 2018 (commencing at 10.30 am)**

membership

Persons absent are marked with `A`

COUNCILLORS

Mrs Kay Cutts MBE (Chairman)

Joyce Bosnjak
Richard Butler
John Cottey
Samantha Deakin
Kate Foale
Glynn Gilfoyle
Richard Jackson
Bruce Laughton
Philip Owen

John Peck JP
Mike Pringle
Alan Rhodes
Kevin Rostance
Andy Sissons
Steve Vickers
Stuart Wallace
Muriel Weisz
Jason Zadrozny

OTHER COUNCILLORS IN ATTENDANCE

Nicki Brooks
Kevin Greaves
Diana Meale

OFFICERS IN ATTENDANCE

| | |
|--|----------------------------|
| Anthony May | Chief Executive |
| Sue Batty | Adult Social Care & Health |
| Colin Pettigrew | Children and Families |
| Adrian Smith Nicola McCoy-Brown | Place |
| Angie Dilley Keith Ford David Hennigan Marjorie Toward Nigel Stevenson | Resources |

ALSO IN ATTENDANCE

| | |
|-------------|-------------------------|
| Rosa Morgan | Work Experience Student |
|-------------|-------------------------|

1 MINUTES

The Minutes of the last meeting held on 16 May 2018, having been previously circulated, were confirmed and signed by the Chairman.

2 APOLOGIES FOR ABSENCE

None.

3 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor Bruce Laughton declared a non-pecuniary private interest in agenda item 8 – Integrating Innovation Centres in Nottinghamshire – Revised Approach, as a Newark and Sherwood District Councillor, which did not preclude him from speaking or voting on that item.

Councillor Philip Owen declared a non-pecuniary private interest in agenda item 6 – HS2 Resource Plan as a Nottinghamshire County Council representative on the HS2 Mitigation Board, which did not preclude him from speaking or voting on that item.

Councillor Richard Jackson declared a non-pecuniary private interest in agenda item 6 – HS2 Resource Plan as a Broxtowe Borough Council representative on the HS2 Mitigation Board, which did not preclude him from speaking or voting on that item.

Councillor Richard Butler declared a non-pecuniary private interest in agenda item 11 – Cotgrave Country Park – Proposed Cabin and Lease to Friends of Cotgrave Country Park as a Nottinghamshire County Council representative on Friends of Cotgrave Country Park Management Group, which did not preclude him from speaking or voting on that item.

Councillor Jason Zadrozny declared a non-pecuniary private interest in agenda item 6 – HS2 Resource Plan as an Ashfield District Council representative on the HS2 Mitigation Board, which did not preclude him from speaking or voting on that item.

Councillor Mrs Kay Cutts MBE declared a non-pecuniary private interest in agenda item 6 – HS2 Resource Plan as a Nottinghamshire County Council representative on the HS2 Mitigation Board, which did not preclude her from speaking or voting on that item.

4 NOTTINGHAMSHIRE COUNTY COUNCIL'S STRATEGY FOR HOUSING WITH CARE 2018-2025

RESOLVED: 2018/048

That the Housing with Care Strategy be approved.

5 CHANGES TO UNIVERSAL DEFERRED PAYMENT SCHEME LEGISLATION

RESOLVED: 2018/049

Page 5 of 83

That the revised Deferred Payments Policy be approved.

6 HIGH SPEED 2 (HS2) – RESOURCE PLAN

Councillor Philip Owen declared a non-pecuniary private interest in agenda item 6 – HS2 Resource Plan as a Nottinghamshire County Council representative on the HS2 Mitigation Board, which did not preclude him from speaking or voting on that item.

Councillor Richard Jackson declared a non-pecuniary private interest in agenda item 6 – HS2 Resource Plan as a Broxtowe Borough Council representative on the HS2 Mitigation Board, which did not preclude him from speaking or voting on that item.

Councillor Jason Zadrozny declared a non-pecuniary private interest in agenda item 6 – HS2 Resource Plan as an Ashfield District Council representative on the HS2 Mitigation Board, which did not preclude him from speaking or voting on that item.

Councillor Mrs Kay Cutts MBE declared a non-pecuniary private interest in agenda item 6 – HS2 Resource Plan as a Nottinghamshire County Council representative on the HS2 Mitigation Board, which did not preclude her from speaking or voting on that item.

RESOLVED: 2018/050

- 1) That approval be given for up to £265,000 from the Growth and Economic Development budget towards various commissioning programmes for the financial year 2018-19.
- 2) That an update report be submitted to a future meeting of this Committee.

7 RURAL LEADER PROGRAMME

RESOLVED: 2018/051

- 1) That the contracts of the three temporary part-time staff posts for the Nottinghamshire LEADER programmes be extended until 31 March 2019.
- 2) That a report be submitted to this Committee in December 2018 setting out a full staffing proposal for the LEADER programme covering the period 1 April 2019 to 31 December 2020.

8 INTEGRATING INNOVATION CENTRES IN NOTTINGHAMSHIRE – REVISED APPROACH

Councillor Bruce Laughton declared a non-pecuniary private interest in agenda item 8 – Integrating Innovation Centres in Nottinghamshire – Revised Approach, as a Newark and Sherwood District Councillor, which did not preclude him from speaking or voting on that item.

RESOLVED: 2018/052

- 1) That the County Council withdraw from the three centre Integrated Innovation Centres contract at [Page 6 of 83](#) 6 October 2018.

- 2) That the management of the Worksop Turbine be transferred to the County Council as of 1st October 2018.
- 3) That authority be delegated to the Director of Investment and Growth, in conjunction with the Section 151 Officer, to negotiate the exit process with the district partners for the other two centres (Mansfield i-Centre and Newark Beacon).
- 4) That an update report be submitted to a future meeting of this Committee.

9 ENGAGING A STRATEGIC PARTNER TO SUPPORT THE DELIVERY OF THE PROPERTY TRANSFORMATION PROGRAMME

RESOLVED: 2018/053

- 1) That Turner & Townsend be approved to commence work on the Property Transformation Programme as outlined in the report.
- 2) That a request be submitted to Finance and Major Contracts Committee to approve an allocation from contingency to fund the cost of the proposed work in the sum of £136,337 plus reasonable expenses.

10 MOORFIELD COURT, SOUTHWELL – SURRENDER OF PART OF PROPERTY – THE SPIERS DAY CENTRE

RESOLVED: 2018/054

That approval be given to surrender the lease back to the landlord and for the Council to have nomination rights on 50% of the new flats.

11 COTGRAVE COUNTRY PARK – PROPOSED CABIN AND LEASE TO FRIENDS OF COTGRAVE COUNTRY PARK

Councillor Richard Butler declared a non-pecuniary private interest in agenda item 11 – Cotgrave Country Park – Proposed Cabin and Lease to Friends of Cotgrave Country Park as a Nottinghamshire County Council representative on Friends of Cotgrave Country Park Management Group, which did not preclude him from speaking or voting on that item.

RESOLVED: 2018/055

- 1) That a cabin be installed at Cotgrave Country Park to serve as a base for the Friends of Cotgrave Country Park and as a visitor centre for the Park.
- 2) That a lease be granted to Friends of Cotgrave Country Park for the cabin at Cotgrave Country Park on the terms set out in Appendix 1 to the report

12 BESTWOOD COUNTRY PARK – PROPOSED LEASE OF MULTI-USE SPORTS AREA (MUSA)

RESOLVED: 2018/056

That a 25 year lease of 1,630 square metres at Bestwood Country Park be granted to Bestwood St Albans Parish Council for the siting and use of multi-use sports equipment.

13 WORK PROGRAMME

Councillor Laughton highlighted that an Internal Audit report was also scheduled for the 18 July 2018 Policy Committee meeting.

RESOLVED: 2018/057

That the work programme be revised to include the Internal Audit report and the updates to Policy Committee agreed at this meeting.

The meeting closed at 11.48am

CHAIRMAN

**REPORT OF THE CHAIRMAN OF THE ADULT SOCIAL CARE AND PUBLIC
HEALTH COMMITTEE****DIRECT PAYMENTS POLICY REFRESH****Purpose of the Report**

1. This report seeks approval of amendments to the Direct Payments (DP) Policy.

Information**Background Information**

2. In line with Adult Social Care Health guidelines, the attached DP Policy (**Appendix 1**) has been reviewed and revised to ensure that it remains compliant with The Care Act (2014) and the principles set out within the Adult Social Care Strategy. It has also been revised to accommodate the recommendations of the internal audit that took place in November 2017 which reviewed the direct payment financial auditing process.
3. The changes that have been made to the DP Policy are highlighted within the attached DP Policy. The changes have been considered at the Adult Social Care and Public Health Committee meeting on 9th July and recommended to Policy Committee for approval.

Legal Duties

4. In addition to the changes recommended by Internal Audit, It has been confirmed by the Council's DBS Lead Counter-Signatory and Lead of the Safer Working Group that the role of a Personal Assistant (PA) would be deemed as 'involved in regulated activity'. This means that there is a statutory requirement for an Enhanced Disclosure and Barring Service (DBS) check to include the appropriate barred list check.
5. Clarification guidance received from the Council's Legal department is that a "Local Authority is entitled to ensure that the Service User makes appropriate checks as to the suitability of a carer before agreeing to provide a DP. This is supported by statutory guidance [The Care Act 2014; The Care and Support (Direct Payments) Regulations 2014; Care and Support Statutory Guidance] which highlights that in 'signing off' or agreeing a personal budget or personal health budget a local authority may add conditions such as a DBS check as part of its risk assessment of safeguarding in specific cases. The local authority may also require personal budget holders using Direct Payments to specify whom they are employing to the local authority."

6. The legal responsibility for undertaking the check lies with the service user, however the Council has a safeguarding responsibility to ensure any support arrangement set up is safe and that in any given circumstance, giving a person a DP is an appropriate way to meet that person's needs.
7. Nottinghamshire County Council is a registered body with DBS. The Council also acts as an "umbrella organisation", on behalf of those employers who are unable to deal directly with DBS due to the low volume of checks that they would submit. As an umbrella organisation the Council has the express consent of the individual being checked to view data relating to their DBS application. Any information disclosed as a result of a check can only be viewed through the applicant presenting their disclosure certificate.
8. If a DBS check reveals any convictions, the DP recipient will be required to carry out a risk assessment to determine the suitability of the applicant considering carefully whether it is safe and appropriate to employ the person as a PA. A Council Officer will be required to advise and assist with this process, which will involve the Council Officer having sight of the DBS certificate. This function is undertaken by a Group Manager for any level of the employeeed workforce. This also extends to agency workers supplied through the Council's managed service contract. This will require the permission of both the DP recipient and the prospective employee, in line with the DBS Code of Conduct. Consent is required in order for the Council to be meaningfully involved in the suitability decision, otherwise the Council cannot be confident that sufficient measures are being taken to safeguard the DP recipient from harm. In circumstances where consent is refused, the Council will take the view that a DP is not an appropriate way to meet the individual's care and support needs and the offer of a DP will be withdrawn.
9. The two newly recruited Direct Payment Quality Officers (DPQOs) will be utilised to perform the ID verification and Right to Work checks with the support of the Authority's counter signatories within the Business Support Centre.
10. Currently, dependent on which Direct Payment Support Service (DPSS) is being used, between £66 and £75 per PA is automatically allocated to a DP recipient's support plan to cover the costs the DPSS charges to undertake each DBS check.
11. In contrast, when DBS checks are completed by the Council, it costs £51.50 per DBS check. By bringing the DBS process in-house, this would realise a saving of between £14.50 and £23.50 per DBS processed on a three year recurrent cycle.

Cost implication of proposal:

DBS checks for all new and existing to be undertaken in - house:

12. Projections based on 2017/18 figures of 655 New DPs commencing and 50% of these being PA Packages there will be approximately 328 new PAs employed each year. This would cost the Council £16,892 a year in DBS checks. This equates to an annual saving of between £4,756 and £7,708 when compared to the cost of DPSS completing the DBS checks.
13. Undertaking DBS checks for all existing PAs would lead to an additional cost of £61,800. (This is based on research undertaken by the Council in 2016 reviewing

the PA sector in Nottinghamshire, which identified that around 1,200 PAs were employed using DPs) The total cost to the Council to complete DBS checks in-house would therefore be a minimum of £78,692 in year 1. This compares favourably to the cost of DPSS currently completing the checks, releasing an annual saving of between £22,156 and £35,908. In year 2 and year 3 the cost of completing DBS checks for new PAs (**paragraph 12**) would reoccur to reflect the new PAs entering the market in those years.

14. The Departmental approach is to renew DBS Checks every 3 years therefore from year 4 onwards, there would be the additional annual costs associated with repeating DBS checks on the PAs initially checked three years earlier, as well as the costs of checking the new PAs that enter the market during year 4 and every consequent year onwards.

Recommendation:

15. It is recommended that DBS checks are undertaken through the Council's role as an umbrella organisation, checks will be submitted via an approved online solution. This will enable the Council to be meaningfully involved in suitability decisions based on any positive DBS disclosures. This would be the case for both established and newly employed PAs.
16. There would be a short term pressure on staff resource to process the DBS applications for established and new PAs, but this could be minimised by temporarily running appointment based 'DBS clinics' from local offices around the County.
17. There are still the same associated risks as per the original DP policy agreed at Committee in January 2015 in that existing service users and PAs may be resistant to undergoing a DBS check which could lead to the breakdown of packages of care that are currently working and result in more expensive packages being required.
18. Where a close family relative is being used as the PA, there is no legal entitlement to undertake any DBS check as laid down in Section 58 of the Safeguarding Vulnerable Groups Act 2006.
19. By rolling out the DBS process to all new and existing PAs, it will mean that there is parity across all means of accessing support. It will ensure that all support staff, will have had an enhanced DBS check regardless of whether they are working for an agency or directly employed by a service user.

Roll out of the revised DP Policy

20. With the exception of the pending decision regarding the implementation of DBS checks, there are no material changes to the structure of the refreshed policy. It is therefore envisaged that it will be sufficient to develop digital mechanisms to raise awareness of the changes amongst frontline staff in collaboration with colleagues in the Communications Team. Articles will be published in 'Team Talk'; the 'Transformation' weekly email for Adult Social Care and Health staff; and in the News section of the intranet to ensure all staff are made aware of the amendments to the DP Policy. In addition to these communications, the DPQOs within the

Strategic Commissioning team will advise colleagues of the DP policy updates as part of their core support function when attending front line team meetings.

21. Following guidance from Legal Services, the Council has undertaken a public consultation on the Council offering their DBS checking services as an “Umbrella Organisation”. This involved an online survey and six face to face focus groups across the County. From the feedback only 15 out of 97 respondents (15.5%) disagreed or strongly disagreed to the proposal. The key points of concern raised through the feedback were that service users wanted on the option to choose whether they used the Council or an alternative agency to complete DBS checks on their behalf. Some service users wanted assurance that they would be involved in the suitability decision for PAs and felt they should have the final say as they are the employer. Other feedback was that if their PA already has a DBS check in place and this can be evidenced, they should not need another one as this would be a waste of money. The feedback has been incorporated into Section G of the policy document (**Appendix 1**).

Other Options Considered

22. The alternative would be to not revise the policy and for the ACFS revisions to sit outside the DP policy. However, to take this option would result in the Council not being compliant with Internal Audit recommendations.
23. Additionally the DBS checks could remain with the DPSS, but this would be at an increased cost and a loss of market management and market shaping opportunities. For the Council not to be requesting the DBS check there will be no guarantee that a DBS check is undertaken which is a statutory requirement due to the PA role involving regulated activity. It would also mean that the Council would not be able to be involved in the suitability decisions due to not having consent to access the PA DBS information.
24. DBS Checks for all new and existing PAs would undertaken through the Council's role as an umbrella organisation, checks will be submitted through an approved online solution. Where an individual does not wish the Council to be the “Umbrella Organisation” money will be made available for a DBS Check to be undertaken by an accredited DPSS on their behalf. This would be more expensive for the Council and would cost between £14.50 and £23.50 more than being undertaken in-house. It would also mean that the Council would be unable to access the DBS certificate information so would not be able to be involved in the suitability decision process, and therefore could not guarantee that the support arrangement meets the Council's safeguarding requirements.

Reason/s for Recommendation/s

25. The DP Policy has been refreshed to embed the recommendations from the recent internal audit that was undertaken in August 2017. The audit recommendations advised that the DP audit process become more stringent and include escalation processes with clearer worker roles and responsibilities for when ACFS have identified where an individual is not complying with the terms within the DP agreement. The improvements are now reflected in the process maps and within the main body of the DP Policy. The changes make the end to end auditing process clearer to follow and provides clearer direction on how potential breaches of the DP

agreement will be escalated, including how the Council will recover funds that have been inappropriately spent.

26. By implementing the policy for all new and existing DP recipients employing a PA to have an Enhanced DBS and barred list check carried out in-house by the Council, this will increase the safeguarding protections it offers to DP recipients.
27. The Care Act 2014 does delegate the employment responsibilities to the service user, but the Council retains its responsibilities for safeguarding individuals who access support and for determining whether a DP is an appropriate way to meet an individual's care and support needs.
28. It is important for the Council to be involved in the decision making around a PA's suitability in cases where the DBS check has revealed positive information. The Council taking on the role of requesting and administering the checks is the only practical and meaningful way to achieve this.
29. The DBS being requested in-house is more cost effective than the current model that delegates the function to external DPSSs. It will also help the Council to better understand the PA workforce and carry out its wider market management role.

Statutory and Policy Implications

30. 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

31. The adoption of a more rigorous DP ACFS audit process is likely to result in more DP funding being recouped.
32. New DBS checks will cost £51.50 per PA, but this will be offset against the savings generated by avoiding the higher cost of using a DPSS as the alternative. The cost associated with bringing the DBS checking process in-house for all 2,184 PAs is projected to be £112,476 every three years. (1,200 existing PAs and three years' worth of newly recruited PAs averaging 328 per year). This funding is currently in the individual DP allocation and if not used is clawed back as a recoup.
33. The administration of the DBS checks will be completed using existing staff resource from within the Strategic Commissioning Team and the Business Support Centre.

Human Resources Implications

34. Whilst this report does not impact on direct NCC employees, in seeking to safeguard service users advice has been taken from relevant HR managers with regard to recruitment and safer working.

Safeguarding of Children and Adults at Risk Implications

35. The policy requirement for DP recipients to carry out DBS checks on individuals the DP recipient intends to employ to support them promotes the safeguarding of children and vulnerable adults.

Implications for Service Users

36. A more stringent ACFS auditing process may uncover misuse of DP funds. In some instances, this may lead to a decision to move the DP recipient onto a Managed Service as a more suitable mechanism for meeting their support needs.

RECOMMENDATION/S

- 1) That the proposed changes to the Direct Payments Policy, attached as **Appendix 1**, be approved.

Councillor Stuart Wallace

Chairman of the Adult Social Care and Public Health Committee

For any enquiries about this report please contact:

Paul Johnson

Service Director, Strategic Commissioning, Safeguarding and Access

T: 0115 854 6220

E: paul.johnson@nottsccl.gov.uk

Constitutional Comments (LM 27/06/18)

37. The Policy Committee is the appropriate body to consider the contents of the report.

Financial Comments (DG 28/06/18)

38. The financial implications are contained within paragraphs 31 - 33 of 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.

Direct Payments Policy – report to Adult Social Care and Health Committee on 5 January 2015

Direct Payments Policy refresh – report to Adult Social Care and Public Health Committee on 9 July 2018

Electoral Division(s) and Member(s) Affected

All.

ASCPH572 PDMv3

Appendix 1

Sections highlighted in yellow below are the sections of the Policy that have been amended based on Internal Audit and DBS and Recruitment Team advice.



Policy Library Pro Forma

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

Title: Direct Payments Policy

Aim / Summary: To set out the Council's position in respect of: the way that Direct Payments are provided to service users with eligible needs; and the way that Direct Payments are administered, monitored and reviewed.

| Document type (please choose one) | | | |
|-----------------------------------|---|-----------|--|
| Policy | X | Guidance | |
| Strategy | | Procedure | |

| | |
|-------------------------------|-----------------------|
| Approved by: Policy Committee | Version number: 1 |
| Date approved: | Proposed review date: |

| Subject Areas (choose all relevant) | | | |
|-------------------------------------|--|----------------------|---|
| About the Council | | Older people | X |
| Births, Deaths, Marriages | | Parking | |
| Business | | Recycling and Waste | |
| Children and Families | | Roads | |
| Countryside & Environment | | Schools | |
| History and Heritage | | Social Care | X |
| Jobs | | Staff | |
| Leisure | | Travel and Transport | |
| Libraries | | | |

| | |
|-------------------------------|--|
| Author: Commissioning Officer | Responsible team: Strategic Commissioning Unit |
| Contact number: | Contact email: |

| | |
|---|------------|
| Please include any supporting documents | |
| 1. | |
| 2. | |
| 3. | |
| Review date | Amendments |
| | |
| | |



Direct Payments Policy

Section A – national and local policy context

1. National and local policy context

- 1.1 Direct Payments are monetary payments made by the Council to individuals and carers who request to receive one to meet some or all of their eligible care and support needs. Direct Payments are the Government's preferred payment mechanism for personalised care and support. They provide independence, choice and control by enabling people to commission their own care and support in order to meet their eligible needs. The aim is to encourage people to take ownership of their care planning and be free to choose how their needs are met.
- 1.2 Priority Four of the Council's Strategic Plan deals with providing care and promoting health. It sets out the Council's intentions to develop individual and community resources to prevent, delay and reduce the need for care and support. While the provision of quality social care and health services for children, adults and the vulnerable has always been a priority for the County Council, the provision of these services is facing the new challenge of increasing demand due to a variety of factors. At the same time the Council is facing significant financial restraints. The Plan states that;

“We will always consider the needs and preferences of the individual, but we have a responsibility to balance this against the effective and efficient use of resources.”

1.3 The Council’s Adult Social Care Strategy states that:

“When commissioning services for people, we will place greater emphasis on the achievement of outcomes and value for money over the level of choice available. We will always aim to maximise people’s independence and take their preferences into account, but the funding made available to support an individual will be determined by the most cost effective care package, based on the local care market, the availability of local care providers and the cost of community based and residential care. All situations will have to be assessed and considered on an individual basis”

1.4 The legislative context for Direct Payments is set out in the Care Act, Section 117(2C) of the Mental Health Act 1983 (the 1983 Act) and the Care and Support (Direct Payments) Regulations 2014. Care and Support Statutory Guidance 2014 sets out how the Council should go about performing its care and support responsibilities.

1.5 The challenge for the Council is to balance the principles of individual choice and control, which are reflected in various ways in the requirements set out in the Care Act, with the need to use resources effectively and efficiently and to be accountable for the use of public money.

1.6 This policy sets out how the Council interprets its duties and responsibilities in relation to Direct Payments where the Care Act allows scope to do so, in line with the local strategic priority aim of ensuring the effective and efficient use of resources.

2. **Scope of this policy**

2.1 This policy covers:

- a) The agreement to receive a Direct Payment
- b) The amount of Direct Payment that an individual can hold at one time
- c) The use of pre-paid debit card accounts to manage the Direct Payment
- d) Self-employed Personal Assistants
- e) The employment by a Direct Payment recipient of close family members to provide assistance with the management and administration of Direct Payments
- f) The employment of people who are also acting in another capacity in relation to the Service User’s finances
- g) The use of Disclosure and Barring Service and Right to Work checks for Personal Assistants
- h) The use of Direct Payments to purchase residential care
- i) The use of Direct Payments to purchase health services
- j) Using a Direct Payment to buy general equipment or appliances

- k) Using Direct Payments to purchase local authority services or contracted services
- l) The use of Direct Payment Support Services.

Section B – Principles and Commitments

3. Principles and Commitments

3.1 This policy upholds the following principles:

- a) Direct Payments will enable people to experience choice and control over how their care and support needs are met
- b) Service users and any children and/or vulnerable adults who are part of their households will be safeguarded from abuse
- c) People receiving Direct Payments who choose to become employers will meet all of their legal responsibilities
- d) The Council may impose conditions on the receipt of a Direct Payments to ensure that the arrangements made are safe to the service user and others, and may require the disclosure of information in order to determine this
- e) Arrangements that are made to manage and use Direct Payments will avoid any potential conflicts between the best interests of the service user and those of others who are party to the arrangements
- f) The use of Direct Payments and any arrangements made to support people to manage Direct Payments will represent an effective and efficient use of resources
- g) Service users will be encouraged and supported to be as independent as possible in managing their Direct Payments
- h) People will be enabled to manage the risks inherent in independent living
- i) The Council will share responsibility with individuals, families and communities to maintain their health and independence
- j) Personal assistants will be well trained and supported.

4. Key actions to meet the commitments set out in the policy

4.1 The Council will:

- a) Carry out assessments of need, and produce support plans for individuals that identify the outcomes of care and support services that are to be provided. **The Direct Payment can only be spent on outcomes set out within the Support Plan. This needs to be explained to all Service Users when completing the Direct Payment Agreement Form** *[Highlighted section added in response to Internal Audit requirement for increased clarity emphasising to staff the importance of explaining the process clearly to service users]*
- b) Set the personal budget that is to be made available as the Direct Payment
- c) Provide information about Direct Payments and ensure that service users who choose to receive a Direct Payment understand their roles and responsibilities. This will include responsibilities as an Employer where appropriate
- d) Help service users to obtain support that they need to manage the Direct Payment safely and effectively
- e) Review service users' needs and the way that Direct Payments are used to meet assessed need
- f) Monitor the status of Service User accounts
- g) Carry out financial audits of Service User accounts
- h) **Take steps to recoup from the Direct Payment account surplus monies above an agreed amount which is currently 6 weeks work of DP Monies** *[Addition to the Policy in response to Internal Audit feedback that the Council needs to explicitly state the number of weeks of surplus DP funding that can be retained in a DP recipient's bank account prior to ACFS recoup processes being triggered]*
- i) **Take steps to recover money where it is not known how the money has been used. This could include invoicing for the full Direct Payment paid out for any period where the bank statements have not been provided** *[Response to Internal Audit feedback requiring a stronger emphasis clearly stating that steps will be taken to recoup DP funds where evidence of appropriate spending is not provided to the Council]*
- j) **Recover money if the Direct Payment is misused**
- k) **Recover all unspent monies when a Direct Payment is ended** *[Same as point as paragraph 'i' – Response to Internal Audit feedback emphasising the Council's intention to recoup funds where evidence of appropriate spending is not provided]*
- l) **Act as the "Umbrella Organisation" through which checks on prospective employees must be carried out using the Disclosure and**

Barring Service [Update of the Council's function as an Umbrella Organisation to ensure compliance with Safeguarding Vulnerable Groups Act 2006]

- m) Commission, monitor and review Direct Payment Support Services
- n) Provide information, advice and guidance to operational teams on policy and practice issues relating to Direct Payments
- o) Ensure that service users, carers and provider organisations are actively involved in work to develop and improve the Direct Payment "offer" in Nottinghamshire
- p) Work with partner organisations providing other forms of state support to service users to develop approaches to harmonising the Direct Payments so that people do not have multiple payments.

Section C - The Direct Payment Agreement

5. **Agreement to receive a Direct Payment and who is responsible for managing the Direct Payment**

5.1 In order to receive a Direct Payment, service users must sign an agreement with the Council. This agreement sets out the conditions under which Direct Payments can be made by Nottinghamshire County Council and includes details of what the service user and the Council must do. The agreement reflects the Council's policy and requires that, although service users will use the Direct Payment to purchase and contract for services in their own right, they will do so within parameters set by the Council to ensure that arrangements are legal and safe and that public money is properly accounted for.

5.2 The Direct Payment Agreement will be signed by the individual where they have capacity to manage the Direct Payment themselves and they will take on the responsibilities set out within the Direct Payment Agreement. An individual with capacity can choose to have a **Nominated Person** to assist them in managing the Direct Payment. This person would sign the agreement as a Nominated Person, but the individual would still maintain responsibility for ensuring that all the conditions of the Direct Payment Agreement are met.

Where an individual receiving support lacks capacity to manage a Direct Payment, an **Authorised Person** can be appointed to receive, manage and take legal responsibility for the Direct Payment. In these circumstances it will be the Authorised Person that signs the Direct Payment Agreement and not the individual receiving support. An Authorised Person can also choose to have a Nominated Person to provide support to manage the Direct Payment,

but the Authorised Person would still maintain responsibility for ensuring that all the conditions of the Direct Payment Agreement are met.

5.3 Definitions of Authorised and Nominated Persons

Authorised Person

Direct Payments can be made to pay for the care and support of *individuals who do not have the mental capacity* to request them. In these circumstances an “Authorised Person” can request the Direct Payment on behalf of the person who lacks mental capacity. **The Authorised Person receives the Direct Payment and takes on the full legal responsibilities associated with this.**

The Authorised Person can nominate another person to assist with the management of the Direct Payment money. However, the full legal responsibilities of the Direct Payment including those associated with being an employer remain with the Authorised Person. Staff must be satisfied that the Authorised Person is able to understand and take on the responsibilities of managing a Direct Payment, taking account of any support that is available, for example from friends or relatives or from a Direct Payment Support Service.

In line with Care Act Section 33 regulations, Nottinghamshire County Council will make payments to the Authorised Person as long as the following conditions are met:

- The Local Authority is satisfied that the Authorised Person will act in the adult’s best interests in arranging for the provision of the care and support for which the Direct Payments under this section would be used;
- The Local Authority is satisfied that the Authorised Person is capable of managing Direct Payment by himself or herself, or with whatever help the authority thinks the Authorised Person will be able to access;
- The Local Authority is satisfied that making Direct Payments to the Authorised Person is an appropriate way to meet the needs in question.

Nominated Person

A Nominated Person is someone who takes responsibility for managing the Direct Payment money (not the legal responsibility) on behalf of a service user who **has capacity** to request a Direct Payment (or an Authorised Person acting for a service user who lacks capacity). This responsibility could include:

- Setting up and managing the bank account into which the Direct Payment is paid
- Taking responsibility for paying bills and keeping records.

Unlike the Authorised Person, the Nominated Person does not take on the legal responsibilities related to having the Direct Payment or of being an employer. These responsibilities remain with the service user or the Authorised Person. It is the service user or Authorised Person who is the main signatory of the “Agreement and Set-up Document”, which is the formal

contract between the Council and the Direct Payment recipient. However, the Nominated Person should co-sign the "Direct Payment Agreement form" as evidence of their consent to support with the management of the Direct Payment money.

A Nominated Person can be a friend, a family member or a Direct Payment Support Service.

- The adult has the capacity to make the request
- The Nominated Person agrees to receive the payments
- The Council is satisfied that the Nominated Person is capable of managing the Direct Payments

The Council is satisfied that making Direct Payments to the adult or Nominated Person is an appropriate way to meet the needs in question.

[Response to Internal Audit feedback requiring insertion of definitions of 'Nominated and Authorised Persons' and their respective roles]

- 5.4 In circumstances where the terms and conditions of the agreement are not met, the Council will take reasonable steps to address the situation. In the event that the situation remains unresolved the Council will consider whether the Direct Payment is still an appropriate way to meet the service user's assessed needs. If necessary, and subject to appropriate alternative services being put in place, the Council will discontinue the Direct Payment and invoice for any money not used, where bank statements have not been provided for or misuse has been confirmed in line with DP agreement. It is also a requirement that where a service user has been assessed as having to pay a contribution, this should be made regularly 4 weeks in advance.
- 5.5 If there is a none return of bank statement after the original 3 weeks that is provided by ACFS for this to be completed, a further letter will go out by the Direct Payment Team giving 2 weeks to return the information. Telephone contact will also be undertaken. If bank statements are still not returned a final letter will go out giving 1 final week to return the information. It will also advise that failure to do so could lead to the Direct Payment being ended. An Alert will then be sent to the social work team to make contact with service user to arrange a review within 2 weeks of receiving the Alert.
- 5.6 Where ACFS have identified potential misuse on an account or a service user has not paid in their assessed contribution an ACFS Alert will be sent through to the Front line Team. It is expected that the social work team would arrange a review to look into this matter within 2 weeks of receiving the Alert.
- 5.7 Where deliberate misuse of the Direct Payment is suspected at review, this may trigger a fraud investigation by the Council, and/or a criminal investigation by the Police if there is sufficient evidence to suggest that a crime is being committed.

[Response to Internal Audit feedback requiring clarification of the steps the Council will enact if the DP recipient does not comply with the terms and conditions of having a Direct Payment]

Section D – How much money can be held at any time

6. The amount of Direct Payment that an individual can hold at one time

- 6.1 The amount that is included in a Direct Payment must be sufficient to meet the assessed needs that the Council has a duty or power to meet. This may include an amount that is not needed on a week by week basis, but is required to meet additional costs that arise periodically, for example to employ alternative staff, to cover for periods when regular staff are using their statutory leave entitlements. People who receive Direct Payments may accrue money in their Direct Payment accounts up to an amount that will be agreed as part of the individual support planning process (this is usually a maximum of 6 weeks Direct Payment monies) and recorded in their support plan. The Council will recoup any funds that are in addition to this amount and are not required to meet assessed needs, in line with the support plan.
- 6.2 Any legitimate costs that cannot be paid for from the amount held in the service user's Direct Payment account will normally be met through the provision of a one-off payment. Such one-off payments must be authorised by a Team Manager and recorded in the support plan.

Section E – Using a pre-paid debit card account

7. The use of pre-paid debit card accounts to manage the Direct Payment

- 7.1 The use of a pre-paid debit card account is Nottinghamshire County Council's preferred option for managing Direct Payments and should be considered when setting up and/or reviewing the Direct Payment. The benefits of having a pre-paid card should be advised to all service users. This should include that the payment goes direct onto the card enabling individuals to pay for their eligible support easily. They can view and manage their account online. It also allows them to set up regular payments such as direct debits and standing orders and purchase goods and services they need in-store and online. There is no need to set up a separate bank account or send in regular statements as this is done automatically by the Council. The Direct Payment Staff Guidance will provide more detail in relation to this issue. *[Response to Internal Audit feedback to make it clear that the Pre-payment Debit Card is the Council's preferred vehicle for Service Users to receive a DP and to make it clear to staff that the benefits of using a Pre-paid Debit Card must be explained to all DP Recipients]*

Service users will have the opportunity to request that the payment is made into a conventional bank account and will be made aware of this during the support planning stage of the assessment and support planning process. The Council will make available the option of advocacy support to any individual who requests that the Council considers other arrangements.

- 7.2 Care and Support Statutory Guidance states that the use of pre-paid cards should not be provided as “the only option to take a Direct Payment. The offer of a “traditional” direct payment paid into a bank account should always be available if this is what the person requests and this is appropriate to meet needs. Consideration should be given to the benefit gained from this arrangement as opposed to receiving the payment via a pre-paid card.”
- 7.3 Service users cannot use the pre-paid debit card to withdraw cash unless it is demonstrated that there are no reasonable alternative ways to purchase an appropriate service and this has been recorded in the support plan.
[Response to Audit feedback to minimise the use of cash withdrawals due to the difficulties of auditing expenditure to ensure it is the appropriate use of DP funding in line with the associated support plan]

Section F - Using a Direct Payment to employ someone

8. Self-Employed Personal Assistants

- 8.1 The Council will not make Direct Payments available in cases where the prospective recipient proposes to employ an individual who claims to be self-employed without evidence being supplied to demonstrate that the self-employed status is authentic in relation to the specific job role in question.
- 8.2 In order to demonstrate the employment status of the proposed working relationship, the individual must complete the HMRC Employment Status Indicator (ESI) Tool with the Council’s assessment worker. The answers given must accurately reflect the job description and the terms and conditions under which it is proposed the services are to be provided at the relevant time of the contract, therefore these must be provided to the assessment worker at the time of completing the ESI tool. HMRC will be bound by the ESI outcome where the employer or their authorised representative provides copies of the printer-friendly version of the ESI Result screen.

9. The employment of people who are also acting in another capacity in relation to the service user’s finances

- 9.1 Best practice guidance would be that people who are acting in the capacity of a Personal Assistant employed by the service user should not normally take on the role of Authorised Person / Nominated Person unless there are

exceptional circumstances that make it the most appropriate way of meeting the needs. This would need to be agreed in advance by the Council.

- 9.2 Where it has been determined in an exceptional circumstance by a Team / Group Manager that an Authorised or Nominated Person can also be paid to provide support to an individual, it is very important that this is done in line with the conditions of the Direct Payment Agreement. As per the Council's Auditing policy the Authorised / Nominated Person managing the finances would need to provide full receipts and invoices for any money paid to them when requested to do so at Audit. The Authorised / Nominated Person managing the Direct Payment cannot make a payment to themselves which is higher than what is stated within the support plan or for reasons not included in the support plan without obtaining prior approval from the relevant Assessment and Reviewing Team.
- 9.3 Where a Personal Assistant is also acting in the role of an Authorised or Nominated Person, the social work team should also make ACFS aware of this so that this can be monitored during ACFS Audits.
- 9.4 In circumstances where the terms and conditions of the agreement are not met, the Council will take reasonable steps to address the situation. In the event that the situation remains unresolved the Council will consider whether the Direct Payment is still an appropriate way to meet the service user's assessed needs. If necessary, and subject to appropriate alternative services being put in place, the Council will discontinue the Direct Payment and invoice for any money not used, where bank statements have not been provided for or misuse has been confirmed in line with DP agreement.
[Response to Audit feedback that the Council needs to minimise the occurrences of the Nominated or Authorised Person also being the Personal Assistant. The risk in this situation is the conflict of interest that comes from the same person being the employee and the employer]
10. **The employment by a Direct Payment recipient of close family members to provide assistance with the management and administration of Direct Payments.**
- 10.1 The Council will consider allowing Direct Payments recipients to pay close family members living in the same household to provide support to manage and/or administer the Direct Payment on a case by case basis and is not the usual accepted practice.

Section G - Using Disclosure and Barring Service (DBS) Checks

11. **The use of Right to Work, and Disclosure and Barring Service checks for Personal Assistants**

11.1 For service users intending to use their Direct Payment to employ a Personal Assistant (PA) for the first time, the provision of the Direct Payment will be subject to;

- a) The requirement to carry out a “right to work” check and an “enhanced check with adults barred list check” on the prospective employee by the Disclosure and Barring Service (DBS) using the County Council as the “Umbrella Organisation” for the purposes of submitting applications for checks. As the generic role of a Personal Assistant is deemed to contain regulated activity it is therefore a statutory requirement for an Enhanced DBS and barred list check to be undertaken
- b) In cases where a check reveals information recorded, the DP recipient will be required to make a “suitability decision” in order to determine whether it is safe and appropriate to employ the person. A Council Officer will be required to advise and assist with this process, which will involve the Council Officer having sight of the DBS certificate. This will require the permission of both the DP recipient and the prospective employee, as there is no legal requirement within the DBS checking process for the Council to be involved in this way. However, unless consent is given in order for the Council to be meaningfully involved in the suitability decision, the Council cannot be confident that sufficient measures are being taken to safeguard the DP recipient from harm. In such circumstances the Council will take the view that a Direct Payment is not an appropriate way to meet the individual’s care and support needs and the offer of a Direct Payment will be withdrawn
- c) The sharing of any disclosed information included on certificates issued to prospective employees by the DBS with nominated Council Officers.

11.2 In order to use a Direct Payment to employ people to provide their care and support, prospective recipients must sign a form of agreement with the Council, which includes details of the Council’s requirements in relation to DBS and “right to work checks”.

11.3 Where service users are already in receipt of a Direct Payment and employing a PA, the status of any DBS check will be established at the annual review of the care and support plan. Service users will be required to sign the agreement relating to Council requirements for DBS checking. Subject to sight of the certificate by a nominated Council Officer, service users with existing PAs for whom checks were made in relation to their current job role within the last 3 years will not be required to take any further action, but may request that a new DBS check is carried out.

11.4 Existing service users whose PAs do not have a relevant DBS certificate or whose certificate is more than 3 years old will be required to undertake DBS checks for these PAs.

11.5 Service users who start to employ a PA who already has a DBS certificate that was applied for through the Council’s Environment and Resources

Department within the previous three years will not be required to apply for a new check, but may request that a new DBS check is carried out.

11.6 DBS checks for all PAs must be renewed after 3 years at most.

11.7 The Council will maintain a record of all people who are employed by Direct Payment recipients for the purpose of ensuring that current DBS checks are in place and are renewed as necessary.

11.8 The requirement for DBS checks to be carried out can be waived in exceptional circumstances for both existing and new PAs where the PA is a close family member as a DBS check cannot be requested for close family members. This rationale needs to be included within the individual's Support Plan and the decision to waive the requirement for a DBS needs to be passed to the Team Manager.

[Adjustment to Policy to ensure Council compliance with the Safeguarding Vulnerable Groups Act 2006 which makes the DBS check a statutory requirement. It is also a response to GDPR and consultation feedback regarding the Council becoming an Umbrella Organisation. The Umbrella Organisation Status will enable the Council to meaningfully participate in suitability of employment decisions with the DP recipient when they are employing PAs. This will enable the Council to fulfil its safeguarding responsibilities.]

Section H – What Direct Payments can be used to buy

12. The use of Direct Payments to purchase residential care

12.1 Nottinghamshire County Council has participated in a government pilot project to test the use of Direct Payments in long term residential care, as a result of which staff working with service users entering residential care can offer them a Direct Payment.

12.2 The use of Direct Payments to purchase health services

12.3 Local authorities must not meet needs by providing or arranging any health service or facility which is required to be provided by the NHS. However, local authorities can commission health services on behalf of clinical commissioning groups (CCGs), therefore, where CCGs provide funding for this purpose for individuals as part of a joint funding agreement to provide health and social care services, the health element will always be funded by the CCG.

13. Using a Direct Payment to buy general equipment or appliances

- 13.1 A Direct Payment can be used to purchase general equipment/appliances, for example, a computer or washing machine, if:
- a) All alternative funding streams have been explored first
 - b) It has been identified that the equipment will meet an identified outcome in the most cost effective way and reduces the need for long term support.
14. Using Direct Payments to purchase local authority services or contracted services
- 14.1 Direct payments may be used to purchase services provided directly by the County Council:
- a) If the use of such services is an appropriate way to meet an individual's needs and;
 - b) The need to use such services arises on a one off or irregular and infrequent basis.
 - c) It is less burdensome for the Council to accept the Direct Payment amount, rather than providing the service and then reducing the personal budget and Direct Payment accordingly.
- 14.2 Otherwise, where an in-house service has been chosen these will be provided via a managed personal budget.

Section I – Direct Payment Support Services

15. The use of Direct Payment Support Services

- 15.1 Direct Payment Support Services are organisations that are paid to provide help to the service user or Authorised Person, to manage the Direct Payment. Support should only be made available after an assessment of an individual's capability to manage the various tasks associated with managing the Direct Payment has been completed and it has been established that help is necessary. The support that is provided should be the minimum that is required to enable the Direct Payment to be managed effectively and the level of support must be reviewed at least annually.
- 15.2 The Council will maintain a list of accredited providers of Direct Payment Support Services. The accreditation process will establish standards in relation to service provision and the working relationships between providers, service users and the Council.
- 15.3 The Council strongly recommends that where a Direct Payment Support service is required that it will be an accredited provider that will be chosen to provide this. The Service User can though choose to use a provider who is not on the list, but if it is a Third Party Managed Account being offered they still need to meet the requirements needed by the Council.

[Policy revision to improve Care Act 2014 compliance – improved clarification that the Council cannot insist that a DP recipient use a particular Direct Payment Support Service. The final decision about selecting a DPSS will always sit with the DP recipient rather than the Council].

REPORT OF THE CHAIR OF GOVERNANCE AND ETHICS COMMITTEE

COUNCILLORS' DIVISIONAL FUND – REVISED POLICY

Purpose of the Report

1. To approve a revised policy on the use of the Councillors' Divisional Fund (CDF)

Information

2. The CDF is a fund provided to each elected member to support their communities. Organisations and individuals in their individual electoral divisions. Each member has £5,000 per annum at their disposal to award within their division.
3. The policy has not been reviewed since May 2014 and in light of changes in internal practices a review is necessary to bring the policy in line with current operational practices.
4. The suggested revised policy is attached as Appendix A. This was considered by the Governance and Ethics Committee on 13 June 2018 and the Committee agreed that it should be submitted to Policy Committee for approval.
5. The main changes proposed are
 - Minimum award amount has been increased to £50.00 (para 2g)
 - Increased requirements on declaring pecuniary or private interests to ensure transparency (para 3b)
 - Members need to ensure accuracy of information on all applications. (para 4a)
 - Payments will only be made by BACS transfer or internal transfer to reduce costs of processing (para 4b)
 - Clarification on match funding awards to simplify processes (para 4d)
 - Reports to the Governance and Ethics Committee on the use of CDF will be brought on a six monthly basis, with updated expenditure reports to be given to Business Managers and non-aligned members on a monthly basis. (para 4g)
 - End of financial year applications must be submitted by the Friday in the first week of March or the 7th March whichever is the later. (para 6)

Other Options Considered

6. The policy could remain unaltered but this would not be the most cost effective way of administering this fund.

Reason/s for Recommendation/s

7. To update the CDF policy to make it as cost-effective and efficient as possible,

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.

Data Protection and Information Governance

Application forms may contain sensitive personal information and as such a Data Protection Impact Assessment on this process has been undertaken. If the revised Policy is approved, the form will be updated to reflect the new policy and to ensure compliance with the new General Data Protection Regulations.

Financial Implications

9. There are no direct financial implications arising from this report.

RECOMMENDATION/S

- 1) That the revised policy for the Councillors' Divisional Fund be approved.

COUNCILLOR BRUCE LAUGHTON

Chair of Governance and Ethics Committee

For any enquiries about this report please contact:

Sarah Ashton, Democratic Services Officer

sarah.ashton@nottscc.gov.uk

0115 9773962

Constitutional Comments (SLB 10/7/2018)

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

Financial Comments (SES 10/7/2018)

11. The financial implications are set out in paragraph 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.

- The current CDF Policy

Electoral Division(s) and Member(s) Affected

- All

Revised Policy
Nottinghamshire County Council's Councillor's Divisional Fund

1. Background

- a) The Councillor's Divisional Fund (CDF) is a specific budget to enable each Member to, subject to compliance with the requirements of the scheme put forward proposals for expenditure in their electoral divisions which accord with the strategic objectives of the Council.
- b) Each Member will receive an annual allowance of £5,000 to spend within each financial year. Any funds remaining and unspent within this budget at the end of the financial year will be returned to corporate balances.
- c) Applications will be processed through Democratic Services, who will also give advice on the operation of the fund and whether proposals meet the requirements of the scheme. A record of all expenditure under the scheme will be maintained and will be publicly available on the Council's website.

2. The Scheme

- a) The fund is designed to allow members to offer financial support to those individuals, organisations and groups within their division who actively support the community.
- b) Proposals should be for one-off items of expenditure and not for anything which could create an on-going financial commitment, e.g. administrative support.
- c) Funding is not available for the direct employment of staff, or for rent or general running costs of the organisation.
- d) Funding is not available for general charitable donations where there are no specific and identifiable benefits to the particular division.
- e) Funding cannot be given to any request which supports any matter which is contrary to County Council Policy - additionally funding cannot be provided to oppose or support any proposal including planning proposals which the County Council has a legal obligation to determine.
- f) Two or more members may agree a joint proposal for the whole or part of their divisional budgets provided the proposals meet the requirements of the scheme.
- g) Any awards made should be in excess of £50.00 in order to ensure that the administration costs of arranging the payment do not exceed the payment itself.

3. Declarations of Interest

- a) The Council's Code of Conduct and the Nolan Principles and usual rules on declarations of interest apply to the CDF. Members must not place themselves in a position where their honesty and integrity may be questioned and should exercise their responsibility for the stewardship of the council's resources properly.
- b) If a Member has a private or pecuniary interest in a proposal it is essential that they declare it on the application form. No funding will be given when a Member directly benefits financially from the award. If a pecuniary interest is declared advice from the Monitoring Officer must be sought before payment is made.

4. Administrative Procedures

- a) Proposals for expenditure must be made on the agreed pro-forma application form and submitted to Democratic Services. Members need to ensure accuracy of information on all applications.
- b) Payments will be made by BACS transfer or internal transfer.
- c) If other County Council funding for the same project has been applied for, agreed or previously provided, such details must be included on the application form.
- d) Payment can be made towards projects that are seeking match funding from more than one source. However if the project is not able to progress due to the other sources of funding not being obtained, then the payee is required to notify the relevant Councillor to arrange for the CDF payment to be reimbursed.
- e) The Council's Grant Aid strategy directs applicants for grant aid requests below £500 to make applications for the Divisional Fund. Applications under the grant aid scheme must demonstrate how the project for which funding is requested meets the strategic objectives of the Council. Funding proposals/requests under the Divisional Fund Scheme must also demonstrate how the project meets the Council's Strategic Objectives.
- f) Between 5 -10 applications annually will be the subject of an audit which will include ensuring that the monies provided have been spent in accordance with the application made. The applications to be audited will be agreed with the Chairman of Governance and Ethics Committee and the results of the audit reported to that Committee.
- g) Reports on the use of the Divisional Fund will be brought to Governance and Ethics committee on a six monthly basis. Expenditure reports will be given to the Group Business Managers and Non-aligned members on a monthly basis.

5. Publicity

- a) CDF funding is intended to have a direct benefit for the community. It is important that this is transparent and that the contribution made by the Council is recognised appropriately.
- b) In order to ensure funding is recognised –
 - i) a list of awards made will be maintained on the Council's website
 - ii) reports on the use of the Divisional Fund will be brought on a six monthly basis to Governance and Ethics Committee.
- c) In addition to this, the organisations in receipt of the award will be expected to acknowledge the County Council's funding. This may include a notice stating the project was funded via the Divisional Fund, or acknowledged in the organisations publications, annual reports or meeting minutes. Individual Councillors should not be named in any permanent notices or plaques. Advice on suitable publicity is available to Members from the Communications Team.

6. Review

The Scheme will be kept under review in accordance with all Council policies.

6. End of financial year.

All applications for CDF funding in a Non-Election year must be submitted by the Friday in the first week of March. Any applications received after this date will not be processed.

7. Pre-Election Periods

In the year of a County Council election, no requests for funding, payments or publicity relating to this scheme will be proposed or permitted from the end of February until after polling day.

REPORT OF THE LEADER OF THE COUNTY COUNCIL**D2N2 GROWTH HUB 2.0 – PARTNERSHIP AND MATCH FUNDING APPROVAL
TO APRIL 2022****Purpose of the Report**

1. This report outlines and recommends options in relation to the proposed merger and extension of the D2N2 Growth Hub and Digital Business Growth programmes which are due to finish in 2019.
2. Policy Committee approval is being sought, subject to delegation on the final Growth Hub 2.0 partnership agreement details, to provide the required match funding of £193,561 to guarantee investment in activities aimed at supporting business growth, job creation and productivity gains across Nottinghamshire.

Information

3. The Council Plan 2017-2021 highlights the need to build on Nottinghamshire's proud heritage of innovation and to create a great place to start and grow a business. Our economy has already diversified with strong foundations for the future. This requires promoting the conditions that will help businesses thrive and prosper, and where appropriate, working closely with local partners – especially when there is the potential to unlock significant investment.
4. Both the D2N2 Growth Hub and Digital Business Growth programmes are due to finish in 2019. They are part-funded by the European Union (EU), the D2N2 Local Enterprise Partnership (D2N2 LEP), Nottinghamshire County Council and private sector partners. Following on from the summaries of the two initiatives, the report details a proposal for Policy Committee consideration that could result in their merger and extension to April 2022.
5. Feedback from businesses and links to case studies on the two initiatives is provided at **Appendix A.**

The D2N2 Growth Hub Programme

6. The £4.3 million D2N2 Growth Hub programme plays an invaluable role in supporting small and medium-sized businesses across Derby, Derbyshire, Nottingham and Nottinghamshire and guiding them to future growth. It acts as a first port of call for businesses, which need advice on a range of issues – from access to finance to employment law. Nottinghamshire County Council plays an important role in the delivery of the hub programme, which supports our priority of ensuring there is continued economic growth in Nottinghamshire and job

creation. Council funds are used to boost a dedicated business support and advice offering across Nottinghamshire, which ends in March 2019.

The D2N2 Digital Business Growth Programme

7. Nottinghamshire has a growing digital economy with several businesses at the forefront of global digital technologies employing highly skilled digital technicians. The Council recognises that the digital economy is driving growth of local economies worldwide, with Nottinghamshire ranking first in the East Midlands for superfast and fibre broadband coverage.
8. With 97.5% of the County able to access superfast broadband speeds, the Council has taken an innovative approach to how they fund businesses in order to support the continued growth of Nottinghamshire's expanding digital sector. Businesses who rely on digital connectivity (especially fledgling businesses) often struggle to raise finance through traditional business funding channels and grant programmes, as their investments are in staff and intellectual property created by them and not recoupable capital assets. Funders do not typically support capital costs. Nottinghamshire County Council recognised that success in a digital age is a key area of growth, which led to looking at different ways of supporting businesses.
9. The Digital Business Growth Programme led by Nottinghamshire County Council is designed to help enterprises to embrace new technology, offering: seminars, strategic action-planning workshops, conferences, learning about new software, one to one businesses advice, digital skills and technology grant funding. On behalf of partners, the County Council manages this £7.25 million programme, which ends in June 2019.
10. The County Council previously approved match funding of up to £120,000 per annum (to June 2019) towards the two initiatives. Both have EU funding output targets, which are managed and reported through collaborative agreements with the partners involved in each. Nottinghamshire County Council contributes to these output totals from its involvement. With a year to go, both programmes have a healthy pipeline of businesses waiting support. The overall performance to date is as follows:

| Programme Name | Funded activity | No. of Nottinghamshire businesses supported / currently involved |
|---------------------------------|---|--|
| GROWTH HUB | Businesses offered either up to 3 or 12 hours' worth of support | 200 |
| DIGITAL GROWTH PROGRAMME | Businesses awarded a Technology Grant | 40 (with 14 pending) |

Proposal

11. Given the expectations of Government to reinforce the role of Growth Hub's through the Industrial Strategy and Local Enterprise Partnerships, in January 2018 an outline application was submitted under a new EU funding call. Given the remaining EU funding available, the

application proposed the merger and extension of activities of the two initiatives to April 2022.

12. Since the submission of the outline application, the City Council, as the Accountable Body, was invited by the European Structural Investment Fund Sub-Committee to submit a full bid (referred to as "Growth Hub 2.0") by 29 June 2018. Its success will mean Nottingham City Council, through their Section 151 Officer, will be responsible for ensuring that statutory requirements are met in resource allocation decisions and that the public interest is protected.
13. The content and aspiration of the full bid has been worked up by a partnership consisting: Chesterfield Borough Council, Derby City Council, Derbyshire County Council, Derbyshire Dales District Council, Erewash Partnership, Nottingham City Council (Accountable Body), South Derbyshire District Council and Nottinghamshire County Council.
14. The Growth Hub 2.0 bid total value is just over £11.7 million. The full bid seeks £5.87 million of EU funding, with match funding coming from private sector business investment (circa 60% of grant) and the East Midlands Chamber (£4.56 million). The expectation is that the remaining £1.3 million comes from the local authority partners.
15. The Growth Hub 2.0 bid was submitted by the deadline. In line with Government expectations, the bid (with its delivery across the D2N2 LEP area) has an underlying focus on increasing productivity of small to medium sized enterprises. The Growth Hub 2.0 bid proposes the following outputs in the table below which are subject to negotiation over Nottinghamshire's proportionate share, in line with its contribution:

| Activity | Overall Growth Hub 2.0 Bid |
|---|----------------------------|
| Enterprises receiving non-financial support | 469 |
| Enterprises receiving a grant | 200 |
| New jobs | 182 |
| Enterprises receiving information, diagnostic and brokerage support | 941 |

16. The independent bid appraisal process is expected to take between 6 and 9 months. As we are now in the post-submission phase and subject to Policy Committee approval to maintain the County Council's involvement in the Growth Hub 2.0 bid, Officers have the opportunity to undertake negotiations with partners to decide who is best placed to undertake the grant management function.
17. Bringing together all parties involved does not commit the Council financially; we can back out any time before Nottingham City Council (as accountable body) signs the agreement. It is therefore proposed, subject to the outcome of Officer negotiations, for Policy Committee to delegate authority to the Corporate Director Place, in consultation with the Chair of Policy Committee, to consider and finalise the partner agreement and outcomes.

Other Options Considered

18. A key commitment of the Council Plan is to ensure Nottinghamshire is a great place to invest and do business, is well-connected and has a skilled workforce for a global economy. Full

engagement with the Growth Hub 2.0 plans builds on these commitments and our ability to help the Nottinghamshire business community grow and prosper. Therefore, the 'do nothing' option was discounted.

Reason for Recommendations

19. The County Council could choose to withdraw from the Growth Hub 2.0 submission and not provide the mandatory match funding. However, the ability to maximise the use of digital infrastructure to stimulate economic growth will be hampered and the opportunity to secure over five times the leverage in EU funding for Nottinghamshire will be lost.
20. With an amended model bringing the Digital Growth Programme under the umbrella of the Growth Hub, by providing the mandatory match funding, the County Council could extend the programme and integrate a core business support offer with considerable efficiencies to the benefit of Nottinghamshire businesses.
21. The following table illustrates the net impact on the discretionary Growth and Economic Development base budget and the expected leverage, should Policy Committee agree to match funding the full bid at the recommended levels:

| Net impact on the discretionary Growth and Economic Development budget | | | | |
|--|----------------|----------------|----------------|-------------------|
| | 2019/20 | 2020/21 | 2021/22 | Total |
| Net costs to Nottinghamshire County Council | £59,433 | £66,553 | £67,575 | £193,561 |
| Leverage – grant and (notional) business contributions secured for Nottinghamshire alone | £147,943 | £395,724 | £500,889 | £1,044,556 |

22. The submission of the funding application for EU funds requires partners involved to evidence that match funding commitments are in place. If commitment to the £1.3 million local authority partner matching funding contribution is partially met, the EU Programme Delivery Team will assess the application and may (although there is no guarantee) allow flexibility by reducing the amount of funding accordingly.
23. In the event of not securing local authority partner match funding contributions, the full Growth Hub 2.0 bid submission will fail at the independent appraisal process.

Statutory and Policy Implications

24. 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

25. It is proposed that Policy Committee gives approval, subject to the outcome of Officer negotiations as outlined in the body of the report, for up to £193,561 to be allocated over the period 2019-2022, towards the £11.7 million Growth Hub 2.0 full bid.

26. Match funding will contribute directly to helping businesses improve their competitiveness and productivity to drive economic growth across Nottinghamshire, subject to Policy Committee's approval, the County Council's match funding would be met from the Growth and Economic Development base budget as follows:

| FINANCIAL YEAR | AMOUNT |
|----------------|-----------------|
| 2019-2020 | £59,433 |
| 2020-2021 | £66,553 |
| 2021-2022 | £67,575 |
| TOTAL | £193,561 |

RECOMMENDATIONS

It is recommended that Policy Committee notes the Growth Hub 2.0 submission and:

- 1) Approves the County Council as a partner in the Growth Hub 2.0 bid for European funds and a contribution of up to £193,561 to be allocated from the Growth and Economic Development base budget over the period 2019-2022, towards the £11.7 million total programme.
- 2) Subject to the outcome of Officer negotiations to decide the operational management arrangements, delegate authority to the Corporate Director Place, in consultation with the Chair of Policy Committee, to consider and finalise the partner agreement and outcomes.

COUNCILLOR MRS KAY CUTTS MBE
Leader of the County Council

For any enquiries about this report please contact:

Nicola McCoy-Brown, Growth and Economic Development ext. 72580

Constitutional Comments [CEH 25/06/2018]

27. The recommendations fall within the delegation to Policy Committee under its terms of reference.

Financial Comments [CSB 22/06/2018]

28. The financial implications are set out in paragraphs 25 and 26 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.

- *The D2N2 Growth Hub* – Report to Economic Development Committee, published 3 November 2015
- *ESIF Programme: D2N2 Digital Business Growth Programme*, published 19 January 2016
- *The D2N2 Growth Hub* – Report to Economic Development Committee. Published 23 February 2016

Electoral Division(s) and Member(s) Affected

- All

APPENDIX A - FEEDBACK FROM BUSINESSES

Overall, the independent 2018 Customer Satisfaction Survey confirmed the following performance:

- 80% rated the support was good or excellent (from 73% the year previously);
- 3 out of 5 businesses enacted changes directly that they would not have otherwise done as a consequence of the support offered;
- 90% would recommend the Hub to other businesses and 100% of businesses operating up to a year would do so;
- 100% of businesses rated the support from this Council's Growth Hub service as excellent or good;

The following testimonies were secured from Nottinghamshire businesses for both programmes:

"I contacted them because I needed advice on exporting. They gave me some good advice and sorted my problem out. It gave me the confidence to go ahead. Also they followed up with a call afterwards which I appreciated."

"Their seminars are very good; very informative. They give you access to good advice. I have had some help with GDPR which was good."

"They were really good. If they could not offer a service or answer questions, they passed me to people who could and it was all very seamless."

"Excellent really as I has it given us more confidence as we got to see that there are many other people out there in the same position as us really and that is trying to get new clients and meeting new people. It also gave us more insights into the use of new technologies such as social media and so on which is all new to us."

"The amount of courses they run and the quality of them is very good. I have had one meeting with [NCC's adviser] so far and I was impressed with what he had to say."

"From the workshops we've done, they've been fantastic."

"They came out to see us and went through everything we needed to discuss, where, how to apply and whether we were eligible for grants. They helped me to apply for a grant which has been successful. We have had e-mails and telephone calls from them. I have been satisfied with the service."

"I really appreciate the Digital Growth Programme and have benefited from previous workshops and seminars. I am looking forward to attending more seminars so I can build on my knowledge and skills."

"Using my new blogging skills thanks to the fab blogging workshop!"

Further video case studies, two of which are from Nottinghamshire businesses are available via the Growth Hub website at: <https://www.d2n2growthhub.co.uk/resources/video-case-studies/>

REPORT OF THE CHIEF EXECUTIVE OF THE COUNTY COUNCIL**SAFER NOTTINGHAMSHIRE BOARD UPDATE****Purpose of the Report**

1. The purpose of the report is to provide an update on the work of the Safer Nottinghamshire Board so the Policy Committee can consider whether there are any actions they subsequently require, including those relating to reporting arrangements.

Information

2. Since the Scarman Report in 1981, successive governments recognised that effective partnership working resulted in better crime reduction outcomes. This was consolidated by the Morgan Report in 1991, and culminated in the 1998 Crime and Disorder Act.
3. Section 5 of this Act established community safety partnerships (then known as 'crime and disorder reduction partnerships, CDRP's, in England but formally renamed Community Safety Partnerships in 2010).
4. Community Safety Partnerships (CSPs) are an alliance of organisations which generate strategies and policies, implement actions and interventions concerning crime and disorder within their partnership area. They are statutorily responsible for reducing crime and disorder, substance misuse and re-offending in each local authority area. Over time however it became clear that some areas could achieve more through amalgamating CSPs, as has happened in the Gedling, Broxtowe and Rushcliffe areas, which now works together as the formally merged South Nottinghamshire CSP, or by working more collaborative as has happened in Mansfield and Ashfield and also Bassetlaw and Newark and Sherwood.
5. In November 2004 the Government announced a review of the partnership provisions of the Crime and Disorder Act 1998 in the police reform White Paper - *Building Communities, Beating Crime*. The review was conducted to reflect the changes to partnership working since Community Safety Partnerships (CSPs) were first created in 1998. As a result of the review, legislative changes were brought in by the Police and Justice Act 2006 and subsequent regulations came in to force in August 2007.
6. In two-tier areas the regulations require a county-level group to be established. This is referred to in the legislation as a 'County Strategy Group' and known in Nottinghamshire as the Safer Nottinghamshire Board. This Board is chaired by the County Council's Chief Executive.

7. Within the regulations it is the partnership's responsibility to prepare and implement a Community Safety Agreement. A new Community Safety Agreement for Nottinghamshire is currently being developed for implementation from April 2019. The regulations state that the Agreement must identify:
 - The county-wide community safety priorities that arise from the strategic assessment and that require escalating to the county level.
 - Ways of co-ordinating activity across the county to address priorities.
 - How the responsible authorities might otherwise contribute to reducing crime, disorder and substance misuse through closer joint working across the county.
8. The Responsible Authorities outlined in the legislation are:- Nottinghamshire Police, District and Borough Councils, Nottinghamshire County Council, Clinical Commissioning Groups (CCGs), Nottinghamshire Fire and Rescue Service and the Derbyshire, Leicestershire, Nottinghamshire and Rutland Community Rehabilitation Company.
9. The Police Reform and Social Responsibility Act 2011 introduced elected Police and Crime Commissioners (PCCs) for each police force area outside of London. The first elections took place in November 2012 with successful candidates standing for a minimum term of four years. PCCs are responsible for developing a Police and Crime Plan (PCP) for their local area and for commissioning community safety and criminal justice services.
10. The Safer Nottinghamshire Board, in producing the Community Safety Agreement, and the PCC, in producing the PCP, have a duty under the legislation to have due regard to each other's plans.
11. The vision for the Safer Nottinghamshire Board is:-

“Working together to enable and support communities that are safe, healthy, confident and thriving”
12. The key role of this Board is to provide leadership and set the strategic direction for community safety in Nottinghamshire. In doing this four key approaches are adopted and promoted:
 - Prevention
 - Early intervention
 - Community engagement and confidence
 - Place focus
13. To inform the current set of priorities for the Board a Strategic Risk Assessment was undertaken which identified the “threat, risk and harm” to the community safety landscape in the County. This assessment identified seven priorities that represented areas of concern where the Board considered there were key gaps in knowledge, understanding and service provision.
14. The current strategic priorities, together with mitigating actions, are detailed in the tables below:

| Strategic Priorities and Mitigating Actions | |
|---|---|
| <p>Priorities:</p> <ul style="list-style-type: none"> • People with multiple and complex needs • Modern slavery/human trafficking • Domestic abuse • New and emerging communities • Hate crime • Youth crime reduction • Crime in rural areas | <p>Mitigating Actions:</p> <ul style="list-style-type: none"> • Appoint Champions • Scoping and mapping • Clear governance • Defined action plan and communications plan • Identify good practice approaches • Identify joint working opportunities • Funding/resource opportunities • Strengthen engagement with CSPs |

15. Each year the PCC provides a grant to the Safer Nottinghamshire Board. For 2018-2019 the grant amount was £625,118. £50,000 of this funding was ring-fenced for an Independent Domestic Violence Advocate to work with the Integrated Offender Management programme, £270,750 has been made available to CSPs as an investment in neighbourhood working and the remaining £304,368 is discretionary funding which must be aligned to the wider strategic work of the Board and the Police and Crime Plan priorities. Currently the focus of the Board is on looking for further, and better, opportunities for collaborative working between partners mainstream provision to achieve improved community safety outcomes.

16. A key activity in the Board's work to provide better support to people with multiple and complex needs who are not eligible for statutory services, is the investment in specific workers with backgrounds in substance misuse, homelessness and mental health. There is a Complex Needs Worker in each CSP area who links with a multi-agency panel arrangement to enable more effective care coordination and access to services to take place. These workers are funded through the PCC with a small contribution from the County Council, and the Borough Councils in South Nottinghamshire. Gathering an evidence base to secure more sustainable resourcing is a key part of this project work. This work assists in achieving the commitment in the Council Plan 2017-2021 Your Nottinghamshire, Your Future to protect our most vulnerable residents.

17. Modern Slavery is a relatively new area of focus for the Safer Nottinghamshire Board but has gained increasing attention and profile at a local, national and international level. In order to stimulate and co-ordinate local activity, a City and County-wide partnership was established around 18 months ago which brings together a wide range of representatives including Nottinghamshire Police, the County Council, the City Council, the Salvation Army, Gang Masters and Labour Abuse Authority and representatives from the CSPs.

18. Over the past year, the key objectives for the partnership have been to:-

- Raise awareness of the reality and consequences of modern slavery through the delivery of training to some 800 front-line practitioners;

- Strengthen identification of, and support to, victims
 - Disrupt the plans and activities of perpetrators and hold them to account
 - Put in place governance arrangements that enable effective links at strategic and operational levels.
19. The work in relation to Domestic Abuse has included the delivery of 25 educational initiatives in targeted schools across the County, also promotion and educational awareness campaigns to promote the available support services. There has also been training provided for staff from core agencies to chair the Multi Agency Risk Assessment Conferences where high risk cases of domestic abuse are discussed.
20. To inform the work of the New and Emerging Communities priority theme group Nottingham Trent University has been commissioned to research the lived experiences of people in Nottinghamshire who have come from the eight countries that joined the European Union during its 2004 enlargement, and other 'new' refugee communities. They will be considering experiences of integration, connectedness, criminal victimisation, perceptions of and access to public services and cohesion. The findings from this research will inform the further activities for this priority theme area going forward.
21. Continuing to improve the partnership response to supporting victims, preventing Hate Crime and raising public awareness are key activities featuring in the action plan for the Hate Crime priority theme group. This includes specific campaigns relating to Misogyny Hate Crime and Disability Hate Crime.
22. £109,000 of the PCC grant to the Safer Nottinghamshire Board contributes to the delivery of the County Council's Youth Justice Service. This contribution allows the Youth Justice Service to continue to provide a robust crime prevention offer with an aim of keeping the first time entrant to the criminal justice system rate equal or below the national average. This is achieved through packages of interventions with young people with complex needs as well as programmes of diversionary activities targeted in areas where there are groups of young people at risk of offending or antisocial behaviour.
23. Rural crime can mean any crime committed in a rural area, or certain types of crime that are much more common in rural areas, such as agricultural machinery and livestock theft. There is currently no nationally agreed definition. However the Safer Nottinghamshire Board priority theme group for rural crime considers both these definitions in setting its actions. The successful Horse Watch scheme that is operating in the Newark and Sherwood area will be expanded and there will be further rural crime events, including the Barn Tour. Building on the success of previous events held, including those by the Country Landowners Association and the National Farmers Union, further events will be delivered across the county. Together with partners, Nottinghamshire Police will advise landowners, farmers and rural businesses on recent activity, what is being done to address this and what people can do to help themselves, and each other.
24. In 2018-2019 the Safer Nottinghamshire Board will be working with CSPs to pilot new approaches which will inform the development of the next Nottinghamshire Community Safety Agreement. A new approach to identifying target neighbourhoods has been agreed, which takes into consideration crime volume and recognises that some crimes cause more harm to individuals, and society, than others. These are weighted accordingly.
25. For all the identified focus areas a robust problem profile will be developed that will enable partners to better understand what is happening in this location, and why. Being able to identify the entrenched challenges that lead to community safety issues occurring will inform

the development of more effective responses, and provide an evidence base to lever in essential wider partners.

26. From this enhanced evidence base and the arising activities, a better informed, more robust Community Safety Agreement for Nottinghamshire can be developed for implementation from April 2019. This Agreement should also strengthen the relationship between CSPs and the Board as there will be clarity as to how the work of the Safer Nottinghamshire Board impacts outcomes at neighbourhood level, and also how the CSPs influence and inform the work of the Board.
27. These actions to further strengthen the Board will mean the partnership is better placed to support the commitment in the Council Plan 2017-2021 Your Nottinghamshire, Your Future for people to live in vibrant and supportive communities. In addition commitment 7 of the plan pledges to work in partnership with other organisations to protect communities from crime and antisocial behaviour so that people can be more confident about their safety.
28. To ensure that the Safer Nottinghamshire Board can deal holistically with the underlying causes of crime, and to undertake the role of strategic lead the Board must be integrated into, and a key player in “the Nottinghamshire Public Realm”. To achieve this key linkages have been made with the following public body entities:
- Health and Wellbeing Board (including Clinical Commissioning Groups)
 - Adults Safeguarding Board
 - Children’s Safeguarding Board
 - Nottingham Crime and Drugs Partnership
 - Economic Prosperity Committee
29. Finally, a vital part of the partnership development work will be agreeing effective performance management and reporting arrangements to ensure clarity as to both actual crime levels and feelings of safety and what impact the Board is really making on these.

Other Options Considered

30. The Safer Nottinghamshire Board was reviewed in 2015. This review concluded that the SNB remained the most appropriate way to fulfil the partnership duties in respect of community safety.

Reason/s for Recommendation/s

31. To provide the Policy Committee with information on the Safer Nottinghamshire Board and to raise awareness of current development activity.

Statutory and Policy Implications

32. 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.

Crime and Disorder Implications

33. The work of the Safer Nottinghamshire Board is driven by legislation to reduce crime and disorder across the County area.

Data Protection and Information Governance

34. No issues.

Financial Implications

35. There are no specific financial implications from the recommendations of this report.

Human Resources Implications

36. The Charing and programme management of the Safer Nottingham Board are provided by Nottinghamshire County Council.

RECOMMENDATION/S

It is recommended:

- 1) That the Policy Committee consider whether there are any actions they require in relation to the issues contained within the report;
- 2) That the Policy Committee agrees to receive annual reports on the work of the Safer Nottinghamshire Board, with the next report focussing on the Community Safety Agreement.

ANTHONY MAY

Chief Executive of the County Council

For any enquiries about this report please contact: Vicky Cropley, Safer Nottinghamshire Board Programme Manager ext. 72040

Constitutional Comments [CEH 25.06.18]

37. The recommendations fall within the delegation to Policy Committee under its terms of reference.

Financial Comments [CSB 22/06/2018]

38. There are no specific financial implications arising directly 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.

- Police and Crime Plan 2018 - 2021 – available online at:
- <https://www.nottinghamshire.pcc.police.uk/Document-Library/Public-Information/Police-and-Crime-Plan/New-Plan-2018-2021/Police-and-Crime-Plan-2018-2021.pdf>
- Nottinghamshire Police and Crime Assessment 2017 – available online at:
<https://www.nottinghamshire.pcc.police.uk/Document-Library/Public-Information/Newsletters-and-Publications/Publications/Nottinghamshire-Police-and-Crime-Needs-Assessment-2017.pdf>

Electoral Division(s) and Member(s) Affected

- All

REPORT OF THE CHAIRMAN OF IMPROVEMENT AND CHANGE SUB-COMMITTEE

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

Purpose of the Report

1. To update Committee on the work of the Improvement and Change Sub-Committee in monitoring performance and driving the Council's Improvement and Change Programme.

Information and Advice

2. The Improvement and Change Sub-Committee has agreed responsibility for:
 - Monitoring the Council Plan;
 - Monitoring and driving the Council's Improvement and Change Programme;
 - Considering performance reports in relation to the Council's ICT strategy.
3. The first meeting of the Sub-Committee was in June 2017 and over the last year Committee has considered a range of areas within its responsibility and this is detailed below.

Monitoring the Council Plan

4. **Planning and Performance Management Framework:** The Improvement and Change Sub-Committee reviewed the arrangements for the reporting of progress on the Council Plan and Departmental Strategies on 12 March 2018 and agreed a format of reporting to implement the Planning and Performance Framework and enable effective monitoring of progress against the Council's commitments.
5. **Council Plan:** The first overview of performance for the key activities and measures set out at part 3 of each Departmental Strategy to deliver on the Council Plan was considered by the Sub-Committee in June 2018. The report included a dashboard that provided the first representation of the Council Plan Core Dataset - a new development as part of the implementation of the Planning and Performance Management Framework - providing a succinct visual overview of progress against the Council Plan.
6. **BI Hub:** As part of the Council's Planning and Performance Framework, the measurement of the Council's performance is set out through core data sets in the Council Plan and Departmental Strategies with the monitoring, evaluation and benchmarking of progress managed through a Business Intelligence Hub.

7. The Sub-Committee received a demonstration of the Council's business intelligence infrastructure including the Business Intelligence Hub that is intended to provide a single source of management information to support service delivery and performance against the Council's key Plans and Strategies.

Monitoring and Driving the Council's Improvement and Change Programme

8. **Progress on Programmes, Projects and Savings** - delivery of the Council's Improvement and Change Portfolios and savings have been considered on a quarterly basis including progress on some key initiatives and achievement of savings overall. Consideration was given in June 2018 to how the Improvement and Change Programmes set out in the new Departmental Strategies are progressing with an outline of the key milestones for each programme and performance against them. Approval was given in March 2018 to amendments to the savings profiles for the Promoting Independent Travel and Reduction in Adult Social Care and Health Transport Budget projects.
9. **Transformation and change approaches and activity** including by external partners, have been considered to inform the Council's future approach specifically:
- An update on the approach taken to digital transformation by Futuregov
 - An examination of the methodology and approach to transformation taken by Newton Europe
 - Approving a set of principles relating to change and transformation that will form the basis of the transformation strategy.
10. **Smarter Working Programme (SWP)** – monitoring of progress on the SWP has been undertaken including:
- A presentation on the two uses of scheduling within Adult Social Care and Health (ASCH) Department - auto scheduling for the START service and manual scheduling for all Social Work and OT teams across the County. This highlighted the significant impact that this use of new technology had made within ASCH and the roll out of this approach was discussed
 - An update in September 2017 on the future work of the Smarter Working Programme this outlined the proposal to re-stack County Hall and bring in an additional 300 staff. Committee approved the communication of this more widely to staff and other stakeholders
 - A site visit for Members in December 2017 to see the impact of three projects within the Smarter Working Programme (SWP) – the Digital Scanning of incoming mail for electronic distribution at County Hall; the scheduling system for START in operation at Prospect House and the new office configuration at Lawn View House
 - An update in June 2018 on the programme providing members with details of the future deployment schedule across the County and Committees' approval to review the governance arrangements for the programme.
11. **Developments in the use of business intelligence:** The Council has identified information and intelligence as vital assets to be developed and managed to enable future organisational change and transformation. Business Intelligence is how we bring together data for analytical purposes so that we can plan and provide efficient services to the public. The Sub Committee informed the development of the Council's Business Intelligence Strategy that was approved by Policy Committee in March 2018. This strategy provides a framework for how the Council will explore the new opportunities

arising from developments in the way that data can be used to drive future transformation. The Sub-Committee has also considered how benchmarking insights and business analysis are being utilised to inform both change and savings proposals with presentations on both these areas of work within the Council being given.

Progress in Delivery of the Council's ICT Strategy

12. The Council's ICT Strategy 2017-2020, was agreed by Policy Committee in July 2017. It identifies five ICT strategic themes supporting business transformation across the Council – workforce mobilisation; customer channel shift; business performance reporting; partnership working and reliability; and compliance and these shape much of the activity and priorities within ICT Services. Improvement and Change Sub-Committee has monitored ICT Services performance and developments including:

- Quarterly reports outlining progress and performance across all of ICT services
- Health and social care technology integration;
- Work undertaken in support of the SWP including the delivery of mobile devices at County Hall
- Progress on the Council's Cloud Services Programme to deliver the transition of ICT services away from the County Hall data centre to cloud based solutions by the end of 2019.
- Approved arrangements for ensuring flexibility and agility in staffing within ICT Services.

The Way Forward

13. Over the coming year, in addition, to its role in monitoring the Council Plan, the Committee will review a number of programmes, including:

- The Journey to the Cloud
- The Smarter Working Programme
- The operating model for managing support to transformation and change
- Digitalisation
- ICT programmes & performance
- Cross-Council transformation programmes
- Exploring Member led transformation reviews

Other Options Considered

14. None

Reason/s for Recommendation/s

15. To provide members with an annual overview of the Sub-Committee's progress in monitoring performance of activity within its remit and to note actions to identify key future work areas.

Statutory and Policy Implications

16. 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 Policy Committee:

- 1) Consider the information set out in the report on the work of the Sub-Committee.
- 2) Approve the future outline programme of work for the Sub-Committee.

Councillor Reg Adair

Deputy Leader of the Council and Chairman of the Improvement and Change Sub-Committee

For any enquiries about this report please contact:

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

Constitutional Comments (HD – 10/7/2018)

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

Financial Comments (NS – 10/7/2018)

There are no specific 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.

Electoral Division(s) and Member(s) Affected

All

**REPORT OF SERVICE DIRECTOR FOR FINANCE, INFRASTRUCTURE &
IMPROVEMENT AND SECTION 151 OFFICER****INTERNAL AUDIT COLLABORATION****Purpose of the Report**

1. To propose a collaborative working arrangement for Internal Audit with Assurance Lincolnshire. This proposal was reviewed by the Governance & Ethics Committee at its meeting on 13 June 2018 and it was resolved to recommend it to the Policy Committee for approval.

Information

2. The Head of Internal Audit has recently held consultations with neighbouring authorities to explore the opportunities to collaborate in the provision of the internal audit service. Discussions have been held with the corresponding Head of Internal Audit for Derbyshire County Council and Lincolnshire County Council. The discussions with Derbyshire identified some scope to work collaboratively on an ad hoc basis, as and when mutually beneficial opportunities arise. In the case of Lincolnshire, however, the discussions identified a more definite and developed opportunity to progress in the shorter term.
3. The internal audit service for Lincolnshire County Council is delivered by the in-house service, known as Assurance Lincolnshire. The service also delivers an internal audit service to a number of other public sector clients, including district councils. Newark & Sherwood District Council is currently one of Assurance Lincolnshire's clients.
4. Assurance Lincolnshire has an existing collaboration arrangement in place, which it has operated for a number of years with other internal audit providers. Currently, the in-house internal audit services at Lincoln City Council and East Lindsey District Council are members of the collaboration group. Leicester City Council's internal audit service was also a member until recently, but it left the arrangement to enter into a more consolidated shared service with Leicestershire County Council's internal audit service.
5. The primary aim of the Assurance Lincolnshire collaboration is encapsulated in the following extract from the collaboration agreement:

To share information, training, experience, methodologies underpinning software, policies, strategies, materials and skills to learn from each other and develop effective working practices, work collaboratively to identify solutions, eliminate duplication of effort, mitigate risk and reduce cost.

The working protocol elaborates further:

Working together will improve the overall quality of the service provided through:

- ☐ *Sharing of knowledge and experience*
- ☐ *Adoption of leading audit techniques and methods*
- ☐ *Pooling resources across the organisations to make savings, improve efficiency and offer greater value for money to our clients through streamlining our audit plans to audit / research specific areas of common interest.*

6. The manner in which the collaborative partnership operates is set out in its '*Partnership Working Protocol and Terms of Reference*'. Key features of this protocol may be summarised as follows:

- Each member of the partnership retains its own identity. Joining the partnership would not mean that the internal audit service to Nottinghamshire County Council would be delivered by Assurance Lincolnshire; this is simply the title of the partnership arrangement
- A steering group oversees the strategy and direction of the partnership and an operational management group monitors the delivery of services.
- The Council would be free to serve 12 months' notice to leave the partnership.
- Joining the partnership would not alter the local arrangements at the Council for the Internal Audit service to agree its coverage, deliver services and report outcomes.
- Joining the partnership would open up the opportunity to pool resources, to deliver services jointly where appropriate, and to learn from each other in terms of sharing and jointly developing knowledge, techniques and approaches.
- Aside from modest travel expenses to attend routine meetings of the partnership's steering group and operational management group, membership of the partnership would not involve additional costs for the County Council.

7. The key benefits from joining the Assurance Lincolnshire Partnership are considered to be the following:

- a) It is an open ended arrangement, which is free to join and to leave
- b) Assurance Lincolnshire is a progressive and well-respected provider of internal audit services, benefiting from a number of areas of expertise to which this Council's in-house service would have access. It would also be an opportunity to work together to jointly fund the procurement of specialist internal audit resources, where risk assessments and competency assessments demand it.
- c) This Council's in-house internal audit team and the Assurance Lincolnshire in-house team both use the same audit automation software, Pentana. This would provide mutual opportunities to develop approaches to its use and to maximise its potential.
- d) The partnership would provide opportunities for this Council's in-house team to collaborate in future commercial opportunities to deliver internal audit services to other public sector organisations.

Other Options Considered

8. The in-house service could continue with its present arrangements, seeking to collaborate on an ad hoc basis, forging closer links with neighbouring and regional partners without a formal agreement. This may lengthen the timescale over which progress might be expected to be realised.

Reason for Recommendation

9. To actively seize opportunities to develop the effectiveness and efficiency of the audit service through collaboration with respected partners.

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.

Financial Implications

11. If approved, it is anticipated that the collaboration arrangement will strengthen the value for money delivered to the Council by its in-house internal audit service.

RECOMMENDATION

- 1) Policy Committee approves the proposal to enter into the Assurance Lincolnshire Partnership.

Nigel Stevenson

Service Director for Finance, Infrastructure & Improvement and Section 151 Officer

For any enquiries about this report please contact:

Rob Disney

Head of Internal Audit

Constitutional Comments (GR 22/6/2018)

12. Pursuant to the County Council's constitution the Policy Committee has the delegated authority to approve the recommendations contained within this report.

Financial Comments (SES 10/7/2018)

13. There are no specific financial implications arising directly 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.

- Assurance Lincolnshire's collaboration agreement.

Electoral Division(s) and Member(s) Affected

- All

REPORT OF THE LEADER OF THE COUNTY COUNCIL ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

Purpose of the Report

1. The County Council, working in partnership with Nottingham and Derby city councils, is looking to develop a Nottinghamshire, Nottingham and Derby areawide network of electric vehicle charging infrastructure funded through the Go Ultra-Low Nottingham programme. The purpose of this report is to update Committee on, and seek Committee approval for, the proposed approach to the delivery of the different elements of the EV charging infrastructure programme.

Information

2. The County Council (along with Nottingham and Derby City Councils) is a partner in the successful £6.1m Go Ultra-Low Nottingham bid to the Office of Low Emission Vehicles (OLEV) which aims to deliver a step-change in the number of ultra-low emission cars and vans. The objectives of the funding are to deliver significant air quality benefits, reduce carbon emissions and create ultra-low emission vehicle (i.e. electric vehicles) related growth opportunities for car manufacturing and businesses both locally and beyond.
3. The successful Nottingham, Nottinghamshire, Derby Bid focuses on a number of work programmes (as detailed in the 'Go Ultra-Low Nottingham bid to the Office of Low Emission Vehicles (OLEV)' Transport & Highways Committee reports of 8 October 2015 and 17 March 2017) which will be funded from the Bid's funding allocation of £6.1m and there is currently no local funding commitment required. It is intended that each of the Bid programmes will be extended into the county whenever possible, particularly those relating to:
 - Expansion of the public electric vehicle charging infrastructure to create an area-wide network of charging infrastructure
 - Grants, loans and advice to support businesses to introduce low-emission vehicles and electric charging at workplaces
 - Expansion of the Council's electric vehicle fleet (e.g. pool cars and vans and associated charging facilities at County Council sites) should this be feasible
 - Expansion of the existing car club into the county
 - A programme of targeted promotional events in areas where data highlights the residents and/or businesses are more likely to transfer to ULEVs.
4. The County Council, working in partnership with Nottingham and Derby city councils, is looking to develop a Derby, Nottingham, and Nottinghamshire area-wide network of EV charging infrastructure funded through the Go Ultra-Low Nottingham programme, as detailed below.

Off-street EV Charging Infrastructure

Electric Vehicle Homecharge Scheme

5. The government offers grants to support the wider use of electric and hybrid vehicles via the Office of Low Emission Vehicles (OLEV). To help private plug-in vehicle owners offset some of the upfront cost of the purchase and installation of a dedicated domestic recharging unit, the OLEV has also made funding available to private households to apply for off-street charging infrastructure. The 'Electric Vehicle Homecharge Scheme' provides grant funding of up to 75% (capped at £500, inc. VAT) towards the cost of installing electric vehicle charge points at eligible domestic properties across the UK. It is proposed that the County Council will act as a signpost for potential eligible residents to OLEV's 'Electric Vehicle Homecharge Scheme'.

Electric Vehicle Workplace Charge Schemes

6. The OLEV also offer a 'Workplace Charge Scheme' which is a voucher-based scheme designed to provide eligible applicants with support towards the upfront costs of the purchase and installation of EV charge points. OLEV's 'Workplace Charge Scheme' grant contribution is limited to £300 for each socket up to a maximum of 20 across all sites for each application (i.e. the maximum amount that a business could receive through the scheme is £6,000).
7. The funding available through the Go Ultra-Low Nottingham programme has, however, enabled the Councils to offer an enhanced grant scheme to businesses to install EV charge points at workplaces. Funding of up to £25,000 is available to Nottinghamshire businesses to install on-site EV charging infrastructure through the Go Ultra-Low programme, should the businesses meet the eligibility criteria.
8. Off-street charging infrastructure installed at businesses funded through the Go Ultra-Low programme that is not available to the public will be maintained for three years through the concession agreement with Chargemaster. After the three year warranty has expired maintenance of the infrastructure will be the responsibility of the applicant.
9. The County Council, as an employer, is eligible to apply for the funding available to employers to install EV charge points for its staff and visitors; and it is proposed that the Council applies for the available funding to install EV charge points at suitable County Council properties.

Public Electric Vehicle Charging Network

10. £2m of the available £6.1m Go Ultra-Low Nottingham funding has been allocated to the delivery of a public EV charging network across the Derby, Nottingham, Nottinghamshire area by 2020. The locations that will form the EV charging network will be available to the public 24 hours, 7 days each week and will be publicised/promoted as such.
11. A charge point Concessionaire – Chargemaster PLC – has been procured by Nottingham City Council to install the charging infrastructure. The concession agreement involves Chargemaster supplying, installing, maintaining and operating the network during the contract period. The concession contract encourages the concessionaire to maintain the

network, and as such overcome user concerns about the reliability of the network, as any downtime will reduce Chargemaster's income from the project. The initial contract period will be five years with the potential for an extension of a further five years (subject to contract conditions being met and the concessionaire providing additional investment into the network).

12. The public network will consist of a combination of fast (minimum 22kW) and rapid (minimum 45kW) chargers. The number and type of charge points and their specific siting will be determined following detailed site surveys of the locations and through discussion with the concessionaire, but approximately 230 EV charge points will be installed across the Bid area. Chargemaster has also committed to fund and install an additional 50 rapid chargers as part of the concession agreement. The installation and maintenance of EV charge points installed as part of the area wide network will be funded wholly through the concession agreement, which includes their maintenance and repair.
13. Work is underway to identify potential locations, assess their feasibility, and install infrastructure at the most suitable (feasible) sites and officers from Nottinghamshire County, Derby and Nottingham city councils, as well as district councils have proposed a number of potential sites for inclusion in the EV charge point network. It is currently proposed that the area wide network of charging infrastructure will be located in off-street car parks. Where these will be installed in district council owned car parks, agreements will be made directly between the Concessionaire and the relevant district council.
14. In the eventuality of a site being unviable in terms of insufficient network capacity, prohibitive costs (e.g. high connection costs), inability to obtain the necessary consents (e.g. wayleaves and permits to carry out the works), or engineering feasibility issues, alternative sites will be recommended by the Concessionaire for approval.
15. The County Council, is eligible to apply for the funding available to install public EV charge points in car parks on its property; and it is proposed that the Council applies for the available funding to install EV charge points at suitable County Council properties (e.g. visitor attractions and other car parks available to the public 24 hours per day).

On-street Residential Charge Points

16. OLEV's 'on-street residential charge point scheme' provides grant funding for local authorities towards the cost of installing on-street residential charge points for plug-in electric vehicles.
17. The funding does, however, require a contribution from the applicant as well as revenue funding to maintain the infrastructure. Local authorities can apply for OLEV funding (which is available on a 'first-come, first-served basis') for up to 75% of the capital costs of the provision of on-street charging points for residential use; and the applicant must have the 25% match funding in place at the time of making the application. The County Council does not specifically have to apply for the funding, or provide any match funding, as any appropriate local authority can apply (i.e. district councils can apply for the funding). The applicant authority must, however, have the explicit support of the relevant highways authority that has responsibility for maintenance of the highway on the residential streets where charge points are to be located; and this support must be obtained before any application is submitted.

18. A dedicated parking bay for the EV charge point is not a requirement of the grant, but DfT strongly encourage local authorities to consider it, especially in locations where residents who own a plug-in vehicle may have problems accessing the point due to 'parking congestion'. Given that the grant criteria for the charge points means that they will only be funded on roads with no off-street parking facilities, 'parking congestion' is likely to be an issue on all of the roads in question. This issue will be exacerbated by the fact that guidance on good practice for the delivery of charging infrastructure states that a minimum of three charge points should be introduced to allow for the potential future demand.
19. The County Council understands that there is also a requirement to ensure that any charging infrastructure is only located where there is sufficient space between different electrical supplies and potential conductors (both underground and overground) to enable the charging infrastructure to be earthed effectively – which has proven difficult in a number of on-street locations.
20. Given the issues highlighted above the County Council does not intend to apply for the current OLEV funding available to install public on-street EV charging infrastructure. The Council will, however, work with Nottinghamshire residents that request on-street EV charge points to try and identify nearby locations that would be suitable for off-street charge points. Such locations could include community spaces within residential areas, such as leisure centres, community centres, libraries etc. that have parking facilities that are open to the public at all times. If the landowner is prepared to allow the installation of the charge points on their property (and enter into the necessary legal agreements) then the charge points would also be eligible to be funded and maintained through the Go Ultra Low programme.
21. Where district councils wish to pursue the installation of on-street EV charging infrastructure in Nottinghamshire and apply for the available OLEV funding the County Council will assess each request individually on its own merit. In such cases, district councils will need to demonstrate support from the residents on the road in question. The relevant district council will also be required to underwrite/take-on all financial liabilities relating to the charge points, including any shortfall in installation costs; operational costs; any liabilities from claims resulting from the infrastructure, or its use; funding the maintenance and/or removal of the charge point; as well as any other future ongoing revenue costs.

Taxi EV Charge Points

22. The Go Ultra-Low Nottingham programme also includes for the provision of area wide EV charge points specifically for taxis, including on-street and off-street locations.
23. Taxis will be permitted to use the public EV charge points and therefore no charge points will be provided in County Council owned car parks (e.g. its work sites or visitor sites) for the exclusive use by taxis.
24. Requests for on-street EV charge points for the exclusive use by taxis in Nottinghamshire will be individually assessed on each request's merits. Whenever possible such charge points will be located within existing taxi ranks. It should, however, be noted that such requests will only be considered where the installation of such charge points will not result in the loss of limited public car parking spaces (e.g. existing limited waiting bays will not be converted to bays exclusively available for taxis to use charge points).

Further Scheme/Programme Development, Design and Consultation

25. Each of the programmes detailed in this report is still subject to the necessary consultation, statutory undertakings and other issues arising from feasibility studies, detailed scheme investigation, and design. This may involve consultation and/or pro-active information provision on schemes including statutory or non-statutory consultation with affected households and businesses only. Formal consultation will be undertaken on all schemes that require statutory. Non-statutory consultation, or information provision (i.e. informing people that works will take place) will also be undertaken with households and businesses immediately adjacent to schemes that fall wholly within the highway boundary.
26. The Go Ultra Low programme involves pro-active engagement with businesses to promote the grants, loans and advice available to support businesses to introduce low-emission vehicles and electric charging at workplaces; and targeted promotional events to encourage the take-up of electric vehicles
27. The project manager responsible for the delivery of each individual scheme will ensure that County Council Members are also advised of any proposed consultation prior to it occurring; and will liaise with communications and marketing colleagues where appropriate.

Other Options Considered

28. Other options considered are set out within this report. The Council could choose not to introduce EV charging infrastructure across the county but this would be to the detriment of Nottinghamshire residents, business and visitors.

Reason/s for Recommendation/s

29. The programmes detailed within this report have been developed to help ensure delivery of County Council priorities, national priorities and local transport goals and objectives. The programmes detailed in the report have been developed to reflect a balance of member, public and stakeholder requests and priorities, evidence of need (including technical analysis), value for money (including the co-ordination of works) and delivery of the County Council's vision and transport objectives.
30. The proposed arrangements for implementation of the recommendations in this report will subsequently be considered by the Communities & Place Committee. Both Chairs of Policy Committee and Communities & Place Committee have been consulted about the timing of the reports.

Statutory and Policy Implications

31. 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

32. The financial implications, including budget allocations, are set out within the report and are in line with those detailed within the 'Highways Capital & Revenue Programmes 2018/19' report approved at 8 March 2018 Communities & Place Committee. Should the County Council wish to install EV charge points on its property which are not available to the public the Council will be responsible for the ongoing running and maintenance costs of the charge points after the three year warranty has expired.

Public Sector Equality Duty implications

33. All programmes detailed within this report comply with the Public Sector Equality Duty. An equality impact assessment was undertaken on the Nottinghamshire Local Transport Plan 2011/12-2025/26 in March 2011 to ensure that the strategy and its capital programmes to deliver it met the duty.

34. The Concessionaire, as part of the concession agreement, must ensure that equality impact assessments are carried out (and can be made available to the relevant authorities on request) for all installations and its charge point management system (CPMS). This will ensure that each charge point and element of the concession agreement will have considered the needs of potential users and comply with all relevant equalities legislation.

Implications for Sustainability and the Environment

35. The County Council has a statutory obligation to address air quality issues resulting from road traffic on its managed roads (there are currently two air quality management areas on County Council managed roads). The programmes and measures contained within this report have therefore been developed to address poor air quality resulting from road traffic and its impacts on local communities.

RECOMMENDATION/S

It is recommended that Policy Committee:

- 1) Approve the proposal to signpost residents and businesses to the various OLEV grants available to them for the installation of EV charging infrastructure
- 2) Approve the proposed approach to offer, promote and provide grant funding to Nottinghamshire businesses for the installation of EV charge points on their premises
- 3) Approve the investigation and installation of EV charge points where feasible at suitable County Council buildings (for use by its staff and visitors)
- 4) Approve the proposed approach to deliver an area wide public EV charge point network in Nottinghamshire
- 5) Approve the investigation and installation of EV charge points where feasible at suitable County Council owned public car parks

- 6) Approve the proposed approach to deliver an area wide taxi EV charge point network in Nottinghamshire
- 7) Delegates authority to the Corporate Director for Place, in consultation with the Chair of Communities & Place Committee, to implement the programmes detailed within the report.

Adrian Smith
Corporate Director, Place

For any enquiries about this report please contact: Sean Parks – Local Transport Plan Manager Tel: 0115 9774251

Constitutional Comments [SLB 10/07/2018]

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

Financial Comments [RWK 07/06/2018]

37. There are no specific financial implications arising directly from the report. The general financial implications are set out in paragraph 31. Where any works are to be undertaken by the County Council approval to amend the Capital programme will need to be sought from Finance and Major Contracts Management Committee.

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.

- Nottinghamshire Local Transport Plan Strategy 2011/12-2025/26
- Nottinghamshire Local Transport Plan Implementation Plan 2018/19-2020/21
- Nottinghamshire Local Transport Plan Evidence Base 2010
- Highways Capital & Revenue Programmes 2018/19 – 8 March 2018
- Place Departmental Strategy – January 2018
- Nottingham Go Ultra Low City Bid to the Office of Low Emission Vehicles
- Nottingham Go Ultra low City Bid to the Office of Low Emission Vehicles (OLEV) Transport & Highways Committee – 8th October 2015
- Nottingham Go Ultra low Bid to the Office of Low Emission Vehicles (OLEV) Transport & Highways Committee – 17th March 2016
- Travel Choice workplace travel grant criteria
- Nottinghamshire Access Fund Bid to the Department for Transport
- Access Fund 2017-2020 Funding Bids – 20th October 2016 Transport & Highways Committee report

Electoral Division(s) and Member(s) Affected

- All

REPORT OF THE LEADER OF THE COUNCIL**LINDHURST DEVELOPMENT SCHEME UPDATE****Purpose of the Report**

1. To update the Policy Committee on the Lindhurst Development Scheme and to seek approval for the Council to draw down additional funds from the Scheme's existing allocation in the Capital Programme.
2. That delegated authority is given to the Corporate Director, Place in consultation with the Service Director for Finance, Infrastructure & Improvement, and the Group Manager for Legal Services to finalise the terms of agreement in respect of this.

Information

3. 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.
4. The Lindhurst Development Scheme is a major undertaking through a complex partnership arrangement. The Scheme was faced with significant challenge through the process to secure planning permission. In addition there have been delays in exact timings of securing land sales because of a range of technical matters. However, the scheme has made significant positive progress recently. The last report to Policy Committee on 28 March 2018 informed Members of Phase One progress. Sales completion of Phase One have now concluded with all the residential plots sold to three major housebuilders with a total plan to deliver 519 residential units. This Committee (28 March 2018) authorised the Corporate Director for Place to consider, in consultation with the Chair of Policy Committee, future options for Phase 2 of the scheme and provide a further report to Policy Committee on future proposals.

Background to the Collaboration Agreement

5. The three land owners, Lindhurst Jersey Ltd (LJL), W Westerman Ltd. (WWL) and Nottinghamshire County Council, entered into a Collaboration Agreement in June 2010 to promote their land for development as collaboration partners known as the Lindhurst Group (LG). Under the terms of the Collaboration Agreement the three land holdings are 'pooled' and the costs and income derived from the scheme are apportioned between the parties in accordance with their respective shares.

6. There have been a series of Supplemental additions to the Collaboration Agreement. In March 2015 the Council entered a Third Supplemental Agreement to the Collaboration Agreement. The Third Supplemental Agreement made arrangements for the Lindhurst Group to receive loans and/or grants. Subsequently, the LG applied for a principal loan from Home and Community Agency (now known as Homes England, HE) Loan. As a Government agency, Homes England recognises the significant contribution large sites make to the provision of future housing and new communities. Large sites, such as the Lindhurst Scheme, are a focus for government support but are recognised as complex to deliver. Loan funding in this instance is provided for site preparation and the infrastructure needed to enable housing to progress and to prepare land for development. Government recognises the value of such loan facilities where there is a long timescale cash flow such as the Lindhurst scheme and where injections of funding will sustain momentum and therefore speed up the delivery of house building.
7. The Council is not a direct party to the HE Loan and no Legal Charge could be granted over the Council's land. The Council land could not be charged because local authorities cannot enter into such an arrangement under the restrictions of Section 13 Local Government Act 2003. The existing principal loan has therefore been taken out by WWL and LJL and security for new loan extension purposes to exclude Council land. The loan (interest and fees) is repayable from any income as development costs under the Collaboration Agreement.
8. To assist in the cash flow matter the Group is looking to input further capital on the basis of the proportions as set out in Paragraph five above. The rationale for this contribution is explained further in the Exempt Appendix.

Statutory and Policy Implications

9. 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.

Reason/s for Recommendation/s

10. To ensure the continued viability of the project to provide 1,700 new homes, including affordable housing, over 40 acres of high-tech offices and commercial and industrial premises, a new school and many other much needed community facilities in the area

RECOMMENDATION/S

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

Councillor Mrs Kay Cutts MBE
Leader of the County Council

For any enquiries about this report please contact: Steve Keating, Estates Surveyor –
Tel: 0115 9939397

Constitutional Comments [SSR 25/06/2018]

11. The decision falls within the scope of matters that may be approved by Policy Committee

Financial Comments [JPEG 25/06/2018]

12. The financial implications are set out in the report.

Background Papers and Published Documents

None.

Electoral Division(s) and Member(s) Affected

Ward(s): Sutton Central & East, Mansfield South

Member(s): Cllr Samantha Deakin, Cllr Stephen Garner, Cllr Andy Sissons

**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 July 2018:-
 - Internal Audit Collaboration
 - Electric Vehicle Charging Infrastructure
 - 5.2. The following items were deferred from July 2018 to November 2018 to enable further work to be undertaken:-
 - Gedling Access Route – acquisition of Glebe Farm
 - 5.3. The following items were added to the work programme for September 2018:-
 - Section 117 Joint Health and Social Care Policy
 - The Arc Partnership – Quarterly Performance Update
 - Appointments to Outside Bodies
 - Newark Orchard School / Day Service Project

5.4. The following items were added to the work programme for November 2018:-

- Director of Public Health 2018 Annual Report

5.5. The following items were added to the work programme for December 2018:-

- The Arc Partnership – Quarterly Performance Update

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 10 JULY 2018)

| <u>Report Title</u> | <u>Brief summary of agenda item</u> | <u>Lead Officer</u> | <u>Report Author</u> |
|---|--|----------------------------|-----------------------------|
| 12 September 2018 | | | |
| Appointments to Outside Bodies | To consider adding a new outside body to the Council's recognised list, to make changes to the Director appointments for Arc and to clarify the East Midlands Councils appointments. | Marjorie Toward | Sarah Ashton |
| Newark Orchard School / Day Service Project | To provide an update on this project. | Adrian Smith | Derek Higon |
| The Arc Partnership quarterly performance report | Quarterly performance report on the Arc Partnership | Adrian Smith | Derek Higon |
| Section 117 Joint Health and Social Care Policy | Committee will be asked to approve the amendments made in updating the Policy. | David Pearson | Cath Cameron-Jones |
| 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 |
| Pilgrim Roots | A programme of NCC county-wide activities that complement regional and national 2020 commemoration events | David Hughes | Nicola McCoy-Brown |
| Visitor Economy Strategy | An NCC strategy intended to be a road map to unite all those working to support the local visitor economy to achieve growth. | David Hughes | Nicola McCoy-Brown |
| Skills For Future Growth Report | To outline and agree the strategic priorities, with a focus on skills and employment, in the County. | David Hughes | Nicola McCoy-Brown |
| Developer Contributions Strategy | To approve the strategy | Adrian Smith | Sally Gill |
| Use of Urgency Procedures | To provide the latest 6 monthly monitoring report on the use of the Council's Urgency Procedures. | Anthony May | Keith Ford |
| 17 October 2018 | | | |
| Update on the work of East Midlands Councils | Six monthly update from Stuart Young, Executive Director. | Anthony May | Stuart Young |
| 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 |

| 14 November 2018 | | | |
|--|---|------------------|--------------------|
| 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 | 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 | | | |
| 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 |